



THE FIRST UNITED NATIONS SEMINAR ON THE QUESTION OF PALESTINE

Theme: "The Inalienable Rights of the Palestinian People"

14 July - 18 July 1980

ARUSHA

THE SECOND UNITED NATIONS SEMINAR ON THE QUESTION OF PALESTINE

Theme: "The Inalienable Rights of the Palestinian People"

25 August - 29 August 1980

VIENNA

UNITED NATIONS SEMINARS ON THE QUESTION OF PALESTINE

CONTENTS

<u>Arusha</u>		<u>Page</u>
1.	Report of the First United Nations Seminar on the Question of Palestine	2
2.	Opening address by the Honourable Ibrahim Kaduma, Minister for Trade, United Republic of Tanzania	8
3.	Statement by the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, H.E. Mr. Falilou Kane (Senegal)	12
4.	<u>PAPERS PRESENTED AT THE SEMINAR</u>	
	Palestinian Rights and the United Nations	Beshier 17
	The Land Question in Palestine and in East and Southern Africa	Clarke 25
	Human Rights and the Inalienable Rights of the Palestinians	LeMelle 42
	How the Palestinians Became Refugees: Denial of Basic Human Rights	Sinare 53
	The Implementation of United Nations Resolutions on Palestine	Cattan 65
	Stages in the History of the Legal Issues in the Palestine Problem: An Overview	Jabara 88
	UN Recognition of Palestinian Rights Determines Their Legitimacy	Muhammad 93
	Israel and South Africa: The Nature of the Unholy Alliance	Magubane 105
	Africa and the Question of Palestine	Nzongola 119
	Settlement Policy in the Palestinian Occupied Territories	Awad 133
	Israeli Settlement Policies in the Occupied Arab Territories	Mutukwa 138
	Zionist Settlement Ideology and Its Ramifications for the Palestinian People	Will 147
	The Palestine Liberation Organization: Past, Present and Future	Abdul-Rahman and Hamid 165
5.	List of Participants	182

UNITED NATIONS SEMINARS ON THE QUESTION OF PALESTINE

CONTENTS (cont'd)

<u>Vienna</u>		<u>Page</u>
1.	Report of the Second United Nations Seminar on the Question of Palestine	185
2.	Opening address by Mr. Hans Georg Rudofsky, Head of the Division for the United Nations, Ministry of Foreign Affairs, Austria.	193
3.	Statement by the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, H. E. Mr. Falilou Kane (Senegal)	194
4.	<u>PAPERS PRESENTED AT THE SEMINAR</u>	
	Human Rights and the Israeli Occupation of Palestine	Aruri 200
	The UN and the National Rights of the People of Palestine	Mallison 215
	Legal and Psychological Value of the National Arguments of the Palestinians and International Opinion	Chevalier 230
	The Right to Self-Determination and the Establishment of a Palestinian Nation-State	Schoenfelder 233
	The Universal Declaration of Human Rights and Israel's Occupation of the West Bank and Gaza	Adams 238
	A Juridical Analysis of the Israeli Settlement in the Occupied Territories	Mallison 250
	Palestinians and Human Rights: A Study of African Opinions and Attitudes to the Palestinian Question	Nyang 263
	Palestinian Human Rights in the Context of the Historical Development of The Zionist Movement	Zogby 290
	Nature of the Palestine Liberation Organization	Agaryshev 331
	The Development of Palestine Liberation Organization Peace Policy	Sharabi 345
	The Non-Aligned Movement and the Internationalization of the Palestine Question	Singham and Hune 351
	The Nature of the Palestine Liberation Organization	Jiryis 374
	The Formation of American Public Opinion on the Question of Palestine	Said 380
	Western Public Opinion and the Palestinian Problem	Chorherr 390
	The Palestinian Issue and Western Public Opinion	Stevens 398
5.	List of Participants	404

**THE FIRST UNITED NATIONS SEMINAR
ON THE
QUESTION OF PALESTINE**

1. Report of the First United Nations Seminar on the Question of Palestine

1. In accordance with the terms of General Assembly resolution 34/65 D, the first United Nations Seminar on the Inalienable Rights of the Palestinian People took place at the International Conference Centre, Arusha, United Republic of Tanzania, from 14-18 July 1980. The Seminar was well attended and generated much interest in, and new insights on, the Question of Palestine.

2. The opening session of the Seminar on 14 July 1980 was addressed by the Honourable Ibrahim Kaduma, Minister of Trade, United Republic of Tanzania, who suggested some areas for concentrated discussion and expressed the hope that the Seminar would help towards a resolution of the Palestine question. On the same day, His Excellency, Mr. Falilou Kane, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, gave a brief account of the Committee and its work, as well as of the preparations for the forthcoming Emergency Special Session on Palestine.

3. At the commencement of the third session on 15 July 1980 the participants observed a minute of silence as a mark of respect to the late Sir Seretse Khama, President of Botswana, whose demise had been reported on the previous day.

4. In the course of the session 13 panelists presented papers before the six panels established to consider different aspects of the central theme "The Inalienable Rights of the Palestinian People."

5. These panels, the panelists and titles of the papers presented, were as follows:

A. Panel 1: The Fundamental Rights of the Palestinian People

Professor M.O. Basheer (Sudan) and Dr. John Henrik Clarke (United States of America) presented papers entitled "The Palestinian Rights and the United Nations" and "The Land Question in Palestine, and in East and Southern Africa: A comparative and Historical Study of Two Colonial Tragedies."

B. Panel 2: Human Rights and Palestine

Dr. Tilden LeMelle (United States of America) and Miss Hawa Sinare (Tanzania) presented papers entitled "The Legacy of Modern Imperialism" and "How the Palestinians Became Refugees: Denial of Basic Human Rights."

C. Panel 3: Legal Issues in the Palestine Question

Professor Henry Cattán (Palestinian), Mr. Abdeen Jabara (United States of America) and Dr. Bala Muhammad (Nigeria) presented papers entitled "The Implementation of United Nations Resolutions on Palestine", "Stages in the History of the Legal Issues in the Palestine Problems: an overview" and "UN Recognition of Palestinian Rights Determines Their Legitimacy."

D. Panel 4: Africa and Palestine

Dr. Bernard Magubane (South Africa) and Dr. Ntalaja Nzongola (Zaire) presented papers entitled "Israel and South Africa: the Nature of the Unholy Alliance," and "Africa and the Question of Palestine".

E. Panel 5: Israeli Settlement Policies in the Occupied Arab Territories

Mr. Awad Araby (Palestinian), Dr. Kasuka Mutukwa (Zambia) and Mr. Donald Will (United States of America) presented papers entitled "The Israeli Settlement Policy in the Occupied Arab Territories," "Israeli Settlement Policies in the Occupied Arab Territories" and "Zionist Settlement Ideology and its Ramifications for the Palestinian People."

F. Panel 6: The Nature of the Palestine Liberation Organization

A paper entitled "The Palestine Liberation Organization: Past, Present and Future" was presented by Professor Asad Abdul-Rahman (Palestinian)

6. Each session concluded with an exchange of views on the points raised by the panelists, although time did not allow for a detailed discussion of all the interesting aspects that were raised. The main points made in the papers and in the discussions demonstrated broad agreement amongst the participants over a wide range of issues relating to the realization of the inalienable rights of the Palestinian people.

7. In view of the depth of analysis contained in the papers presented at the Seminar, they will be published by the United Nations as a contribution to a wider understanding of the Palestinian question.

8. There was concentrated discussion on all aspects of the historical and legal evolution of the rights of the Palestinian people, the contemporary implications of that evolution, on the similarity of the racist and colonialist policies of Israel and South Africa, and of the increasing collusion between these two countries which in both cases is detrimental to the rights of the indigenous people. The African support for the Palestinian cause was the sympathetic identification of a common struggle against imperialism,

colonialism and racism. It was felt that greater solidarity should be exercised by the African and Arab people in their common cause. In this connexion, it was noted that the Organization of African Unity had decided not to renew relations with Israel until the Palestinian question was resolved.

9. Many specific details were also provided illustrating Israel's illegal settlements in the occupied territories, and of the policy behind these settlements. The creation of Israeli settlements was recognized as a deliberate infringement of the inalienable rights of the Palestinian people, and a clear violation of the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War. It was amply demonstrated as a colonialist policy which was inflicting further hardship on the Palestinian people through their continued dispersion, the dispossession of their property, and the deprivation of all their national and human rights. It was pointed out that these settlements have recently been intensified and are even projected as a long-term measure.

10. The Seminar was of the opinion that the settlements policies had assumed a sinister and alarming dimension with the active encouragement reportedly given by the Israeli authorities to the activities of religious, paramilitary and underground groups that have been assigned a role in the implementation of a plan whose final objective is the expulsion of the Palestinian inhabitants from the Occupied Territories and the Judaization of these territories.

11. The Seminar agreed that the international community has a duty to prevent the serious provocations arising from Israeli settlement policies, its promotion of fragmentation and sectarianism, and its interference in the Lebanon. The United Nations in particular has a heavy responsibility, from which none can escape, to ensure that the Middle East problem is resolved without detriment to the recognized inalienable rights of the Palestinian people.

12. The Seminar was provided with a detailed and comprehensive account of the origin and structure of the Palestine Liberation Organization. It was an organizational framework for the achievement of the Palestinian nationalist goals which, since its establishment, had moved to the forefront of the international scene.

13. A striking feature of the Palestine Liberation Organization in the last few years had been its ability to survive and to develop, demonstrating its strong political roots among the Palestinian people and in the Arab world. The highly developed infrastructure and the democratic nature of the Palestine Liberation Organization would greatly facilitate its task of establishing the long awaited Palestinian State.

14. The Seminar stressed the importance of widespread dissemination of information to the mass media and to influential public opinion, particularly in Western countries, on the diversified activities and democratic structure of the Palestine Liberation Organization.

15. The Seminar emphasized the important role of the United Nations in the settlement of the question of Palestine. It was felt that the Organization had the competence and the power to do so. The major role of the Security Council, and in particular of its permanent members, in responding to the will of the international community by exercising its primary responsibility and moral duty to preserve peace and security was also stressed. The Organization now recognizes that this question, the central issue in the Middle East crisis, vitally affected not only international peace and security but the interests of the world community as a whole.

16. In this context the Camp David Accords were discussed, on the basis of the data available, and there was widespread convergence of opinion among the experts that the Accords represented a flagrant violation and negation of the inalienable rights of the Palestinian people as defined and reaffirmed in United Nations resolutions, particularly in resolution 3236 (XXIX). Similarly, opinion converged that, insofar as they related to the rights of the

Palestinian people, the Accords had no legal validity, and were condemned.

The Seminar further noted that the escalation of repression by Israeli authorities against the Palestinian people in the occupied territories since the signing of the said Accords.

17. The fact that Israel continued its policies in violation of United Nations resolutions was strongly deplored. It was asserted that the supportive role played by the United States not only encourages but also provides Israel the wherewithal to undertake and persist in its aggressive policies. This support includes the supply of advanced weapons systems, licences and technology for the Israeli manufacture of advanced weapons, the grant of tax-exempt and tax-deductible status of Israeli fund-raising in the United States, and other significant measures.

18. The experts were also gravely concerned that Israel was increasingly becoming an arms suppliers to repressive regimes in other parts of the third world. The recent decision of the Israeli Parliament to enact legislation to change the international status of Jerusalem was further evidence of Israel's obstinacy in not heeding the voice of reason. It was felt that this systematic and arrogant defiance and violation of United Nations decisions must now be seriously challenged, and that notwithstanding the difficulties, no effort should be spared to find peaceful solutions.

19. In this context, the Seminar stressed the necessity, and urged international organizations, to enact effective economic, and political sanctions against Israel to secure her compliance with the provisions of international law and United Nations resolutions regarding the inalienable rights of the Palestinian people.

20. It was agreed that for such solutions to be achieved, a greater understanding of the problem is essential. Though the efforts of the United Nations to disseminate information on the question and promote greater knowledge and understanding of the Palestinian problem have clearly borne fruit, much more was required. For instance, the value of fairer reporting of the issues and the events generated by those issues will undoubtedly hasten the realization of the rights of the Palestinian people.

21. The Seminar reaffirmed that the Palestine Liberation Organization is the sole, legitimate representative of the Palestinian people.

22. The Seminar was in complete agreement on the fundamental issues concerning the rights of the Palestinian people as defined in United Nations resolutions from which no deviation should be permitted. These include:

- a) the right to self-determination without external interference and the right to national independence and sovereignty in Palestine,
- b) the right to territorial integrity and national unity,
- c) the right of the Palestinians to attain their legitimate aspirations,
- d) the right of the Palestinian people to be represented as a principal party in the establishment of a comprehensive, just and durable peace in the Middle East,
- e) the right of the Palestinians to return to their homes and property from which they have been displaced and uprooted,

- f) the right of the Palestinians in the occupied territories to permanent sovereignty and control of their natural resources,
- g) the right of the Palestinians to full compensation for the damages done to their natural and human resources, and
- h) the right of the Palestinians to education and culture and to the means for enjoying them and to preserve their national identity.

23. The Seminar concluded with an expression by the participants of their appreciation to the Government of the United Republic of Tanzania for its assistance and co-operation in making available the excellent facilities at the International Conference Centre in Arusha, which contributed greatly to the success of the Seminar, and for the hospitality and the courteous services extended.

2. OPENING ADDRESS BY HON. I. KADUMA, M.P.
MINISTER FOR TRADE, AT THE UNITED NATIONS
SEMINAR ON "THE INALIENABLE RIGHTS OF THE
PALESTINIAN PEOPLE", 14 July 1980.

It is with great pleasure that I welcome you all, on behalf of the Government and people of Tanzania, to this historical seminar on the Rights of the Palestinian people. It is an honour to us that this first African Seminar is taking place here in Arusha, a town just a few miles from the slopes of Mount Kilimanjaro, where almost 19 years ago, on the eve of our political Independence, President Julius K. Nyerere declared:

"We, the people of Tanganyika, would like to light a candle and put it on top of Mount Kilimanjaro which would shine beyond our borders giving hope where there was despair, love where there was hate and dignity where before there was humiliation ..."

This torch of hope, love and freedom is, I am afraid, not as yet shining to the Palestinian people. Their agony, their humiliation of occupation and oppression continue unabated without hope of relief or retribution for those who are causing this much suffering.

Seldom in contemporary history has the rights of a people been so viciously violated, disregarded and trampled down as those of the Palestinian people. Seldom in recent history has the agony of the people been a matter of so many resolutions with so little achieved. It is now over three decades since the creation of Israel. The Palestinian people continue to suffer the degradation of occupation, along with the sufferings and tribulations of a refugee people, unable to settle or even to live in peace as just simple refugees. For three decades, Israel has flouted the rights of the Palestinian people and by a calculated policy of expansion continue to occupy and further annex Arab territories. Their natural resources continue to be exploited enabling Israel to increase their oppression. Both, the Palestinians, and their Arab brothers, continue to suffer from the consequences of this arrogant occupation; whose direct consequence is to deny the Palestinian people, the right to a home land, where they too, can live in peace and tranquility.

Since the creation of the State of Israel and a little before, the Palestinians supported by their Arab brothers have found themselves in a series of bitter and arduous wars against Israel. During those wars, many lives have been lost on both sides, and much property destroyed.

The last Middle East war in particular, has made it clear, that the rights of the Palestinian people, cannot be denied of them, by the crude instrument of war. That peace in the Middle East cannot be secured by terror, but through the acceptance by all parties, of the rights of all the peoples of the region to Independence and self determination. It was in recognition of that principle, the principle that peace cannot be established through the exercise of superior terror, that the United Nations at the end of the 1967 war, adopted Resolution 242. But because that resolution was deficient in many respects, and in particular in terms of defining the rights of the Palestinian people, and pre-occupied itself with the problem of occupation of other Arab lands, the Arab Nations and Israel had to fight the Yom-Kippur War in 1973.

There have been many initiatives, by individual as well as groups of countries, to find a negotiated solution to the Palestinian problem. By far the most recent and famous is that which led to the Camp David Agreements. It is not for me to evaluate the Camp David Agreements ahead of your deliberations. But may I be allowed to pose certain pertinent questions which you may wish to consider.

Do these agreements suffer from a deficiency of definition in much the same way as the United Nations Resolution 242? Do they recognise the Palestinians as a people, or do they see them simply as refugees? Have they safeguarded the inalienable right of the Palestinian people to speak for themselves, and to determine their own future? Do they offer a sufficient basis for the security of all the parties involved in the Middle East Conflict? And do they specifically curb the temptation for territorial aggrandisement?

The people of Tanzania, and the people of Africa as a whole, cannot remain unconcerned over these developments. The histories of our two regions are entwined. In their struggle for total decolonisation in Africa, the African people have enjoyed strong and consistent support from their Arab brothers. Thanks to these efforts, only Namibia remains as a problem of decolonisation. It is in that comfort that African countries, can now accentuate their struggle against Apartheid South Africa. It is against this success, therefore that our concern for the failure to find a lasting solution to the Middle East question becomes urgent and prescient.

It is therefore with such concern that we have welcomed the holding of this Seminar in Tanzania and wish to take occasion of this opportunity to express our hope that the Seminar will help by opening new avenues for the peace process.

The Palestinian problem is not intractable. This is a myth which has to be exploded here in Arusha. The Zionist movement, was a movement concerned at and with the indignity that the Jewish people were subjected to in the various countries of Europe. One would like to believe the Zionist conclusion that the dignity of the Jewish people could only be ensured by the establishment of a home land for Jews in which the Jewish people could exercise complete rights of sovereignty, was impelled by a sense of justice and not by a drive for domination and occupation. It led to the creation of Israel and the establishment of the Independent Israel State in 1948. It is the tragedy of history, in that context, the tragedy of the Palestinian people, the Palestinian people had to be dispossessed.

There is no question that that was a tragic decision. But history has now been created, and an Independent Israel exists today, recognised by the majority of nations. But true as that maybe, it cannot also be urged that, it is therefore only the Jewish people, who have a right to a home land. And that their right to a home land, must take precedence over the rights to a home land of other peoples in the region. The Palesttinians through Western hypocrisy have been dispossessed in order to create a home land for the Jewish people. But despite this injustice, today we want to believe, that our Palestinian friends together with their Arab brothers, are not planning to push Israel into the Sea. It is not the Palestinians who are denying Israel the right to a home land now, but rather, the Israelis who through the hipocrisy of Western nations can boast now of the State of Israel.

We think Mr. Chairman, this is the crux of the matter. First, we believe that the problem of occupied Arab territory is not the centre of the Middle East crisis, rather it is consequential upon the problem of Palestinian Rights. We want to believe again, that many efforts so far have floundered because of the lack of a clear definition of what constitutes Palestinian Rights. It is our hope therefore, that your Seminar, will pay great attention to clearing away the historical equivocations on Palestinian Rights. We in Tanzania, believe that the Palestinians like the Israelis before them, have a right to a home land and an Independent State. Without Israel accepting this fact there would be no Middle East peace and no security for Israel either.

As I have already said, Israel should be the first country to recognise that the security of terror is an illusion. Many Governments have now accepted the principle of a home land and an Independent State of Palestine. Your Seminar should examine this question more closely and could even attempt to demarcate the geographical perimeters for such a state, so that future negotiations would be undertaken with a clear focus. Without this clear focus, experience shows, that most efforts end in a blind alley being little more than exercises in futility.

It is in that context that one can therefore, discuss the meaning of Jewish settlements in the West Bank, and the Begin conception of "Samaria" and "Judea" as all part of biblical Jewish land. This conception and the settlements are nothing but arrogant and deliberate refusal by the Israeli Government, to accept the principle of a home land for the Palestinian people let alone an Independent State. It is the extension of the Israeli occupation policy, this time, through settlements. It is the policy of creating facts through settlements. This alone we believe is the biggest impediment to any peace process. It denies the Palestinian people the right to a home land, and we cannot proceed without acceptance of this basic right and principle.

The struggle to achieve these rights to establish a home land and Independent State requires a central direction. We believe therefore, the Palestinian Liberation Organization is the instrument for this struggle of the Palestinian people. The PLO is therefore an integral part of the peace process. So long as Israel refuses to accept the PLO, there cannot be peace in the Middle East and therefore no security for Israel either. We believe any peace process, that does not assign a central role to the PLO, is bound to fail; it would not succeed. For peace to be available we require a clear definition where every Nation in the Middle East will be at the end of the day. Most importantly, however, we shall require a clear definition on the rights of the Palestinian people and the role of the PLO.

Mr. Chairman, it is not my duty to try to anticipate the discussion during your Seminar. We are only grateful that we are able to contribute something to the efforts to find a solution to this problem by acting as your host. If we have said anything at all, it is because as a nation, we cannot pretend to be uninvolved, for the cause of the Palestinian people, is very dear to us; for it is a question of liberation. Our struggle against colonialism in Africa cannot have meaning if we would close our eyes to the oppression of other people. The Palestinian problem has been crying for a solution for too long. If by offering facilities for your Seminar, we would be assisting in bringing a solution nearer, this would be our greatest reward.

I, therefore, welcome you - Ladies and Gentlemen to Arusha, and wish you every success in this Meeting, called to deliberate on a problem that I can only describe as a challenge to history and of all mankind.

I THANK YOU

3. STATEMENT BY THE CHAIRMAN OF THE COMMITTEE ON THE EXERCISE
OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE,
HIS EXCELLENCY, MR. FALILOU KANE

I wish first, on behalf of our Committee and on my own behalf, to thank the Government of the United Republic of Tanzania for its assistance and kind co-operation in placing this marvellous centre of Arusha at our disposal for the first United Nations Seminar on the important question of the inalienable rights of the Palestinian people.

In convening this Seminar, we are fulfilling the mandate given us by the General Assembly of the United Nations; the fact that it was approved by an overwhelming majority testifies to the will of many States to associate themselves with the defence of the Palestinian cause.

Ever since it was established, the United Nations has been concerned with the Middle East problem. It very soon became clear that the Palestine question was a vital importance in the search for a just and lasting peace in that region.

For some time, attention was focused only on the humanitarian aspects of the problem, it was certainly not enough to consider matters from that angle alone. It was not until 27 years had elapsed, during which time the political aspects of the Palestine question were relegated to the background, that the national rights of the Palestinian people were taken seriously into consideration. During the 1970s, the General Assembly became more and more keenly aware of the need to settle the political aspects of the Palestinian problem and, in 1974, at its twenty-ninth session, it adopted resolution 3236 (XXIX) which reaffirmed the inalienable rights of the Palestinian people, including their right to self-determination without external interference, their right to national independence and sovereignty and their right to return to their homes from which they had been displaced and uprooted, and called for the return of their property.

In adopting resolution 3236 (XXIX), the General Assembly sought to remind the world of the need to implement its resolutions 181 (II) and 194 (III) adopted respectively as early as 1947 and 1948 so that the Palestinians should really be able to exercise their right to self-determination. In resolution 181 (II) the General Assembly recognized the right of the Arab people of Palestine to have an independent State in Palestine side by side with the Jewish people. Unfortunately, this resolution has been implemented only partially and only a Jewish State has been established. This does not mean that resolution 181 (II)

and resolution 194 (III), which resolved that the refugees wishing to return to their homes and to live at peace with their neighbours should be permitted to do so at the earliest practicable date, were no longer applicable; quite the contrary. The Palestinians' situation - a situation which was detrimental to the exercise of their right to self-determination - was the main obstacle to implementation of these resolutions. The dispersal of the Palestinians in the neighbouring States, Israel's occupation since 1967 of all that part of Palestine which, under General Assembly resolution 181 (II), rightfully belonged to the Palestinians, and the state of war between Israel and the Arab States, are not, indeed, circumstances favourable to the exercise of the right to self-determination.

Resolution 3236 (XXIX) was followed the next year by resolution 3375 (XXX) which invited the Palestine Liberation Organization, the representative of the Palestinian people, to participate in all the peace efforts made under the auspices of the United Nations on an equal footing with other parties. These resolutions marked a turning point in United Nations efforts to restore the rights of the Palestinian people. However, fearing that its recommendations might not be implemented, in 1975 the General Assembly established the Committee on the Exercise of the Inalienable Rights of the Palestinian People. This Committee, over which I have the honour to preside, was requested to consider and recommend to the General Assembly a programme designed to enable the Palestinian people to exercise the rights recognized in resolution 3236 (XXIX), and to take into account, in the formulation of its recommendations for the implementation of that programme, "all the powers conferred by the Charter upon the principal organs of the United Nations".

In carrying out its work, the Committee has observed the following principles:

- (a) Since the question of Palestine is at the heart of the Middle East problem, no solution can be envisaged without taking fully into account the legitimate aspirations of the Palestinian people;
- (b) The realization of the inalienable rights of the Palestinian people to return to their homes and of their right to self-determination, and national independence and sovereignty will also contribute to a settlement of the Middle East crisis;
- (c) The participation of the Palestine Liberation Organization, the representative of the Palestinian people, on an equal footing with other parties, in accordance with General Assembly resolution 3236 (XXIX) and 3375 (XXX) is essential in all efforts, deliberations and conferences on the Middle East which are held under the auspices of the United Nations;
- (d) The acquisition of territory by force is inadmissible, and consequently it is Israel's obligation to withdraw completely and speedily from all territories so occupied.

In November 1976, the Committee submitted to the General Assembly its recommendations concerning the realization of the inalienable rights of the Palestinian people. In these recommendations, the Committee expressed the view that the programme directed towards guaranteeing the right of the Palestinians to return to their homes should, without prejudice to this right, be executed in two phases: the first would involve the return to their homes of the Palestinians displaced as a result of the war of June 1967 and, in this connexion, the Committee recommended, inter alia, that the Security Council should request the immediate and unconditional implementation of its resolution 237 (1967). The second phase would deal with the return to their homes of the Palestinians displaced between 1948 and 1967. In this connexion, the Committee recommended that the United Nations, in co-operation with the States directly involved and the Palestine Liberation Organization as the representative of the Palestinian entity, should proceed during the first stage to make the necessary arrangements to enable Palestinians displaced between 1948 and 1967 to exercise their right to return to their homes and property, in accordance with the relevant United Nations resolutions, particularly General Assembly resolution 194 (III). Palestinians not choosing to return to their homes should be paid just and equitable compensation as provided for in resolution 194 (III).

The Committee also considered that the evacuation of the territories occupied by force, and in violation of the principles of the Charter and relevant resolutions of the United Nations was a conditio sine qua non for the exercise by the Palestinian people of their inalienable rights in Palestine, particularly their right to return to their homes and property; it also felt that once an independent Palestinian entity had been established, the Palestinian people would be able to exercise their right to self-determination.

The Committee also recommended that the Security Council should establish a time-table for the complete withdrawal by Israeli occupation forces from those areas occupied in 1967. At the time when these recommendations were formulated, 1 June 1977 had been set as the deadline for the withdrawal of the last troops. This date was retained for its symbolic value in the Committee's recommendations adopted by the General Assembly in 1976, 1977, 1978 and 1979.

Unfortunately, the Security Council, whose role is crucial to the implementation of these recommendations, has been prevented from taking any decision on them by the veto of one of its permanent members. Only recently, on 30 April 1980, the veto was again used to prevent their implementation.

Despite this statement, I remain convinced that the United Nations has a vital part to play in settling the Palestinian question. This is not too much to ask of it. It is within the Council's competence and within its power to act; what is lacking, particularly on the part of one of its permanent members, is the will to do so.

We cannot tolerate Israel's arrogant scorn and its systematic violations of United Nations decisions. The restoration of the inalienable rights of the Palestinian people must continue to receive unflinching support. Thirty-three years of violence, bitterness, frustration and tension show clearly that the problem can be solved only by a dialogue between the protagonists, in this case the Israelis and the Palestinians, the latter lawfully represented by the Palestine Liberation Organization.

The international community realizes that a just settlement of the Palestine question is an absolutely essential pre-condition for solving the problem of the Middle East as a whole, at whose centre Palestine is situated. It is also only too aware that the situation in the Middle East has a dramatic effect not only on international peace and security but also on the interests of the entire world. Despite the difficulties, no effort must be spared to find peaceful solutions, and this will be possible only if there is a better understanding of the problem. Accordingly, in 1977, the General Assembly requested the Secretary-General to establish within the Secretariat a Special Unit on Palestinian Rights which, under the guidance of and in consultation with the Committee on the Exercise of the Inalienable Rights of the Palestinian People, would be responsible for disseminating information on the Palestinian problem and familiarizing the public with it. Over the past two years, the Unit has prepared several studies and brochures on Palestinian rights which have been widely distributed and have contributed to a better understanding of the problem. Furthermore, the United Nations Department of Public Information, in consultation with the Committee, has made a film on Palestinian rights entitled, "Palestinians Do Have Rights", which I hope will be shown during the Seminar. It should be mentioned that the film won second prize at the Twenty-Second American Annual Film Festival organized by the Educational Film Library Association in New York.

All these efforts have borne fruit. Over the past 18 months, we have witnessed a radical change in public opinion regarding Palestine. Quite apart from such major international organizations as the Non-Aligned Movement, the Organization of African Unity and the Islamic Conference, which from the very outset grasped the true dimensions of the Palestinian question and have repeatedly reaffirmed their solidarity with the Palestinian people, the countries of Western Europe recently took an open stand in support of Palestinian aspirations and showed their readiness to stand together with those who have strongly defended the Palestinian cause. The Venice Summit Conference represents a major step towards achieving a just and comprehensive settlement of the Palestinian question.

More objective information on the problems, and on the events to which they give rise, will no doubt hasten the day when justice will prevail. It is clear therefore that no effort must be spared to publicize the truth about the situation in Palestine. The media have a vital part to play in this connexion.

You are no doubt aware that, as representative of Senegal and Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I have requested the Secretary-General to convene a special emergency session of the General Assembly devoted to the question of Palestine. This session will commence on 22 July 1980 in New York. I have every hope that the session will make it possible to achieve some progress towards a settlement, despite the inability of the Security Council to act. At the same time, it will help to create a greater awareness of the problem and a better understanding of all its aspects.

It was considerations such as these which prompted us to meet today to participate in the first of a series of seminars which will help to shape world opinion and to draw attention to the extremely important question of Palestinian rights. In fulfilling the mandate entrusted to us by the General Assembly, we are helping to achieve one of the tasks incumbent on us under the Charter of the United Nations, that of ensuring that the fundamental rights of one of the peoples of the world are recognized. Our participation in this seminar marks the continuation of our efforts to ensure that the Palestinian people can one day enjoy its political and civil rights on its own soil. This is a great and noble task. I should like to take this opportunity to thank all of you, particularly those of you who have devoted valuable time to preparing communications for this Seminar, thereby contributing to its success.

4. PAPERS PRESENTED AT THE SEMINAR

THE PALESTINIAN RIGHTS AND THE UNITED NATIONS

Professor M.O. Beshier

Introduction

The Palestinian question was first brought before the United Nations in 1947. Since then the United Nations has increasingly involved itself in the search for a solution. In this process the United Nations and the international community in the face of a continuing opposition from Israel supported by the United States of America, came to recognize it as the core of the Middle East problem. The degree of United Nations concern in dealing with the problem has not been always the same. From 1947 to 1953 the Palestinian question was looked upon as a problem of refugees. From 1953 to 1974 its political dimension was recognized but only as part of the Middle East conflict.

In the wake of the October 1973 war a new approach emerged and for the first time it was included in the United Nations agenda as an independent item in its own right. The Palestine Liberation Organization (PLO) as the sole representative of Palestinian people who did not participate previously in the search for a solution were granted for the first time by virtue of General Assembly resolution 3237, the observer status. Since then, and as a result of new level of involvement by the United Nations and the participation of the PLO, the issue has permeated all United Nations General Assembly, Committees, Commissions and Agencies activities.

In 1979, the Security Council, which has previously dealt with the issue in the context of the Middle East situations, was able to overcome the United States' veto and adopted resolutions (resolution 446 (1979) of March 22, 1979 and resolution 452 (1979) of July 20, 1979), dealing with the Palestinian situation in the occupied territories.

Israel supported by the United States and Western Powers have all along opposed these processes. The United States did not fail to use its veto powers when necessary. This did not, however, prevent the conclusion by the international community that the Palestinian question is the very core of the Middle East problem in addition to the emergence of a comprehensive concept of the Palestinian rights.

Palestinian Nationalism and Israel

The conclusion by the international community and the the emergence of the comprehensive concept regarding Palestinian rights cannot be discussed and understood without reference to the emergence and development of Palestinian nationalism and Israel's attitude to it.

Palestinian self-awareness, identity and nationalism has existed from the days of the Ottoman Empire. It has developed as part of and side by side with Arab nationalism. During the Mandate period and like other Arab Nationalist

Movements, it developed and came to possess all the attributes of other nationalisms. Palestinian nationalism expressed itself in political activities particularly the demand for an independent Palestinian State. Britain, the Mandatory State failed to meet its obligations to recognize the right of the Palestinians for an independent state as anticipated in the Covenant of the League of Nations. The Balfour Declaration of 1917 committing Britain to support the creation of a Jewish home in Palestine and the large Jewish immigration from outside Palestine from 1922 to 1947, did not dilute the Palestinians' demand for independence. The 1937 rebellion was but an expression of their demand for their own state as a matter of right and fulfillment of Britain's obligation under the Covenant of the League of Nations.

Regardless of the justice or the injustice in the partition resolution of 1947, which created an Arab as well as a Jewish State, this was an affirmation and endorsement by the international community of the existence of Palestinian nationalism and its right of independence on a specific geographical area. Regardless too of the wisdom of rejection by the Palestinian of the partition resolution and their resistance to its implementation, the existence of a Palestinian identity and right to exist as a nation on its own land was never questioned except by Zionism. The failure to achieve its objectives until now, did not in any way weaken that sense of nationalism, identity and right of independence.

The establishment of Israel, the expulsion of a large part of the Arab population, the incursion of an alien Jewish population and the occupation of territories belonging to the Arab people of Palestine, did not kindle this nationalism. On the contrary, it has nourished and promoted its self awareness and identity.

Israel, all along has continued to deny and reject that there is anything called Palestinian nationalism.

This is part and parcel of Zionist ideology and policies. Herzl took no notice of the Palestinians (about half a million at the time) when he visited Palestine in 1898. David Ben-Gurion stated in 1917 that "In the historical and moral sense" Palestine was a country, "without inhabitants." ^{1/} Golda Meir said in 1969 "There was no such a thing as Palestinians". ^{2/}

When the Camp David Agreements were signed, Begin assured the Israelis that the phrase "Legitimate rights of the Palestinian people", as contained in the Framework for Peace, "has no meaning."

^{1/} Quoted by S. Tillman; Israel and Palestinian Nationalism, Journal Palestine Studies; Vol. IX, No. 1, Autumn 1979 issue 33, p. 62

^{2/} Ibid

The Israelis do not reject Palestinian nationalism, they also fear it because of its demand for an independent state. The Israeli Hawks and Doves are united on this. Meir Merhan, a senior correspondent of the Jerusalem Post, argued that this consensus is "partly the result of a false perception of reality, partly the outcome of faulty logic and partly the product of an irrational mixture of mystical beliefs, aggressive romanticism and traumatic fears which cannot be upheld in today's world." 3/

The policy did not, of course, lack its critics from among Israel supporters. Nahum Goldman rejected the claim by Israeli leaders that Palestinian nationalism and statehood were illegitimate. As recent as May 1980, an Israeli who describes himself as a survivor of the Holocaust and a dove wrote the following:

"Having studied the issue of self-determination in world politics, I recognize this as a right that the Palestinians must be accorded. The Palestinians should have the right, both in principle and in practice to control their lives and not be ruled by Israelis or anyone else. If independent statehood rather than 'mere' autonomy is what they want, I for one support their quest for statehood." 4/

Notwithstanding all this, the Israelis in the final analysis, reject the inalienable rights of the Palestinians as defined and expressed by the international community represented by the United Nations, the only international forum.

The Inalienable Rights of the Palestinians

The inalienable rights of the Palestinians as defined in different resolutions of the United Nations at different times include the following

- I. The right to self-determination without external interference.
- II. The right to national independence and sovereignty.
- III. The right to territorial integrity and national unity.
- IV. The right of the Palestinians to regain their rights by all means.
- V. The right of the Palestinians to be represented as a principal party in the establishment of a just and durable peace.
- VI. The right of the Palestinians to their homes and property from which they have been displaced and uprooted.
- VII. The right of the Palestinians in the occupied territories to permanent sovereignty and control of their natural resources.
- VIII. The right of the Palestinians to full compensation for the damages done to their natural and human resources.

4/ Don Roven, New York Times, 23 May 1980

IX. The right of the Palestinians to education and culture and the means for enjoying these and to preserve their national identity.

The Right of Self-Determination

The right of self-determination and equality is entrenched in the United Nations Charter (articles 1 and 55) and its Declaration on Human Rights. It is a natural right. In the context of United Nations resolutions, this right was for the first time spelled out in no unclear and unambiguous terms in General Assembly resolution 3236 (XXIX) of November 1974. It was the first time that the United Nations reasserts this fundamental right which was not negated by the United Nations decision in 1947 to partition Palestine and created an Arab State and a Jewish State. The United Nations in subsequent resolutions during the period 1975-1980 repeatedly reaffirmed these rights. (See resolutions 3376 (XXX) of November 10, 1975; resolution 31/20 of November 24, 1976; resolution 32/40 A and B of December 2, 1977; resolution 33/28 A, B, and C of December 7, 1978; resolution 34/65 A - D in December 1979).

Analysis of the voting will show how the international community had come to a consensus if not unanimity on this issue while Israel and the United States continued to oppose and frustrate it. The European community countries which had in the past either opposed or abstained have recently departed from their previous path. In their Venice Declaration on the Middle East made on 13 June 1980 the European Council has moved towards this consensus. It is not surprising that Mr. Begin, true to himself, reacted the violent way he did.

As for the Security Council, it discussed the issue of Political Rights of the Palestinians first in January 1976 and since then, in the context of the renewal of UNDOF, the situation in the Middle East or Lebanon. It was only in 1979 that the Security Council was able to overcome the traditional United States veto by adopting two resolutions regarding the Palestinian situation in the occupied territory (resolution 446 of March 22, 1979 and resolution 452 of July 20, 1979).

The most recent resolution unanimously adopted by the Security Council, and later repudiated by the Carter Administration, deplored, among other things, the actions and policies of Israel in the occupied territories. A senior member of the Palestine National Council commenting on the United States' action wrote as follows:

"The claim that the United States representative's vote on March 1, 1980 was 'unprecedented' in any way, or represented in any sense a 'change in policy is... a vicious nonsense'. What is truly unprecedented is the repudiation by a chief of state of his country's vote in the Security Council two days after it has been passed. What

does represent a basic change in policy indeed, a conspicuous retreat from established, principled positions is the reinstatement of American policy on Israeli settlements and on the future of Jerusalem, contained in President Carter's statement of March 3, 1980 and in his press conference of March 14, 1980...

" The new American policy has travelled away from the universal principles to which it has once adhered." 5/

Although the Security Council so far has failed to take action on the right of the Palestinians for self-determination, sovereignty and other political rights, the United Nations Commissions and Agencies have recognized these rights. The Commission on Human Rights has recognized the importance of self-determination as a basic human right and as the pre-requisite for the exercise of all other human rights. In its resolution of 1978 entitled "The Right of Peoples under colonial or alien domination or foreign occupation" (resolution 2 (XXXIV) of February 14, 1978). The Commission affirmed "The inalienable right of the Palestinian people to self-determination without external interference and the establishment of a fully independent and sovereign state in Palestine". Another resolution in the same year (resolution 3 (XXXIV) of February 14, 1978), the Commission reaffirmed the inalienable rights of the Palestinians to "self-determination, national independence, territorial integrity, national unity and sovereignty without external interference."

All Agencies and Committees of the United Nations today recognize the PLO as the only representative of the Palestinian People and accord it observer status in its meetings.

Economic, Social and Cultural Rights

The General Assembly, the Economic and Social Council (ECOSOC), WHO, FAO and ILO have in recent years increasingly concerned themselves with the economic and social conditions, of the Palestinians both inside and outside the occupied territories. The issues which these different agencies have underlined as adverse and damaging to the economic and social well-being of the Palestinian people and contrary to their inalienable rights include: the misuse of natural resources, the misuse of Arab labour force, the damaging settlement policy, the increasing emigration of Palestinians to Arab countries, the controlling of water resources, the destruction of Arab homes, interference into family rights and customs. On all these issues, the different commissions and agencies pointed to the illegal exploitation by the Israeli government of the natural wealth, resources and population thus adversely affecting the economic and social welfare of the people. These are not merely charges but substantiated findings.

5/ Fayiz A. Sayegh, Another American Flip-Quolf, "Arab Perspectives", Vol. I, No. 1, April 1980.

Aspects of Educational and Cultural rights have been the concern of UNESCO since 1950. From 1974 and until now UNESCO has increasingly dealt with the right of the Palestinians to education and culture to preserve their national identity. Israel's occupation is associated by UNESCO, with colonialism, rascism and apartheid in Southern Africa and the PLO as a liberation movement, was allocated funds to maintain the unique cultural identity of the Palestinians. (See UNESCO general conference resolution No. 20 C (1.40 of November 24, 1978).

The Human Rights Issues

In discussing the Human Rights issues, reference should be made to the Charter of the United Nations (1945) to the Universal Declaration of Human Rights (1948) and to the Geneva Convention (1949). The arbitrary arrests, deportation and torture practiced by Israel are grave breaches of Articles 5, 9 and 10 of the Universal Declaration of Human Rights. The denial of the rights of the Palestinian refugees and displaced persons to return to their homes and the denying of students studying abroad to re-enter is a breach of article 13 of the same declaration. Land expropriation, the establishment of settlements, the demolition of houses, the barring of Palestinians from entry to the Holy Places, the censoring of magazines, journals and books, the discrimination in wages, the wholesale punishment of families and the torture practice, are other examples of breaches of articles 13, 17, 18, 19, 20 (I), 23 (I), and (3), 31, 33, and 39 (I), and 6, 6/ of the Universal Declaration of Human Rights.

Conclusion

The United Nations over a period of more than 30 years has finally been able to define the inalienable rights of the Palestinians not only in general terms but in details. It has been able to provide assistance in some instances. In both cases, this was achieved in the face of Israel's opposition, black-mail and deliberate actions of violence. The United States continuously came to its rescue and prevented necessary action by the use of veto in the United Nations, by providing her with the economic and military power, and by denying existence of Palestinian Nationalism and by not recognizing the PLO as the sole representative of the Palestinian people.

The near consensus reached by the International Community is reflected in the voting at the United Nations and other Agencies. The Non-Aligned Countries, the OAU, the Islamic Conference, and the World Peace Council have all made their positions on these issues in very clear terms. The charges and accusations leveled against United Nations and Third World Alliances by Moynihan, Begin, Carter, the Israeli lobby in the United States and the Hawks do not in any way belittle the United Nations efforts and the positive actions it had taken and which have finally led to the emergence of a framework for a comprehensive peace proposal for a peaceful settlement of the Middle East problem based on the recognition of the inalienable rights of the Palestinians supported by the overwhelming majority of the countries of the world.

6/ For examples of Violations of Rights, see Karim Khalaf and Mohamed Milhelum, Palestinians and Human Rights - World Peace Council 1979

It is precisely because of the departure of the Camp David Agreement from this comprehensive approach that is it rejected by the Palestinian people and their sole representative, the PLO. They are, however, not alone in this. The Venice Declaration on the Middle East by the European Council recognize the failure of the Camp David Agreement in addressing itself to the Palestinians. Why is this consensus in rejecting the Camp David Agreement?

1. "The Camp David Agreement envisages a final solution of the Palestinian problem which precludes the exercise of the inalienable national rights of the Palestine people to self-determination and statehood in Palestine and the elementary right of the Palestinian people to choose and designate its national representatives." 7/
2. It divides the Palestinian people into separate categories and offers different formulas for dealing with their respective situations. In this way their unity is brought to an end. "The dismemberment of the Palestinian people -- which is in itself a symptom of its tragedy -- has been transformed at Camp David into a permanent feature." 8/
3. It represents an imposed settlement. It was made in the absence of the Palestinian representatives and "thereby violates both their inalienable rights and aspirations. Palestinian participation is by Proxy and the role of participating Palestinians is limited. The Camp David framework will go down in the history of Palestine alongside the Balfour Declaration, the League of Nations Mandate, the partition of the United Nations General Assembly and Security Council resolution 242 -- all of which dealt with Palestinians as objects and ignored both their inalienable rights and their known aspirations." 9/
4. The Camp David framework exclude in practice, if not in words, the most important elements of the terms "legitimate rights" i.e. sovereignty, statehood, self-determination, and return.
5. It has been reached outside and in contradiction to the U.N. resolutions and approach to reach a comprehensive settlement.

In answer to the question what does the Camp David framework for peace promise to the Palestinians, Dr. Fayez A. Sayegh in his excellent study quoted above answers as follows:

7/ Dr. Fayez A. Sayegh: Camp David Agreement and Palestine. League of Arab States 1980, p. 2

8/ Ibid.

9/ Ibid, p. 3

"A fraction of the Palestinian people (under one-third of the whole) is promised a fraction of its rights (not including the natural right to self-determination and statehood) in a fraction of its homeland (less than one-fifth of the area of the whole); and this promise is to be fulfilled several years from now, through a step by step process in which Israel is able at every point to exercise a decisive veto power over any agreement. Beyond that, the vast majority of Palestinians is condemned to permanent loss of its Palestinian national identity, to permanent exile and statelessness, to permanent separation from one another and from Palestine -- to life without national hope or meaning." 10/

The assumptions that the Arab-Israeli conflict is a historical conflict between Jews and Arabs or that it is a psychological one is false. It is a contemporary political struggle, material and physical. The Palestinian struggle is not for autonomy which is an administrative formula and a negation of self-determination. The Palestinian political struggle, like that of other national liberation movements seeks to achieve independence, statehood and sovereignty for the Palestinian people. This is their inalienable right and they are entitled to it like other people in the world. They are not asking for something abnormal or exceptional, only for the fulfillment of their inalienable rights, political, economic, social and cultural - as defined by the United Nations resolutions and supported by the international community of nations.

10/ Ibid. page 10

THE LAND QUESTION IN PALESTINE, AND IN EAST
AND SOUTHERN AFRICA:

A Comparative and Historical Study of Two Colonial Tragedies*

John Henrik Clarke

The land question, in general, is as old as people and nations. It is part of a world problem and must be seen in this context in order to understand the specific land question that is the subject of this paper. The striving for land and the attempt to recover it when it is lost, is a recurring theme in the drama of human endurance and survival. Stability on a piece of land that a people can call their own, is the basis for their nationness, their culture and religion, in essence, their humanity.

In my assessment of "The Fundamental Rights of the Palestinian People", I will be, figuratively, looking through several historical windows. My main focus will be the land question. I will emphasize the importance of the land question in Palestine by comparing it with the land question in east and southern Africa. My intent is to show that the method and rationale that was used by the Europeans to take the land from the Africans in the so-called White Highlands of Kenya, in Zimbabwe, then called Rhodesia, and in South Africa, where the Dutch or Boers, encountered the Khoisan people, that they called Bushmen and Hottentots, was basically the same. 1/

Further, I intend to show that the pattern of land encroachment by the Europeans was part of a war against the cultures and customs of non-European people and it differed, only by degree, at different times and in different places. In her Ph.D. thesis, "The Dominant Modes of Western Thought and Behavior: An Ethnological Critique" (1975), Professor Dona Richards has referred to this behaviour of Europeans as "the concept of the cultural other". She says:

"It is in the nature of the Western ethos that one of the most accurate indices of Western man's self-image is his image of others ... The essential characteristics associated with this concept, within the Western world view, are control and consequently power - the theme which reverberates endlessly in the ethnological unfolding of Western culture, echoed in every Western statement of value." 2/

In another work, "The Ideology of European Dominance", Professor Richards continues her examination of the European world view. She says:

"It is possible to isolate certain seminal ideas which have served as organizing principles in Western scientific thought ... These themes are intimately related to the Western European attitude toward other peoples and imply a particular relationship to them, which will subsequently be referred to as 'ethos'. ... The Western European ethos appears to thrive on the perception that those who are culturally and radically different are inferior. It relates to other cultures as superior or inferior, as powerful or weak, as 'civilized' or 'primitive'. The European world view reflects these relationships. It was the Western European ethos that created 'the savage'." 3/

If we understand what Professor Richards has said, we will also understand, at least in part, the temperament and attitude of the Ashkenazi Jews who control that part of Palestine that is called Israel. They are more European than Jewish. They are, in fact, a European creation. Their problem, however tragic it is, was

started in Europe by Europeans and should have been resolved in Europe by Europeans. In the book, "Democracy in Israel", the writer, Norman F. Dacey calls our attention to the main aspect of this dilemma, when he says:

"Jews in Israel don't persecute just Arabs - They persecute each other. The discrimination which is the hallmark of the life in the Zionist state is responsible for a widening gap between Western Ashkenazi Jews and the Oriental or Sephardic Jews." 4/

Discrimination against the Oriental Jews continues in housing, in jobs and in education. Their plight in Israel is the plight of a subject people. These Oriental Jews once lived all over Western Asia, called the Middle East. Zionist propaganda enticed them to come to Israel, when the State was created. The European Jews never accepted them as their equals, though they belong to the same religion. Oriental Jews had established communities in Baghdad, in Iraq and other Middle Eastern countries 12 centuries before Islam arrived. These Jews have not related to Zionism because Zionism was not created by them or for them. 5/

Zionism has a direct relationship to European colonialism. It developed out of the same political incubator at about the same time. In its racist attitudes and treatment of Arabs, Oriental Jews, and the small number of American Blacks who have settled in Israel, Zionism relates more to the Calvinist Christianity of the Boers in South Africa. The Arab communities in Israel and on the West Bank are surrounded by Jewish settlements that are armed camps, established to contain the Arabs and control the land. These Arab communities are similar to the Black communities in South Africa that the Boers call Bantustans. In both cases the intent is the same - to deny the Arabs and the Africans any kind of sovereign rights in their own land. Whether the system is practised in Israel or in South Africa, it is what the Boers call "apartheid". 6/

The word "apartheid" was coined by the Boer intellectuals for the general election of 1948, that brought the Boers to political power. The condition of apartheid existed long before the word, and the British are more responsible for creating the condition than the Boers. The word, with the promise to keep the Africans "in their place", caught on immediately among the white racialists who saw apartheid as a means to advance themselves at the expense of the Africans. The condition of apartheid also meant that the Africans, like the Arabs in Palestine, could be made to feel alien in their own land.

The Palestinian writer and scholar, Dr. Fayez A. Sayegh, emphasized this point in his pamphlet, "Twenty Basic Facts about the Palestine Problem" when he said: 7/

"That Israel has additionally imposed a system of apartheid upon the Arabs who stayed in their homeland? ... More than 90 per cent of these Arabs live in 'security zones'; they alone live under martial law, restricting their freedom to travel from village to village or from town to town; their children are denied equal opportunities for education; and they are denied decent opportunities for work, and the right to receive 'equal pay for equal work'?"

Dr. Sayegh reminds us, that, in spite of this fact, Israel is generally portrayed, in the Western press, as the "bastion of democracy", and the champion of peace in the Middle East. The propaganda in Israel's favour could not turn the facts around. This nation was established, at the expense of the Arabs, at the intersection of three continents. Geographically, Israel is located at the back door of Europe, the side door of Asia and the front door of Africa. Since its inception as a State the rulers of Israel have behaved as though they were the colonial masters in this part of the world. The Arabs in Israel are treated like colonial subjects.

Dr. Fayez A. Sayegh explains this dilemma more precisely in his pamphlet, "Palestine, Israel and Peace", when he said: 8/

"The crux of the Palestine Problem is the fate of a people and its homeland. It is the piecemeal conquest and continued seizure of the entire country by military force. It is the forcible dispossession and displacement of the bulk of the indigenous population, and the subjugation of the rest. It is also the massive importation of alien colonists - to replace the evicted, and to lord it over the conquered. And it is the colonization, by the foreign settlers, of both the expropriated private land and the seized national resources of the overpowered people. It is, indeed, the destruction of the native Palestinian society of Christian and Muslim Arabs, and its replacement by a society of transplanted Jews and a foreign body politic - which views itself as the vanguard of the 'Jewish nation', currently spread throughout the world but declared destined sometime to assemble in the seized land.

The refusal of the Arab world to acquiesce in this fate of Palestine and its people explains both the bitterness and the persistence of the Arab-Israeli Conflict. It also underscores the essential difference in character between this conflict and ordinary international disputes. And it explains why the Arab-Israeli Conflict cannot be resolved until the Palestinian Problem is settled through restoration of the rights of the Palestinian people."

There is no intent on the part of the Israelis, not even the Liberals or the Communists, to totally restore the rights of the Palestinian people. The Liberals and the Communists want an improvement in the living condition of the Palestinians. They do not want the Palestinians to come to power, nor are they willing to share power with them. What is called Israel and the West Bank is European-controlled territory. This means Ashkenazi control. The slight improvement in the living and political conditions of the Oriental Jews in Israel, in recent years does not mean that they will ever come to power. In an article contributed to the book, "Zionism and Racism", the writer Naseer H. Aruri explains the plight of the Oriental Jews of Israel in this manner: 9/

"That Israel's Oriental Jews have been subjected to social, economic, and racial discrimination is no longer considered controversial. Although constituting about 60 per cent of the population, they are less than first-class citizens. Their representation in the state's social, economic, and political institutions is strikingly incompatible with their numerical majority, while the European-American (Ashkenazi) communities are represented

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far out of proportion to their numbers. Disabilities imposed on the Oriental sector are rampant in employment, education, housing, income, social welfare, and political participation. Disparities between the two Jewish communities have grown worse in all these areas since the establishment of the Zionist state in Palestine; and there are no indications that the social gaps are narrowing. On the contrary, the available statistical data reveal a widening of the gaps.

The largest share of the national income in Israel goes to the highest strata of capitalists and managers, workers and government bureaucrats are strategically situated to push for higher incomes. Jews of the Oriental communities have no professional skills to speak of and, consequently, are unable to compete in their category. Their presence is most prominently observed in the lowest strata of the socio-economic pyramid, that of the manual workers in industry and agriculture, 'the only groups whose share of the national income has increasingly diminished'. Poverty in Israel is closely linked with ethnic origin."

There is no need at this point to argue whether Zionism is a form of racism. In the face of so much persuasive evidence, proving that it is, an argument against this evidence is redundant and a waste of time. The Arabs in Israel, and to a lesser extent, that is slight, the Oriental Jews, live in a condition that does not differ appreciably from the system of apartheid in South Africa. The Ashkenazi Jews of Israel have almost complete control over their lives - their land, their jobs, their housing and their education.

The Chairman of the Israel League for Human and Civil Rights, Israel Shahak, states that, "Israel is about as apartheid as South Africa". He referred first to the difficulty Arabs and Oriental Jews have in obtaining decent housing. 10/

His comments are:

"This isn't the only thing. If you go any place where there are so-called twin cities, like Nazareth and New Nazareth, you will see that the old Nazareth is an open city. Anyone can come, and by buying or selling or by agreement can dwell there. But in New Nazareth, the so-called Upper Nazareth, to obtain a flat you have to bring proof that you are a Jew.

A society in which such a thing is required for more than 90 per cent of its inhabited areas has no other name than an apartheid society. Exactly the same proof is required in Johannesburg. The only difference is that people know about Johannesburg, but not about Nazareth.

This goes for many other areas too. For example, you have now an official plan in Israel for what is called the 'Judaization' of Galilee. This means that the government thinks there are too many Arabs in Galilee, so it has decided officially and openly to confiscate some of their land, convert it into pure Jewish land, and settle only Jews there."

What we need to consider here is that the treatment of the Arabs and the Oriental Jews in Israel has no justification in Judaism or Christianity. This treatment violates the moral codes of both of these religions.

Again referring to the treatment of the Arabs and Oriental Jews in Israel, Israel Shahak says:

"We are on a much lower level than Blacks in the United States because there is no recourse. No one can even do the same sort of job that the NAACP does in the United States. There is no possibility of bringing any case about discrimination, even the most blatant, to any court, because in Israel there is no law forbidding discrimination against non-Jews. On the contrary, all discrimination against non-Jews is completely legal."

What we have here is the lack of recognition of the Arab people as human beings. This attitude toward the Arabs is as racist as any attitude the Nazis ever held toward the Jews. In a booklet on the subject, "Looking Beyond Co-existence - Prospects of a Bi-national Palestine", Alan R. Taylor recalls the official nature of this attitude. 11/

In 1967, just after the June War, a delegation from England, representing the House of Commons, visited Jerusalem and was told by the Chairman of the Knesset's Foreign Affairs Committee that the Palestinians "are not human beings, they are not people, they are Arabs". The same sentiment was expressed by Golda Meir two years later in a Sunday Times interview:

"There was no such thing as Palestinians ... It was not as though there was a Palestinian people in Palestine considering itself as a Palestinian people and we came and threw them out and took their country away. They did not exist."

This inclination to dehumanize an entire people, to deny their very existence, comes out of Western racism. Israel's main difficulty in the Middle East stems from the failure to recognize the Arabs as a people with the right to live in peace, in all or part of Palestine. Before the introduction of Zionism this was no problem. Jews and Arabs had met many times on the crossroads of history and most of the time they complimented each other. Zionism introduced a conflict between the Arabs and the Jews that did not previously exist. The pogroms and persecutions that the Jews suffered in Europe had no counterpart in the Arab world. The early settlements of European Jews in Palestine, in the late nineteenth and in the early part of the twentieth century, had the goodwill and co-operation of the Arabs. The early settlers presented themselves as a simple humane people escaping from the religious and political persecutions of Europe. Behind this idealistic guise the real and previously unannounced intentions of Zionism was introduced. The leaders of the movement did not want a part of Palestine. They wanted all of it. Humane Zionists who respected the rights of the Arabs and advocated a bi-national State were ignored or expelled from the Zionist movement. 12/

It became known that the leaders of the Zionist movement intended, from the outset to colonize and take over Palestine and to establish there a Jewish State "as Jewish as England is English". To this end the Zionists propagated the myth

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that Palestine was an empty land crying out for settlers. The existence of a large population of Arabs was ignored or brushed aside. 13/

The European Jews who carved a country called Israel out of Palestine, created a country with double standards, one for the Israeli Jews and another for the Palestinian Arabs. The conflict between the Arabs and the Jews was built into the fabric of the Government. The main intention of the Zionists was to destroy every element of stable life among the Arabs and control the land. 14/

The conveners of the 23rd World Zionist Congress held in Jerusalem in 1951 were very clear about what they expected of Zionism. This was the first such congress after the establishment of the State of Israel. The programme that was adopted began by saying:

"The task of Zionism is the consolidation of the state of Israel."

The sponsors of this congress were boldly talking about a political and not a religious action. While Zionism might mean different things to different people, to the sponsors of this congress it meant control - control over the lives of the Arab people, especially control over their land. The following information extracted from the pamphlet, "Zionism and Racism - A Case to Answer", explains in some detail what I mean:

"In summary, the nature and extent of racial discrimination which is built into the administrative and social framework of the Zionist state of Israel are these:

1. An Arab living under Israeli rule in Israel may be arbitrarily excluded from land which he and his forbears have owned for generations. He may have his land confiscated and handed over to Jewish settlers. He may then be prohibited from even working on that land. His whole village may be razed to the ground. (385 Arab villagers in Israel have been wiped out in this way.) He and his whole community may suffer gross discrimination in housing, municipal services, education and social welfare. He may be refused nationality and citizenship even though he was born in the territory of Israel and has lived there all his life and even though any Jewish newcomer from anywhere in the world automatically receives Israeli nationality. (Thousands of Palestinian Arabs are in this stateless condition in Israel.)
2. An Arab living under Israeli rule in the occupied territories may be arrested arbitrarily and detained without trial. He may be deported from his native land without judicial process or appeal. His home may be blown up or bulldozed on a simple order from the local military commander. His land may be confiscated for ostensibly military purposes, but in fact for the purpose of Israeli Jewish colonization. His freedom of movement may be restricted. He cannot express political opinions or engage in political activities without risk of arrest and detention or deportation.

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3. An Arab refugee living in exile whose home is in Israel or the occupied territories and who was uprooted from it in the wars of 1948 and 1967 is prevented from returning home because he is an Arab and not a Jew - and this in spite of repeated U.N. resolutions calling on Israel to allow him to return. Meanwhile any Jew is free to enter and settle in Israel, even though he has never seen the country before in his life." 15/

The land question was at the base of the Arab-Israeli conflict from the beginning and it still is. The Camp David Agreement, that I will come back to later, only accentuated the conflict and further alienated the Arabs.

This conflict has long historical roots and it was fully developed before the representatives of the Zionist Movement signed Israel's Declaration of Independence on 14 May 1948. They declared that the new State would be "open to Jewish immigration and the ingathering of Jewish exiles". In the meantime nearly a million Arabs were forced into exile. The leaders of the Zionist Movement, now the new rulers of Israel, had stood before the world and promised to "Maintain complete equality of social and political rights for all its citizens, without distinction of creed, race or sex". Further, they had called on "the sons of the Arab people dwelling in Israel to keep the peace and play their part in building the state on the basis of full and equal citizenship". This was a hollow promise that was never meant and never kept. In his report of September 1948, United Nations Chief Mediator, General Folke Bernadotte issued this warning:

"It would be an offense against the principles of elemental justice if these victims of the conflict were denied the right to return to their homes while Jewish immigrants flow into Palestine, and indeed offer at least the threat of permanent replacement of the Arabs refugees who have been rooted in the land for centuries."

The report laid bare the crucial essence of the Palestinian conflict. It did not move the Zionists from their position or help the Arabs at all. Israel's new Prime Minister, David Ben-Gurion had said, "We must do everything to ensure that they (the Arabs) never return". No influential Israelis raised their voice in defiance of Count Bernadotte's call for "elemental justice" for the Arabs now being driven from their homes. The day after completing his report Count Bernadotte was murdered by Jewish terrorists. The Arab refugee problem became an international problem, and as the Jewish-American journalist would later remark, "the moral mill-stone about the neck of world Jewry".

The Defense Laws that the new State of Israel had inherited from the British Mandatory Government which had ruled Palestine between 1922 and 1948 were rewritten and made more stringent against the Arabs. Now, at last, some influential Israelis found their voices and spoke out against these laws. At a conference of the Jewish Lawyers' Association, held in Tel Aviv in February 1946, a future Justice of the Supreme Court in Israel made the following statement about these laws:

"These laws ... contradict the most fundamental principles of law, justice and jurisprudence. They give the administrative and military authorities the

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power to impose penalties which, even had they been ratified by a legislative body, could only be regarded as anarchical and irregular. The Defense Laws abolish the rights of the individual and grant unlimited power to the administration.

The representative of the Jewish Agency, Dr. Bernard Joseph, who was later to become Israel's Minister of Justice, went even further:

With regard to the Defense Laws themselves, the question is: Are we all to become the victims of officially licensed terrorism, or will the freedom of the individual prevail? Is the administration to be allowed to interfere in the life of each individual without any safeguards for us? There is nothing to prevent a citizen from being imprisoned all his life without trial. There is no safeguard for the rights of the individual. There is no possibility of appeal against the decision of the Military Commander, no possibility of resort to the Supreme Court and the administration has unrestricted freedom to banish any citizen at any moment.

Even more emphatic was a future Attorney-General of Israel, Mr. Ya'acov Shimshon Shapiro, who later succeeded Dr. Joseph as Minister of Justice:

The system established in Palestine since the issue of the Defense Laws is unparalleled in any civilized country; there were no such laws even in Nazi Germany ... They try to pacify us by saying that these laws are only directed against malefactors, not against honest citizens. But the Nazi Governor of occupied Oslo also announced that no harm would come to citizens who minded their own business. It is our duty to tell the whole world that the Defense Laws passed by the British Mandatory Government of Palestine destroy the very foundations of justice in this land."

The Israeli legal system is based, mainly on the Defense Laws and they have used them more ruthlessly than the British who originally created them. The purpose of these laws is to continue the movements of the Arabs and control the land, by any means necessary. This hunger for the land had manifested itself among European Jewish settlers in Palestine long before the creation of the State of Israel. Unfortunately, the Arabs were not aware of intentions of the Zionist movement. In his pamphlet, "Twenty Basic Facts About the Palestine Problem", the Palestinian writer, Dr. Fayez A. Sayegh, these questions are raised about the progression of the land problem in Palestine:

"DO YOU KNOW:

1. THAT, when the Palestinian Problem was created by Britain in 1917, more than 90 per cent of the population of Palestine were Arabs? ... And that there were at that time no more than 56,000 Jews in Palestine?

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2. THAT more than half of the Jews living in Palestine at that time were recent immigrants, who had come to Palestine in the preceding decades in order to escape persecution in Europe? ... And that less than 5 per cent of the population were native Palestinian Jews?
3. THAT the Arabs of Palestine at that time owned 97 1/2 per cent of the land, while Jews (native Palestinians and recent immigrants together) owned only 2 1/2 per cent of the land?
4. THAT, during thirty years of British occupation and rule, the Zionists were able to purchase only 3 1/2 per cent of the land of Palestine, in spite of the encouragement of the British Government? ... And that much of this land was transferred to Zionist bodies by the British Government directly, and was not sold by Arab owners?
5. THAT, therefore, when Britain passed the Palestine Problem to the United Nations in 1947, Zionists owned no more than 6 per cent of the total land area of Palestine?
6. THAT, notwithstanding these facts, the General Assembly of the United Nations recommended that a 'Jewish State' be established in Palestine? ... And that the Assembly granted that proposed 'State' about 54 per cent of the total area of the country?
7. THAT Israel immediately occupied (and still occupies) 80.48 per cent of the total land area of Palestine?
8. THAT this territorial expansion took place, for the most part, before 15 May 1948: i.e., before the formal end of the British mandate and the withdrawal of British forces from Palestine, before the entry of Arab armies to protect Palestinian Arabs, and before the Arab-Israeli war?

From its inception the State of Israel and the Ashkenazi Jews who are its rulers, was an extension of Europe. This is reflected in their temperament, in their intentions, and in the arrogant, racist attitude they have towards the Arabs and the Oriental Jews. Israel is the most Westernized country in the Middle East. It is only geographically a part of Western Asia. The socio-culture of Israel is completely alien to the Middle East. The Oriental Jews are more a part of the history and culture of the Middle East. They are an Arabized people who have lived in peace in North Africa and in Western Asia for more than a thousand years. If there are any descendants of the Jews of Biblical times, the Oriental Jews are most likely those descendants. I repeat, the Ashkenazi Jews are European creations. 17/

There is a need now to look at the history of the Arabs and the Jews, at least briefly, in order to see that the conflict over Palestine and who is entitled to it as a homeland, was not completely settled in ancient times and it is not settled now. Palestine is at the crossroads of the world - a meeting place for the people of three continents. Since 3500 B.C. the main population in this part of the world has been a people called Semites. They were then, as they are now, a people

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of many colours and cultures. In 2500 B.C. a branch of Semite people settled in what is now Palestine. They were called Canaanites after the first name of the country - Canaan. About 2000 B.C. the migrants from the Arabian Peninsula stabilized themselves into new state formations.

When we meet the people now called Jews for the first time in history they are migrants from that crossroads of the world in Western Asia, now called the Middle East. Their leader is Abraham. At the time he led his people into Egypt, the civilization and the monarchy of Egypt was already old. The pyramids had been built hundreds of years before, and the origin of the sphinx was already a mystery. 13/

Egypt was invaded for the first time in 1675 B.C., by a people from Western Asia called the Hyksos, or Shephard Kings. This invasion turned Egypt's first age of greatness into a nightmare. According to tradition, and the Bible, during this time seventy Jews, grouped in twelve patriarchal families, nomads without industry or culture, entered Egypt. These Jews left Egypt four hundred years later 600,000 strong, after acquiring from African people all of the elements of the their future religion, tradition and culture, including monotheism. Whoever the Jews were when they entered Africa, when they left, four hundred years later, they were ethnically, culturally, and religiously an African people. The people called Jews did not enter Europe in any appreciable numbers until after 70 A.D.

It is open to question whether the European Jews have any traceable ethnic and cultural ties to the Jews of the ancient world, who were the first Jews to claim Palestine as their homeland. This first claim by the Jews of Western Asia was based on evidence that is shrouded in myth, and a question that still begs for an answer. Who said that Palestine was theirs to be taken without the consent of the people who were already living there. For over a thousand years the country that the Jews would later call Palestine was populated by a people called the Canaanites. According to the traditional account of the Jewish flight from Egypt, around the year 1200 B.C., the Hebrews led by the Prophet Moses, fled from Egypt, and crossing the Sinai Peninsula, and settled in the area east of the Dead Sea. Under the leadership of Joshua, the Hebrews invaded the state of Canaan. Crimes of the most heinous nature were perpetrated against the inhabitants. These crimes are recorded in the Old Testament. This was an imperialist invasion, no different from many others in history. The inhabitants who were not killed, were reduced to servitude; and thus the Jews took over Palestine for the first time.

They were only able to occupy parts of Palestine and the area east of the Jordan River. In the year 1020 B.C., King Saul established their first state. He was followed by King David and King Solomon who ruled until 923 B.C. Here the Jews gained their first experience in agriculture, urbanization and statecraft.

In 586 B.C. the Babylonians brought an end to the reign of the Hebrews in Palestine. During the years of their reign the original inhabitants of Palestine remained in continuous residence. For the next four hundred years one invader after another laid claim to Palestine, the Persians in 538 B.C., the Greeks under the leadership of Alexander the Great in 331 B.C. and the Romans in 64 B.C.

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A great wave of Arabs from the Arabian Peninsula settled Palestine in the year 636 A.D. This massive migration was not the first Arab population in Palestine. The Arab identity with Palestine was reaffirmed and that identity with Palestine has not been broken, to this day.

From 1517 until 1917 Palestine was under the rule of the Ottoman Empire. For Arab support of the Allies in the First World War they were promised independence. This promise was not kept. Colonialism and subsequently Zionism followed. This was part of a broader picture of European Expansion that had started in the fifteenth century, and would climax in the closing years of the nineteenth century. The Europeans were looking for new land, labour and raw material. Jews were a part of this search, more as Europeans than as Jews. 19/

When the European age of exploration started in the fifteenth century, the Portuguese were searching for a sea route to India by way of the Cape (now Capetown, South Africa). During one of their early expeditions they attempted to establish a refueling station along the coast of South Africa. This expedition was undertaken upon the advice of Abraham ben Samuel Zacuto, a Jew, who was then the Royal Astronomer for the King of Portugal, Manuel II. Before the edict of expulsion was issued against Spanish Jews in Spain, then the greatest institution of learning in the world.

One of the first Jews to land in South Africa was a seaman, Ferado Martins or Fernam Martinz. He was a mariner of Vasco da Gama's ship, "San Gabriel". He was with the Portuguese fleet that landed at St. Helana Bay in November, 1497. Between 1492 and the end of the sixteenth century, nearly a half a million Jews left Spain and Portugal. The status of the Jews varied from one European country to another. In Holland, Jews participated in the formation of Dutch East India Company. When the company's undertaking included the occupation of the Cape of Good Hope, in 1652, the Amsterdam Jewish community was part of this settlement. Holland had absorbed a large number of Jewish refugees who had spread throughout the provinces. When Jan van Riebeeck and his company of servants were preparing to sail for the Cape of Good Hope, the Jews of Holland were petitioning Cromwell for readmission to England. By the end of the seventeenth century, the Jews of Holland were the principal stockholders in the Dutch East India Company.

The Dutch East India Company established the forerunner of the South Africa of today. The Dutch were welcomed to South Africa by the Khoisan that they later betrayed and enslaved. This small people (small only in stature and in numbers) fought the Dutch, in order to hold on to their land and cattle, in a series of well planned wars that the Boers or Dutch call Kaffir Wars. Finally they lost both their land and their cattle. After the great Zulu warrior Shaka was killed in 1828 the British began to push the Boers and the Boers tried to move inland and establish a new Republic away from British influence. This started a land war between the Zulus and the Boers. The British came to the rescue of the Boers when they were about to be defeated by the Zulus. These wars did not end until 1906. By now, because of the superior weapons of the Europeans, most of the land was lost. The continued loss of the land and the plan to make Africans strangers in their own land led to the establishment of artificial African communities called Bantustans.

In 1970, Dr. P. Koornhof, the Deputy Minister of Bantu Administration and Development admitted that the Bantustans made Africans foreigners in their own land. He said: 20/

"I am afraid to say that the African males from the home lands have no rights whatsoever in South Africa. Their rights are in their own homelands, and they are in South Africa only to sell their labor."

The best known of the Bantustans is Transkei, one of the first to be established. When it was declared "independent" in 1976 by the apartheid régime three million Africans were stripped of their citizenship and they lost 13 per cent of their land area. The whites own or control 87 per cent of the land, though they are only 17 per cent of the population.

Most Africans do not live in Bantustans but work in mines, factories and on farms owned by whites. Under the Bantustan programme, these Africans will be turned into foreign migrants, and be stripped of all rights in the country where they have lived and worked for centuries.

The Bantustans are completely dependent economically on the South African Government. The Bantustans have been imposed on the African people against their will. They are white controlled Black communities. The ways in which the Africans are treated in these Bantustans can be easily compared to the way the Arabs in Israel and on the West Bank are treated in their own land. Which explains, in part, the unholy alliance between Israel and South Africa.

The most tragic aspect of the alliance between Israel and South Africa is that it is a perfectly logical alliance. By the rationale and intent of Western racism and colonialism the alliance makes sense.

Both Israel and white South Africa are artificial settler States, created by the political backwash of Europe. They are parts of Europe mentally and culturally, while being removed from it geographically. This is the basis of the schizophrenia that prevails in Israel and in South Africa. These European settlers are involved in a perpetual contradiction. They are stubbornly trying to establish a nationality in nations that never belonged to them. They are doing this at the expense of the indigenous population in the countries where they have settled. In making an assessment of the relationship of Israel to white South Africa, this dilemma must be taken into consideration.

In order to understand the present dilemma and what it forecasts for the future, there is a need to consider the interplay of forces in South Africa, and in the world at large, that created the State of Israel and the apartheid dominated State of South Africa.

This dilemma has long historical roots that predate the European settlement of South Africa and parts of Palestine now called Israel. It was in or near Africa that the people now referred to as Jews entered the pages of history for the first time. Like all people who came into Africa from other countries, they took more from Africa than they gave.

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Small Jewish settlements at what is now Capetown, and other parts of South Africa developed in the seventeenth and eighteenth centuries. On 17 September 1828, the Zulu King Tshaka granted Nathaniel Isaacs the use of a large tract of land for himself and the Jewish people. This was a gesture of friendship from the powerful king who was assassinated by two of his half brothers before the end of the year 1828.

The discovery of diamond and gold in South Africa profoundly affected the economic status of the Jews. They had a tradition of dealing in precious minerals. From the eighteenth hundreds to the present time the Jews of South Africa have been closely related to the marketing of gold and diamonds.

The politics of Zionism in South Africa is mainly a vintage of the twentieth century. This was for many years a quiet relationship with no appreciable international attention. The so-called Six Day War in 1967 changed this picture and made a larger number of people examine Zionism in general, as a world-wide political force.

In the ten years after the independence explosion starting in 1957 with Ghana, the new State of Israel had more goodwill in Africa than any other white controlled nation. By November 1973, most of this goodwill had been lost and nations of Africa, like the Ivory Coast, Ethiopia, Zaire, and Liberia, otherwise considered Conservative, had broken off diplomatic relations with the State of Israel. There are many factors involved and the assumption is that Arab influence is the main one. That is not true. The main reason for the break, and the change of minds and hearts among African States is Israel's long relationship with the apartheid régime of South Africa. There are, of course, many other factors. The Africans seemed to have been slow to learn the fact that the Israelis in Africa were no different than other whites who wanted to control the resources of this vast continent, by any means necessary.

The land question in Zimbabwe did not disappear with the "peace" accord between the British Government Patriotic Front. The roots of the conflict over the land are deep. What is now Zimbabwe was once a well-run independent country. In 1870 when Lobengula became King the Zulu wars against the British were not over and the British settler designs on African land was intensified after the discovery of gold and diamonds in South Africa. The British used a missionary, Rev. Moffatt to get Lobengula to sign a treaty which gave the British the right to exploit the land and establish farms and settlements. Lobengula did know that the treaty went that far. In 1870 parts of Mashonaland, later to be called Rhodesia, was occupied by an expeditionary force of mercenaries funded by the British Africa Company. It did not take long for white settlers to evict the Shana people from their land. In this case they did not buy the land, they took it. The Africans in large numbers were forced off the land. Others were brought in to work the land. Many Africans were forced off the land to see, work to pay the heavy British taxes. White political power was consolidated by the unequal tenure and the allocation of land, by white control over the labour power of the Blacks. White workers had a monopoly on skilled jobs and the trade unions. In her article, "From Rhodesia to Zimbabwe", Marion O'Callaghan states that: 21/

"Land became more important for the settlers as the hopes entertained by Cecil Rhodes of vast mineral wealth receded. The result was the continuing appropriation of African land from the 19th century on. Indeed, between 1936 and 1959, according to a Rhodesian Select Parliamentary Committee on Resettlement (1960), over 113,000 Africans were compulsorily removed from 'white' farming area.

By 1969, 250,000 whites had legal rights enshrined in the Constitution to 44.95 million acres, while 5 million Africans had the right to 44.94 million acres."

The areas in Rhodesia, where the Africans lived, that the Europeans called reserves, were the same as what the Boers in South Africa called Bantustans. Taxes and the need for basic items of food and clothing forced the Africans to leave the reserves and work on European owned plantations or in the cities. The pay was poor in both places. The pattern for education followed along the same lines as the division of the land. Two hundred seventy-five whites got the same appropriation as 6 million Africans. These are the conditions that led to the war for independence.

In Kenya, land hunger among the Kikuyu people led to the Mau Mau uprising and stimulated the fight for independence. 22/

My point in digressing from the land question in Palestine is, this question cannot be seen, or answered, in isolation. What is called Israel, and the rest of Palestine is a part of an international problem, created by colonialism and its handmaiden - capitalism. This is a European problem imposed on the Arabs in Palestine. The accompanying propaganda and mythology about who has a right to the land in Palestine now, and who had that right in ancient times goes on in spite of a large body of scholarly writing that has set the record straight, years ago. Many people who are sympathetic toward Israel do not agree with their treatment of the Arabs and their settlements on land formerly considered Arab land.

Dov Ronen, a research associate of the Center for International Affairs at Harvard University made the following comment on this subject in the April 5, 1980 issue of The New York Times:

"I am an Israeli who does not support Jewish settlements in the West Bank, nor the opening of a yeshiva in Hebron. I personally do not claim sovereignty over Judea and Samaria on the basis of a biblical right, nor do I consider Israel's sovereignty there essential to our national security in all circumstances. Furthermore, although I would oppose any plan to redive Jerusalem, I can envision a new administrative arrangement in the city that would address and seek to satisfy Moslem and Palestinian aspirations.

Having studied the issue of self-determination in world politics, I recognize this as a right that the Palestinians must be accorded. The Palestinians should have the right, both in principle and in practice, to control their lives and not be ruled by Israelis or anyone else. If independent statehood rather than 'mere' autonomy is what they want, I for one support their quest for statehood."

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In spite of strong Jewish voices, such as, Moise Menuhin, Ahad Ha'am, Martin Buber, Albert Einstein, Alfred Lilienthal, Israel Shahak and I. F. Stone, speaking out against the Zionist treatment of the Arabs and the settlements on Arab land, the expansion of Israel at the expense of the Arabs continued. Also continued is the attempt to justify this expansion on the bases of Bible texts.

On this point the Jewish-American writer, I. F. Stone has this to say: 23/

"These contradictions now play their part in the efforts at peace in the Middle East. At one end of the spectrum the Bible preaches justice and universal brotherhood. At the other end it contains some of the most primitive and blood-thirsty ethnocentric teachings in human literature. So Menachem Begin, Israel's fundamentalist prime minister and the religious parties on which he depends for a thin and precarious parliamentary majority, claim that they cannot give up the West Bank because God gave it to the Jews.

This can, of course, be supported from Bible texts. Indeed, if we are to go back to a literal reading of Holy Writ for guidance in the Middle East conflict, the religious ultras of the Israeli community can find much else along the same lines, and in the same direction, though carried to lengths that would make even the most fanatical among them quail. It is, of course, true that in the final chapter of Numbers God gave the whole of Canaan west of the Jordan to Israel. But if the Word of God is to be taken literally, those who now dwell on the West Bank may tremble. For only three short chapters earlier, the Lord says "ye shall drive out all the inhabitants of the land from before you, destroy their holy places and 'dispossess' them.

Nor is that all. Numbers 33 ends with the fiercest warning of all if the children of Israel do not dispossess the inhabitants, 'I shall do unto you, as I thought to do unto them.' If the Jews do not drive out the Canaanites, God will drive out the Jews. This is the harsh theology of depopulating a land to make room for one's own."

Palestinian leaders and organizations in the United States say Israel is trying to remove all vocal opposition to the Camp David "autonomy plan", by expelling Palestinian Mayors in the occupied territories or forcing them to resign.

I will conclude this paper with I. F. Stone's warning, relative to this situation:

"Some people have been cooking up a brew that could poison the peace not only of the Middle East but of the world. It is the duty of the American Government and American-Jewish leadership to use their leverage, financial and political, to put a stop to this criminal concoction before it is too late. Begin, characteristically, chose this moment to announce 10 more settlements on the West Bank. As usual, he promises these will be the last, Israel and Palestine, says his opponents on the right would prefer a military takeover of the Israeli Government. Only recognition of the Palestinian right to self-determination can revitalize the peace talks and avert the slide to catastrophe."

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HUMAN RIGHTS AND THE INALIENABLE RIGHTS
OF THE PALESTINIANS

The Legacy of Modern Imperialism

Tilden J. LeMelle

The current problems surrounding the conflict over the human rights of the Palestinian people have their origin in the violations of human rights attendant to modern European imperialism. Indeed, when one looks about the globe, whether at the hand of a ruthless domestic oppressor or a foreign oppressor, the glaring violations of human rights are largely the product of the upheavals and instabilities left by a dying European imperialism. The recent war in South-East Asia and the continuing violence after the defeat of Euro-American imperialism in that area is one classical example. The international racial wars in southern Africa and the continuing racial struggles in Namibia and South Africa are another. In both instances as well as in others, that imperialism took the form of colonialism - the imposition of an alien order on an indigenous order - creating a dominant/subordinate relationship between alien and indigenous peoples. In addition, the ideological justification for that imperialism rested on the belief in the inherent racial and ethnic superiority of the colonizer.

Change in the dominant/subordinate relationship - the achievement of parity and/or dominance (status quo ante) by the indigenous group - has required violence or the threat of violence. Given the myth of racial and ethnic superiority informing the relationships, the attendant violence has been characterized by the violence of race and ethnic conflict. The Palestinian issue is bound in such a legacy.

The violation of human rights, whether couched in the legalisms of domestic and/or international law, begets violations of human rights. It should be axiomatic to this generation of humankind that modern imperialism - the imposition of an alien order on an indigenous order - inevitably leads to disorder. The politics of disorder inevitably leads to violations of human rights.

The Palestine issue of our day and the gross violations of human rights endemic to that issue are rooted in two successive imperialisms: British imperialism and Political Zionist imperialism. The former resulted from the dissolution of the Ottoman Turk Empire; the latter from the dissolution of the British Empire. The legacy of imperialism, however, continues and the human rights of the Palestinian people are sacrificed to that legacy.

Human rights: the problem of definition

The primacy given to the place of human rights since the Second Great War would lead one to believe that not only is there a clear definition of what human rights are, but that there is also universal acceptance of that definition. Nothing is further from the truth. Assumedly, human rights are rights that derive basically from one's uniqueness as a human being - a uniqueness that distinguishes a human being from all other beings created or man-made. A further assumption is that, regardless of the accident of culture, sex or race, all human beings individually and collectively possess those basic rights inherently solely by virtue of being human.

While there may be little if any quarrel with the foregoing assumptions, there is no universal agreement on what those specific basic human rights are. Expectedly, the differences derive from the differences in the cultural and historical context in which basic human rights have been established. An investigation of the differences, however, seems to indicate difference in focus or emphasis and in processes for guaranteeing and preserving human rights than in a rejection of human rights. In what is usually termed the "Western" tradition, the emphasis is on the right of the individual. In the "Southern" and "Eastern" tradition, the emphasis is on the responsibility of the individual. The former isolates the individual and creates a dichotomy between individual and collectivity. The latter incorporates the individual in the collectivity and posits the preservation of rights through mutual responsibility. Thus, in both instances the rights of the individual are acknowledged, one exclusive of the collective, the other inclusive of the collective.

Regardless of the focus and emphasis, if human rights derive from the fact of membership in the human race, however they are specifically defined and codified, they must include the right to spiritual, emotional and material fulfillment. Simple justice requires it. One cannot have been born with innate spiritual, emotional and material needs and the faculties for pursuing and fulfilling those needs only to have them defined into or out of existence. The existence of human rights is not and cannot be dependent on definition. They derive from the essential nature of the human being. As a matter of fact, the catalogue of basic human rights listed in the many domestic constitutions, in the Universal Declaration of Human Rights, in the several covenants that have become a part of the Corpus of International Law can all be subsumed under the three categories of spiritual, emotional and material rights. The real problem of human rights is one of specific identification not definition and stems from politics and law in regards to enforcibility and sanctions.

To put it another way, the real problem in issues of human rights stems from the confusion surrounding law and justice. The former is always a reflection of the will of the strong and is the end product of the political process. The latter derives from the basic human instinct for fair play. In the former, the will of the strong may be represented in the values and interests of a single tyrant, a dominant minority or oligarchy or a majority. And the effectiveness of law resides in the ability of the strong to enforce its law. Justice, however, is dependent on the commitment of and willingness of the strong to enforce fairness. Because law is a function of power, and justice is a function of the will to be just, it is only when the will to be just combines with the will and ability to enforce justice that justice prevails. The emphasis on exclusive individual rights in some human traditions and the emphasis on inclusive collective responsibility in other human traditions, have made both the specific identification and the enforcibility of human rights by a world organization such as the United Nations essentially a matter of international politics.

The United Nations itself reflects the contrariness of the two traditions. On the one hand the United Nations was founded on the belief in collective responsibility as an instrument for effecting peaceful resolution of conflict. On the other hand, its member nations function from the premise of the primacy

of the right of the sovereign State. Consequently, the mutuality of responsibility as between the collectivity and each of its constituent parts recedes in favour of the rights of the individual constituent. Accordingly, the resolution of conflict by the United Nations itself becomes a matter for a political solution - a function of power. And the United Nations more often than not has been an arena for the playing out of international politics than an instrument for the carrying out of collective responsibility.

The Palestinian question and human rights

It is in the context of the foregoing that the issues relating to the human rights of the Palestinians have been played out. What those rights are have been clearly identified in the United Nations Charter (1945), the Universal Declaration of Human Rights (1948) and the Geneva Conventions (1949). Further cognizance of the rights of the Palestinians has been taken in the many resolutions of the United Nations condemning the violations of Palestinian rights by the State of Israel.

Among the rights applicable to the Palestinians, the Universal Declaration of Human Rights lists the rights to life, liberty, security and property. Of the four Geneva Conventions of 1949, the convention relative to the Protection of Civilian Persons in Time of War is particularly relevant. Article 27 provides that civilians have a right to respect for their persons and honour, the rights of their family, their religious convictions, their culture. Article 32 prohibits murder, torture and corporal punishment. Article 33 forbids collective punishment such as intimidation, pillaging and reprisals. Article 49 protects against individual or collective deportation and forcible transfers of people. And Article 53 forbids destruction of personal or real property. Israel and the Arab States among others were signatories to this Convention.

Of all of the human rights of the Palestinians which the several declarations, covenants, etc., of international law purported to protect, none is more fundamental than the right of self-determination. The right of self-determination as distinct from the inter war principle of self-determination has come to mean the right to full self-government. Article 1, paragraph 2, of the United Nations Charter specifically links the right of self-determination to the equality of all peoples. Equality of all peoples admits of nothing less than the right to full self-government. 1/

Although other rights might accrue to the Palestinians by virtue of their being human beings, the United Nations has clearly recognized their inalienable right as a people to "national independence and sovereignty in Palestine" and saw the exercise of that right as essential to any effort to achieve a lasting peace in Western Asia. 2/

Any action, therefore, obstructing the return of the Palestinians to full self-government in Palestine or the free pursuit of the fulfilment of their spiritual, emotional and material needs in Palestine is a violation of the human rights of the Palestinians under the United Nations Charter, the Universal Declaration of Human Rights and International Law.

The legacy of imperialism and Palestinian human rights

Although much attention has been given to the human rights of Palestinians since the Jewish State came into existence on May 15, 1948, as pointed out earlier, the issue of Palestine and the violation of Palestinian human rights had their origins in nineteenth century European colonialism. That colonialism was one through which Europeans arrogated to themselves the right to control the destiny of other peoples and exploit the wealth of the world. It was a colonialism that was informed by the De Gobineauan ideology of whiteness and the assumption of the inherent superiority of European Christian civilization over all others. Armed with the Social Darwinistic conviction that it was God's will that white Christian men should rule the world, they set out to impose their own order on the "wards of civilization".

In the broad sweep of the history of mankind, the shortlived domination of the Asian and the African by Western Europeans will be seen as but a passing moment. For the people who lived and died under that domination, however, it was a lifetime.

For the Palestinians, that colonization started with the mandating of Palestine to Great Britain under Article 22 of the Covenant of the League of Nations (June 28, 1919). The language of the article is instructive as it reflects all of the assumptions and beliefs that justified European colonialism in the first place.

"To those ... territories ... 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 ...

"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 geographical position can best undertake this responsibility."

Although the Palestinians were not considered able to stand by themselves and in need of tutelage by a European people, they were considered to be more advanced than Africans and other Asians and were listed in category "A" mandates. Those considered to be less civilized were categorized as "B" and "C" mandates.

What was unique about the Palestine Mandate, however, was that it also included the elements of the Balfour Declaration of November 2, 1917 calling for the establishment in Palestine for a "national home" for Jewish people. Articles 2 and 6 of the mandate provided both for the establishment of a Jewish "national home" and for facilitating "Jewish immigration under suitable conditions". Approved by the League of Nations on July 24, 1922, the terms of the mandate set the stage for almost a half century of continued conflict between Jews and Arabs in Western Asia and Northeast Africa. That conflict has led to several major wars, loss of thousands of lives and has spilled over into countries around the world affecting the free pursuit of human rights of millions of people.

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Through the Palestine Mandate, the Supreme Council of the Allied Powers and the League of Nations gave international legitimacy to a dual colonization of an Asian people by Europeans. For, the Jews for whom immigration to Palestine was made legal were largely European nationals, citizens of European countries. The founder of political Zionism, Theodor Herzl, was an Austro-Hungarian journalist. Article 4 of the Mandate provided for Herzl's Zionist Organization to be the appropriate Jewish Agency "for the purpose of advising and cooperating with the Administration of Palestine ... and to assist and take part in the development of the country".

In effect the League of Nations established two Mandatory Powers in Palestine - Great Britain and the Zionist Organization. Thus, a political organization which represented no Government, no single nationality group, was effectively given the authority to function as a co-mandatory power.

The question about what or whom Herzl's Zionist Organization really represented and the question as to whether persons subscribing to the Jewish religion are a nation, a people or members of a religious faith have been argued extensively. 3/

That Herzl and other leaders of the Zionist movement saw themselves essentially as a colonizing political organization to further their own and the interests of "gentile zionists" of Europe has been extensively documented by Professor Abdelwahab M. Elmessiri. 4/

Further, the fact that, though a minority, the Askenazi or European Jew from the beginning of Israel as a State have dominated in all political and economic institutions of the country. The attitudes of the founders and leadership of Israel clearly demonstrates their perception of Israel as a European country geographically located in Western Asia. The Oriental and Sephardic Jew was viewed as "a race the likes of which we have not yet known in this country. You will find among them dirt, card games for money, drunkenness and fornication. Many of these suffer from serious eye, skin and venereal diseases, not to mention immorality and stealing. 5/

More directly, when Israel applied in 1966 for membership in the European Economic Community, the justification offered by Pinhas Sapir was: "Israel belongs to Europe - culturally, politically and economically - despite her being situated in the Middle East geographically." 6/

Similar expressions were oft repeated by leaders such as Ben Gurion, Golda Meir, Abba Ebban and Moishe Dayan. The leaders of and apologists for political Zionism have left no doubt that the State of Israel was to be a European State. The mandate of the League of Nations was but the instrument to accomplish the creation of Israel as a European outpost in Asia - in which even the non-European Jew was to have a subordinate status. The subsequent and continuing colonization of Palestine and the denial or restriction of equal opportunity to all but the Jew of European descent has borne out that intention.

As the instrument for legitimizing the imposition of a colonial order on

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Palestine, the mandating of Palestine was in se a violation of the human rights of the Palestinian people. Even if one were to accept Article 22 of the Covenant of the League of Nations as a practical exercise of responsibility by the Allied Powers after the Second World War to ensure international peace and security, the mandating of Palestine violated that Article. Article 22 granted that Palestine and "communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized". As a class "A" mandate, all that the League envisioned was "the rendering of administrative advice and assistance by a mandatory until such time as they could stand alone". The Palestinian Arabs rejected any kind of advice and assistance and demanded immediate and full independence. 7/ They were, however, willing to accept a United States mandate. The provision of Article 22 that "the wishes of these communities must be a principal consideration in the selection of the mandatory" was ignored. Thus, not only the human right to self-determination and independence was denied the Palestinians, but the legal right to have their wishes considered was denied. They were not even consulted in the matter.

From Mandate to partition

The implementation of the British Mandate of Palestine not only continued the imperial legacy of the denial of the human rights of the subordinate Palestinians, but fixed that subordinate status so that it continues today. British rule of Palestine during the Mandate period is instructive not only in how colonialism erodes the human rights of colonized peoples, but in the feebleness of British colonialism where the indigenous population could not be coopted as an administrative and policing buffer - so-called "indirect rule". Thus, from the very beginning of the mandate, British "order" led to increased disorder and the human rights of the Palestinians were sacrificed in the disorderly process.

The disorder of British colonialism in Palestine derived from the inherent incompatibility between the Mandate's provision to establish a "Jewish national home" and "self-government" for the indigenous population of Palestine. The two were mutually exclusive and could only lead to gross violations of human rights of all parties to the conflict. Unfortunately for the Palestinians, the balance of power weighed in favour of the alien Jewish population who were brought into Palestine as co-colonizers. It was primarily through the British policy of almost uncontrolled immigration of Jews into Palestine that Palestinian human rights were violated. That the leaders of political Zionism intended to drive the Palestinians out of Palestine and made their intent clear to British leaders is well documented. 8/

By the 1940s the goal of transfer of the Palestinian population to other Arab countries was an accepted and known fact. Only after the first open and violent reaction of the Palestinians in 1936-39 did the British make an effort to control the immigration of Jews and act on the Mandate "to secure the development of self governing institution". Palestine was to be granted independence in 10 years and Jewish immigration over the next five years was to be limited to 75,000 and thereafter only with the consent of the Palestinian Arabs as the indigenous majority population.

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Recognizing the impossibility of reconciling the conflicting interests of Jews and Palestinians, the British abandoned any attempt at reconciliation and proposed first a partition of Palestine between the two groups and limiting British administration to enclaves around Jerusalem and Bethlehem. With the outbreak of hostilities in Europe in 1939 and the need to protect the Suez Canal and the Red Sea, that partition plan was modified to creating a federated like state comprising an Arab, Jewish and neutral zone. This plan persisted until after W.W.II and tens of thousands of illegal Jewish immigrants entered Palestine exacerbating tensions between Palestinians and Jews.

The British realized that they were no longer capable of administering Palestine and in February 1947 asked the United Nations to find a solution to the Palestinian problem. Having rejected in its Biltmore Program of May 1942 the ambiguity of the "national home" concept of the Balfour Declaration, the World Zionist Organization declared it would accept nothing less than an independent Jewish State in Palestine. The Arabs demanded an independent Palestinian state. Any semblance of order broke down and Jewish terrorist tactics increased under groups like the Stern Gang and Irgun headed by Menachem Begin. The massacre of 300 Palestinian civilians at Deir Yassin on 9 April 1948 epitomized the efforts of the political Zionists to drive out the Palestinians in preparation for an independent Jewish state.

The resolution for Partition had been adopted by the United Nations General Assembly on 29 November 1947. The United Nations Palestine Commission established to effect a transition to independence for the two states was denied entry by the British into Palestine. The Commission sought from the Security Council a United Nations military force. The request was denied and a U.S. resolution to enforce partition was accepted. Hostilities increased. April 1, 1948 the Security Council asked the Secretary-General to consider the question of the future government of Palestine. April 19, the General Assembly met to consider establishing a special trusteeship status for Palestine. May 14, 1948, the General Assembly abolished the mandate and authorized appointment of a United Nations mediator. On the same date, May 14, 1948, the British withdrew from Palestine. The Zionist leaders in Palestine unilaterally proclaimed the birth of the state of Israel and minutes later the United States recognized Israel as a sovereign and independent state while the U.S. representative at the United Nations, Philip C. Jessup, under instructions, was speaking in favor of a temporary trusteeship for Palestine. As should have been expected all out war broke out between the Jews of Palestine and the Arab states. European colonialism had won the day and the human rights of millions of people in Western Asia and Northeastern Africa were sacrificed for political gain.

What is significant about the degeneration of events leading up to the Jewish Unilateral Declaration of Independence in Palestine in terms of human rights is that the existence of laws purporting to safeguard human rights were disregarded or bent to serve crude political ends. Human rights - the right of all human beings to seek spiritual, emotional and material fulfilment - were denied those not strong enough to ensure the protection of those rights for themselves. In a world in which rights are defined to exist in a vacuum - in a non-associational context - there is not and cannot be any guarantee except that

derived from power. The notion that an individual has certain inalienable and inviolable rights is a noble but futile one without the power and the will to guarantee those rights.

First of all, the concept of the individual (and the corollary concept of the collectivity) derives from the belief in and abstraction of the indivisibility of human nature as a composite of animality and rationality - body and soul. That it now has the meaning of singularity in some cultures results from those cultures' attempt to give the human being a uniqueness distinct from other beings. The attribution of that same singularity to distinguish one person from another is to say that that which distinguishes man from non-man is the same as that which distinguishes man from man. The conclusion of the obvious illogic is that each man is a universe unto himself. To further base human rights on a concept of each "individual" as a universe unto himself is to isolate human rights and give them an existence that contradicts reality. For, no human - individual - exists except in some kind of relationship with other human beings. Therefore, an individual's rights exist only in the context of a relationship to other individuals. Thus, it is meaningless to speak of a recluse in the desert as having rights. He has none.

The import of the foregoing is that the premises that inform discussions on human rights tend to imbue rights with a certain exclusivity that pits the rights of one individual against the rights of another individual and the rights of an individual against the rights of the collectivity. The expression: "Your rights end where my rights begin" is reflective of that conflictual exclusivity - a false dichotomy.

On the contrary, the concept of responsibility inherently implies a responsive relationship between individual and individual and individual and collectivity. The concept of responsibility tends to focus on reconciliation rather than conflict and emphasizes mutuality of interests rather than an adversary relationship. The application of the foregoing to the Arab/Jewish conflict does not mean that there would not have been a conflict of interests between the two groups. The clash of values and/or interests is potentially present in all human relationships. That is the stuff of politics and the impetus for the ordering of individual and group behavior in any gathering of two or more human beings. It may, however, have given greater force to the action of those who sought a fair and just resolution to the conflict.

As a matter of fact, had European Christians been responsible, there probably would not have been such a burning desire on the part of Jewish citizens of Eastern and Central European states for escape to some "homeland" identified in the Bible as the place where ancient co-religionists ruled for a brief period of time almost 25 centuries before. The human rights and civil rights of European Jews were violated by their own governments and fellow citizens, not by the Palestinians. The responsibility for restoring and protecting those rights rested with European Christian dominant governments. In the rights vs rights context of the European tradition, given the overwhelming power disparity between Christian and Jew in Christian societies, the Jew could not win. Wanting to rid Christian

society of Jews, the rights of Jews were pitted against the rights of Moslems in Palestine where the Zionist "homeland" ideology meshed well with the Christians' own sentimental reading of the Bible. Reducing the Jewish and gentile Zionist vs Palestinian Moslem conflict to a political solution based on rights alone, abandoned the latter to the good will of the combined power of the former.

The real human rights tragedy of the conflict over Palestine is that neither Jew nor Moslem Arab emerges the victor. The temporary victor has been the original colonizing powers of Europe. Europe has gotten rid of most of its Jews and the assimilated European Jew in Palestine has been the eager instrument of that modern Exodus. Both Jew and Palestinian have been the victim of the same discrimination endemic to the European Colonial legacy.

In view of the current political realities (the existence of both Jews and Moslem Arabs in Palestine), hope for a final solution to the Palestinian problem may rest only in the principals to the conflict recognizing that they are mutual victims of the same historical phenomena. That will require acceptance of present mutual rights (historically legitimate or not) and mutual responsibilities and starting anew. Palestinian Jews and Moslem Arabs have lived in peace in Palestine before.

That may also mean that the Europeanized Jew will have to make a choice between Europe and Asia. The responsibility of the Euro-American will be to accept a Palestinian solution arrived at by true Palestinians - Moslem Arab and Jew. A continuation of the pursuit of the dream of political Zionism - gentile and Jew - can lead only to continued violation of the human rights of Palestinian Jew and Palestinian Moslem Arab.

NOTES

1. W. Ofuatey Kodjoe, The Principle of Self Determination in International Law, New York: Nellen Publishing Company, 1977, p. 161.
2. General Assembly Resolution 194 (III) 11 December 1948; General Assembly Resolution 3326 (XXXIX) 22 November 1974; General Assembly Resolution 3376 (XXX) 10 November 1975; General Assembly Resolution 31 (XXXI) 29 November 1976.
3. Cf. Nathan Feinberg, "The Recognition of the Jewish People in International Law", Jewish Yearbook of International Law, 1948, pp. 1-26.
W. T. Mallisan, Jr., "The Zionist-Israeli Juridical Claims to Constitute 'The Jewish People' Nationality Entity and to Confer Membership in It: Appraisal in Public International Law", The George Washington Law Review, Vol. 32, 1964, pp. 983-1075.
4. Abdelwahab M. Elmessiri, The Land of Promise, New Jersey: North American, Inc., 1977.
5. Michael Selzer, The Aryanization of the Jewish State, New York: Black Star, 1968, p. 50.
6. Selzer, Ibid., p. 70.
7. M. Cherif Bassiouni, The Palestinians' Rights of Self-Determination and National Independence, Association of Arab-American University Graduates, Information Paper No. 22, December 1978, p. 10.
8. Elmessiri, Ibid., pp. 127-143.

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HOW THE PALESTINIANS BECAME REFUGEES:
DENIAL OF BASIC HUMAN RIGHTS

Hawa Sinare

Introduction

The scope of this paper is restricted in many ways. It must be short and concise so as to be presented within preferably 30 minutes. At the same time it must give as much information as possible about the Palestinian problem generally and the sufferings of the Palestinian refugees specifically, within its historical development. It is a paper which has to demonstrate the sufferings of the Palestinian refugees of the past 33 years of exile in a few pages. For those reasons this paper can hardly be comprehensive.

Yet we cannot analyse the Palestinian refugee problem in isolation from the totality of the Palestinian question. Nor can we analyse the problem in ignorance of the salient historical factors that are woven around it. These factors inevitably paved the direction towards which the Palestinian problem particularly the refugee aspect of it, has taken.

This paper therefore sets to analyse two main issues. The first, is to give a brief historical development of the Palestinian problem, to demonstrate that the migration of the Jews is not different from the migrations of other peoples in the world. The second, is the core of my paper, namely to examine the problem of Palestinian refugees resulting from the establishment of Israel as a Jewish State and the subsequent evacuations, dispossession, confiscation of land and other property and wanton massacres which led to the flight of thousands of Palestinians from Palestine.

Historical Background

Regarding the Palestinian problem, the world community is caught in a whirlpool, mainly of its own making (63 years ago) which has taken more than 3 decades, (might take more) to grapple with. It has taken year after year by the Palestinians and lovers of peace and justice all over the world to bring to the world's attention the suffering of Palestinians, of those displaced and homeless, tortured and degraded but struggling for their rights; their basic human right to self-determination. It has taken more than 2 decades for these people and progressive forces in the world to break the conspiracy of silence, the war of indifference and the chill of hostility towards the Palestinian problem. Most people in the world are beginning to accept that the Palestinian people are suffering, are displaced and that they have basic human rights which must be realised. Yet the solution so-far by the United Nations seems unpracticable and partly unacceptable to the Palestinians, the objective solution becomes repelling as it spells danger to vital economic interests of some countries, but it becomes impossible to ignore the inalienable rights of the Palestinian people. Hence the whirlpool which has rendered any decisive solution by United Nations ineffective.

The Jewish State - Israel - was the creation of mainly well-off educated Jews with the material assistance of practically almost all the major European countries including the United States. The justification for establishing a national home for Jews by dispossessing, evacuating and massacring the Palestinians, confiscating Palestinian property including land, initially took a religious stand but as it slowly lost ground, the justification has increasingly become "self-defence" "right of secure border" and "right of existence". On deeper analysis, we find out that the justification is neither the one nor the other.

From the many resolutions of the United Nations, we have identified a qualitative change in the form of the resolutions. The early 1948-1974 resolution tended to ignore the Palestinians' right to self-determination and the establishment of their national home in the whole of Palestine. Until 1967, the resolutions mainly referred to refugees and not to the Palestinian people. The United Nations recognized the right of return of the refugees to Palestine to live in peace under Israel rule. This is reflected in the General Assembly's resolutions of 11 December 1948 and 11 May 1949. After the 1967 war during which Israel expanded her territory, the wording of the subsequent resolutions changed. Israel was called upon to return territory occupied since then and a tone of warning to the effect that, Israel should not be attacked after that. This is reflected in resolution 242 of 1967 which effectively ignores the Palestinians. It was subsequently reaffirmed by resolution 338 of 1973. From 1974, there was a change in the quality of the resolutions. The Palestinian problem was identified as the core of the Middle East conflict and their inalienable rights were identified and recognized. A committee on the Exercise of the Inalienable Rights of the Palestinian People was established by the General Assembly in 1975, and resolutions 3375 and 3236 of the General Assembly provided that the PLO shall participate on equal footing with other parties in all deliberations, efforts and conferences on the Middle East held under the auspices of the United Nations.

In 1977, the General Assembly established Special Unit on Palestinian Rights within the United Nations Secretariat which is enjoined to prepare and promote publicity of the United Nations resolutions on Palestine and the activities of the Palestinian Rights Committee and other United Nations Agencies.

Certainly this is a very significant advancement for the Palestinian people. There are obvious factors that facilitated this change. One, is the realization by the Palestinians that the liberation of their country is the obligation of the Palestinians themselves particularly, and that of the Arab countries and other peace-loving countries generally. Secondly, the United Nations of 1977 is quantitatively and qualitatively different from today's. Of the 156 member countries, about 120 comprise the so-called developing countries who support the cause of the Palestinians. However, the decisive influence of the West European countries and the United States in the United Nations results into the ambiguously worded resolutions like the resolutions of 1967, 1973, of 22 November 1977 of the United Nations General Assembly - recognizing the inalienable rights of the Palestinian people of self-determination, return and to establish a Palestinian state in Palestine while in the same resolutions, Israel's right of existence is maintained.

Contradiction

If the creation of Israel meant the massacres of hundreds of unarmed Palestinians and the confiscation of their land and other property, how can the inalienable rights of the Palestinians be realized without affecting Israel as a State and its alleged rights over Palestine? This is a contradiction which struggle and time will solve the way the Vietnam, Angolan, Mozambiquan, Zimbabwean and other questions under domination and oppression were solved.

Jewish Migrations

The migration of Jews to Europe, Russia, America, France, Austria, Hungary and Britain, was not basically different from the migration of other peoples in the Middle East and elsewhere in the world. Their migration like that of other people was motivated by economical rather than religious or racial factors. The economic and social developments of eastern Europe and the United States from the feudal to the capitalist modes of production affected the ways by which the Jews were treated and hence their migration from one European country to another. Nor did these developments affect the Jews alone. The well known religious wars in Europe which shook Europe for 30 years, led to the prosecution of Catholics in Protestant countries and Protestants in Catholic countries and the migration of peoples all over Europe.

The Jews, however, had one peculiarity. Wherever they went they maintained their identity and tradition, including, group life. They were like many other immigrants, known for hard work and skill in finance management. The impoverishing effect of usury both to the serfs in Europe and the landed gentry led to hatred against usury. It is significant to note that usury dissolved the feudal natural economy by dispossessing the peasants and the serfs and accumulating wealth, thereby laying a foundation on which a later stage of development was built - the capitalist mode of production. Hatred against usury, turned to be hatred against the Jews.

In Britain for instance when the Papacy still reigned, it was unchristian to practice usury. Most Christians could not therefore practice usury. Jews were not affected by the roman laws being non-Christians. They practically were the userers. They lent money to kings and the landlords besides the serfs. Consequently, they obtained royal monopoly to finance and trade. In Britain, the Jews formed the majority of the merchant class before the growth of the local merchants. The restrictions to trade which inhibited the growth of the local merchant led to struggles against them which meant struggle against the Jews. Yet the struggle was between the old feudal restriction to trade and for the development of mercantilism. That against the Jews was only consequential.

The forces of history that were against feudalism and the privileged money lenders were consequently directed against the Jews. They were subject to persecutions, discrimination and mistreatment. In Tsarist Russia, the Jews were restricted to the ghettos and could not join certain professions. In Britain the hatred of Jews can be reflected in the not infamous Shylock in the "Merchant of Venice", by Shakespear. Thus thousands of Jews left Europe for the United States around 1881. By 1930, over 3.5 million Jews had migrated

mainly from Russia, Austria, Hungary, Rumania and Britain to France and the United States and some 200,000 went to Palestine. It is significant to note that the 17th and 18th Centuries was a period of nationalistic sentiments all over Europe. Movements in different parts of Central Europe, struggled for the establishment of nation states. These demands were in keeping with the needs of industrial production and development which was at its initial stage. The struggle to establish nation states meant also the creation of entities within which trade was unrestrictedly facilitated rather than hampered. The nationalistic sentiments led to hatred against foreigners including Jews, especially when they migrated by thousands. Much was the hatred against the Jews that the United States and France upon attaining independence and the establishment of a republic respectively, declared that Jewish citizens to hold equal rights as other citizens.

During this period, the Jews mainly because of being maltreated, advocated their own nationalistic sentiments. Being scattered all over Europe and the United States, the Jews had only rights of citizenship. They could not claim any part of Europe or the United States as their own for the purpose of establishing their own national home. Hence the search for one. In 1903 Britain offered Uganda but it was rejected. Their conviction that they should establish a national home for themselves was increased by the massacres of Jews in million by Nazi Germany in the second part of the 19th hundred. By that time, Palestine had been identified for the Jews. Yet the Jews who migrated to Palestine were the elite, militarily trained and rich. It has become a home for the rich European Jews not for every Jew.

Preparing Palestine for the European Jews

As far back as 1897, Herzl who was among the champions of Zionism called a congress at Bâle. The objective of the congress was to lay a foundation stone for the establishment of a Jewish national home in Palestine. 1/ Many subsequent congresses of Herzls' type were held. Finally, a Zionist agency was formed to collect money and establish a fund for that money. 2/ Contributions, donations by rich European Jews like Rothschild and others were easily granted. The money facilitated the purchase of large tracts of Palestinian land.

Mainly due to Jewish pressures in the United States, France and Britain and the European countries, Britain managed to conclude the Balfour Declaration of 1917. Immediately France in June 1917, Italy in 1918, the United States in 1918 and Greece and Japan around this time, endorsed the Balfour Declaration. The Declaration recognized the right of the Jews to a national home in Palestine. Palestinians' protest against the declaration is reflected in the illusory guarantee by the same declaration that non-Jewish Palestinians should not be prejudiced. Logically and practically, the implementation of the first meant the denial of the latter. In 1922 Britain was appointed by the League of Nations (the Jews had submitted a memorandum in favour of a British Mandate) to be the mandatory power over Palestine.

The Mandate instrument was drafted by both Weizman and one Benjamin Cohen both known Zionists. Article 1 of the Mandate stipulated for a so-called right of Jews to establish their national home. Article 2 recognized Britain as the mandatory power. The following clauses were added to the mandate document, Article 3.

1. "in the administrative, political and economic fields, Palestine must be prepared for the establishment of a Jewish national home."

To achieve this end the instrument provided that:-

2. "it will be necessary to encourage Jewish migration and secure their settlement in Palestine, provided it is done without prejudice to the existing rights of the non-Jewish inhabitants". 3/

Mandate Period

Britain as a mandatory power did not hesitate to implement both the Balfour Declaration and the mandate to achieve the interests of the Jews. Immigration of Jews to Palestine was encouraged as a matter of committee policy.

Before the Declaration and the mandate, Palestine was a land on which the Palestinian Arabs and Jews lived harmoniously, albeit, under the common exploitation first by Turkish Empire and later on by Britain.

Under the mandate, Britain facilitated the migration of Jews to Palestine in every possible way. The first step taken was to dispossess the Palestinian Arabs by land purchase. Among the first estates to be purchased included Marj Ebn Amer, consisting of 13 villages from which 900 Palestinian Arab families were dispossessed. The Rothschild (taking after the Jewish millionaire) Organisation was set up and bought land worth £15 million, Kasen Kayemet Organisation, yet another one, representing the organisation of Jewish National Funds, had by 1945 purchased estates worth £20 million. 4/ No doubt the donations and subscriptions were substantial.

In addition, the mandatory power, Britain, enacted a law which deprived all landowners non-resident in Palestine of the right of tenure over their estates, the result of which Syrian citizens to which the Ottoman Empire had granted large areas of land in Palestine were compelled to sell them at low prices. 5/ The land was later sold to Jews. State and waste lands were also sold to Jews.

Of more terror to the Palestinian Arabs were the murder gangs organized by Jews, like the Stern and Irgauns, comprising young Jews, who were given military training in the West. These gangs were responsible for the massacres of the Palestinians of Deir Yassin, which spread terror among Palestinian Arabs as a result of which they fled from Palestine. 6/ Their land and other property were immediately confiscated by Jews. In the face of murders,

massacres and terror, more than 250,000 Palestinian Arabs fled from Palestine while the influx of Jewish immigrants increased. It has been recorded that as many as 400,000 Jews migrated to Palestine during the mandate period. 7/ Even before 1947, the mandate had been breached since the settlement of Jews did prejudice the Palestinian Arabs.

The subsequent Palestinian Arab resistance to the steps adopted to establish a Jewish national home was expressed in 1920 (Jerusalem), 1921 (Jaffa), 1929 (El Berak), and 1936 general uprisings. The 1936 resistance was against an influx of 200,000 Jews to Palestine. 8/ By then the Palestinian Arabs were convinced that the Jews were bent to establish a national home in Palestine. The Palestinian Arabs demanded an end to the mandate and the establishment of a democratic Palestinian state in which both Arabs and Jews would co-exist as citizens of one state. They also demanded immigration of Jews to Palestine to be suspended.

Successful events rendered the Palestinian mandate out of control. Jewish gangs attacked British installations demanding for a right to establish their own state. Britain was all this time in favour of the Jewish demands. In 1947 Britain referred the problems to the United Nations. 9/ United Nations appointed a Special Committee on Palestine to study the problem, to prepare a report on it and make recommendations therefrom. The Committee recommended partition of Palestine into two states, one for the Jews and the other for the Arabs. 10/ The Committee even submitted a partition plan in which 56% of the land was to go to the Jews who comprised 32% of the then existing population, while 44% of the land was to go to the Palestinian Arabs who constituted 68% of the population. In 1947, Palestine had 2 million people of which 2/3 were Arabs while the rest were Jews. 11/ Naturally, the plan was rejected by the Palestinian Arabs who rose to resist.

On 14 May 1948, Britain relinquished the mandate and Palestine was handed to the United Nations. On the same day the Jews declared independence and named their state Israel. Immediately, Palestinian Arabs including their brothers in Syria, Egypt, Lebanon and Jordan, went to war against Israel. This was the beginning of the war between Palestinian Arabs and Arab countries on one hand, against Israel, on the other. A war which has now taken 33 years (more than 3 decades) and has rendered millions of Palestinians, refugees.

The United Nations stand on the dispute is not hard to find. On 11 May 1949, United Nations' General Assembly admitted Israel to its membership, despite the fact that Israel had (still has) no defined boundaries, which is one of the pre-requisites of statehood. With the material backing from the western countries Israel move swiftly to capture three quarters of Palestinian land. By 1949, the Jews had captured more than 80% of Palestine, leaving 20% to the Palestinian Arabs, only to be captured in subsequent wars. 12/

From 1948-1953, about 740,000 Jews migrated to Palestine and over 370 new settlements were established, 350 of which were over previous Arab estates. Twelve Palestinian towns including Jaffa, Haifa, Safd, El Lud, Ramallah, Tiberiade, Bissane, Samah, Magdal, Bir Sheba, Chefa Amir, plus 700 Palestinian Arab villages scattered throughout Palestine were confiscated. 13/ Hence, more than 250,000 Palestinian Arabs became refugees.

United Nations called upon Israel to admit those Palestinian refugees who wished to return to their homes and pay them compensation for damaged and/or lost property. Israel rejected the resolution and maintained that she could accept only 100,000 Palestinian Arab refugees. The rest could only be paid compensation on condition that they permanently remain outside Palestine. 14/ By June 1950, about 960,000 Palestinians were refugees living in desert wilderness and receiving United Nations Assistance. 15/

In 1967, Israel attacked Syria and Egypt. Within seven days she had captured the following areas

1. the Old City of Jerusalem
2. western Bank of the Jordan river
3. Gaza Strip
4. Sinai Desert
5. the Syrian Golan Heights

and established permanent Jewish settlements in those areas. Her justification this time was the need for "secure borders". So swift was (still is) the settlement scheme that by 1973 October, there were 1,385,000 Palestinian Arabs against 2,365,000 Jews. Territorialwise Israel expanded in the like of manner. Originally Israel had 20,250 square kilometres but by 1976 Israel occupation had expanded to 88,000 sq. km. 17/

As a result of the 1967 war, the growth of refugees was 45,000 per annum. By the end of June 1967, there were 1,344,576 registered Palestinian Arab refugees. On June 1977, statistics indicated that the number of registered refugees had increased to 1,706,000. 18/ Today, the Palestinians Arabs are placed at 4 million, 1.7 million of which are refugees, 1/2 million live in Palestine and the rest in the occupied territory. 19/

II. The Palestinian Refugees

So serious were the sufferings of the Palestinian refugees that the General Assembly passed resolution No. 194, (which we have already discussed) calling upon Israel to permit the return of those willing refugees. The United Nations established in 1949, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), to help Palestinian Arab refugees who fled Palestine. The Agency began operating in 1950 assisting refugees in Lebanon, Syria, Jordan and the Gaza Strip. The Palestinian refugee is faced with many problems. First there is a restriction to the assistance available

to him because of the peculiar definition of a refugee adopted by the Agency. The Palestinian refugee is by express declaration not covered by the United Nations Convention and Protocol relating to the status of Refugees of 1951 and 1966.

A refugee is defined by the Agency to mean:

"A person having lived in Palestine for at least 2 years at the time of the conflict of 1948 broke out, who has lost his home and means of subsistence as a result of that conflict."

The criterior for a refugee was not that applied to article 1 of the convention on the status of Refugees mentioned above but whether one had first lived in Palestine for at least two years before the conflict of 1948, then whether as a result of the conflict one lost his home and his means of subsistence. Besides, the definition does not extend to persons who fled from Palestine or neighbouring Arab countries as a result of subsequent wars.

Of the 1,344,576 registered refugees in 1976, only 860,951 of them qualified for United Nations assistance. Although in 1967, the General Assembly authorized the Agency to extend assistance to other persons who were displaced and needed assistance. It was expressly declared to be an emergent and a temporary measure. Today the Agency provides assistance to Palestinian refugees in the occupied West Bank and the Gaza Strip. 20/

The 1967 war rendered more than 500,000 Palestinian Arabs refugees from Gaza, West Bank and Quneitra district of South-West Syria. Of these only 8,000 could return to their homes. Nor can a Palestinian refugee request assistance from the country of refuge for the provisions of the Convention and Protocol on the status of Refugees do not apply to him. The country of refugee can only assist him discretionarily. It will breach no provision if it discriminates him or even deports him. Although deportation to Palestine even where the refugee would likely be persecuted, discriminated against and harassed could still be done even if the provisions of the above Convention and Protocol applied, still the lack of the legal protections is by itself regrettable.

The Agency is not without problems. For the past decade, the Agency has faced financial crisis one after another, to the extent of near collapse in 1975 and 1976. In 1971 the General Assembly set up a 9 nation working group on financing the Agency. The group was not successful. By 1977 the financial shortage was so acute that the General Assembly called upon governments, as a matter of urgency to donate or grant funds to the Agency. This call has to date received slow response. Still the Agency is suffering from inadequate funds.

Attack of Refugee Camps

The Palestinian Arab refugee is not without disturbance, threat to his property and to his life. His camp is constantly a target to Israel attacks. The casualties have since 1948 to date been many the victims being mostly women and children. For instance in 1971, Israel destroyed 7,729 rooms in three refugee camps in the Gaza Strip and displaced 15,855 persons, 1,988 of whom could not be resheltered. 21/ In 1972, Israel attacked refugee camps, destroying the Agency installations and refugee shelters in camps as a result of Israel's air raid in Lebanon.

Initially Palestinian refugees were not allowed to build permanent homes, but tents. Tents are however, meant for temporary shelter. Since the Palestinian refugees have lived in tents for more than 3 decades the Agency has strived to replace tents by permanent one - roomed shelters. 22/ Still the refugee falls a victim to the extremities of the desert weather because his tent is not adequately protective. He becomes vulnerable to the cold, heat, and contagious diseases.

Jordan has since 1949 opposed the Palestinian cause. To prevent Palestinians from operating against Israel, Jordan used Police vigile and electrified barbed wire fences around the refugee camps. These are but a few of the problems that a Palestinian refugee faces.

Arab Countries

The Arab countries being rich from oil sales could go a long way towards alleviating the financial problems that the Agency is in. Instead, one Arab country fights another either actively or passively. The swiftness with which Israel captured and occupied Palestine and later on parts of Syria, Jordan, Egypt and Lebanon reflected (still reflects) the disunity among and between Arab countries. Evidence points to the fact that capitalist countries, particularly United States control most of these countries economically and politically. Iran is quite a clear case. As for Kuwait, it is said by 1972, American finance capital interests alone, in oil, amounted to 50% while in Saudi Arabia it was 100% and Iraq, 25%. 23/ The capitalist countries also determine Arab countries attitudes towards the Palestinians. Aid, loans or sales of necessary manufactured goods to an Arab country (same applies to other countries), depends on that country's stand on the Palestinian problem. Besides the recent attacks by Israel of neighbouring Arab countries in "hot pursuit" of Palestinian guerillas are intended to terrorize these countries and discourage them from supporting the Palestinian cause.

Perhaps the Camp David accord should serve as the best example of Arab countries weakness. The Camp David agreement that was signed between Egypt and Israel under the championship of America had two main pseudo-concessions. The agreement purported to accord self-government in 5 years' transitional period to Palestinian in the occupied territory, and withdrawal by Israel from part of the Sinai. 24/ No reparation, no right of return of Palestinians to Palestine and no right to establish a Palestinian state were recognized.

The agreement also addressed itself only to the Palestinians living in the West Bank and the Gaza Strip areas. Instead of removing existing settlements in the occupied territory Israel is setting up new ones. The April Palestinian bulletin had this to comment on Israel's recent moves:

"Israel authorities confistigated lands belonging to more than 1 million inhabitants in the West Bank. More than one hundred new settlements have been established in the West Bank, Gaza Strip and the Golan Heights. In these very days new settlements are established under the auspices of the "peace treaty" with Egypt. Elon Moreh and existing ones are considerably enlarged by seizures and confistigation of Arab land. Consistent with this plan, there is a decision to establish new administrative units for all the settlements. Three such units were recently established under pure Israel jurisdiction which means practically to annex to Israel the territories on which the settlements are situated. One-third of the land of the West Bank has been confistigated up to this time, while there are new orders of confistigation waiting to be executed presently..." 25/

In view of the foregoing, the autonomy enshrined in the Camp David agreement is illusory. Egypt in a hurry to find a shortcut solution to the Middle East problem without the Palestine Liberation Organization ended up having solved nothing substantial. The attitude of the Egyptian government towards Palestinian Arabs and their representative, the PLO can best be depicted in an interview of President Sadat by Barbara Walters of ABC Television:

The PLO considers itself the legitimate representatives of of the Palestinians. Are you of the same view? She asked, "In my proposals I have always mentioned the Palestinian people. This means the entire Palestinian people. All the Palestinians. Under the treaty or document we signed yesterday, we shall again meet together. Egypt, Jordan and Israel?" Sadat replied,

"And the PLO?"

"Egypt, Jordan, Israel as well as representatives of the inhabitants of the West Bank of Jordan and Gaza Strip, it is they who will decide".

"And so it is goodbye to PLO?"

"I beg your pardon?"

"All right, I shan't repeat what I have just said".

"I'm hard of hearing sometimes"!

Obviously Egypt does not recognize the right of the Palestinian people, those in the occupied territory, in exile and in Palestine to self-determination. The agreement was eventually not even decided by the Palestinians in the West Bank and the Gaza Strip but by Israel with Egyptian support.

Conclusion

What is strikingly particular about the immigrant Jews in Palestine is the fact that they are economically rich, educated and have a strong military training. The national home for the Jews becomes a right of only rich, young educated Jews. Relatively poor Jews still live in Europe. The immigrant Jews treat the local Jews differently since they both live under different standards.

The migration of Jews in Europe and from Palestine is not different from the movement of other peoples the world over. If these people were to be allowed to trace their historical origins and claim rights over these places the world would be in a fit of chaos. The Ngoni's of Tanzania would demand some parts of Zululand, the American Negros, parts of the African continent, the Aborigines of Australia, the whole of Australia, the Red Indians of the American continent, a large part of the United States and so forth. There would be no end to legitimate claims to historical original areas. For this purpose, the Jewish claims over Palestine are without acceptable justification.

The Palestinian struggle entered a decisive stage with the formation of the PLO in 1964 which through its efforts, the international community has recognized their right to self-determination.

It takes very little to be a refugee but it means much what type of a refugee one becomes. The Cuban refugee finds no problems of assistance and settlement although from their pictures he does not represent the peasants, which means therefore that he can easily be employed in his country of refuge. The Haitian refugee settles with much difficulty and legal wrangle continues to determine whether he qualifies to be a refugee or just an illegal immigrant. The Kampuchean refugees and the Vietnam boat people find refuge after ordeals on the sea.

The plight of the boat people is too well known to be repeated here, but they were all resettled in many countries - mostly, the western countries.

The Palestinian refugee faces more problems because of the factors that determine whether he is a refugee or not and because of the financial shortage that the Agency responsible is experiencing.

What is significant to note is the differential treatment of refugees depending on the nature of the refugees (professionals easily get employed) the cause of the refugee problem and the receiving country's stand on that problem. The provisions of the Convention and Protocol Relating to the Status of Refugees of 1951 and 1966, Article 1, which was and is intended to apply generally to all persons are far from being realized. Hence the different national definitions of a refugee.

FOOTNOTES

1. Information Department, Cairo, 1962
The Problems of the Palestinian Refugees, p. 12
2. Ibid.
3. Ibid. pp. 13 and 14
4. Ibid. p. 27
5. Ibid.
6. Ibid.
7. Ibid.
8. Ibid.
9. Ibid. p 18
10. United Nations Publication - Everyones United Nations, A handbook on the the United Nations, Its Structure and Activites, December 9th Ed. 1979, p. 78
11. Ibid.
12. J. L. Kanywanyi - The Struggle Against Imperialism, (short weekly talks on Radio Tanzania, External Service, July 1975 to March 1976, p. 236.
13. Information Department, Cairo 1962, - OPCIT, p. 22
14. J. L. Kanywanyi - OPCIT, p. 238.
15. Ibid.
16. Ibid. p. 239
17. Ibid. p. 259
18. Ibid. p. 236
19. Interview with PLO officials at Dar es Salaam Office, June 1980.
20. United Nations Publications - OPCIT, p. 84
21. Ibid, p. 85
22. Ibid. p. 86
23. J. L. Kanywanyi, OPCIT, p. 243
24. A Soviet Weekly of World Affairs - New Times, p. 28
25. Palestinian Information Bulletin, Vol. 5, No. 7 of 16-30 April 1980, pp 18-19.

THE IMPLEMENTATION OF UNITED NATIONS
RESOLUTIONS ON PALESTINE

Henry Cattán

In any attempt to deal with the Palestine problem, it is essential to bear in mind the political and legal status which the Palestinians enjoyed in the past prior to its rise. This is necessary because those who are concerned in finding a remedy to the situation seem, or pretend, to ignore that the Palestinians are not a people just emerging from barbarism and that, on the contrary, they possessed civil, political and sovereign rights in their country until the creation of the State of Israel which usurped their homeland and uprooted the majority of the population.

At the time that Palestine was part of Turkey, the Palestinians enjoyed as Turkish citizens full civil and political rights. The Turkish Constitution made no distinction between Arab and Turk. They participated in the administration of the country shared sovereignty with the Turks over all territories of the Ottoman Empire, regardless of whether such territories were Turkish or Arab provinces. Upon the detachment of the Arab provinces from Turkey at the end of the First World War, Palestine became a separate political and international entity and the Palestinians acquired alone sovereignty over its territory. In 1919, like other Arab peoples detached from Turkey, the Palestinians were recognized as an "independent nation" by Article 22 of the Covenant of the League of Nations, subject to rendering them administrative advice and assistance by a Mandatory until they are able to stand alone (Appendix I). The mandate which was granted in 1922 by the League of Nations to Great Britain to administer Palestine did not divest the Palestinians of their sovereignty. This is recognized by almost all jurists who emphasize that neither the League of Nations nor Great Britain acquired, or could have acquired, sovereignty over Palestine. Sovereignty remained vested in the inhabitants. Although subject to a mandate, Palestine became an independent state which possessed a separate juristic and international personality quite distinct from the personality of the British Government as Mandatory. It became a party, in its own right, to treaties and conventions with the British Government and third states. Hence, from the time that Palestine was detached from Turkey in 1917 until the end of the mandate in 1948, it was under international law an independent state and its people enjoyed sovereignty over its territory. This is the basic premise to be kept in mind in order to appreciate the validity or otherwise of subsequent acts and developments, and also to judge of the validity and wisdom or otherwise of United Nations resolutions which have sought to resolve the Palestine problem.

Thus, the Balfour Declaration by which the British Government, a complete stranger to the country, promised on 2 November 1917 a national home in Palestine for the Jews possessed no juridical value and could not affect or impair the rights and sovereignty of the people of Palestine.

Likewise, the giving to Great Britain in the League of Nations mandate of "full powers of legislation and administration" clearly went beyond "the rendering of administrative advice and assistance" envisaged in Article 22 of the Covenant. Moreover, the provisions in the mandate which authorized Great Britain to give effect to the Balfour Declaration and to facilitate Jewish immigration into Palestine made of the mandate a vehicle for the establishment of a Jewish state in Palestine in clear violation of the legitimate rights of the inhabitants. Thus the mandate was an abuse of power and a distortion of the concept of the mandate system which was devised to give effect to the principle laid down in Article 22 of the Covenant of the League that the well-being and development of the peoples detached from Turkey "form a sacred trust of civilization".

Again, resolution 181 (II) of the General Assembly of the United Nations dated 29 November 1947 which sought to resolve the Palestine problem by carving out 57% of the area of Palestine for the creation by the Jewish immigrants of a Jewish State was an excess of jurisdiction which took advantage of a weak people and violated their sovereignty over their country.

So again, Security Council resolution 242 of 22 November 1967 which was proposed as the formula for achieving a just and lasting peace in the Middle East and has since become the target of diplomatic efforts to settle the Arab-Israeli conflict on its basis was nothing but an attempt to achieve a Pax Hebraica since its effect was to dismiss the Question of Palestine as a mere refugee problem and to sanction Israel's usurpation of 80% of the territory of Palestine (this being the area it seized in 1948 and 1949) leaving to the Palestinians the West Bank and Gaza, that is, 20% of their country.

It is clear then that the Question of Palestine will not be resolved by an indiscriminate implementation of United Nations resolutions without regard to the antecedent and inalienable rights possessed by the people of Palestine. Some of those resolutions have violated, others have overlooked, those rights. What is even disturbing is that United Nations resolutions have followed a process of a gradual whittling down of the fundamental and inalienable rights of the people of Palestine. Thus General Assembly resolution 181 (II) reduced the rights of the Palestinians to only 43% of the territory of their country. It was followed twenty years later by Security Council resolution 242 which further cut down the area to be left to the Palestinians to 20%, that is, a mere morsel of their ancestral homeland. These considerations explain why the Palestinians do not entertain feelings of eternal gratitude to the three framers of the Camp David Accords of 1978 whose "peace" formula further whittles down Palestinian rights, if it does not entirely abrogate them, since it involves the continuation of Israeli occupation of this 20% sweetened by a generous grant to the inhabitants of the blessing of "autonomy" - in municipal affairs - under Israeli overlordship.

Accordingly, it is imperative to extract from United Nations resolutions those principles and provisions as are consistent with Palestinian inalienable rights and are compatible with "the principles of justice and international law" laid down in Article 1 of the Charter of the United Nations. In application of this criterion, one could consider that the implementation of the territorial provisions of resolution 181 (II) which earmarked 43% of the area of Palestine for the territory of the Arab State and of resolution 194 (III) which called for the repatriation of the Palestine refugees, together with other resolutions which emphasized the inalienable rights of the Palestinians provides, under present circumstances, a general framework for a political solution of the Palestine problem.

In this connection, it may be necessary to remark that the resolutions of the United Nations on Palestine did not lapse by reason of their non-implementation, or even their violation. Were it otherwise, it would be easy to defeat any resolution simply by ignoring it. It is clear then that resolutions 181 (II), 194 (III) and other relevant resolutions are all valid and enforceable, despite that Israel has ignored or violated them.

Foremost to be implemented are the territorial provisions of resolution 181 (II). The effective implementation of its territorial provisions entails as a necessary consequence Israel's obligation to evacuate all territories which it seized in excess of the geographical boundaries laid down for the Jewish State by the resolution, regardless of whether such territories were seized in 1948, 1949 or 1967, and regardless of whether they were annexed or not. These territories comprise Jerusalem, Old and New, the West Bank and Gaza, the central area of Palestine west of Jerusalem, western Galilee, the towns of Jaffa, Nablus, Gaza, Acre, Bethlehem, Ramallah, Nazareth, Lydda, Ramleh, Beersheba, Tulkarm, Jenin and several hundred villages.

Israel possesses no right to resist the implementation of resolution 181 (II) as it has acquired no right or title to the territories comprised within the borders of the Arab State and the corpus separatum of Jerusalem, as defined by the resolution, which it seized in 1948, 1949, or 1967. This view rests upon three considerations.

First, Israel owes its birth and existence to resolution 181 (II). By resisting the implementation of the resolution it would, in fact, be denying its origin and tearing up its birth certificate. Furthermore, Israel formally accepted the resolution and its acceptance debars it from claiming any territory beyond what was fixed as the territory of the Jewish State. In fact, not only was resolution 181 (II) accepted by Israel, but it was engineered by the Zionist Jews, the founders of Israel, who in 1947 went all out and resorted to all kinds of pressures to secure its adoption by the General Assembly. The establishment of the State of Israel was proclaimed on its basis and Israel's first act was to address a cable (S/747) on 15 May 1948 to the Secretary-General of the United Nations declaring its readiness to implement the resolution of the General Assembly on 29 November 1947. The fact that

the Arab States and the Palestinians rejected the partition of Palestine which was envisaged by the resolution did not confer on Israel any right to appropriate the territory assigned to the Arab State or to appropriate the corpus separatum of Jerusalem.

Second, Israel has acquired no title to the territories which it seized in excess of resolution 181 (II). The fact that wars were fought in 1948 and 1967 between the Arab States and Israel during which the latter seized a larger area of Palestine than what was earmarked for the Jewish State by the resolution does not give it any rights over the territories seized, nor take away the rights of the Palestinians. The principle of the inadmissibility of acquisition of territory by war is laid down both by international law and United Nations resolutions and applies equally to territories seized in 1948 and 1949 in the same way and to the same extent as it applies to territories seized in 1967. It seems necessary to emphasize this point because United Nations resolutions which were adopted since 1967, starting with resolution 242, have called for Israel's evacuation of the territories seized during that year and have overlooked the territories it seized in 1948 and 1949 in excess of the boundaries of the Jewish State, and this despite the fact that the legal position is identical in the two cases. Under international law, Israel has the status of belligerent occupier of all these territories and it has not acquired, nor could it acquire, any title thereto. The fact that in one case the seizure is earlier in date than in the other is immaterial since lapse of time is no defence to a claim to territory seized by force whose owner has not acquiesced to its usurpation.

Hence, to limit Israel's obligation to withdraw to territories that were seized in 1967 (as resolution 242 purports to do) is clearly wrong since this would mean that aggression is disavowed in one part, and is sanctioned or overlooked in another part.

Third, resolution 181 (II) was not abrogated or annulled by the wars of 1948 and 1967 between Israel and the Arab States. The war of 1948 prevented its implementation, but did not affect or impair its validity. In so far as the corpus separatum of Jerusalem is concerned, the General Assembly made it quite clear that its military occupation by Israel and Jordan in 1948 did not affect the operation or binding character of resolution 181 (II). In resolutions 194 (III) of 11 December 1948 and 303 (IV) of 9 December 1949 it reaffirmed the provision of resolution 181 (II) which established a permanent international régime for the City of Jerusalem. It is significant that these two resolutions were adopted after Israel's seizure of modern Jerusalem and Jordan's seizure of the Old City. Moreover, several resolutions adopted since 1967 by the General Assembly and the Security Council have declared null and void all measures taken by Israel purporting to change the legal status of Jerusalem. Although the General Assembly has not adopted any resolution similar to resolutions 194 (III) and 303 (IV) with respect to the territory of the Arab State as defined in resolution 181 (II), yet the continued validity of resolution 181 (II) regarding Jerusalem despite its military occupation must apply equally to the territory of the Arab State seized by Israel. The title of the Palestinians, therefore, to such territory remains unaffected by the hostilities or by their outcome. The same consideration applies to the

territories seized by Israel in 1967. In other words, the implementation of the territorial provisions of resolution 181 (II) is not affected by the fighting in 1948 or 1967.

In addition to the above considerations, Israel is specially obligated, more than any other state, to respect and to implement resolution 181 (II) without question. This special obligation arises from a circumstances that is particular to Israel and rests upon the formal assurances it gave to the United Nations in 1949 as a condition of its admission to the organization's membership. Before approving Israel's application for admission, the General Assembly wished to ascertain its attitude regarding the implementation of General Assembly resolutions, particularly that the manner of its emergence and its actions relative to territory, to Jerusalem and to the Palestinians were not in line with United Nations resolutions. To this end, the General Assembly closely interrogated Israel's representative during several hearings about the execution of resolution 181 (II), the repatriation of the Palestine refugees under resolution 194 (III) and the international status of Jerusalem. 1/ Israel then gave all necessary assurances for the implementation of General Assembly resolutions, in general, and of resolutions 181 (II) and 194 (III), in particular. The General Assembly took formal note of "the declarations and explanations" of Israel in its resolution 273 (III) dated 11 May 1949 which decided to admit it to membership in the United Nations (Appendix II).

One should observe that resolution 181 (II) is enforceable not only as a recommendation of the General Assembly which ordinarily does not possess per se executory force, but also as a resolution which has been endorsed by the action taken by the Security Council in 1948 with a view to its implementation. In adopting resolution 181 (II) the General Assembly had requested the Security Council to take the necessary measures for its implementation and also to determine as a threat to the peace, in accordance with Article 39 of the Charter, any attempt to alter by force the settlement it envisaged. On 5 March 1948 the Security Council adopted resolution 42 which called on the permanent members of the Council to make recommendations regarding the guidance and instructions which the Council might usefully give to the Palestine Commission "with a view to implementing the resolution of the General Assembly". Then following the outbreak of hostilities between Israel and the Arab States, the Security Council adopted on 15 July 1948 resolution 54 which determined that the situation in Palestine constitutes a threat to the peace within the meaning of Article 39 of the Charter.

A query is likely to be made as to whether it would be realistic to expect the United Nations to succeed in implementing resolution 181 (II) in a manner that would secure Israel's withdrawal from territories seized in 1948 and 1949 in excess of the boundaries prescribed for the Jewish State when it has utterly failed, despite the adoption of numerous resolutions, in securing its withdrawal from territories seized in 1967. The answer is that if the matter is to be left to Israel's goodwill and pleasure, its withdrawal would be equally unrealistic in either case. If, on the other hand, withdrawal is to be achieved by coercion, then the extent of the withdrawal is immaterial since the degree of coercion required will be exactly the same whether for the

territories seized in 1948 or in 1967 because for anyone who knows Israel it is quite certain that it will resist with equal force any kind of withdrawal, big or small.

Resolution 181 (II) was rejected in 1947 by the Palestinians and the Arab States. It is necessary, therefore, to discuss possible objections to its implementation on their part. These objections are two: one political, the other legal.

Since its adoption, resolution 181 (II) has been anathema to the Palestinians and the Arabs generally by reason of its recommendation for the partition of Palestine and the creation of a Jewish State on 57% of its territory. The situation has, of course, considerably deteriorated since then as a result of Israel's seizure of more territory and its displacement of two-thirds of the population.

In present circumstances, however, the objection to resolution 181 (II) loses some of its heat because the implementation of its territorial provisions would reduce the much greater hardships that have befallen the Palestinians since its adoption. The implementation of the resolution will achieve three important results.

First, it would enable two-thirds of the Palestine refugees to return to their homes, villages and towns in the evacuated territories and would thus substantially reduce the dimensions of the Palestine refugee problem which has now reached, as a result of natural increase, the staggering figure of two and a half million refugees. Such repatriation would pose no serious problems, except rehabilitation, since it would not depend on Israel's will and pleasure. For this reason, it is judicious, if not imperative, that evacuation should precede repatriation. As to the refugees originating from the territory reserved for the Jewish State by resolution 181 (II), their repatriation would be achieved by implementation, under United Nations supervision, of resolution 194 (III).

Second, implementation of the resolution would entail the restoration to the Palestinians of a large segment of their country and thus enable them to establish a Palestinian State in the territory destined for the Arab State by the resolution. It goes without saying that the establishment of a Palestinian State does not need Israel's consent which it arrogantly now claims to withhold in advance, even for a Palestinian State in the West Bank and Gaza. Neither does the establishment of a Palestinian State require any authorization from the Security Council. It is evident that the establishment of a Palestinian State would not amount to the creation of a new state but would be simply the continuation or revival of the existence of the State of Palestine which came into existence after the detachment of Palestine from Turkey at the end of the First World War.

Third, implementation of the resolution would free one third of the Palestinians from Israeli domination and repression.

In terms of practical policy, therefore, a return to the territorial position envisaged by resolution 181 (II) would be definitely preferable to the present situation which is of far greater injustice and iniquity.

The legal objection to resolution 181 (II) is founded upon the incompetence of the General Assembly to partition Palestine and to earmark part of its territory for the creation of a Jewish State. It is clear that in adopting resolution 181 (II) the General Assembly sought to do two things which it possessed absolutely no power to do. On the one hand, it purported to divest the Palestinians of their sovereignty over part of their homeland, and on the other hand, it purported to grant to the Jews - most of whom were alien immigrants and even foreign nationals - the right to establish a state in the territory of Palestine. Most jurists doubt the competence of the General Assembly to carve out of the territory of Palestine an area for the creation of a Jewish State 2/ or to abolish the existing rights of the Palestinians. 3/ The territory of Palestine was not terra nullius to be given away by the United Nations to anyone. In recommending the creation of a Jewish State in 1947, the action of the United Nations was on the same footing from a juridical standpoint as that of the British Government in promising to the Zionists the establishment in Palestine of a national home for the Jews. Neither possessed any power, dominion or sovereignty in Palestine enabling it to dispose of the territory of Palestine and their actions lacked any legal foundation.

The incompetence of the General Assembly to adopt resolution 181 (II) should not, however, prevent the implementation of its territorial provisions since it would strip Israel of the fruits of its aggressions and restore to the people of Palestine an important part of their country. Moreover, the restoration to the Palestinians of the territory of Palestine which was not designated by the United Nations in 1947 to form part of the Jewish State, but was specifically destined for the establishment of the Arab State, should not be considered in the strict sense an implementation of resolution 181 (II). Such restoration should be viewed rather as a recognition of their antecedent and imprescriptible right of sovereignty over Palestine and also an application of the principle that Israel cannot retain possession of, or acquire title to, any land which it seized in excess of the area designated for the Jewish State by the United Nations. In the light of these considerations, the implementation of the territorial provisions of resolution 181 (II) and the consequent handing over to the Palestinians of the area designated for the Arab State would not be translatative of rights in their favour, but would be declaratory of their existing right of sovereignty.

The criticism may be made that while the implementation of the territorial provisions of the resolution effaces Israel's usurpation of territory seized in excess of the boundaries it fixed for the Jewish State, it would still leave in Israel's hands 57% of the territory of Palestine. Such criticism, however, is attenuated by the fact that Palestinian sovereignty remains over such territory, since neither a United Nations resolution, nor Israeli occupation or annexation, can divest the Palestinians of their sovereignty. The

right of sovereignty is inalienable and imprescriptible and survives aggression, occupation and annexation. The position of Palestine is legally analogous to the situation of Poland whose sovereignty survived foreign occupation and annexation during the interregnum that lasted from 1795 to 1919 and to the position of Ethiopia whose sovereignty survived Italy's occupation and annexation in 1936. In any event, the issue of the invalidity of the disposition of 57% of the territory of Palestine which resolution 181 (II) purported to make in favour of a Jewish State can at all times be submitted to the International Court of Justice for its opinion, a course which, under improper pressures, the General Assembly declined to follow in 1947. 4/

The evacuation of territories seized by Israel in excess of resolution 181 (II) requires not only withdrawal of its military forces and civil administration, but also of Israeli settlers. Only those Jews who were habitually resident of the evacuated territories on 29 November 1947 should be allowed to remain. Others would not be "thrown to the sea" as an hysterical Zionist propaganda would claim, but would be evacuated to Israeli territory, or if they so elect, to their country of origin. The Egyptian-Israeli Peace Treaty of 26 March 1969 (Article 1, Paragraph 2) has set the precedent of the evacuation of all Israeli settlers who were brought to occupied territory.

In application of accepted principles of international law and of United Nations resolutions, all measures taken by Israel, including confiscations or expropriations of Arab property, in occupied territories would be rescinded and all such property restored to its lawful owners.

The implementation of resolution 181 (II) will necessitate the establishment by the United Nations of an international authority similar to a certain extent to the Palestine Commission which was set up by the resolution in 1947 to implement its terms. Such an international authority would be charged with the supervision of the Israeli withdrawal and the temporary administration of evacuated territories. Upon completion of the withdrawal, it would hand over to the Palestine Liberation Organization as the representative of the people of Palestine the territories that were destined by the resolution for the Arab State, and to the Trusteeship Council the corpus separatum of Jerusalem.

In addition, the United Nations would have to consider Israel's obligation to make reparations to the Palestinians for loss and damage caused during the occupation of Arab territory. Resolution 194 (III) provided for the payment of compensation for the property of refugees choosing not to return and for loss or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible. This provision, however, cannot be considered to be the final word on the subject because at the date of its adoption the tragedy was just beginning to unfold. Since then the damage has reached the proportions of a catastrophe: all the immovable property owned by the million refugees displaced in 1948 was confiscated, all their movables and assets found in their homes, shops or businesses were plundered, 385 Arab villages were destroyed, 5/ and in many instances the property of residents was confiscated or destroyed. The reparations payable would need to be determined by a Commission appointed by the United Nations.

Until now the United Nations has made no attempt to implement its resolutions on Palestine. It relied without success on mediation and conciliation. The Palestine Mediator, Count Folke Bernadotte, was assassinated on 17 July 1948 by Jewish terrorists in Jerusalem. The Conciliation Commission which was appointed to assume his functions has not made the slightest progress in its mission despite the elapse of thirty-two years. During all this period, the United Nations has been adopting, affirming and reaffirming resolutions without any result.

In 1975 the General Assembly established the Committee on the Exercise of the Inalienable Rights of the Palestinian People to recommend a programme of implementation of the inalienable rights of the Palestinians which were recognized by General Assembly resolution 3236 of 22 November 1974. The Committee recommended a programme of action (A/31/35) which can be summarized as follows:

1. The repatriation of the Palestine refugees in two phases, first, the refugees of 1967, and second, the refugees displaced between 1948 and 1967.
2. The withdrawal of Israeli forces from the areas occupied in 1967 and their handing over to the Palestine Liberation Organization.
3. The establishment of an independent Palestinian entity in the evacuated areas.
4. The making of further arrangements for the full implementation of the inalienable rights of the people of Palestine. The tenour of this particular recommendation is as follows:

"72 (g) As soon as the independent Palestinian entity has been established, the United Nations, in co-operation with the States directly involved and the Palestinian entity, should, taking into account General Assembly resolution 3375 (XXX), make further arrangements for the full implementation of the inalienable rights of the Palestinian people, the resolution of outstanding problems and the establishment of a just and lasting peace in the region, in accordance with all relevant United Nations resolutions."

Obviously, the suggested programme of action falls short of an implementation of the territorial provisions of resolution 181 (II). If, as is clear, the Palestinians possess indubitably a right supported by international law and United Nations resolutions to recover the territory assigned to them by resolution 181 (II), then the recommendations of the Committee would have gained in being more precise and clear-cut.

The Committee's recommendations were endorsed by the General Assembly and were transmitted to the Security Council to consider them and take a decision thereon. No action, however, was taken thereon by the Security Council.

In its resolution 34/65A dated 29 November 1979, the General Assembly expressed regret and concern that the Committee's recommendations, though endorsed by it in several resolutions, have not been implemented and once again urged the Security Council to consider them and take a decision thereon. The General Assembly requested the Committee, in the event of the Security Council failing to consider or to take a decision on those recommendations by 31 March 1980, to consider the situation and to make the suggestions it deems appropriate.

The Charter of the United Nations contains a wide range of measures of coercion to secure the enforcement of its resolutions, but no recourse has been made until now to such measures. On a few occasions, the Security Council issued warnings that it would take action under the Charter. Thus in its resolution 54 of 15 July 1948 the Security Council declared that failure of the Governments concerned in the fighting in Palestine to comply with its order to desist from military action would lead to the taking of such further action under Chapter VII of the Charter as may be decided by the Council. So again in various resolutions in which it condemned Israel's armed attacks on its neighbours, the Security Council warned that, in case of repetition, it would have to consider further and more effective steps as envisaged by the Charter. 6/ Notwithstanding that Israel paid no heed to these warnings, but repeated its attacks and aggressions, the Security Council took no coercive measures against it to force it into the path of legality.

The nearest approach to the exercise of coercion is to be found in the recommendation made by the General Assembly to member states in some of its resolutions to withhold military or economic aid from Israel so long as it continues to occupy Arab territories and to deny the inalienable rights of the Palestinian people. 7/ And on 1 March 1980, the Security Council for the first time also decided in resolution 465 to call on all states "not to provide Israel with any assistance to be used specifically in connexion with settlements in the occupied territories". This kind of economic sanction, however, has not proved to be efficacious because the principal purveyor of arms and finance to Israel, namely the United States Government, is not prepared to discontinue economic and military assistance to its protégé. In a statement made on 23 August 1977, President Carter ruled out the withholding of economic or military aid to exert pressure on Israel in order to secure its withdrawal from territories occupied in 1967.

It is obvious that the question of Palestine cannot be resolved by mediation or conciliation or by the mere adoption of resolutions. Israel's attitude towards United Nations resolutions has invariably been to reject and flout them, often in insolent and arrogant terms. On the other hand, appeals, censures, deplorations and condemnations are completely ineffective to ensure implementation of United Nations resolutions. Only coercion will succeed. At the time of the Suez aggression, Israel flouted General Assembly resolutions that called for its withdrawal from the territories it had occupied. Thereupon President Eisenhower declared: "The United Nations has no choice but to exert pressure upon Israel to comply with the withdrawal resolutions". In fact, pressure then succeeded. Dr. John H. Davis, for several years Commissioner General of UNRWA

(United Nations Relief and Works Agency for Palestine Refugees), also came to the conclusion that "in the end, one must even be prepared to impose corrective measures on Israel against her will". 8/

Resort to coercion is necessary and unavoidable if United Nations resolutions on Palestine are to be implemented. Unlike international law which lacks means for the enforcement of its rules, save war and reprisals, the Charter of the United Nations, following the Covenant of the League of Nations, laid down a system of enforcement measures, some of which involve the use of force, while others do not.

In accordance with Article 24 of the Charter, members of the United Nations have conferred on the Security Council primary responsibility for the maintenance of international peace and security. Before deciding what measures should be taken, whether involving the use of armed force or not, the Security Council must determine the existence of a threat to the peace, breach of the peace, or act of aggression (Article 39). In regard to Palestine, such determination was made by the Security Council in resolution 54 of 15 July 1948 which, as previously mentioned, was adopted following the first outbreak of hostilities between Israel and the Arab States. The resolution stated that the situation in Palestine constituted a threat to the peace within the meaning of Article 39 of the Charter. This resolution was invoked in several subsequent resolutions. 9/ Paragraph 8 of the resolution provided that the truce therein ordered should remain in force "until a peaceful adjustment of the future situation in Palestine is reached". This desirable state of affairs has not yet been reached because since then more wars were fought, more territory was seized and more refugees displaced. It follows that resolution 54 is still operative and no fresh determination of the existence of a threat or breach of the peace is required before the Security Council can take action under Articles 41 and 42 of the Charter to enforce United Nations resolutions on Palestine.

The basic obstacle to the taking of enforcement measures by the Security Council lies in the attitude of the United States Government which is opposed to the resort by the United Nations to sanctions or to any form of coercion against Israel. This was not always the case, as we have seen, because Israel's withdrawal in 1956 from the territories which it then occupied was secured only through United States coercion and Soviet threats.

Since 1967, however, the United States attitude towards Israeli acts and aggressions has radically changed to an extent that at times it seems to imply acquiescence. Thus in that year the United States Government prevented Israel's condemnation by the General Assembly as an aggressor although the fact of aggression was patent and obvious. Moreover, it prevented the adoption of a resolution calling for Israel's immediate and unconditional withdrawal from the territories it then occupied. One can even say that Israel now enjoys almost unqualified political support from the United States, and can also count on the United States veto at the Security Council to defeat the adoption of resolutions of which it disapproves. Thus on 10 September 1972 and again on 8 December 1975, the United States vetoed Israel's condemnation by

the Security Council for murderous air raids on Palestinian refugee camps in Lebanon and Syria which took a heavy toll of innocent lives. Again on 25 March 1976 it vetoed a resolution of the Security Council which censured Israeli actions in Jerusalem and the occupied territories. On two occasions it vetoed Security Council resolutions which attempted to lay down a framework for a settlement which did not have Israeli approval. Thus on 26 January 1976 a Security Council resolution which reaffirmed the principle of the inadmissibility of acquisition of territory by force and the inalienable national rights of the Palestinians, including their right to return and establish an independent state, and called upon Israel to withdraw from territories occupied in 1967, was defeated by the veto of the United States notwithstanding that it had received the approval of the required majority of nine members. Again on 30 April 1980, a resolution of the Security Council which affirmed the principle that the people of Palestine should be enabled to exercise its inalienable right of self-determination, including the right to establish an independent state, was defeated by the veto of the United States although it had the approval of ten members.

The explanations given by the United States for its vetoes, including the standard excuse invoked that the resolution "is not balanced", are not convincing. The real reason is that since 1975 the United States veto in favour of Israel is not exercised as a result of a fair appreciation of the merits of the matter which is before the Council, but is cast in execution of a commitment which the United States Government has assumed to align its attitude at the Security Council upon Israel's position. This amazing subservience of a superpower to Israeli wishes was achieved by Henry Kissinger in the undertakings contained in a Memorandum of Agreement which he negotiated between the United States Government and Israel in connection with the Egyptian-Israeli Agreement of 1 September 1975. Article 8 of the Memorandum of Agreement stated:

"8. The United States Government will vote against any Security Council resolution which in its judgment effects or alters adversely the agreement."

In a Memorandum of Agreement concluded on the same date between the United States Government and Israel concerning the Geneva Peace Conference it was also stated:

"4. The United States will oppose and, if necessary, vote against any initiative in the Security Council to alter adversely the terms of reference of the Geneva Conference or to change resolutions 242 and 338 in ways which are incompatible with their original purpose."

The subjection of the United States vote at the United Nations to Israel's pleasure also found expression in the commitment which the United States Government gave to Israel in a Memorandum of Agreement dated 26 March 1979 concluded between the parties in connection with the Egyptian-Israel Peace Treaty of the same date. Article 5 of the Memorandum states:

"5. The United States will oppose and, if necessary, vote against any action or resolution in the United Nations which in its judgment adversely affects the Treaty of Peace."

One can, therefore, expect that any decision by the Security Council for the implementation of United Nations resolutions on Palestine, or for recourse to coercive measures against Israel, would be defeated by a veto of the United States. Although the United States Government was the chief promoter in 1947 of resolution 181 (II), to the extent that President Truman exerted undue and improper pressures on several states to secure its adoption by the General Assembly, there can be no doubt that an attempt to implement its territorial provisions would meet with a veto of the United States.

Considering that the United States Government has committed itself to Israel to vote against a resolution of the Security Council that seeks to change resolution 242, it could be argued that in such event the veto would not be, strictly speaking, a veto by the United States, but would, in fact, be a veto by Israel exercised through an intermediary.

In these circumstances, one can have doubts about the propriety or even the validity of the United States veto in matters relating to the Arab-Israeli conflict. Article 27 (3) of the Charter which deals with the voting procedure in the Security Council provides that in decisions under Chapter VII (Pacific Settlement of Disputes) a party to a dispute shall abstain from voting. By committing itself in advance to vote in the manner desired by Israel, the United States espouses its cause and makes itself a party to the dispute thereby technically disqualifying itself from casting its vote. Furthermore, Article 24 (2) of the Charter provides that in discharging its duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. This obligation binds every member of the Council. Article 1 of the Charter states that the Purposes and Principles of the United Nations are, inter alia, to bring about by peaceful means "and in conformity with the principles of justice and international law" adjustment or settlement of international disputes or situations which might lead to a breach of the peace. In binding itself to vote and, in fact, voting against and, as a result, defeating Security Council resolutions for the benefit of a state which has displaced two and a half million refugees, occupied their country, destroyed the historic and universal character of Jerusalem and violated over two hundred and fifty United Nations resolutions, can it be said that the United States is acting in conformity with the principles of justice and international law?

This is not the first time that the problem of a paralyzing veto at the Security Council has arisen in an international crisis. The General Assembly found a remedy for such a situation at the time of the Korean war. On 3 November 1950 it adopted resolution 377 A (V) which has been called the "Uniting for Peace Resolution" (Appendix III). This resolution stated in its operative part that the General Assembly:

"1. Resolves that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to members for collective measures, including in the case of a breach of the peace or act of aggression, the use of armed force when necessary, to maintain or restore international peace and security."

The adoption of this resolution was justified by the terms of Article 1 of the Charter which state that the purposes of the United Nations are "to take effective collective measures" for the prevention and removal of threats to the peace, and for the suppression of acts of aggression. The resolution is also justified by the terms of Article 24 which provide that members of the United Nations confer on the Security Council "primary responsibility" for the maintenance of international peace and security and agree that in carrying out its duties under this responsibility the Security Council acts under an authority delegated to it by the members of the United Nations and, in accordance with general principles of law, in the event that the mandatory to whom authority is delegated is prevented from its exercise, the members of the United Nations, in their capacity as principals, are entitled "to take collective measures".

Recourse to resolution 377 A (V) was made not only in Korea, but also in the Arab-Israeli War of 1956. As action by the Security Council was blocked by the vetoes of France and the United Kingdom who had intervened at Suez on the side of Israel, a special emergency session of the General Assembly convened in November 1956 and adopted several resolutions which called for a cease-fire and the withdrawal of the armed forces of France, the United Kingdom and Israel. The General Assembly also established UNEF (United Nations Emergency Force) to secure and supervise the cessation of hostilities. Recourse to the resolution was also made in 1960 in order to deal with the situation in the Congo. In all those cases, the direct intervention of the General Assembly proved effective.

Thus the Charter and the practice of the United Nations enable the General Assembly to overcome a veto by the United States which would seek to block the implementation of United Nations resolutions on Palestine. No determination of the existence of a situation requiring action is needed under Article 39 of the Charter because, as we have noted, such determination was made by the Security Council in 1948 and is still operative and further because the aggression is still continuing since Israel continues to occupy territories lying outside the boundaries of the Jewish State as delimited by resolution 181 (II). In any event, no such determination is required in the event of action of the General Assembly under the resolution of 3 November 1950. 10/

The way is open, therefore, to the United Nations to take coercive measures to enforce its resolutions on Palestine and to restore its credibility is an effective international organization. Palliatives, patchings and pious hopes will not settle the problem. Even fresh resolutions that do not remedy the problem at its root will not be of great help.

An intention is attributed to the European Community to seek an amendment to resolution 242 which will recognize the right of the people of Palestine to self-determination and at the same time, "to keep balance", will also provide for Israeli security, seemingly overlooking the fact that Israel's insecurity comes more than anything else from the revolting injustice which lies in its very foundation. In effect, any such amended resolution would mean that, on the one hand, the Palestinians can establish an independent state, and on the other, that Israel's annexation of the territories it seized before 1967 is impliedly ratified. Hence, such amended resolution would remain subject to the criticism of leaving to the Palestinians only 20% of their country.

Legally, the Security Council has no competence, whether in resolution 242 or in any amended resolution, to override or abrogate a resolution of the General Assembly, such as resolution 181 (II), since it is a body that possesses only delegated powers from the members of the United Nations who together constitute the General Assembly. Moreover, it possesses no power to ratify Israel's occupation and usurpation of territory in violation of resolution 181 (II) either expressly or by implication through the giving of guarantees for its security.

Politically, the modest contribution which the amendment proposes to make, by recognizing in favour of the Palestinians what is in reality a God-given right of self-determination, not a right given by the Security Council, is completely wiped out by the express or implied ratification of the Israeli usurpation of the territory assigned by resolution 181 (II) to the Arab State.

Despite the fact that the initiative of the European Community might in the end prove to be of greater benefit to Israel than to the Palestinians, the United States Government and Israel have aligned their guns in order to fight it. Both Begin and Carter have rejected such initiative even before it has been put on paper or submitted in the form of a draft resolution to the Security Council. In a televised interview on 1 June 1980 President Carter threatened in advance to make use of the American veto to defeat any amendment of Security Council resolution 242. He said:

"We will not permit in the United Nations any action that would destroy the sanctity of and the present form of United Nations (resolution) 242. We have a veto power that we can exercise, if necessary, to prevent the Camp David process from being destroyed or subverted, and I would not hesitate to use it if necessary."

There is no sanctity in resolution 242 or in the Camp David accords. Neither leads to peace or justice. Each aims at the implementation of a peace formula which Israel seeks to impose. It is a matter for regret that President Carter fails to see that the Camp David formula which was based on the proposal for "autonomy" advanced by Menachem Begin, the Israeli Prime Minister, in December 1977 cannot lead to peace because it aims at the consummation of the injustice committed in Palestine. The Camp David accords do not represent a great diplomatic achievement, as claimed by President Carter, but constitute an attempt to draw the last curtain on the Palestine tragedy.

These considerations confirm the need for the General Assembly to take firm and decisive action for the establishment of a Palestinian State in the territory reserved by resolution 181 (II) for the Arab State because it is the only way of doing a little bit of justice to the Palestinians and resolving peacefully the conflict. Some may question whether the United Nations can turn back the hands of the clock thirty years to implement its resolutions. But have not the Jews turned back the hands of the clock three thousand years to exhume a Jewish state from the dust of history?

FOOTNOTES

1. Official Records of the General Assembly, Ad Hoc Political Committee, Part II, 1949, pp. 179-360.
2. See Henry Cattán, Palestine and International Law, Longman, 2nd ed., 1976, pp. 75 et seq.
3. Jorge Castaneda, Legal Effects of United Nations Resolutions, Columbia University Press, 1969, p. 132.
4. Henry Cattán, op.cit., p. 80.
5. The figure of 385 Arab villages destroyed by Israel is given by Israel Shahak, Professor at the Hebrew University of Jerusalem, in his book Le Racisme de L'Etat d'Israël, Guy Authier, Paris, 1975, p. 156.
6. See, for example, Security Council resolutions 111 of 19 January 1956, 228 of 25 November 1966, 248 of 24 March 1968, 256 of 16 August 1968 and 265 of 1 April 1969.
7. General Assembly resolutions 3092 of 7 December 1973, 3240 of 29 November 1974, 3525 of 15 December 1975, 33/113 of 18 December 1978 and 34/90 of 12 December 1979.
8. John H. Davis, The Evasive Peace, John Murray, London, 1968, p. 107.
9. Security Council resolutions 56 (1948), 59 (1948), 61 (1948), 62 (1948), 73 (1949), 92 (1951), 93 (1951), 101 (1953), 106 (1955), 111 (1956) and 171 (1962).
10. Hans Kelsen, The Law of the United Nations, Stevens, London, 1951, p. 979.

APPENDICES

- I Article 22 of the Covenant of the League of Nations
- II Resolution 273 (III) of the General Assembly of 11 May 1949 on the admission of Israel to membership in the United Nations
- III Resolution 377 A (V) of the General Assembly of 3 November 1950

APPENDIX I

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 II

Resolution 273 (III) of the General Assembly of 11 May 1949 on the admission of Israel to membership in the United Nations

Having received the report of the Security Council on the application of Israel for membership in the United Nations, 1/

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", 2/

Recalling its resolutions of 29 November 1947 3/ and 11 December 1948 4/ and taking note of the declarations and explanations made by the representative of the Government of Israel 5/ 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.

Two hundred and seventh plenary meeting,

11 May 1949.

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1. See document A/818.
 2. See document S/1093.
 3. See resolutions adopted by the General Assembly during its second session, pages 131-132.
 4. See resolutions adopted by the General Assembly during Part I of its third session, pages 21-25.
 5. See documents A/AC.24/SR.45-48, 50 and 51.

APPENDIX III

Resolution 377 A (V) adopted by the General Assembly on 3 November 1950

Resolution A

Uniting for Peace

THE GENERAL ASSEMBLY,

Recognising that the first two stated Purposes of the United Nations are:

'To maintain international peace and security, and to that end:
To take effective collective measures for the prevention and removal
of threats to the peace, and for the suppression of acts of aggression
or other breaches of the peace, and to bring about by peaceful means,
and in conformity with the principles of justice and international
law, adjustment or settlement of international disputes or situations
which might lead to a breach of the peace,' and

'To develop friendly relations among nations based on respect
for the principle of equal rights and self-determination of peoples,
and to take other appropriate measures to strengthen universal peace,'

Reaffirming that it remains the primary duty of all Members of the
United Nations, when involved in an international dispute, to seek
settlement of such a dispute by peaceful means through the procedures
laid down in Chapter VI of the Charter, and recalling the successful
achievements of the United Nations in this regard on a number of previous
occasions,

Finding that international tension exists on a dangerous scale,

Recalling its resolution 290 (IV) entitled 'Essentials of Peace,'
which states that disregard of the principles of the Charter of the
United Nations is primarily responsible for the continuance of inter-
national tension, and desiring to contribute further to the objectives
of that resolution,

Reaffirming the importance of the exercise by the Security Council
of its primary responsibility for the maintenance of international
peace and security, and the duty of the permanent members to seek
unanimity and to exercise restraint in the use of the veto,

Reaffirming that the initiative in negotiating the agreements
for armed forces provided for in Article 43 of the Charter belongs to
the Security Council and desiring to ensure that, pending the conclusion
of such agreements, the United Nations has at its disposal means for
maintaining international peace and security.

Conscious that failure of the Security Council to discharge its
responsibilities on behalf of all the Member states, particularly those
responsibilities referred to in the two preceding paragraphs, does not
relieve Member states of their obligations or the United Nations of its
responsibility under the Charter to maintain international peace and security.

Recognising, in particular, that such failure does not deprive the General Assembly of its rights or relieve it of its responsibilities under the Charter in regard to the maintenance of international peace and security,

Recognising that discharge by the General Assembly of its responsibilities in these respects calls for possibilities of observation which would ascertain the facts and expose aggressors; for the existence of armed forces which could be used collectively; and for the possibility of timely recommendation by the General Assembly to Members of the United Nations for collective action which, to be effective, should be prompt;

A/

1. Resolves that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security. If not in session at the time, the General Assembly may meet in emergency special session within twenty-four hours of the request therefor. Such emergency special session shall be called if requested by the Security Council on the vote of any seven members, or by a majority of the Members of the United Nations;

STAGES IN THE HISTORY OF THE LEGAL ISSUES IN THE
PALESTINE PROBLEM: AN OVERVIEW

Abdeen Jabara

The legal issues in the Palestine question can be divided into issues that have dominated the attention of legal scholars, diplomats, governments and international organizations over four separate periods. Those periods are, respectively, from the beginning of the League of Nations Mandate until Britain announced termination of its presence as the mandatory in 1948, from 1948 to 1967, to 1974 and from 1974 to the present.

The period of the British Palestine Mandatory raised numerous legal issues. The jurisdiction of the League of Nations to establish the mandatory system, the status of the World Zionist Organization/Jewish Agency in international law, and the denial of self-government to the indigenous Arab Palestinian population are some of the more salient ones, including the legal status of certain recommendations of the successor organization to the League, the United Nations relative to Palestine as the Palestine Mandate terminated. This period of time, from 1920 to 1947, raised certain legal issues which have a solid basis in international law but are, at best, tangential to the central legal issues in the Palestine question that are today recognized by the world community, a community which has seen substantial change since the League of Nations established the mandate system.

In the aftermath of the creation of the State of Israel in 1948 the focus of attention was on the armistice agreements that had been entered into between the Governments of Lebanon, Jordan, Syria and Egypt on the one hand and the Government of the newly created State of Israel on the other. No legal termination of the state of war had been effected by the concluding of the armistice agreements, an armistice agreement being merely a bilateral negotiated contract for the suspension of hostilities for a negotiated period of time. The legal debate which emanated out of the armistice agreements was what constituted belligerent rights under international law since a de jure state of war continued to exist in the absence of the conclusion of an agreement of peace.

The Arab States continued to assert their claims regarding repatriation and compensation for the Palestinians, the boundary and territorial questions raised by the establishment of Israel and the subsequent war, the status of Jerusalem, etc. The failure of the Palestine Conciliation Commission and the parties concerned to resolve these outstanding claims accessitated the continuance of the armistice regime. Israel contended that the armistice agreements that it had concluded with the several Arab States had brought the war to an end while Egypt, Lebanon, Syria and Jordan all correctly maintained that an armistice agreement was merely a termination of active hostilities but did not constitute resolution of the underlying political, demographic and geographic issues. For instance, Article IV of the Egypt-Israel Armistice Agreement of 1949 establishes the status quo of the military positions in terms of areas and numbers of troop deployment at the date of signing and

terms of areas and numbers of troop deployment at at the date of signing and specifically states that "it is not the purpose of this Agreement to establish, to recognize, to strengthen, or to weaken or nullify, in any way, any territorial, custodial, or other rights, claims or interests which may be asserted by either party in the area of Palestine."

It is interesting and important to note here that no party representing the Arab population of Palestine had participated in or were otherwise involved in any dispositions following the 1948 hostilities between armed units of several Arab States and the newly-established States of Israel.

Pursuant to the armistice agreements Mixed Armistice Commissions were established between Israel and the several Arab States which had concluded armistice agreements in order to effectuate the provisions of the agreements and to attempt to resolve the differences that arose.

During this 1948-1967 period Arab legal writers wrote extensively about the legal ramifications of such matters as the Balfour Declaration, the British Mandatory over Palestine and the United Nations Resolution recommending the partition of Palestine into two separate political entities. United Nations resolutions during this period were generally reactive to breakdowns in the cessation of hostilities under the armistice agreements and reflected the composition of United Nations membership at the time. For instance, Egypt continued to exercise rights under the Israel-Egypt Armistice Agreement of 1948 as did Syria and Jordan. An exercise of these rights, such as central of territorial waters and waterways, frequently resulted in a renewal of armed hostilities.

In the period following the June, 1967 war between several Arab States and Israel, the passage of resolution 242, the occupation by Israel military forces of the remainder of mandated Palestine, and portions of other Arab areas, and the emerging prominence of the Palestine Liberation Organization prosecuting a military and political struggle for the liberation of Palestine very substantially effected the legal considerations in the conflict as they impacted the international community.

In the immediate aftermath of the June war a number of Arab jurists met in Algiers to discuss the still unsettled legal aspects of the Palestine problem. The issues which came up at that meeting were several, some of which were to assume much more important in the decade of the 1970's and will undoubtedly occupy international legal and political attention in the 1980's. The issues most prominently discussed at that conference were:

1. The right of peoples to self-determination
2. The legal character of the United Nations
3. State recognition
4. The "Jewish people concept in international law
5. The rights, privileges and responsibilities of parties to an armistice agreement
6. The legality of the League of Nations Mandate of Palestine

It was the legal issue of the right of the Palestinian people to self-determination under international law that was to receive increasing attention among Arab jurists. During the meeting of the International Conference of Parliamentarians on the Middle East Crisis held in Cairo, Egypt in February, 1970 some of the delegates from Arab countries (Egypt, Kuwait, Jordan) presented papers that clearly showed a changed legal emphasis which was to receive increasing international acceptance.

Of course immediately after the 1967 war the United Nations began expressing concern for Israel's treatment of Palestinians in the newly occupied territories. On July 4, 1967 the Security Council unanimously adopted a resolution calling upon Israel to facilitate the return of persons who had fled during the hostilities and recommending respect by all concerned parties for the "humanitarian principles governing the treatment of prisoners of war and the protection of civilian persons in the time of war." One month later the General Assembly affirmed the Security Council resolution by a vote of 116 to 0 with two abstentions.

Initially the United Nations was interested in repatriation and compensation for Palestinians, as was the case in the 1948-1967 period during which the repatriation/compensation provision was annually passed by the General Assembly. But by late 1968, allegations of other Israel violations of Arab human rights had become so frequent that the General Assembly established a Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories. Likewise the United Nations Commission on Human Rights established a special Working Group of Experts to investigate allegations concerning Israeli violations of the Fourth Geneva Convention of 1949. Since the establishment of these two United Nations bodies to monitor Israeli practices in what the international community considered to be occupied territory, the central legal issue that gained international attention in the Palestine problem was the question of Palestinian human rights. And as the resistance to occupation by the Palestinian people in the West Bank and Gaza Strip quickened so did the repression of that resistance by the Occupying Power. Moreover Israel immediately moved to annex Arab Jerusalem and its environs and began to import a portion of its Jewish civilian population into the territories for settlement purposes. The fact that Israel had physically occupied the remainder of Palestinian land, a demographically homogenous area, made the issue of Israeli state conduct vis-a-vis the Palestinians an internationally considered issue of juridical importance. Following the occupation numerous other national and international bodies and organizations conducted investigations and issued reports concerning Israeli policies and practices in the occupied territories, all of which condemned the extensive violations of internationally recognized rights by Israel as Occupying Power.

Thus, from the period of 1967 through 1974 the issue of Palestinian human rights under various international conventions and agreements became the dominant internationally recognized legal issue in the Palestine problem.

Of course this development occurred against the backdrop of the growing prominence of the Palestine Liberation Organization as the sole legitimate representative of the Palestinian people. Coupled with this was the legal debate in the international community over the legal ramifications of armed of armed insurrection as agents of change and substitutes for interstate war, the status

of insurgents under traditional international law, the scope of applicability of the humanitarian laws of warfare to internal armed conflict, the observance of minimum humanitarian laws in non-international armed conflicts, detention and criminal prosecution in internal conflicts, etc. Peoples struggling for liberation from colonial rule throughout the world were demanding that international legal norms protect them in their struggles while the old international order continued to narrowly construe the rights of insurgents. In many instances where insurgency threatened established state interests of third parties, an effort was mounted to secure international and domestic sanctions against states who "aided and abetted international terrorism". A most recent example of third party intervention in the Palestine conflict is the efforts by the United States Government to extradite a twenty-year old Palestinian in federal custody to stand trial in Israel on criminal charges arising out of the expulsion of a timed explosive device which detonated in Tiberius, Israel on May 14, 1979. In the case of the extradition of Ziad Abu Ein, United States Court of Appeals for 7th Circuit, No. 80-1487, the United States Justice Department and Department of State sought to denominate the alleged offense as a common crime and not a non-extraditable "offense of a political character" under the terms of the United States-Israel Extradition Treaty of 1963. This intervention by the United States departments of State and Justice occurred despite the express provisions in international law and United States domestic law enjoining the extradition of persons charged with committing political offenses.

In connection with the Middle East question very considerable importance has always been assigned to resolution 242 (1967) of the United Nations Security Council and the acceptance of same by the state parties to that conflict. Of course, just as in the Arab-Israel armistice agreements concluded in 1948-49, the Palestinians were neither consulted or otherwise participated in or adhered to resolution 242 although most of the international community, through the struggle of the Palestinians under the leadership of the Palestine Liberation Organization, recognized that the Palestinians were an essential party to any just and lasting peace in the Middle East. Of course the subsequent bi-lateral agreement between the United States, Egypt and Israel at Camp David refers to resolution 242 in its preamble and, indeed, goes beyond 242 in referring to "Palestinian people" instead of the "Arab refugees" construction of 242. Camp David sought, by the restricted nature of its participants, to pre-empt the growing international legal consensus in the centrality of the Palestinian people in the Palestine problem, the recognition of the Palestine Liberation Organization as the sole, legitimate representative of the Palestinian people, and that the essence of the Palestine problem was the exercise by that people of rights established in international law - to equal rights and self-determination.

As early as December 8 1979 the United Nations General Assembly, representing the overwhelming majority of the peoples of the world, recognized in resolution 2672 C that "the people of Palestine are entitled to equal rights and self-determination" and that full respect for these rights was essential to Middle East peace. General Assembly resolution 3089 D of December 7, 1973 asserts that the right of return and self-determination have a concrete legal linkage. General Assembly resolution 3236 of November 22, 1974, in which the Palestine Liberation Organization was invited to participate on an official observer basis,

more clearly sets forth (a) the right to self-determination without external interference and (b) the right to national independence and sovereignty. This resolution goes further in according to the Palestinian people the right to utilize all means to regain its rights.

Thus from 1974 onward the question of the violation of Palestinian human rights was clearly seen by the international community as occurring only within the context of the violation.

UNITED NATIONS RECOGNITION OF PALESTINIAN RIGHTS
DETERMINES THEIR LEGITIMACY

Bala Muhammad, Ph.D.

Introduction

The progressive development of international law is an affirmation of the principles concerning universal respect for human rights and freedom. The need for international law principles to regulate the struggles against colonial domination and other forms of crimes committed by man or men on this earth is greater now. The best thing to happen to mankind in the light of contemporary international situation was the establishment of the United Nations Organisation.

In the United Nations preamble, for instance, world communities are said "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of man and woman and of nations large and small" and "to promote social progress and better standards of life in larger freedom."

From 1945 to this day, various resolutions and treaties were passed in the United Nations concerning self-determination and independence of various peoples who have been denied their rights. ^{1/} The United Nations Charter is the first document in the history of international relations to secure the principles of universal respect for fundamental human rights and freedoms for all peoples throughout the world without distinction as principles of international law.

According to the Charter, one of the purposes of the United Nations, is to achieve international co-operation "in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion." (para. 3. Art. 1).

Actually, the United Nations has been set up to maintain international peace and security. This means that one of its main purposes is to achieve co-operation in promoting human rights. This is clearly stated in Article 55 of the Charter. This paper will attempt to discuss United Nations recognition of inalienable rights of the Palestinian people as a determination of their legitimacy. This legitimacy, therefore, gives them the right of return to Palestine and the right to national independence and sovereignty in accordance with the United Nations Charter.

The question of human rights violation in the Middle East obviously constitutes a danger to the United Nations Charter in the sense that the fundamental principles of international law are negated. This trend causes grave concern for a just and lasting solution on the basis of the

1. See Webster, The Making of the Charter of the UN, offprint from History, March 1947, v. 33, No. 115, p. 35. (See overleaf) See also Lauter Pacht International Law and Human Rights, New York, 1950, p. 146.

attainment of the inalienable rights of the Palestinian people coupled with their right of return to their homeland including their right to national independence and sovereignty in Palestine in accordance with the Charter of the United Nations.

It is particularly important to note that the United Nations does not make laws. Laws are made by courts and only courts deal with legal issues. However, two aspects are worth examining as regards the whole question of legality in international organization. The United Nations can be seen as a law-making agency and delegates have legal position and status. But resolutions and declarations are what one may term as "soft" law, while treaties can be viewed as "hard" law. It has been debated much often and a case has been established that resolutions are not legally binding. If conventions are ratified, the particulars can be considered legal obligations. In this sense, international law is made.

The important thing to note in this respect is the fact that these resolutions often reflect the views of the majority. On many occasions in the United Nations, some resolutions (dealing with Palestine and Apartheid) constantly condemn and protest against injustice, inequality, and human rights violation. In the pursuit of solutions to these problems, the "immunity" of veto always causes a much more serious problem.

So, the political implication of the veto has tremendous consequences to the legal issues in the Palestine Question. The main purpose of the Pacts on Human Rights after the proclamation in 1948 of the Universal Declaration of Human Rights was to create legally binding rules ensuring the observance of fundamental human rights and freedoms by the parties involved. Unfortunately, the records of Human Rights Commission show that some powers in the Security Council are persistent in preventing the legally binding rules as regards the observance of human rights. 2/

Historical Background

It is very vital to understand the historical background that led to the continuing conflict between the Arabs and the Jews in the Middle East before one understands the legal issues in the Palestine question. We shall not deal with the history of the antiquity of Palestine, rather, we shall only focus our attention on the contemporary history of this area and its relevance to the whole question of Arab's legitimacy, and their fundamental human rights as regards their homeland - Palestine. The Zionist Movement was formed by the Jews with the sole aim of making Palestine an independent Jewish nation in the late 1800's. This development followed the Jewish settlement that began in Jerusalem and other parts of Palestine by the mid-1800's. During the early 1900's, the Arab nationalist groups in Palestine opposed the Jewish settlement. Despite the Arab bitter opposition, the number of Jews in Palestine was increasing rapidly.

2. The United States' refusal to ratify the Pacts on Human Rights was sharply criticized and condemned United Nations members.

Balfour Declaration

Many causes contributed to the development of the crisis situation in the Middle East. The major one was Balfour Declaration. It was a British Government document that dealt with the establishment of a Jewish homeland in Palestine. It was the British Foreign Secretary, Arthur James Balfour who issued this declaration in 1917. This was the fundamental point of departure as regards the crisis between the Jews and the Arabs. Both the Jews and the Arabs have claimed Palestine. So, the Arabs saw this declaration from a different dimension, and the Jews likewise saw it from their own perspective. No sooner this document was declared, bitter controversy that set the stage for continuing conflicts between these two parties (Jews and Arabs) had begun in the Middle East. This declaration stated that "His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may 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." When this declaration (Balfour) was issued during the First World War, British Forces were already fighting to take over the control of Palestine from the Ottoman Empire. The main reason why Britain wanted to do so was its location near the Suez Canal which links the Mediterranean and the Red Seas. Britain was also sure that the Balfour Declaration could earn her the support of Jewish leaders in Britain, the United States and other countries in achieving her goal of winning Palestine. Eventually, the League of Nations endorsed the declaration in 1922 and gave Britain a "mandate" (order to rule) over Palestine. Hence the Jews who supported the establishment of a Jewish national homeland in Palestine came to the conclusion beyond any doubt that the Balfour Declaration pledged Britain's support for their goal. On the other hand, the Arabs saw this declaration as an insult to their nationalism and a threat to their future well-being in their homeland. The British mandate over Palestine was virtually over in 1947. In 1948, the independent nation of Israel was established despite bitter and strong Arab opposition. Thus the British Government had fulfilled its obligation to the Jews in helping them to transfer the "national home" into a "state" before they left the country.

Provisional Government

The events that took place in Palestine between 1947-48, gave rise to the Palestinian refugee problem. On September 30, 1948, a Palestinian convention was held in Gaza and provisional government for all Palestine was formed. The Arab League (except Jordan) recognized the Government of all Palestine in exile.

Resolution 194 December 1948

Before the United Nations Mediator in Palestine, Count Folke Bernadotte was assassinated by Jewish terrorist, he sent a comprehensive report to the General Assembly. It was his recommendation that formed the basis for key

resolution 194 of December 11, 1948. The resolution established a Conciliation Commission for Palestine and an instruction was given to "take steps to assist the Governments and authorities concerned to achieve a final settlement of all question outstanding between them."

Resolution 194 has been very controvertial in the sense that some see it as a vague document confirming the right of the refugees to return to their homes. The Arab interpretation of paragraph 11 of resolution 194 gave recognition to the repatriation of the refugees. 3/

1. The paragraph affirms a "right" of refugees to return to their homes, if they choose.
2. The paragraph affirms a "right" to compensation for those refugees choosing not to return.
3. These "rights" both to return or, in the alternative, to compensation, are to be implemented under principles of international law or in equity.

The major problem that followed repatriation of the Palestinian refugees was the question of resettling these refugees in their homeland.

The question of resettlement brought about a major disagreement between the Jews and the Arabs. Israel was restricting the locations for refugee settlement. This angered the Arabs in the sense that the refugees were being subordinated to socio-economic considerations. Throughout the years between 1952 to 1968, the General Assembly continued to reaffirm resolution 194.

While the questions of repatriation and resettlement of the Palestinian refugee were not adequately answered, at least to the satisfaction of the Arabs and their sympathisers the world over, some major developments were taking place in the Arab League.

In March, 1959, the Arab League made the following recommendations:

"To reorganize the Palestinian people and perpetuate their entity as a unified people whose voice would be heard all over the world through representatives selected by the Palestinian people. 4/

3. See the interpretation of paragraph 11, sub-paragraph 1, of the General Assembly resolution 194 (Dec. 11, 1948), by Georg Tomeh, Permanent Representative of Syria to the United Nations in an article titled: Legal Status of Arab Refugees

4. See Isam Sakhnini, P.L.O. The Representative of the Palestinians, Palestine Research Centre, Beirut, 1974, p. 8

In May, 1964, the first Palestine National Congress met in Jerusalem and established the Palestine Liberation Organization (P.L.O.) whose purpose was to "provide the institutional and leadership structure of the struggle for the liberation of the Palestinian national homeland."

Six Days' War, 1967

In the development of the Palestinian situation we have discussed earlier, several attempts were made by the world body to reconcile the parties in the Middle East dispute. Several resolutions were passed in an endeavour to promote better co-operation and peace in the area, but to no avail. One development that jeopardized chances for settlement occurred on the 5th of June 1967 when Israel suddenly attacked Egypt, Syria and Jordan. This attack was condemned as an act of aggression. Although Israel kept on saying she acted on the basis of self-defence, the three Arab countries mentioned (Egypt, Syria and Jordan) did not prepare for this aggression. Neither were they preparing to attack Israel. Following this attack by Israel, the Security Council passed resolution 242 expressing its concern with the grave situation in the Middle East. The Security Council, in this resolution, emphasised 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". In this regard, the Security Council drew the attention of the parties involved and all Member States to remember the fact that when they accepted the United Nations Charter, they have by implication, accepted to act in accordance with Article 2 of the Charter. The Security Council brought about 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;

This attack of Six Days' War of 1967, which made Israel to occupy Arab territory, changed the whole Middle East situation into a very serious dimension. This burning situation has also changed the mood of the members of the United Nations. The Palestinian members were invited to address the Special Political Committee of the General Assembly of the United Nations in 1967. They presented their case especially the consistent violations of the United Nations Charter, the Universal Declaration of Human Rights and the rights to self-determination by Israel since 1948.

In 1948 when the General Assembly met, representatives from Arab countries re-introduced the previous year's legitimate rights of the Palestinian people and the right to self-determination." They urged that the creation of Israel in 1948 was a great injustice done to the Palestinian

Arabs, and suggested that if the Palestine Question was not solved, if the refugees were not given their legitimate rights of returning to their homeland (Palestine), there would be continuous tension and insecurity in the area.

From 1969 onwards, the General Assembly started to change its method of dealing with the Palestine Question in the United Nations. It was from that period that the Third World countries in the General Assembly started sponsoring resolutions dealing with the Palestine Question. The General Assembly, from then on, started to adopt resolutions dealing with the repatriation of the Palestinian refugees and their self-determination. Resolution 2535 B of 1969 was the first to recognize the "the problem of the Palestine Arab refugees has risen from the denial of their inalienable rights under the Charter of the United Nations and the Universal Declaration of Human Rights." 5/

On the basis of the United Nations Charter, and the Universal Declaration of Human Rights, later resolutions - that followed dealing with the people of Palestine and their rights to self-determination continued to reaffirm the determination of the world body to safeguard the principles of international law for global peace and security. Resolution 2672 C which was passed in 1970 was very important to the whole question of Palestine. It was the first resolution to use the expression "people of Palestine". In this sense the resolution acknowledged the right to self-determination of the people of Palestine. 6/

In the following years, 1971 and 1972, similar resolutions affirming the rights of the Palestinian people to self-determination were also passed by the General Assembly of the United Nations. 7/ The Palestine Question has started to gather the necessary momentum which would eventually help the people in question (Palestinians) to gain more international sympathy.

Resolution 3089 D of 1973 declared as follows:

"...that the enjoyment by the Palestine Arab refugees of their right to return to their homes and property, recognized by the 11th December, 1948, which has been repeatedly reaffirmed by the Assembly since that date, is indispensable for the achievement of a just settlement of the refugee problem and for the exercise by the people of Palestine of the right to self-determination. 8/

5. See 24 GROR, Supp. (No. 30) 25, United Nations document A/7630 (1969)

6. 25 GAOR, Supp. (No. 28) 36, United Nations document A/8028 (1970)

7. General Assembly resolution 2792 D, 26 GAOR, Supp. (No. 29) 47, United Nations document A/8429 (1971)

8. Supra note 60.

Another important development as regards the inalienable rights of the Palestinian people occurred in 1974 when the General Assembly adopted resolution 3236. It stated:

The General Assembly,

Recalling its relevant resolutions which affirm the right of the Palestinian people to self-determination:

1. Reaffirms the inalienable rights of the Palestinian people in Palestine, including:
 - (a) The right to self-determination without external interference;
 - (b) The right to national independence and sovereignty;
2. Reaffirms also the inalienable right of the Palestinians to return to their homes and property from which they have been displaced and uprooted, and calls for their return.

The next important development was a diplomatic victory to the Palestinian Arab.

In 1974, Arab Governments recognized the Palestine Liberation Organization as the "sole legitimate representative of the Palestinian people". In this regard, Palestine is regarded as the homeland of the Arab Palestinian people which they possess a legal right to it. "The liberation of Palestine will restore to the Palestinian his dignity and liberty - Armed struggle is the only means for liberating Palestine - and the Palestinian people have the ultimate right to liberate and retrieve their homeland. 9/ On 14 October 1974, the PLO received United Nations recognition, and a government in exile was recognized by the other Arab nations for a future Palestinian State, to be formed from land regained from Israel along the West Bank of the Jordan River.

Legitimacy Established

Having achieved such major victory of recognition by the United Nations, the PLO's legitimacy has therefore been established beyond any reasonable doubt. Those non-Arab parties, directly or indirectly involved in the Middle East crisis, should try to accept the PLO's legitimacy as established by the world body. This recognition will help in paving a healthy path for better understanding and co-operation as regards this crisis. In addition to this, the Arab governments have endorsed the PLO. This double recognition (external and internal) is a testification of its legitimacy. Anybody reasonable should accept this reality on the basis of its legal validity.

9. Articles 1, 3, 4, 17, 29 of the PLO Charter.

If the PLO's legitimacy is not accepted, the rejection can only promote some doubt in the constitutional and political system of the United Nations. Already, some people's fear is greatly increasing about the future of human rights in the United Nations. Some are even calling for the restructuring of the United Nations system in the sense that the big powers who dominate the Security Council by virtue of their veto monopoly will continue to be the centre of attraction. The Third World members of the United Nations are the periphery of the United Nations system since they no longer have a veto. It is quite threatening to see that legitimacy established is legitimacy denied. If the United Nations system cannot save this situation, if the PLO, with its representative in the United Nations, is still being humiliated by some parties as a "terrorist" body, the question of legitimacy is seriously challenged. Not only this, the dignity of the Palestinian Arabs is unfortunately disregarded. This is a very serious problem that challenges the very foundation of international law and the principles of justice, equality and freedom. The United Nations in this respect has the duty of safeguarding its Charter in an endeavour to protect the Universal Declaration of Human Rights by taking all the necessary steps and actions to see that all its member nations, without exception, recognize the legitimacy of the PLO. This would lead to increased international understanding of the Palestinian question. It would eventually bring about a meaningful and just solution to this problem - a solution that would establish a just and lasting peace in the Middle East on the basis of the attainment of inalienable rights of the Palestinian people, including their right of return and the right to national independence and sovereignty in Palestine, in accordance with the United Nations Charter. It is necessary to take this fundamental position in recognition of the Universal Declaration of Human Rights, and in defence of global peace and security for the establishment of justice, equality and freedom without restrictions.

Conclusion

A case of fundamental human rights for the Palestinian Arabs has been established by the United Nations Charter. Another case of self-determination has also been made in favour of the Palestinians. Their refugee status has necessitated their legitimate claim for repatriation and settlement in their own homeland of Palestine. The United Nations has passed a number of resolutions to this effect. The United Nations' recognition of the PLO coupled with its acceptance by the Arab governments indicate its legitimacy. The big problem now is how to go about solving the Palestine Question. If international law is carefully examined and extended to regulate the political relations of the United States and Israel on one hand, and the Arab nations (including the PLO) on the other, there can be an answer to this burning question. The problem we have been encountering with international law is the result of the decentralized structure of international society. So also the decentralized nature of international law itself. Because of this reason,

the instruments of international law are not that effective. In most cases they are frequently violated. This is due to the fact that international law is deficient in three areas: Judicial decisions. ^{10/} Articles 39, 41 and 42 of the Charter are considered the heart of the United Nations system of law enforcement. Yet, they fail to force Israel out of the occupied territories since 1967. Condemnations, resolutions upon resolutions and affirmations of previous condemnations and resolutions could not reclaim the homeland for the Palestinians from Israel. One could say that international law, at least under the present United Nations system, is a "toothless dog". Recent resolutions 3236 (XXIX) of 22 November 1974, 3375 (XXX) and 3367 (XXX) of November 1975, 31/20 of 24 November 1976 32/40 A and B of 2 December 1977 and 33/28 A to C of 7 December, 1978, all expressed the same demand on the report concerning the inalienable rights of the Palestinian people. After demonstrating this humanity and international morality, no just solution to the problem of Palestine has been achieved and at the same time the situation in the Middle East is still causing a major threat to global peace and security. The final note, therefore, is a call to all concerned especially those parties who continue to slowdown the chances for permanent settlement and the restoration of law and order in the area of the conflict, to reconsider their position for reason to prevail in the Middle East. The Palestinian people should not be refugees in exile everlastingly. The world community has a collective responsibility to help them get their inalienable rights once and for all. If this principle of international law is negated, the United Nations cannot be our undying hope for universal peace, security, justice, equality and freedom for all. At this junction, a call to the major powers is vital. They should please reevaluate their positions on the Palestine Question in the interest of global peace and security. The former United States Secretary of State, Mr. Cyrus R. Vance, put it:

"The 1979 peace treaty between Israel and Egypt is an historic achievement. We have no more urgent diplomatic priority than the the effort to complete and broaden that peace so that Israel, the neighbouring Arab States, and the Palestinian people will be able to live securely and with dignity. ...The President has invited President Sadat and Prime Minister Begin to Washington for talks in April. They know that the Camp David process provides the best opportunity in 30 years to bring the security of peace to the Middle East. We cannot let it slip away." ^{11/}

10. Hans J. Morgenthau, Politics Among Nations, 5th ed. Alfred A. Knopf, New York, p. 281.

111. Cyrus R. Vance, A statement to the Senate Foreign Relations Committee, U.S. Congress, on America's Posture, Purposes in the World, Washington, D.C., March 27, 1980

Every attempt has been made to secure the inalienable rights of the Palestinian people on the basis of the United Nations Charter and the principles of the Universal Declaration of Human Rights, but to no avail. The Palestine Question cannot for any reason be ignored, nor can the world of reason fail to establish the policy of peaceful co-existence in action. To this end, a memorandum was already submitted to the summit meeting at Camp David, 12/ discussed the United State's legal and moral obligations to assist in a just solution of the Palestine problem and the Middle East problem generally. The United States, as a member of the Conciliation Commission for Palestine, has moral and legal obligations in accordance with the United Nations resolution, to help in bringing about everlasting peace and security in the Middle East including the granting of the inalienable rights of the Palestinian people and their independence.

Perhaps, it is true, there is the need for "unfettered investigation of new political techniques and legal situation" in an endeavour to lay a concrete foundation for the "creative diplomacy" 13/ that can create the conditions for a just solution to the Palestine Question.

12. Issa Nakhleh, Chairman, The Palestine Arab Delegation and Permanent Representative of the Arab Higher Committee for Palestine, submitted this memorandum to the Summit meeting at Camp David on September 5, 1978.

13. Professor Michael Reisman tries to argue for the diplomatic alternatives in the Middle East in his book: The Art of the Possible, New Jersey, Princeton University Press, 1970.

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ISRAEL AND SOUTH AFRICA:
THE NATURE OF THE UNHOLY ALLIANCE

Bernard Magubane

"Israel and South Africa have much in common. Both are engaged in a struggle for existence, and both are in constant clash with the decisive majorities in the United Nations. Both are reliable foci of strength within the region, which would, without them, fall into anti-western anarchy. It is the South Africa's interest that Israel is successful in containing her enemies, who are among our own most vicious enemies; and Israel would have all the world against it if the navigation route around the Cape of Good Hope should be out of operation because South Africa's control is undermined. The anti-Western Powers have driven Israel and South Africa in a community of interests which should be utilized rather than denied."

1968, Die Burger,
Cape Province Paper of
the Nationalist Party.

The Nationalist Party, which rules South Africa today came to power in May 1948, the same month and year which saw the birth of the State of Israel created out of the ruins of the former British mandated territory of Palestine. The Nationalist Party had among its leaders and followers well-known anti-semites with close links and collaboration with the German Nazi's for which a number of them had been interned by the government of Field Marshal Smuts during World War II. The State of Israel owed its existence to the guilt felt by the World community towards the Jewish people following their suffering at the hand of the German Nazi's. This fact elicited a great deal of sympathy towards the new Israeli State. Here at last was a state that would provide a home for many other refugees from Nazism or its survivors.

The possibility of close relationships between Israel and the Republic of South Africa under the Nationalist Party, given the latter's history and racist policy of apartheid might have seemed both awkward and unnatural. Yet from the beginning, South Africa and Israel shared a similarity which in spite of political differences and policy objectives led to close collaboration.

This paper addresses briefly the basis that underline the diplomatic, economic and military links between the two countries. I attempt to go behind the superficial differences that caused past annoyances between the leaders of Israel and South Africa and look at the class interests of those who rule

the two states. It has been said that people always have been foolish victims of deception and self-deception in politics and that they will continue to be until they have learned to seek out the interests of some class or other behind reactionary ideologies and unseemly alliances. Wiles, a Dutch economist, suggests that economic relations between states are a political act and a study of Israel-South Africa relations will show that the interplay of socio-political factors is underlined by the importance of economic calculations by the bourgeoisie of the two states.

Development of Relations: 1948-1967

The relations between South Africa and Israel have ideological and historical roots that go way back.^{1/} Both countries are typical conquest and settler states; both are tied inextricably to imperialist interests and act as outposts of imperialism in the regions in which they are located. The problem facing oppressed people of South Africa and Palestine must be understood within the wider context of the world capitalist system: Southern Africa like the Middle East are areas considered of strategic and vital importance by imperialism. It has been the fate of the people of South Africa and Palestinians to suffer not one, but two relatively distinct yet closely inter-related forms of foreign domination: settler colonialism on the one hand and Western imperialism in its most possible varieties on the other. The co-existence of these two dominant forces with the resulting contradictions, lies at the heart of both South Africa and the Middle East.

Situated at both ends of the African continent, Israel and South Africa play important roles in the international division of labor. This fact is openly acknowledged. In 1969, an editorial in an influential nationalist paper, welcomed Ben Gurion with the following words:

"Israel's survival in the Middle East is a fundamental part of our security... If our Jewish citizens would listen to what our important visitor has come to ask -- help for the building of Israel -- then their contribution is also a contribution to South Africa's security." It went on to say that Israeli control over the Suez Canal had meant that South Africa had gained "a large material, as well as strategic advantage." ^{2/}

The mutual interest Israel and South Africa share is constantly emphasized by South African Zionists as well. The Washington Post's Carlyle Murphy quoted a South African Jew as saying: "One is at the northernmost tip of the African continent and the other at the southernmost tip. They are the most

1. See "Relations between Israel and South Africa," Reprint of the United Nations Special Committee against Apartheid, No. 5/77, February 1977. And Richard P. Stevens and Abbelwahub M. Elmessiri: Israel and South Africa the Progression of a Relationship (1976), New World Press, Section 1, Chapter 2 and Section II, Chapters 1, 2 and 3.

2. Quoted, Peter Hellyer, "Israel and South Africa: Development of Relations 1967-74." United Nations General Assembly, Special Committee on Apartheid, 14 October 1974, p. 12.

highly developed countries on the continent. And what do you have in between? Backward, underdeveloped pro-communist states."3

The Nationalist recognized the commonality of interests between Israel and South Africa and S.A. was among the first country to recognize Israel in 1948. In 1953, Dr. D. F. Malan, then Prime Minister of South Africa, visited Israel where in spite of his anti-semitic past, he was warmly received. In fact, Dr. Malan was the first Western head of State to visit Israel while still in office. Upon his death his name was inscribed in the Golden Book as one who proved himself a true friend. 4/

In 1956, when the Anglo-French-Israeli attack on Suez took place, South Africa sympathies were on Israeli side. However, when the new African states became independent in the 1960's, the leaders of Israel wanted to cultivate friendship with the new states so as to drive wedges between these states and the Arab states and also to exploit the economic opportunities opened up in these countries. To curry favors with the African states Israel became critical of apartheid. From 1960 to 1970 this caused problems between Israel and South Africa. In 1962, for instance, Israel supported the General Assembly resolution calling for the severance of all relations with South Africa and the imposition of sanctions against the regime. This annoyed South Africa, and in retaliation the regime rescinded the special concessions in foreign currency regulations which had allowed the South African Jews free transfer of funds to Israel. 5/ Because of the dispute the head of the Israeli mission in Pretoria was withdrawn and Israel was only to be represented by a charge d'affaires. In 1966, Israel again supported the UN resolution in the General Assembly revoking South Africa's mandate over South West Africa causing further strains in Israel-South African relations. 6/

In spite of this diplomatic gamesmanship the identity of class interests between the rulers of the two states continued to assert itself. Trade between Israel and South Africa in the years 1960-1970 increased gradually in spite of misunderstanding. In May 1960, the Mayor of Ashkelon visited South Africa to seek South African capital for investment in development project in his town. 7/ In the period 1961-1966, Israeli exports to South Africa averaged \$2.27 million (USA) but its import went from \$6.8 million in 1961 to \$3.4 million in 1966. During this period, Ghana and Nigeria reached a position where they received more Israeli imports than was South Africa: in 1966, the figures were \$4.9

3. Quoted, Nicholas, R. Burnett, "Dangerous Bed Fellows: The Israel-South Africa Connection." The Nation, May 20, 1978, p. 598.

4. Brian Bunting, "The Israel-South Africa Axis -- A Threat to Africa." Sechaba, Vol. 4, No. 4, April 1970, p. 8.

5. Richard P. Stevens, "Zionism, South Africa and Apartheid -- the Paradoxical Triangle." The Arab World, Vol. XVI, No. 2, February 1970.

6. Brian Bunting, Op. Cit., p. 8.

7. Rand Daily Mail (RDM), 14th May, 1960.

million respectively. 8/ This fact would explain Israeli tilt towards the African position at the UN when the issue of South Africa was debated.

The 1967 War Cements the Relationship

The year 1967 was decisive for the development of the relationship between Israel and the Republic of South Africa (RSA). Israel's conquests of Arab lands and its refusal to hand them back after the war negated the political basis of Israel's relations with African states. The policy of straddling the fence which had served Israel for 10 years became impossible to sustain. The Jewish community in South Africa worked hard to establish Israeli-South African relations on a new basis. After 1967 Israel and South African ideologists stressed the identity of aims and interests of the two states in Africa and the Middle East and the role of the two states as surrogates of imperialism. In the epigram, I quoted a statement that appeared in Die Burger, organ of the Nationalist Party in the Cape Province; the same argument was reiterated by Jewish Affairs, the official organ of the South African Jewish Board of Deputies:

The argument that Israel and South Africa have a basic community of interest in the Middle East and further south has more than a grain of truth in it. There is nothing secret or sinister about it. The strong ties between the two countries, closer than ever since the 1967 war, are inseparable from their geographical and strategic position, from their anti-communist outlook, and from all the realities of their national existence... In short, the destinies of the two countries, so different in many ways, but so alike in the fundamental conditions of their survival, are interwoven in a much more meaningful sense than any enemy propagandist could conceive, or for that matter would be happy to see.

The author of the article went on to review South Africa's so-called "outward policy" and then stressed the similarity of Israeli-South Africa objectives in Africa.

"Israeli and South African interests converge not just on the eastern fringe of the African continent, but still more positively in the heart of the continent itself. Both share an interest in the material and social development of those among the 200 million Africans who wish to seek their help and cooperation... It is on African soil that the paths of Israel and South Africa are certain to cross in the 70's, and, to an increasing extent, in the more distant future. It is not, and

8. Peter Hellyer, "South Africa and Israel: 1948-1972," IDOC 73/069 002, p. 8.

never has been, a question of rivalry, but rather of the one complementing the other where they happen to meet." 9/

This is the clearest expression of the identity of class interest that predetermines the alliance between the South African Jewish community, the Nationalist Party and those who rule Israel. Thus the Israeli-South African axis, which to many seems paradoxical and inexplicable, is here explained with brutal honesty.

South Africa has one of the wealthiest of the world's Jewish communities, whose contributions to the state of Israel both in men and money rank second in size only to those of the United States. Within a week of the outbreak of war in 1967, South African Zionists had collected \$20.5 million for Israel and the Vorster Government relaxed the controls on the transfer of money out of the country imposed on Israel after the 1962 UN sanction vote. In addition, thousands of volunteers crammed Zionist offices in all the main centers of South Africa to offer their services to Israel or to donate blood. 10/ At the UN, while continuing to adhere officially to a policy of neutrality, South Africa abstained from the votes in the General Assembly that dealt among other issues with Israeli annexation of East Jerusalem, which was condemned even by the United States. 11/

Perspective, the journal of the South African Foundation, a group of businessmen devoted to improving South Africa's image abroad wrote in its issue of August 1967:

"... The recent war in the Middle East aroused fevered interest and passionate concern in many parts of the world but in few so deep a sense of personal involvement as in South Africa. Sympathy for Israel was not confined to the Jewish community, however. White South Africans generally identified themselves personally with the plight of the Israelis... All were aware of the analogy between the situation of Israel, surrounded by hostile neighbors and the situation of South Africa... In the circumstances, it seemed only natural that white South Africans generally should view the Israelis as comrades in peril, and seek to assist and succor them accordingly." 12/

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9. Jewish Affairs, November 1970, quoted in Peter Hellyer, *Op.Cit.*, p. 14.
 10. Quoted Brian Bunting, *Ibid.*, p. 19.
 11. Peter Hellyer, *Ibid.*, p. 6.
 12. Quoted by Peter Hellyer, *Ibid.*, p. 5.

During and after the 1967 war, Israel received wide support in South Africa. Chief Rabbi Abrahams spoke on the significance of Israeli victory over the Arabs. The Rand Daily Mail quoted him as saying that "if Israel had not won the war in the Middle East, the communist powers would have spread terrorism throughout Africa including South Africa. The North African states would surely have joined forces with communism to sabotage the Republic." Wherefore, concluded Abrahams: "We Jews feel it was a victory not only for Israel against enemies who received constant support and even incitement from Russia, but also a decisive victory for democracy and the Western world." ^{13/} This euphoria was not confined to the Jewish community alone. In a parliamentary debate in Cape Town on 6 June, members of all parties clearly identified with the Israeli cause. The Johannesburg Star on June 10: reported a demonstration of the fervor for the Israeli cause generated among the Nationalist (in Cape Town) and that Broederbond (Brotherhood -- the secret society that created the Nationalist Party) had made sizeable contribution to the funds to assist Israel. ^{14/}

The Israeli strategy of "Blitzkrieg" was not lost to South Africa's military planners. The lessons of the lightening raid was explained in detail to the South African Staff College by Israeli Chief of the Air Force, Mordechai Hod in October 1967 when he visited South Africa. Since then, whenever South Africa's spokes persons warn African states of the danger of giving sanctuary to guerillas, they constantly point to what the Israelis did to the Arab states that give bases to the PLO. The minister of Labor Mr. M. Viljoen speaking at a Nationalist Party rally in Johannesburg commented as follows on the lesson of the 1967 war:

"The Middle East war has not only brought the Arab states to a revaluation of their position, it also ought to make some of the most loudmouth African leaders, who continuously threaten attack on South Africa think again." ^{15/}

In April 1968, P. W. Botha, then Minister of Defense warned the Zambian Government about the danger it ran by supporting "terrorists" he also drew the analogy of the Israeli raids against Palestinian guerilla bases, such as that against Kurameh in March 1968. ^{16/} The attacks South Africa constantly makes against SWAPO refugee camps in Angola and Zambia are modelled on the 1967 Israeli strategy.

The similarity of the class objectives of those who rule Israel and South Africa became the driving force behind rapid development in economic, political and military ties. C. L. Zulzberger of the New York Times made the following comment on those who rule South Africa wanted to see the links between South Africa and Israel strengthened:

14. Cited in Brian Bunting, Op. Cit., p. 19

15. Brian Bunting, Ibid., p. 19.

16. Rand Daily Mail (4th April 1968).

"The basic truth remains that this country (South Africa) which has few friends abroad regards Israel as one of them. For some time Israel's policy of cultivating black African nations was resented. Now this has been forgotten in the belief that Israel's stand against Russia and Russian proxies at this continent's extreme north helps prepare a position for similar stand if need be, when the day for such comes to the extreme South."

Sulzberger further explained that the Israeli-South Africa relationship had psychological importance given the fact that,

"Among foreign critics of South African policy there are many Jewish voices, especially in the United States and Britain. South Africa feels, therefore that if Israel is sympathetic this will help its own international standing. He then quotes South African Prime Minister Vorster:

'We view Israel's position and problems with understanding and sympathy. Like us, they have to deal with terrorist infiltration across the border and like us they have enemies bent on their destruction.'" 17/

One cannot overemphasize the role played in Israeli-South African relations by the Jewish community in South Africa. Over the years the South African Zionists developed strong kinship with Afrikaner Christian Nationalism. It is this fact that made the alliance between the state of Israel (supposedly home of Nazi victims) and the South African state (ruled by the advocates of fascism) so easy and yet so bizarre.

The most conscious attempt to put Israel and South Africa relations on a new foundation was undertaken by the South African Foundation, organ of both Afrikaner and Jewish big business. It was helped in this endeavour by the Israeli-South Africa Committee which was reorganized in 1968. Its Chairperson, Dr. Shlomo Peer, an economist had settled in South Africa in 1965. He was founder-member of Ben Gurion's Rafi Party and a member of its national council. A second Israeli in the committee was Colonel Ephraim Shurer, who left Israel's Defense Force to become South African Manager of Israel's El Al Airline.

17. The New York Times, April 30, 1971

One of the first things the committee did was to arrange a meeting between the South African Minister of Defense, Mr. P. W. Botha and Mr. Shimon Peres, the Secretary-General of the then ruling Israel Labour Party and member of the key Foreign Affairs and Security Committee. 18/

The Israel South African relations became disrupted in mid-1968 because of another Israeli Statement of the UN criticizing South Africa's position in Namibia. In 1971, the South African regime again suspended the free transfer of money to Israel in protest against Israel's offer of \$5,000 to the OAU Assistance Fund for the Liberation movement. Israel was then obliged to withdraw the offer. 19/

1973 and Beyond

The cordial relationship that had been developing between South African and Israel took a dramatic turn after the 1973 war. Most African States broke relations with Israel during and after the war, thus putting an end to Israel's need to play a balancing game when the issue of apartheid came before the UN.

During the 1973 war, 1500 Jews of South African descent took part in central combat and 800 were among the units that crossed the Suez Canal. At least one jet fighter of South African origin was shot over the Suez Canal. 20/ The Zionist who dominated the South African Jewish community exerted their enormous influence to solidify Israeli-South African relations in every sphere of life. The growing isolation of South Africa, the national sympathy of the Afrikaner populace with Zionist/Israel philosophy and goals -- all combined to make the work of Zionists easy.

Today the economic, military, technological and other ties between Israel and South Africa no longer cause any embarrassment. In fact, they are openly celebrated. The visit of the then South Africa Prime Minister J. B. Vorster to Israel in 1976 formalized the Israeli-South African axis. At the end of his visit, Vorster gave a news conference and said that a wide ranging agreement on economic, scientific and industrial collaboration was concluded between South Africa and Israel. The two countries today have a number of projects in both the public and private sectors of the economy. The Ministerial Joint Committee for economic, scientific and industrial collaboration is the most important result of Vorster's visit. The first meeting of the Committee took place in February 1978, when the Israel Minister of Finance, Simka Ehrlich visited South Africa. The reason for the visit was explained as follows by the Johannesburg Star; the mouth organ of Mining Capital:

18. Brian Bunting, Op. Cit. p. 19.

19. Relations Between Israel and South Africa, Op. Cit., p. 9.

20. Richard P. Stevens in Stevens and Elmessiri, Op. Cit., p. 67.

"Clearly the pact goes well beyond the usual trade and cooperation agreements which normally round off a state visit between friendly countries... at the root of the pact is a mutual exchange of materials and military know-how which both countries desperately need. Very likely that is the strongest imperative of all." 21/

An editorial in the Rand Daily Mail stated:

"There is no gain saying the signal nature of Mr. Vorster's triumph this week. By achieving a publicly announced economic, scientific and industrial pact with Israel he has done far more than merely formalize bonds that have, in any case, been growing stronger. He has in fact acquired for South Africa a public friend, an avowed ally, at a time when this country confronts an increasingly hostile world and an increasingly aggressive Black Africa." 22/

The Ministerial Joint Committee between Israel and South Africa had few precedents in the modern world, and it exemplified a degree of collaboration and interdependence with serious implications. The various reports published recently offer illuminating insights into the scope and depth of Israeli relations with South Africa. They extend especially to the military sphere -- Israel for instance has given permission for the development of a mirage type combat-bomber, concessions to produce the U21 sub-machine gun, supplies of Gabriel sea missile, and, judging by the reported increase in the traffic of Israeli nuclear scientist to Pretoria since 1973, there is close cooperation in the development of South Africa's nuclear programme as well. 23/ In 1976, Israeli and South Africa concluded an agreement whereby South Africa made special provisions to enable South Africa's Jews to invest up to \$20 million (RI = \$1.20) in Israel. Given South Africa's very stringent foreign currency and foreign investment regulations this is indeed a very significant and special agreement. 24/

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21. The Star, Johannesburg, weekly airmail edition, 17 April 1976;
 22. Rand Daily Mail, Johannesburg, 14 April 1976.
 23. See Uri Davis, Utopia Incorporated, (1977), Zed Press, London., p. 97.
 24. Ibid.

In an exclusive interview granted to a small group of American Jewish newspaper editors, including the Jewish Press, Israel's Ambassador to RSA, Yitzhak Unna, outlined some of the underlying philosophies and reasons behind the unusual closeness that had developed between Israel and South Africa. He pointed to the sharp increase in trade between Israel and South Africa. In 1969, there was \$3 million in trade between the two countries, which in 1978 had grown to over \$80 million. The main imports from South Africa to Israel are steel, iron and other metals and the major items South Africa obtained from Israel are chemical fertilizers, electronic equipment, general machinery as well as fabrics, fashion wear and citrus produce.

Ambassador Unna also spoke about the Zionist character of the South African Jewish community and its concern for the well being of the state of Israel. This according to the Ambassador had a profound impact on Israeli South African relations. Let the ambassador speak for himself on this point:

"There is a Jewish community here of roughly 117,000 people. Jews who really have an unblemished record of fidelity to Israel, who feel very strongly about Israel, who participate both financially and culturally from here to Israel thanks to the good relations existing between the government of South Africa and Israel. The Jews are really in a way in a privileged position in as much as they are able to send funds to Israel, they are able to invest in Israel. All these things, well you can't do it to any other country, you cannot transfer funds to England, you can't transfer funds to the United States, you can invest in Israel so there is a certain privileged position to which we give recognition in terms of our relationships with South Africa and as I said the growing trade relationship, and also there is over the last two years to three years a growing scientific relationship."

Mr. Unna in this same interview also talked about ideological roots of Israeli-South African relationship. He referred in particular to the Afrikaner ideological affinity for the state of Israel. This is how he put it:

"I would say if you ask South African and in particular an Afrikaner, he will give you three reasons for this closeness. He will say first of all we have a common Biblical heritage. The Afrikaners are devout Christian Calvinist people who know the Bible perhaps even better than we do, including the Old Testament, and they make a comparison. You find this very often they make comparison between the Great Trek of the Afrikaners away from the British to the Transvaal and the Exodus

of the Jews from Egypt. And, as I have just said to some friends as they trekked north they would give to the towns and villages where they settled Biblical names like Bethlehem, Bethan which is in Hebrew Bethel, Benoni and so on. So there is a common Biblical heritage which they respect tremendously in Israel." 25/

Using a world wide network of organizations and the public media, the Zionists in South Africa have coordinated their efforts with those in Israel, the U.S. and other Western countries to project a belief that the fortunes of apartheid in South Africa and the state of Israel in the Middle East are identical with the survival of Western interests.

In placing the world wide offices of Zionist at the service of apartheid the South African Jewry is acting to serve its class interest which are identified with the fortunes of apartheid. It is this fact that predetermines the alliances of religion and political reaction both in Israel and South Africa inspite of other obvious differences. Unna in the above interview to the editors of Jewish newspapers said that by presenting a positive view of South Africa in their newspapers they would "be doing South Africa/Israeli relations a service" and would also be "doing South Africa a service." 26/

The Military Collaboration

In 1975, General Meir, a former head of Israel's intelligence service and current Chairperson of Koor Industries with strong ties to South Africa's Iron and Steel Corporation visited South Africa. There he disclosed that senior Israeli military officers visit South Africa regularly and lecture African officers in modern warfare and counter-intelligence techniques. He also boasted that the South African Defense Force was benefiting from Israel's experience and know-how in the field of electronics manufacture.

In the historic week from the 21st to the 27th of June 1976, the U.S. Secretary of State Dr. Kissinger, Israel Defense Minister Allon and South Africa's Prime Minister Vorster, met in Bavaria in the Federal Republic of Germany -- this visit followed Kissinger's tour of South Africa following the collapse of Portuguese colonial rule in Mozambique and Angola. These developments changed the balance of power in southern Africa making Rhodesia, Namibia and South Africa vulnerable.

25. Jewish Press, June 18, 1976, quoted in Stevens and Elmessari, Op. Cit., p. 171.

26. Ibid., p. 169

Not long after Vorster's visit reports began to appear on Israel-South African collaboration in the military sphere. On August 9, 1976, the Israel radio disclosed that Israel was building long range gun-boats for South Africa. However, the most important area of Israel-South Africa collaboration has been in sharing expertise in counter-insurgency techniques and sophisticated modern weaponry. On April 3, 1976, the Johannesburg correspondent of the Daily Telegraph reported that Israeli officers had been closely involved with South African Army planning the Angolan campaign. The same report stated that General R. H. Rogers of the South African Air Force had stated one reason why South African casualties in Angola had been light was because Israeli techniques for evacuation and treatment of front-line casualties had been closely followed. 27/ Other, unconfirmed reports indicate that there was even more direct Israeli-South Africa collaboration in actual combat situation. In 1977, the Egyptian representative at the UN reported that according to SWAPO: "Israeli soldiers are now actively fighting against SWAPO forces." 28/ And South African soldiers reported the presence of Israeli military advisers in Namibia. Marcia Freedman, opposition member in the Israeli Parliament, asserted in June 1976 that hundreds of Israeli soldiers were attached to South African Army units as instructors and participated in training maneuvers. The usual denials were made by Israeli Defense Minister.

More ominous is belief in many quarters that Israel and South Africa are collaborating to produce a nuclear bomb. In August 1977, the Soviet spy satellite discovered that South Africa was preparing to test its first atomic bomb in the Kalahari Desert. Newsweek, the U.S. weekly news magazine reported that "some U.S. intelligence analysts concluded that the bomb the South Africans had planned to set off actually had been made in Israel." 29/

On the evening of September 22, the U.S. satellite intelligence detected what was called a mysterious flash in the Indian Ocean. And since then and despite numerous denials and attempts to play down the matter evidence is mounting that South Africa did explode a nuclear device with the help to Israel. According to African Business, "Although the CIA does not say categorically that there was an explosion, CIA sources have said that, if there was a blast, the prime suspect would be South Africa with Israel as another possible suspect." 30/

The close collaboration and consultation between Israel and South Africa continues. Just before the Rhodesian election Israel's Defense Minister Mr. Ezer Weizman paid a three-day secret visit to South Africa to discuss according to Israel radio "security matters with South African leaders." 31/

27. Relations Between South Africa and Israel, Op. Cit., p. 15.

28. African Diary, April 16, 1977.

29. Newsweek, 12 September 1977.

30. African Business, May 27, 1980.

31. The Argus, 20 March 1980.

The radio quoted unnamed officials as saying that Mr. Weizman's trip was one of regular visits by ministers from the two countries, not all of which are publicized. Again South Africa issued a profoma denial.

South Africa, it is becoming increasingly obvious needs Israeli support to keep up her dominant position in southern Africa and to get this support, South Africa has made a number of concessions in the economic and political sphere. Currently the Jewish community and the Israeli's are enjoying increasing privileges in South Africa. The model of South Africa-Israeli economic relations is typical -- South African raw materials are exchanged for Israeli know-how.

"In this way the South African raw materials and cheap labor can be 'combined' profitably with relatively cheap and highly qualified Israeli labor. Israel thus finds its place in a vertical international division of labor which is not only typical for the armament industry. For example Israel is able to produce its highly developed armament supplies with the cooperation and supplies from the United States and probably from France, the Federal Republic of Germany and other industrial nations." 32/

The complicity of the Western power in Israeli-South Africa collaboration is not in doubt. The Financial Mail expressed the opinion that "In view of a possible arms embargo against South Africa, at least our strategic needs might well have to be met in part at any rate by Israel." This role too, Israel can only play with this active help and cooperation of its imperialistic friends, Israel a 'Third Force,' but with revised premises. 33/

Conclusion

The Israeli-South African axis represents the grave danger to the peoples of the Middle East and southern Africa. The unholy alliance represented by the settler states thrived from the intrigues of international Zionist circles and imperialism. The alliance of the reactionary circles in Israel, South Africa and imperialist in the U.S., Britain, West Germany and France took place ever since the State of Israel was born.

32. Birgit Sommer, "Military Economic Collusion," Israel and South Africa: Cooperation of Imperialistic Outposts, Third World Magazine, p. 60.

33. Ibid.

The area of collaboration which best exemplifies this unseemly alliance is in the nuclear field. ^{34/} In a bid to dominate the Middle East and South Africa, the Israeli and the South African regimes pursued a massive arms build-up including the acquisition of nuclear weapons. In this effort, the two settler states were helped by the Western powers. In the book, The Nuclear Axis, Barbara Rogers and Zdenek Cervenka show that South Africa's nuclear capability is largely a product of more than 20 years of close cooperation with the U.S. and more recently, with West Germany, France and Israel.

Ever since an American satellite spotted a bright flash of light in the Southern Hemisphere last September, rumours pointed to the Israelis or the South Africans or both for having conducted a short nuclear test. CBS News, went further on 21 February and raised the allegation from status of rumour to fact. THIS IS A MAJOR DEVELOPMENT AND A GRAVE THREAT TO THE ASPIRATION OF THE OPPRESSED PEOPLE OF SOUTH AFRICA AND PALESTINE.

AFRICA AND THE QUESTION OF PALESTINE

Nzongola-Ntalaja

With the exception of Arab African countries, the African continent moved very slowly toward the recognition of the question of Palestine as the core of the Middle East conflict. Having developed a clear awareness of the Palestinian problem by 1972, the Organization of African Unity (OAU) expressed its strongest support for the inalienable rights of the Palestinian people at its Tenth Anniversary Summit at Addis Ababa, in an unanimous resolution on the Middle East adopted by the Assembly of Heads of State and Government on 28 May 1973. The resolution called for, among other things, (1) the recognition of the inalienable rights of the Palestinian people as an essential element of a just and equitable solution to the Middle East conflict, and (2) political and economic measures against Israel if it continues its refusal to withdraw from all the occupied Arab territories.

This is a position that would have satisfied Gamal Abdel Nasser, the Egyptian leader, who had pleaded the Palestinian case at the founding conference of the Casablanca group of African States in January 1961. Although this conference adopted a strong resolution in favour of Palestinian rights, its black African participants did not seem to share Nasser's correct view of Israel as a base for imperialist aggression and a threat to the peace and security of Africa. The progressive awakening of African States to this historical reality was made possible by a number of factors, chief among which were the following: (1) the close collaboration between Israel on the one hand and imperialist, colonialist and neocolonialist forces on the other, (2) the June War, Israeli occupation of Arab territories and refusal to withdraw from these territories in accordance with United Nations resolutions, (3) Israeli aggression against neighbouring countries in the form of retaliatory raids and pre-emptive strikes against Palestinian guerrillas, and (4) the growing African-Arab solidarity.

All of these factors contributed to a heightened awareness of the Palestine question in Africa and to greater support for the Palestinian cause by African States. This study is an examination of this progressive awakening of African States to the question of Palestine, from its very inception as an international issue with the United Nations partition plan to the present time. The paper suggests that in spite of their somewhat belated recognition of the Palestine question as the core of the Middle East conflict and of their severance of diplomatic relations with Israel, the majority of African States is satisfied with declarations of support for the legitimate rights of the Palestinian people while generally continuing to view the Middle East conflict from the standpoint of continental solidarity with the Arab Republic of Egypt.

The Question of Palestine from the Partition to the June War, 1947-1967

When the question of Palestine became an explosive international issue in 1947, the African continent, with the exception of Egypt, Ethiopia, Liberia and South Africa, was still subjected to European colonialism and thus unable to take a stand on the matter. Of the four sovereign States, Liberia and South Africa voted for the illegal partition plan by which the US-dominated United Nations violated the legitimate rights of the Arab people of Palestine to national sovereignty and to the territorial integrity of their country by unilaterally dividing the latter for the sake of an alien religious minority. 2/

Like Israel, both Liberia and South Africa were colonial-settler States established by immigrants seeking a better life and armed with a religious conviction of their manifest destiny and their superiority vis-à-vis the indigenous population, a numerical majority which must be subordinated by force. 3/ For Liberia, however, this similarity of origin was not a factor, since its vote was secured under US pressure to make it and the Philippines the only Afro-Asian member of the UN General Assembly to support the partition resolution. 4/

For South Africa, on the other hand, support for the Zionist cause was genuine and enthusiastic, since the white settlers in Southern Africa and the Jewish immigrants in Palestine had a lot more in common than the simple fact of being colonial-settlers shared with the Americo-Liberians. Settler colonialism in both South Africa and Palestine traces its origin to the general expansion of capitalism and its corresponding process, the outward movement of peoples of European culture. Given their common European origin and their prominent position as outposts of European civilization in strategically important areas of the world, the apartheid State of South Africa and the Zionist State of Israel were bound to become natural allies, both with respect to each other and in relation to imperialism. Accordingly, both States owe their origin to imperialism rely for their survival on imperialist protection, direct or indirect, and do in turn support imperialist aims and interests in Africa and the Middle East. Their creation was initially determined by decisions reached in London with regard to imperialist interests in Southern Africa and the Middle East: the South African Act of Union of 1909, which established the Union of South Africa as a British dominion, and the Balfour Declaration of 1917, which provided the basis for the British mandate over Palestine, greater and freer Zionist immigration, and the UN resolution establishing a separate Jewish State.

These decisions reflected not only the interdependent relationship between the Suez Canal and the Cape of Good Hope in British strategic calculations, but also the political alliance between leading representatives of the British ruling class (Lords Milner, Selbourne and Balfour, Joseph Chamberlain, Winston Churchill) on the one hand, and pro-imperial Boers like Jan Christian Smuts and prominent Zionist leaders like Chaim Weizmann on the other. 5/ After the Anglo-Boer War, a friendly government in South Africa was deemed essential to British strategic and economic interests. Fearing a possible closing of the Suez Canal to British shipping in the event of a war with the Ottoman Turkish Empire, the dominant classes in Britain wanted a South African government that would protect their access to the Indian Ocean and the Far East. Likewise, it was in the British national interest to keep the Suez Canal under British control or that of a close ally. The Franco-British-Israeli aggression of 1956, in the aftermath of the Egyptian nationalization of the Canal, is understandable in this light.

With regard to personalities, South Africa's General Smuts played a key role in the growing alliance between the British, the South Africans and the Zionists. He was closely identified with imperial decision-making, being intimately involved in the discussions leading to the Act of Union, the Balfour Declaration, and the League of Nations' mandate system. Smuts, who was a close personal friend of Dr. Weizmann, worked closely with Balfour, Churchill and Milner to develop "a new imperial approach to the Middle East question", 6/ one that stressed the linkage between the Cape and Suez.

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Based on Cecil Rhode's vision of the future of Africa, this strategic conception of the continent's security by Smuts and his imperialist backers in London was clearly understood by Nasser. In his speech to the Casablanca conference, Nasser linked the question of Palestine with the general theme of the defense of the independence and security of the African continent. The Egyptian President saw his own country as "the gateway to the defence of the interests of North-East Africa", and whose responsibility was to prevent it from becoming "a highway for imperialist infiltration into the continent." 7/ Likewise, the responsibility of black African countries was to prevent imperialist infiltration from the south. The establishment of Israel, Nasser argued, constituted a threat to the African continent as a whole:

What was the aim of the imperialist powers in creating Israel? Their primary aim was to make it a spearhead for their advance and a base for their aggression. ... Where did the Franco-British troops come from at the time of the Suez affair? From Israel. ... Israel is at present granting aid in Africa, even though we know that Israel is not in a position to balance her budget from her own resources. That is because this country is acting as a go-between, between the colonial powers and the countries of Africa, passing on aid to them. Israel is the wolf which has gotten into the sheepfold. What was Israel's attitude to Africa's struggles for freedom? What was her attitude with regard to the Cameroons and Congo? What was her attitude with regard to the Algerian people? What was her attitude with regard to nuclear tests in the Sahara?

Nasser's arguments had the desired effect, at least in terms of having the resolution on Palestine adopted unanimously by the conference participants: Egypt, Ghana, Guinea, Libya, Mali, Morocco and the Provisional Government of Algeria. 8/ The resolution calls for the restoration of all the legitimate rights of the Arabs of Palestine in conformity with United Nations resolutions and the Bandung Declaration, and "denounces Israel as an instrument in the service of imperialism and neo-colonialism not only in the Middle East but also in Africa and Asia." 9/

In spite of their support for this resolution, the black African States of Ghana, Guinea and Mali retained their diplomatic and economic relations with Israel. For Ghana, which had hosted the First Conference of Independent African States in Accra in April 1958, this was the second time in less than three years that support for a just and lasting solution to the problem of Palestine was not followed up with concrete action against Israel. 10/ The Israelis were then running Ghana's State shipping line, the "Black Star", and training its agricultural brigades. 11/ Two major reasons explain this failure on the part of Ghana and other black African countries to honor a pan-African commitment: (1) the perception of the problem of Palestine as an Arab rather than an African issue, and (2) the success of Israeli diplomacy and economic co-operation in Africa.

Since its creation in 1948, Israel enjoyed a great deal of moral support in Africa, thanks to its hero-image among white settlers and colonial administrators, and to Zionist propaganda in the mass media of the colonial powers. Thus, in spite of its imperialist origin and colonialist character, the State of Israel was widely viewed as a historical necessity by important sectors of the black population,

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notably by the Westernized petty bourgeoisie and the christianized masses: the first because of the Holocaust and the second on basis of a fundamentalist reading of Biblical prophesy.

This sympathy for the Zionist cause was wittingly or unwittingly cultivated by the European propaganda campaign against the Arabs in black Africa. Colonial history books exaggerated the Arab record in the slave trade, failing to make it clear that the European transatlantic slave trade "was by far and away larger and more important than the Arab slave trade on the eastern seaboard." ^{12/} In the Belgian Congo, the colonialists attempted to represent their struggle against the Arab-Swahili trading frontier which stood in the way of their total conquest of the north-east as a Christian crusade against Muslim slavery. Arab-African tensions in the Sudan, in Zanzibar and elsewhere only succeeded in adding more fuel to this anti-Arab campaign in black Africa. Resistance to what some perceived as an Arab drive to dominate Africa was so real that a country like Mauritania, with an Arab majority in its racially mixed population, was able, at least for a while, to have "maintained total freedom of decision on all political matters relating to its Arab nature (such as the Palestine question)." ^{13/}

Given such a fertile terrain, it was not difficult for Israel to win good will in black Africa. Because of the success of their technical assistance programmes, the Israelis were able to make friends in nearly all of the independent black African countries. The primary aim of Israeli assistance, whose funding came from the United States and other external sources in what was then known as the "third-country technique", ^{14/} was not "to help Africans transform their society". ^{15/} The principal aim of the Israeli State was to prevent African governments from siding with the Arab States on the question of Palestine.

From 1961 to 1967, Israel succeeded in this endeavour. The anti-Israeli posture of the Casablanca group was rejected by the more conservative Monrovia and Brazzaville groups of States, which subsequently "made the dropping of the Palestine problem one of the conditions of their rapprochement with the Casablanca group". ^{16/} Consequently, the question of Palestine was not mentioned at the 1963 Addis Ababa Summit at which the OAU was created, and the Middle East conflict as a whole was not seriously discussed until the Kinshasa OAU Summit in September 1967, following the June War.

Africa and the Middle East Crisis, 1967-1973

The Six-Day War of June 1967 marks the first turning point in African perceptions of the Arab-Israeli conflict. Even if black Africa did not as yet consider the Middle East crisis an African problem, it could no longer ignore it, because of Israeli occupation of the territory of Egypt, an OAU member state. Africa's interest in the conflict during this period evolved in two distinct phases, from mild expressions of support for Egypt from 1967 to 1971 to a more militant stance toward the Middle East crisis from 1971 to 1973. If the caution manifested during the first phase was a reflection of black Africa's desire not to damage its relations with Israel, the militancy of the second phase was a function of Israeli arrogance and intransigence on the one hand, and the spectacular development of the Palestinian national resistance on the other.

With the exception of Sekou Toure's Guinea, which broke diplomatic relations with Israel as a result of the June war, black Africa continued to see the Middle East crisis as a non-African problem. The majority of OAU members rejected the Somali call for an emergency OAU Summit on the June war, and the Kinshasa Summit Declaration on the war fails to describe Israel as the aggressor. 17/ The statement was nevertheless significant in the support given to Egypt, "an African country whose territory is partially occupied by a foreign power", and in the promise to work within the UN to secure Israeli withdrawal from Egyptian territory. 18/ The resolution of the 1968 OAU Summit was more forceful in denouncing Israeli aggression, seeing Egypt as a "victim of Zionism" and calling for the immediate and unconditional withdrawal of Israeli troops from all the occupied Arab territories. Since Africa was in no position to obtain compliance on the part of Israel, the 1969 and 1970 OAU resolutions endorsed UN Security Council Resolution 242 of 22 November 1967 as the basis on which the Middle East crisis should be resolved. 19/

Africa's, and indeed the world's, hope for a solution to the Israeli-Arab conflict on the basis of UN Resolution 242 was being constantly frustrated by Israeli intransigence and the Zionist State's refusal to accept the principle of "the inadmissibility of the acquisition of territory by war", a key principle in this resolution and one particularly dear to African countries. Four years after the June war, the eighth OAU Summit, held in Addis Ababa, adopted on 22 June 1971 a resolution on the Middle East "that resulted in an unprecedented involvement by the OAU in the Arab-Israeli conflict". 20/ The resolution not only found the continued Israeli occupation of Egyptian and other Arab territories to constitute "a serious threat to the regional peace of Africa and to international peace and security", it also blames Israel for this state of affairs. Israel's defiance of the peace initiative of 8 February 1971 by the Swedish Ambassador Gunnar Jarring, the Special Representative of the UN Secretary-General in the Middle East, is sharply contrasted with Egypt's positive attitude toward this initiative. Finally, the OAU resolution commits the organization to an initiative of its own to bring about a negotiated peace in the Middle East.

The OAU peace initiative, for which so much has already been written, 21/ was designed to help reactivate the indirect talks between Egypt and Israel under the auspices of Ambassador Jarring. Except for the OAU resolution's call for Israeli withdrawal from all the occupied Arab territories, this initiative made no mention of the legitimate rights of the Palestinian people. Neither the memorandum of "the Four Wise Men" nor the final proposals of the Committee of Ten established to implement the resolution dealt with the question of Palestine. Based as it was on UN Resolution 242, the OAU initiative was undoubtedly conceived within a narrow legal-institutional framework in which the Palestine question was simply a problem of refugees.

Ironically, it was in the refugee camps of Jordan and Lebanon as well as in the occupied territories of the West Bank and the Gaza Strip that the great awakening of Palestinian nationalism took place after the June war, and this helped to advance the isolation of Israel in the world in general and in Africa in particular. At its Ninth Summit in Rabat in June 1972, the OAU attributed the failure of its peace

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initiative to Israel's refusal to commit itself to "the principle of non-annexation of the occupied Arab territories", deplored Israel's "negative and obstructive attitude" with respect to the resumption of the Jarring mission, and at least implicitly accused Israel of having a desire "to perpetuate its occupation of Arab and African territories". 22/

This perception of Israeli intransigence combined with opposition to Israeli interference in the internal affairs of countries like Nigeria, Sudan and Uganda and to growing Israeli ties with South Africa to change the favourable disposition of black Africa vis-à-vis the Zionist State. Less than three months before the OAU Summit in Rabat, President Idi Amin of Uganda set a new trend in African-Arab relations by breaking diplomatic relations with Israel on 30 March 1972, and by turning over the former Israeli Embassy in Kampala to the Palestine Liberation Organization (PLO). 23/ Between this summit and the next one in 1973, five other African countries followed Uganda's example in breaking diplomatic relations with Israel. These were Chad (28 November 1972), Congo (31 December 1972), Niger (4 January 1973), Mali (5 January 1973) and Burundi (17 May 1973). The Rabat Summit moved the OAU a little closer to a recognition of the inalienable rights of the Palestinian people by granting to the PLO the status of observer, with the right to attend OAU meetings. 24/

Africa and Palestine, 1973 to Present

Completing the trend started in 1972, Africa's full recognition of the national rights of the Palestinian people came in 1973, first at the Tenth OAU Summit in May, and then at the emergency session of the OAU Council of Ministers in November. By the end of 1973, all but four of the 32 black African countries which had maintained diplomatic relations with Israel at the beginning of 1972 had broken off those relations. 25/ Zionist and anti-Arab propagandists would have the world believe that this dramatic change in the foreign policy of African countries was either a capitulation to the Arabs' oil weapon or a reflection of Africa's desire to trade friendship with Israel for Arab oil wealth. Such an analysis is a gross distortion of the facts. For black Africa had already sided with the Arabs on the question of Palestine by the time that the Organization of Petroleum Exporting Countries (OPEC) - all of whose members are not Arab - quadrupled the price of oil. 26/

Despite its suddenness, the change in black Africa's position toward Israel was based on a principled stand on the Middle East conflict in general and on the Palestinian issue in particular. This stand evolved slowly since 1967 and had become apparent by 1972, after the failure of the OAU peace initiative of 1971. Black Africa's position was very well stated by President Moussa Traore of Mali in March 1973, several months after he had broken off diplomatic relations with Israel:

The Israeli aggression of June 1967 and the Six-Day War, the occupation of Arab territory, the persecution and massacre of the Palestinian people, the many Israeli so-called reprisal raids against neighboring Arab States, in short a whole series of events and deeds that have opened our eyes by showing us clear proof of Israel's expansionist intentions and her willingness to deprive the Palestinian people indefinitely of their fundamental rights. 27/

It was this correct understanding of the Middle East situation by Africans that brought about a change from simple condemnations of Israeli occupation of Arab territories to a strong support for the struggle of the Palestinian people for the restoration of their national rights. African support for the Palestinian cause is based on a sympathetic identification with fellow victims of imperialism, colonialism and racism on the one hand, and Africa's distrust of Israel because of the latter's close relationship with South Africa, on the other. 28/ The remainder of this paper is a brief survey of the form that the African support for Palestinian rights has taken since 1973, and the manner in which that support is both enhanced by African opposition to Israeli expansionism and linkages with South Africa and weakened by the tendency of the majority of OAU States to show deference to Egypt on all issues related to the Arab-Israeli conflict.

African support for the Palestinian cause after May 1973 took primarily the form of strong resolutions at the OAU and other Third World meetings as well as in the UN General Assembly in favour of the full attainment by the Palestinian people of their national rights, including the right of return of their homeland and the right of self-determination and independent statehood in Palestine. The strongest resolution on the matter and one that helped to seal the African-Arab alliance which was forged at the Tenth OAU Summit was the one adopted together with the "Declaration of Policy on the International Situation" at the emergency session of the OAU Council of Ministers held in Addis Ababa from 19 to 21 November 1973, after the October war. Having identified Israel as the aggressor, both because of its refusal to withdraw from the occupied territories and because of its crossing of the Suez Canal to invade the soil of Africa, the African ministers declared Israel to be a common enemy of the African and Arab peoples, whose struggle against imperialism, colonialism and racism is one and indivisible. 29/ The key passages of the resolution on the Middle East call for (1) the recognition of "the legitimacy of the struggle of the Palestinian people to restore their national rights by all means available to them", (2) the political, economic, military and cultural isolation of Israel until a just and lasting solution to the conflict is found, and (3) the severance of relations with Israel by OAU members "until it withdraws from all the occupied Arab territories, and until the recovery by the Palestinian people of their legitimate national rights". 30/

With the question of Palestine being accepted as a problem of national liberation by black Africa, it was to be accorded the same importance as that accorded to Southern Africa by the Arab African countries. Both Palestine and Southern Africa were declared to be "African-Arab issues" by the Afro-Arab Summit, held in Cairo from 7 to 9 March 1977. 31/ Evident since 1973, this convergence of African and Arab views resulted in an increasingly close collaboration between the OAU and the Arab League, leading to a common position on all important resolutions on the rights of the Palestinian people and on the recognition of the PLO as their sole representative, both at the conferences of the non-aligned movement and in the UN General Assembly. 32/ After PLO Chairman Yassir Arafat addressed the UN in 1974, his organization was granted the status of observer, with the right to attend all General Assembly meetings, in 1975. It was admitted to full membership in the non-aligned movement at the 1976 summit in Colombo, Sri Lanka.

In addition to resolutions in support of Palestinian rights and the recognition of the PLO, black Africa has established relations with the PLO, both collectively through the OAU and individually in the case of some countries. Although the Ugandan and Iranian patterns of turning over the former Israeli embassy to the PLO is not standard practice in Africa, the PLO has succeeded in establishing diplomatic and information offices in black Africa. This, it should be noted, has not gone without difficulty. For example, a PLO representative "complained in September 1974 about the refusal of Nigeria to allow the PLO to establish an office in Lagos". 33/ At the present time, the PLO maintains some 14 offices in Africa. 34/ Through its more important offices in Addis Ababa and Dar-es Salaam, the organization co-operates with the OAU and the OAU Liberation Committee on matters of mutual interest. Ever since Arafat attended the 1975 OAU Summit in Kampala, the PLO has attempted to make its presence felt in OAU circles, though this has been marred by too close an association with former Ugandan dictator Idi Amin Dada. 35/ However, a more positive aspect of the PLO involvement in African affairs is evident in its very close co-operation with the liberation movements of Southern Africa and the POLISARIO Front of Western Sahara. The PLO has also been reported to have attempted to mediate the Ethiopian-Eritrean conflict in the Horn of Africa. 36/

Whatever the level of their bilateral relations with the PLO, African countries support the Palestinian people's struggle for freedom and deplore the blatant violation and denial of their legitimate rights by the State of Israel. The colonialist, racist and expansionist nature of this state is reflected in its oppressive occupation policies, by which it hopes either to realize the Zionist vision of Greater Israel by the expulsion of all Arabs, 37/ or to effect a bantustanization of the West Bank and Gaza, whose administrative autonomy would prove meaningless under the weight of hundreds of Jewish settlements subject to Israeli sovereignty and heavily armed - for "security reasons".

The very idea of a twentieth century nation-state founded by settlers on the basis of ethnic and/or religious chauvinism is very repugnant to an Africa that has categorically rejected all attempts at altering colonial frontiers in the name of history (Greater Morocco, Greater Somalia) or that of ethnicity (Biafra, South Kasai). 38/ It is therefore understandable that when the resolution equating Zionism with racism was placed before the UN General Assembly on 10 November 1975, thirty African States voted for it. Four States - Central African Republic, Ivory Coast, Liberia and Malawi - voted against it, and twelve abstained: Botswana, Ethiopia, Gabon, Ghana, Kenya, Lesotho, Mauritius, Sierra Leone, Togo, Upper Volta, Zaire and Zambia. The fact that Zionism had already been equated with racial discrimination and colonial oppression in the 1973 OAU Declaration mentioned above suggests that the racist character of Zionism was not necessarily called into question by these negative votes and abstentions. 39/

As for Israeli-South African linkages, which are related to both their colonial-settler nature and their increasingly close collaboration in the economic and military (including nuclear) fields, African opposition is nearly unanimous. 40/ Referring to the pre-emptive strikes by which Israel hopes to prevent guerrilla infiltration by bombing Palestinian refugee camps, the resolution of the 1973 emergency session of the OAU Council of Ministers draws the world's attention

to the "dangerous concept of preventive war applied by Israel and the minority racist régimes in southern Africa". ^{41/} The aggression of these régimes against Angola, Zambia and Mozambique has been patterned on Israeli raids against Jordan, Lebanon and Syria, and confirms the African position that such raids, to which the Entebbe raid of 1976 must be added, were setting a dangerous precedent for Southern Africa.

Just as Israeli expansionism, occupation policies and co-operation with South Africa help to strengthen African support for Palestinian rights, the desire on the part of most African States to defer to Egypt on all issues related to the Arab-Israeli conflict tends to weaken that support. The tendency of the majority of OAU States to show deference to Egypt has manifested itself on two critical issues: the question of the expulsion of Israel from the United Nations and the Camp David accords.

Having taken the position that Israel should be isolated politically, economically and culturally until a just and lasting solution to the Middle East conflict is found and having come very close to obtaining the expulsion of South Africa from the UN in 1974, ^{42/} Africa would have been acting consistently by actively seeking the diplomatic isolation of Israel from the international community. But when the Arab proposal for the expulsion of Israel from the UN was presented to the 1975 OAU Summit in Kampala, the majority of African countries opposed it. African moderates found it easier to hide their strong opposition to this measure in a watered down resolution which sought to adopt the more lenient sanction of suspension advocated by Egypt. In the end, even the Egyptian delegation was willing to let the matter die, as the Summit adopted a weak resolution in which OAU members are requested to reinforce pressures against Israel, "including the possibility of eventually depriving it of UN membership". ^{43/} There is no doubt that a strong resolution would have been adopted had Egypt sought to deprive Israel of its UN membership.

The Egyptian stand at the Kampala Summit reflected President Anwar al-Sadat's intention not to damage the then ongoing indirect talks with Israel through the medium of American diplomacy. These talks eventually led to Egyptian acceptance of the Israeli demand for direct negotiations and to the Camp David accords. These accords, together with Egypt's pretension to obtain with Israeli blessing some sort of autonomy or self-rule for the Palestinians, are a gross violation of the OAU commitment to the Palestinian struggle for national independence. Moreover, Egypt has won the distinction of being the first African country to disobey the OAU injunction against establishing diplomatic relations with Israel before a just and equitable solution to the Palestinian issue is found.

In sharp contrast to the Arab League, the OAU has refused to punish Egypt for its peace treaty with Israel. Not a single black African country has broken its diplomatic relations with Cairo. ^{44/} Egypt has not been expelled from the OAU, as some Arab States had hoped, and African countries were partially responsible for the decision of the Havana summit of non-aligned countries in September 1979 to place Egypt "on probation" for eighteen months instead of suspending its membership. Claiming to be speaking on behalf of "the 41 million Africans living in Egypt", President Sadat's defense of his separate peace with Israel at the

OAU Summit in Monrovia on 18 July 1979 was generally well received by the black African delegates. ^{45/} Their sympathy for Egypt was reflected in a relatively mild resolution on the Middle East calling for a comprehensive settlement to the Arab-Israeli conflict. Egypt had no objection to this resolution, and did in fact co-sponsor a second resolution giving full support to the PLO and to the right of the Palestinians to an independent state in their homeland.

By attempting to satisfy all sides to the dispute over Egypt's policies, the OAU has failed or avoided to deal with more pertinent issues. One of these issues, which was evoked by the PLO representative in the OAU Council of Ministers debate on 12 July 1979, is whether or not the right of 4 million Palestinians to self-determination and independence is negotiable. The second issue concerns Egypt's violation of the principle of representativity in its self-appointed role as defender of Palestinian interests in the so-called autonomy talks. Who gave Egypt the right to speak for the Palestinian people when the international community as a whole, and through the United Nations General Assembly, has recognized the PLO as their sole representative? Finally, how could Egypt support the Monrovia resolution for a Palestinian state when its Camp David partners reject the idea? These are questions that African moderates do not seem to find pertinent, given their evident satisfaction with the gradual Israeli withdrawal from the Sinai and the prospects of re-establishing diplomatic relations with Israel, following the Egyptian lead.

CONCLUSION

Morally and ideologically, Africa has no choice but to support the legitimate struggle of the Palestinian people to regain their national rights. If the question of Palestine was for a long time excluded from African foreign policy considerations as an "Arab issue" or subordinated to the over-all Middle East conflict, it is today recognized as the core of that conflict and as an issue affecting the security of the African continent. This correct perception of the question of Palestine resulted from African opposition to Zionist expansionism and Israel's growing ties with South Africa on the one hand, and from a sympathetic identification with the heroic struggle of the Palestinian people for national liberation and Egypt's determination to recover its occupied territory, on the other.

However, there are some limitations to African support for the Palestinian cause. One of these limitations has to do with the tendency of most African states to show deference to Egypt on all issues related to the Arab-Israeli conflict. The compatibility of interests, continental solidarity, and the primary importance attached to ending Israeli occupation of Egyptian territory are among the reasons for this tendency. Moreover, Egyptian views have greater weight than, say, those of Algeria or Libya because Egypt is not only the principal Arab country involved in the conflict, but also the only African country involved. Africa's support for Egyptian national interests, which are in the final analysis the interests of the Egyptian ruling class, weakens its support for the inalienable rights of the Palestinian people. For it ignores the truth that there will be no peace in the Middle East until a just and equitable solution is found to the question of Palestine.

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NOTES

1. Data on OAU meetings and resolutions were obtained from African Contemporary Record (ACR), edited by Colin Legum (New York: Africana Publishing Co.), where the most important OAU resolutions have been reproduced since 1971, and from Africa Confidential, Africa News, Africa Research Bulletin, African Index, Afrique-Asie, Demain L'Afrique, Jeune Afrique, Middle East Monitor, and Wafa, the Palestine News Agency. I am thankful to Professor Ibrahim Shalaby of Howard University for his help in translating for me several Wafa articles from the Arabic.
2. Henry Cattán, Palestine in International Law: The Legal Aspects of the Arab-Israeli Conflict (London: Longman, 1973; 2nd ed., 1976), pp. 69-89, has made a persuasive case for the illegal aspect of the UN partition resolution in a discussion of the juridical ground of invalidity of the resolution. On the demographic aspect of the Palestine question as involving the supplanting of an indigenous population (Arab) by an alien stock (Jewish), see Maxime Rodinson, Israel and the Arabs, trans. by Michael Perl (Baltimore: Penguin Books, 1968), ch. 1-2, and Janet L. Abu-Lughod, "The Demographic Transformation of Palestine", in Ibrahim Abu-Lughod (ed.) The Transformation of Palestine: Essays on the Origin and Development of the Arab-Israeli Conflict (Evanston: Northwestern University Press, 1971), pp. 139-163.
3. On Israel as a colonial fact and the Arab-Israeli conflict as a struggle of an indigenous population against the occupation of its territory by foreigners, see Maxime Rodinson, Israel: A Colonial-Settler State?, trans. by David Thorstad (New York: Anchor Foundation, 1973), Rodinson, Israel and the Arabs, and Ibrahim Abu-Lughod and Eaha Abu-Laban (eds.) Settler Régimes in Africa and the Arab World (Wilmette, Ill.: Medina University Press International, 1974).
4. Richard P. Stevens, American Zionism and U.S. Foreign Policy 1942-1947 (New York: Pageant Press, 1962), pp. 175-185; Cattán, pp. 82-87; Abu-Lughod, The Transformation of Palestine, pp. 379-380.
5. Richard P. Stevens, "Zionism as a Phase of Western Imperialism", in Abu-Lughod, The Transformation of Palestine, pp. 27-59; Richard P. Stevens, "Smuts and Weizmann: A Study in South African-Zionist Cooperation", in Abu-Lughod, Settler Régimes in Africa and the Arab World, pp. 173-186.
6. Richard P. Stevens, "Israel and South Africa", Middle East International, 69 (March 1977), p. 17.
7. Nasser's speech is quoted in Doudou Thiam, The Foreign Policy of African States, trans. from the original La politique étrangère des Etats africains, Presses Universitaires de France, Paris, 1963 (New York: Praeger, 1965), p. 66.
8. Ceylon (now Sri Lanka) was also represented as an observer.

9. The full text of the resolution on Palestine is reproduced in Colin Legum, Pan-Africanism: A Short Political Guide (New York: Praeger, 1962), p. 188.
10. Participants in this conference were Egypt, Ethiopia, Ghana, Liberia, Libya, Morocco, Sudan and Tunisia. The call for "a just solution of the Palestine question" is contained in a resolution on international peace and security. See Legum, Pan-Africanism, p. 148.
11. Zdenek Cervenka, The Unfinished Quest for Unity: Africa and the OAU (New York: Africana Publishing Co., 1977), p. 157; Mohamed A. El-Khawas, "Africa and the Middle Eastern Crisis", Issue: A Quarterly Journal of Africanist Opinion, 5:1 (Spring 1975), p. 34.
12. Ali A. Mazrui, Africa's International Relations: The Diplomacy of Dependency and Change (London: Heinemann; Boulder: Westview Press, 1977), p. 130.
13. I. William Zartman, International Relations in the New Africa (Englewood Cliffs: Prentice-Hall, 1966), p. 118.
14. For a defense of this sub-imperialist technique as a strategy of "foreign aid", see Arnold Rivkin, Africa and the West: Elements of Free-World Policy (New York: Praeger, 1962), pp. 71-85.
15. Manfred Halpern, "Changing Connections to Multiple Worlds", in Helen Kitshen (ed.) Africa: From Mystery to Maze, Critical Choices for Americans Series, Volume XI (Lexington, Mass.: Lexington Books, 1976), p. 34.
16. Cervenka, p. 158.
17. Ibid., p. 158.
18. Albert Bourgi, "Afrique Noire - Monde Arabe: De la solidarité politique à la coopération institutionnelle", Revue Française d'Etudes Politiques Africaines, 132 (December 1976), p. 23.
19. In addition to lacking leverage on Israel, black Africa had trouble convincing Israel of its serious concern on the Arab-Israeli conflict. A typical Israeli reaction to OAU resolutions before the October war is reflected in the following excerpt from The Jerusalem Post of 20 June 1972: "A number of African governments have tried to tell us in the past that decisions of the OAU should not always be taken literally, and that in any case the organization lacks any power to implement them. Its declarations should be understood as an expression of African unity, and of the desire of the African nations to present a united front to the outside world. ... Perhaps we should be far more stringent in the observance of diplomatic and political relationships. We have the right to demand from African friends more consideration than has been shown up to now, even when the illusion of African unity is involved."

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20. Yassin El-Ayouty, "The OAU and the Arab-Israeli Conflict: A Case of Mediation that Failed", in Yassin El-Ayouty (ed.) The Organization of African Unity After Ten Years (New York: Praeger, 1975), p. 189. The full text of the resolution is reproduced in ibid., pp. 209-210.
21. In addition to El-Ayouty, see Colin Legum, "Israel's Year in Africa: A Study of Secret Diplomacy", ACR 1972-73, pp. A123-136, Jon Woronoff, "OAU/Middle East", Africa Report, January 1972, pp. 4-6, Cervenka, pp. 158-161, and El-Khawas, pp. 37-39.
22. For the full text of this resolution, see ACR 1972-73, pp. C23-24.
23. See Mazrui, pp. 142-144, for the reasons which led to the Ugandan decision.
24. Cervenka, p. 161.
25. The four countries were Lesotho, Malawi, Mauritius and Swaziland.
26. Colin Legum, "Africa, the Arabs and the Middle East", ACR 1973-74, pp. A3-14, esp. p. A4; Mazrui, p. 144; El-Ayouty, p. 208: "It seems that those who attribute the change in Africa's attitude toward Israel to 'Arab oil money' either seek simplistic answers or do not attribute sufficient credibility to Africa's capacity to make its diplomatic decisions in the light of its own long-range interests and the principles contained in the OAU Charter."
27. Quoted in Philippe Decraene, "Africa and the Middle East Crisis: Is the Romance with Israel Over?", Africa Report, May-June 1973, p. 20.
28. Jennifer Seymour Whitaker (ed.) Africa and the United States: Vital Interests (New York: New York University Press for the Council on Foreign Relations, 1978), pp. 10-11, mentions these two critical factors, but she still finds it necessary to repeat the Western Establishment's cliches of "heightened anti-Western feelings stirred by the victory of the OPEC cartel" and "the implicit rewards promised by Afro-Arab solidarity at a time of extreme economic vulnerability".
29. The Declaration and the resolution are extensively quoted in Legum's article in ACR 1973-74, pp. A7-11.
30. See ibid., p. A10.
31. Colin Legum, "The Afro-Arab Summit 1977", ACR 1976-77, pp. A96-107.
32. Bourgi, p. 27.
33. Colin Legum, "Africa, Arabs and Oil", ACR 1974-75, p. A110.
34. Oral communication from Said Hamad of the Palestine Information Office in Washington, D.C., on 16 June 1980.

35. PLO Chairman Arafat is said to have acknowledged in an interview on 18 March 1979 that there were Palestinians fighting on the side of Idi Amin in Uganda. Africa Research Bulletin, 16:3 (15 April 1979), pp. 5185-5186.
36. Statement by Arafat at a press conference in Havana, Cuba, during the 11th World Festival of Youth and Students (28 July-5 August 1978). African Index, 1:5 (22 September 1978), p. 21.
37. See Amnon Kapeliouk, "La détermination des Palestiniens de l'intérieur", Le Monde Diplomatique, June 1980, and A. Kapeliouk, "L'agressivité de l'extrême droite israélienne", Le Monde Diplomatique, December 1979.
38. A blatant inconsistency in this regard is Africa's stand on Eritrea, where the inviolability of colonial frontiers - defended in the case of the Ogaden - is forsaken in the name of history.
39. Cervenka, p. 170, suggests that this vote was influenced by the disagreement over the issue of the expulsion of Israel from the United Nations.
40. For an excellent account and documentation of Israeli-South African co-operation in historical perspective, see Richard P. Stevens and Abdelwahab M. Elmessiri (eds.) Israel and South Africa: The Progression of a Relationship (New York: New World Press, 1976).
41. ECM/Res.20 (VIII), cited in ACR 1973-74, p. A10.
42. South Africa's membership was saved by the now routine triple veto by the United States, Great Britain and France in the United Nations Security Council. Africa did succeed in getting the apartheid State excluded from all General Assembly business.
43. AHG/Res.77 (XII). Africa Research Bulletin, 12:8 (15 September 1975), p. 3721, reports on the final debate as follows: "Conference sources said there were angry exchanges between the Egyptian delegate, Mohamed Riad, Minister of State for External Affairs, and Col. Gaddafi. President Sadat had already left for home when the OAU chairman, President Amin asked Egypt: 'Do you support the suspension of Israel from the UN?' to which the reply was 'No'."
44. Even Arab League members Somalia and Sudan have refused to take punitive measures against Egypt.
45. Africa Research Bulletin, 16:7 (15 August 1979), p. 5330; African Index, 2:14 (16-31 July 1979), p. 50.

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SETTLEMENT POLICY IN THE PALESTINIAN
OCCUPIED TERRITORIES

Arabi Awad

The dimensions of the existing Zionist project based on colonialist settlement are becoming obvious and easily understood as each day passes since the establishment of the Israeli entity in 1948 and the occupation of Gaza, the West Bank and the Golan Heights in 1967. The fascist nature of this project is made more evident through the uprooting of the Palestinian people from its homeland and the planting of the Zionist settlers instead.

The Zionist oppressive practices and policy of racial discrimination applied against the Palestinian people, including the policy of annexation, deprivation, imprisonment and torture, destruction of houses, abolishment of complete villages, deterioration of education, the policy of collective punishment, of intended murder and of political deportation, all such practices aim at uprooting the Palestinian people from its land, confiscating its national rights and preventing it from its right of self-determination and the establishment of its state on its land.

It is very easy for anyone who was tracing the procedures of land expropriation and the establishment of Zionist settlements during the past era before and after the establishment of the Israeli State until the recent wide wave of settlement during Begin's Government and the power of extremist Zionist organizations, to recognize that Israel and its imperialist ally talk of peace and the autonomy project to achieve peace, it means in fact a kind of peace that constitutes a cover for the continuity of settlement in all the areas occupied by war and so to the continued despoilation of the Palestinian people and its deprivation from all its national and human rights.

Features of the Settlement Wave After the Establishment of
the State of Israel in 1948.

The establishment of the Israeli State in 1948 not constitute the end of the road as far as settlement policies were concerned. These policies which started in Palestine by the Zionist movement supported by international colonialism towards the end of the last century. On the contrary the establishment of the Jewish State constituted the instrument through which this settlement policy was carried forth and on a larger scale which agrees with the aims of the Zionist imperialist ally, to lead this area to complete submission, its people to slavery and goods for expropriation. Practices of expelling Palestinians from their land continued after the Rodos Agreement in April 1948. An example would be the expulsion of the inhabitants of Hasa, Kabthia and Jauuni in the Safad area, whose villages were completely abolished,

in August 1950 the rest of the inhabitants of Majdal Ashkalon numbering two thousand were expelled. In January 1951 inhabitants of 13 villages in the Ara Valley in the area of Muthalth were expelled following the annexation of the area to Israel. In September 1953 the inhabitants of the Village Umi Alfaraj were expelled and the village was abolished. In the Negeve area where 48,000 Palestinians lived until 1948, the majority of the inhabitants were expelled by Israeli authorities to Jordan and the Sinai, only 13,000 of them remained there following the establishment of the Israeli State. 478 out of 585 villages within the Israeli border were demolished. The remaining 107 villages were siezed and their land confiscated. The percentage of Palestinians in Israel dropped from 528 to 17.98 in 1949. In 1950 the percentage dropped to 12.98. Israeli authorities confiscated through arbitrary procedures most of the lands of Palestinian villagers, until 1952 Palestinians owned and cultivated 1,250,000 dunums. In 1953 and according to Special Law a million dunums were nearly confiscated in addition to 70,000 dunums belonging to Islamic wake. In the Galili however which is seriously threatened now with Judaization, 210 villages existed before the establishment of the Israeli State, of which 135 villages were destroyed and the inhabitants were expelled.

The confiscation of lands continued in the Galili and it seems that there is no intention to end it. During the past few years the Israeli Minister of Agriculture, General Sharon formed armed groups called the Green Patrols, who would go around the Negev area firing their guns at sheep belonging to Arab beduins. These patrols would also burn the beduin's lands, steal their property, destroy their wells and carry them by force to special detention camps.

It is recommended further more that such patrols should also function in the Galili since the demographic condition there is developing towards the interest of the Palestinian Arabs in the area.

Such patroles led by Sharon or by other Zionist criminals like the Gosh Imonim, Kakh and the Gang of Mair Kahana who represent an extremist fascist current in Israel. Barbaric attacks are being launched on West Bank cities, camps and villages in Hebron, Dheshe, Ramallah, Nablus, and Jericho in an attempt to terrorise Palestinian citizens and force them to leave their land which would be used for the establishment of further Zionist settlements.

Stages of the Development of Occupation Authorities Settlement Policy in the West Bank and Gaza Strip.

Israeli authorities started the establishment of colonialist settlements eversince 1967 in the occupied areas according to an organized systematic plan leading up to the fulfilment of certain view of the future of these areas. Belts of settlements were thus constructed during the rule of the Labour Party's Government on the border line in the area of the Jordan Valley and the area lying between the Gaza Strip and Egypt. Settlements were also widely spread all over the Golan Heights. Labour Governments however, left

a door opened for compromise within the framework of the Allon project, a compromise regarding a possibility of the return of a certain form of Jordanian administration and regarding the intensive inhabitants of the West Bank and the Gaza Strip. The settlement belts would thus, and in all conditions, constitute Israel's secure border lines. Therefore Labour Governments established all along the eastern border of the West Bank from North to South two settlement belts the first includes 15 agricultural settlements from the south of the Dead Sea until the northern border with Israel. The other belt includes nine agricultural and industrial settlements lying on the north of the Jordan Valley and stretch until it join the south, on the Jerusalem Jericho Road. A long ... was constructed from the north and in the Jordan Valley. The Jewish Agency and other Zionist settlement organizations planned a settlement project within the same political framework and would be executed in twenty years, between 1975 and 1995. The aim of this project be in controlling Jordan Valley and the exploitation of natural resources in this area, land, water and climate, for the interest of Zionist settlers. This project got to a developed stage of progress since seventy percent (70%) of the cultivated land was under the control of Zionists, in the area of the valley, infrastructure of the project was also developed, the digging up of wells, water pipes for irrigation, electricity cables, telephone lines, good housing accommodation for settlers, hot houses for plants, and developed irrigatory means.

Concerning the Gaza Strip, the Labour Party Government established 17 settlements 15 of which constituted barrier between the Egyptian border aiming at secluding the Strip from Egypt. These settlements were established on an expropriated area of land of 119,242 dunums, which is one third of the land at the shore for the establishment of settlements for the seclusion from the sea westwards in addition to its seclusion from the Egyptian borders.

The aim of the settlement plan of the Labour Party was based on the following:

1. Preventing contact and communication between Palestinians and Jordanians from West and East Banks respectively, encompassing them as an introductory step leads to their immigration and vagabondage.
2. The aim behind the construction of intensive huge buildings around the Old City of Jerusalem is to prevent the extension of the Palestinian citizens in the city and to force them to leave by making them feel that they live in a closed ghetto which would eventually lead to the Judaization of the city and the full control over it.

The Settlement Plan of the Likud Party

The Labour Party's settlement plan did not satisfy the ambitions of the Herute and the Likud collection. Since the very beginning of his rule, Menahem Begin declared that the areas of Judea and Samaria in the West Bank are liberated areas belonging to Israel. In 1979 the Likud Government issued a decision allowing Jews to own land in all parts of the occupied areas considering them to be Israeli lands. In accordance with this settlement attitude, the Likud Government started to disrupt the populated areas in the West Bank by dividing it into small square areas sieged by settlements from all sides to separate the areas and seclude them in an attempt to connect the areas to Israel after reducing the intensity of the population there. This closes the way before any settlement and compromise regarding the West Bank land which may lead to an independent Palestinian state.

The Likud Party started to establish a number of settlements that formed a third belt on the western hills of the north of the West Bank as a plan for the extension of the Israeli borders to approach the condensed populated areas in the North, Nablus, Jinin, Tulkarem, and Kalkilia. This settlement project divided the north of the West Bank into two small areas. Three horizontal roads were also established to join Israel with the three settlement belts. One of these roads lies south of the West Bank the other in the Nablus area in the north and the third in the extreme north. The Likud Government spent in 1979, \$40,000,000 for the construction of the infrastructure of the third settlement belt. Settlement budget was increased for the year 1980 to 200 million I.L. for the expansion of the already transplanted settlements and the execution of the project leading to the seizure of condensed populated areas in the West Bank, and tearing them apart.

The President of the Settlement Department in the Herute Party, Metitiaho Gross, submitted a wide settlement plan for the southern borders of the Gaza Strip. The project costs 2500 million I.L. and consumes 141,000 dunums. Gross finds it important to start on the construction of a military settlement in this area to bring about quick demography changes there.

Raanan Vitce, President of the Settlement Department in the Jewish Agency, however, completed a comprehensive project for Gaza based on the construction of a hundred settlements on both sides of the green line within the populous areas in an attempt to encircle these areas thus forcing their annexation to Zionist settlements. In a report sent by the international security council in 1979 about settlement in the occupied areas, following information was stated about the form and size of settlement:

1. There are 133 settlements in the occupied areas, 17 are in Jerusalem, 62 in the West Bank, 29 in the Golan Heights and 25 in the Gaza Strip.
2. The lands expropriated by Israeli constitute 29 percent of the total area of the West Bank, most of the area of the Golan Heights and 35 percent of the area of the Gaza Strip.

3. A great number of settlements were established on individually owned lands and not on public land.
4. A large number of settlements is a military nature either controlled directly by the army or by youth in the age for military service.

The Sharon Project for Settlement

The Zionist Committee for Settlement Planning including Nukhaman, Afrat and Sharej and representative of other Zionist department prepared a comprehensive settlement plan called the double chain. This plan is based on decreasing the intensity of population in the West Bank and the Gaza Strip from 1,200,000 to 50,000 and enclosing them in three small areas in Nablus, Hebron and Gaza. The Israeli press stated that the project was presented to Rabins Government which rejected it because it contradicted the Allon project. ~~It was revived therefore during the Begin Government and was adopted by the~~ Minister of Agriculture, the President of the Settlement Department in the Herute Party, General Sharon. The importance of this project lies in that it sheds light on the Zionist outlook on the future of the occupied areas, the outlook which was expressed by various oppressive and terroristic practices against inhabitants of the occupied areas.

Israeli authorities were not satisfied by breaking into schools and educational institutions and the confiscation of tens of thousands of dunums, firing guns at demonstrators wounding and killing numbers of them, expelling national leaders, threatening members of the National Guidance Committee and the Palestine National Front and further practices of collective punishment including the siege of tens of Palestinian cities, villages and camps, in addition they organized bloody massacres against the inhabitants and against national figures as city of Hebron. Such practices aim at terrorizing Palestinian citizens which would make one recall the massacres of Dair Yassin. These disgraceful practices were put into execution as an intention to force the indigenous people to leave their country for the criminal settlement projects

ISRAELI SETTLEMENT POLICIES IN THE
OCCUPIED ARAB TERRITORIES

Kasuka Sinwinji Mutukwa, Ph D.

"Contrary to Israel's allegation that the Jewish settlements (in occupied territories) constituted a private activity on the part of Israeli citizens, it was clear, from the many official statements on the matter, that it was in fact the policy of the Government. Its aims were the Judaization of Palestine through the annexation of (Arab) lands, the expulsion of the Palestinians, and the containment and isolation of the remaining Palestinian agglomerations. 1/

This quotation documents, in summary form, the underpinnings of Israeli settlement policies in the Occupied Arab Territories which have the effect of changing the political and legal status, the demographic composition as well as the geographical nature of the region. This problem has led to a serious crisis in international relations. The fundamental thrust of that policy, which is Government policy, is the colonization of Arab territories which Israel has occupied by force. Yet the acquisition of territory by force is inadmissible in international law and the Geneva Conventions on the protection of civilians and property in war situations.

"Settlements" are a euphemism for twentieth century colonies. The "settlers" are colonists. Taken as a whole, the phenomena of Israeli settlements in Occupied Arab Territories represent a case of colonialism. This is the premise upon which this brief paper is predicated. In my analysis, I shall refrain from presenting a chronology of how Israel was created and how it came to occupy Arab lands. A historical study of Israeli settlement policy in the stages of occupation is also not attempted in this paper. We would refer those wishing to probe the subject further to the numerous excellent studies under the auspices of the United Nations and/or the Institutes for Palestinian Studies. 2/

The main focus of this study is on analyzing Israeli settlement policies in the Occupied Arab Territories since June 1967. To do this, the paper will attempt to shed light on the process of creating settlements as a manifestation of systematic phased dispossession of the indigenous people. Thereafter, the implications of the settlement policy on the Palestinians are assessed. The concluding section appraises the impact of Israeli settlements policy on contemporary international relations, and on world peace and security in particular.

The June 1967 Arab-Israeli war was a watershed in Israeli expansionism by force. During that war the Israeli military forces proceeded to occupy the remaining territory of what was mandated Palestine (including East Jerusalem) as well as the Sinai region of Egypt and the Golan Heights of the Syrian Arab Republic. After "conquest", military rule was imposed as Israel sought to consolidate its colonization by annexation. By annexation, we mean an illegal act by which a state asserts its sovereignty over a territory previously outside its jurisdiction.

The war had serious implications for the land and people in Palestine. In this cut-throat zerosum game, what the Israelis gained, the Arabs lost. Indeed, the masterplan of the Zionist Movement for the establishment of a Greater Israel was fulfilled.

Prior to the 1967 war, of the estimated total population of 2.7 million Palestinians, about 300,000 lived in Israeli territory, one million in the West Bank and 400,000 in Gaza. About half a million Palestinians left their homes during the war, and 1.2 million remained under Israel control. The remaining 1.5 million Palestinians were forced to become refugees, many for the second time, having first fled in the war of 1948. 3/

Having occupied Arab territories the Israelis embarked on a systematic and relentless process of dispossessing the Palestinians of their land and other properties. The illegality and coercive methods by which the Israeli authorities expropriated Arab lands, both private and public, for locating settlements is no longer in dispute. Several studies, including in particular, the Report of the Security Council Commission established under resolution 446 (1977) have concluded accordingly:

"On the basis of the information received, the Commission is convinced that a number of settlements were established on privately owned land and not only on public land. 4/

The process of acquiring land for use by Israel in the Occupied Territories is by-and-large based on seizure and confiscation. In Israeli thinking, since the occupied territories are its colonies it is assumed that arbitrary measures to confiscate land is a matter of policy. Spokesmen of the Government including the Prime Minister have stated publicly that "Israel would never return to the pre-June 1967 frontiers".

Typical to most colonization cases, the process of establishing settlements of colonies in form of migrants from the metropolitan countries follows occupation. In the case of Israel however, one should hasten to point out that Jews from all over the world have been lured to settle in occupied Arab territories. This is reminiscent of the massive planting of undesirable migrants in South Africa and elsewhere in the colonial world in the eighteenth century.

The interlocking linkages between Government and non-governmental institutions of the metropolis in formulating and implementing colonist policies have been well-known in history. There are of course recognizable variations of intensity which are a reflection of time and space. The Israeli policy is a product of Jewish institutions which were formed at the turn of the century in search of the dream of Eretz Israel long before the state of Israel was created in 1948. Chief among these was the transnational World Zionist Organisations under Theodor Herzl which held its first Congress in 1897. After the Balfour Declaration in 1917, the establishment of Jewish communities in mandated Palestine was sponsored inter alia, by the Palestine Jewish Colonization Association and the Palestine Land Development Company. All these moves have been resisted by the Arab population since.

The settlements policy was given the fullest impetus first with the creation of the State of Israel, and second, with the occupation of large tracts of Arab territories after the June war. The stage was set for implementation when the two requisites were satisfied.

Since occupation was by military forces, the pre-eminent role of the Israeli military apparatus in the settlements policy must be recognized. It is not surprising therefore, that it is the Israeli military rulers who pave the way for settlements. It is equally significant that in the present Begin regime, it is Major General Ariel Shiron, the Agriculture Minister, who spearheads the Government Committee on settlements policy. Shiron recently announced a scheme in which he plans to settle two million Jews in the occupied territories in the next two decades. 5/

For analytical purposes, one can identify the vehicles of the settlements policy as the State and its military apparatus, the colonists and the transnational Jewish Organisations. Thus the implementation of the programme is a combined operation of the Government with private and public participation. Financing for settlements comes from the Israeli Government and private institutions, both inside and outside of Israel.

It should be stressed that there is a general consensus among political groups in Israel in favour of Jewish civilian occupation of the Arab territories. Successive Israeli Governments have pursued this policy with varying degrees of intensity in implementation. The Likkud regime took over from where the Mapai had left off.

Israeli rulers appear to fathom the view that theirs is a state with shifting or elastic frontiers. Golda Meir once said that "the boundary of Israel is wherever Jews are living, not a line on the map". This view negates all tenets of international law. A state without fixed boundaries does not fulfil the attributes of statehood in international law.

The need to maintain Israel's security has been cited as the rationale for its settlements policy. An appraisal of the policy and its implementation proves to the contrary. First and foremost, it has been demonstrated that the settlements policy is not a haphazard venture, rather it is an outgrowth of

a careful masterplan with its origins in the Zionist organisations. What was required in the implementation therefore was the opportunity to do so. It is not the occupation of Arab lands which created conditions for the settlements policy.

The second major line of argument is that if Israel were able to protect its frontiers during its formation in 1948, and given the balance of forces in the region, there is no justification that occupation of Arab lands improves its security. Moreover, in modern warfare, and particularly in aerial warfare, the extension of Israeli boundaries do not enhance its security. There is therefore, more to this occupation than the security requirements of the State of Israel.

It is equally instructive to note that, Israel has had as its priority, the establishment of settlements in the most fertile and/or water endowed zones of the Occupied Arab Territories. Statistics show that about 30 per cent of Israel's water supplies come from the occupied territories. The Golan Heights of Syria and the Jordan River Valley are but a few examples of the more fertile regions which are fully exploited by the settlers. Two Jewish settlements had already been established in the Golan Heights within six months of the termination of hostilities. In 1968, eight settlements were erected in Golan compared to only three in the other remaining occupied territories.

The exploitation of the land, properties and resources including water in the Occupied Arab Territories, is a key motivation for Israeli occupation. The rationalisations so far advanced by the authorities are merely intended to legitimize the illegal annexation of foreign lands.

In 1967, Israel established five settlements in the occupied territories. By 1979, there were 133 settlements, including 17 in and around Jerusalem, 62 in the West Bank, 29 in the Golan Heights and 25 in the Gaza Strip and Sinai. Most of the settlements are small clusters of ten to thirty, often perched on hilltops located in a belt a mile or so from neighbouring Arab villages. Others are actual towns with workshops and factories. All are reported to have modern lines of communications including telephones and electricity. They are all equipped militarily to further the objectives of occupation.

Available evidence shows that when a particular area has been earmarked for a settlement by the authorities, the usual routine has been for Israeli troops to arrive without warning. They demarcate and restrict the area and warn farmers to stay off the land. Often a formal notice is given after the fact which states that the land is needed for military purposes. A few weeks later, after the area has been bulldozed, the soldiers disappear and the stripped land is taken over.

Sometimes the settlers themselves do the expropriation. The settlers also arrogate to themselves the right to expropriate more land in spite of usual protests by the Palestinian owners. In the process, both private and public lands are seized in contravention of local laws of land tenure. In total, 27 per cent of the Occupied Territories have thus far been taken over by Israel for the establishment of settlements.

Grandiose plans have been intensified in Israel to increase and/or expand Jewish settlements in the Occupied Arab Territories. A reference has already been made to the twenty-year plan of Shiron.

The Israeli settlements policy has unleashed major demographic changes in the Occupied Arab Territories, including Jerusalem. A correlation has been established between the Arab population in the Occupied Arab Territories. The Security Council Commission discovered that, "since 1967, the Arab population has been reduced by 32 per cent in Jerusalem and the West Bank. As to the Golan Heights, 134,000 inhabitants had been expelled leaving only 8,000, i.e. 6 per cent of the local population in the occupied Golan".

The Arabs who remain in the Occupied Territories including Jerusalem are subjected to continuous pressure to emigrate and thereby create more living room for the Israelis. Several Arab homes have been demolished and properties seized. In the case of Jerusalem, attempts are being made to annex that city and transform it into the capital of Israel. These actions by the Israeli authorities have been condemned by the International Community. In resolution 476 adopted by the Security Council on 30 June, 1980, it reconfirmed its position that "all legislative and administrative measures and actions taken by Israel...which purport to alter the character and status of the Holy City of Jerusalem have no legal validity and constitute a violation of the Fourth Geneva Convention ... and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East". Israel was also called upon "to abide by this and previous Security Council resolutions and to desist forthwith from persisting in the policy and measures affecting the character and status of the Holy City of Jerusalem". It should be recalled that attempts to consolidate Israeli settlement policy has served to mobilize the 39 member states of the Islamic Conference into a position where they have openly stated their commitment to liberate Jerusalem.

In Jerusalem, Israel has established permanent settlements. The occupying authorities have also sought to transform that Holy City into political capital of Israel with all its attendant consequences. In addition, the religious dimensions of the City is being changed constantly. Several ancient but venerated holy Muslim shrines have been demolished, profanated or mined through excavations which also contravenes the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. On 21 August 1969, the Al Aqsa Mosque in Jerusalem was a target of arson.

The violations of the basic human rights of the Occupied Arab Territories have been a subject of repeated condemnation by the United Nations and the international community in general. [7/ In pursuit of its colonisation policy, coercive methods have been used by Israeli authorities in attempts to impose its rule over the area. The following practices provide an illustrative example of Israeli conduct:

- (a) the expulsion and deportation of Palestinians,
- (b) the denial of their right of return,
- (c) expropriations of property and destruction of houses,
- (d) mass arrests and ill-treatment of civilians,
- (e) interference with religious freedoms and practices,
and family rights and freedoms,
- (f) ill-treatment and torture of persons under detention.

In summary therefore, the Israeli policy of settlements is a denial of the inalienable rights of the Palestinian people. It denies them even protection under the Geneva Conventions relative to the Protection of Civilian Persons in Time of War which states inter alia that, "the occupying power shall not deport or transfer parts of its own population into the territory it occupies".

Successive reports of the Special Committee on the Exercise of the Inalienable Rights of the Palestinian People provide vivid accounts of the abuse of the human rights of the people in the Occupied Arab Territories. Petitioners who appeared before the United Nations Security Council Commission on the Middle East established under resolution 446 during its visit to the area in May 1979, received a monument of evidence of how Israel abuses the human rights of the Palestinians. 8/

Repression in the West Bank has been escalated by the occupying authorities. For example, in May this year, the Arab Mayor of Hebron, Mr. Qawasmeh, the Mayor of Halhul, Mr. Mohammad Milhan, and the Sharia Judge of Hebron were expelled from the Occupied Territories. Shortly thereafter, assassination attempts were made on the lives of the Arab Mayors of Nablus, Ramallah and Al Breh. The Mayors were seriously wounded in these attacks. Evidence suggests that there is a manifest pattern of resistance evolving on the part of different categories of Palestinians. They reject political arrangements which imposes the status of "bantustans" on them as is the case in South Africa. Conformity to permanent occupation and domination which the "bantustans" policy entails, is considered unacceptable hence the confrontation.

The problem has been compounded in that within a few days, it was announced from Tel Aviv that the Prime Minister's office was to be moved to Jerusalem. Mr. Begin has repeatedly referred to Jerusalem as "the eternal capital of Israel". This position defies the consensus view of the international community which upholds the pre-1967 status of the Holy City of Jerusalem.

As has been stated, Israel maintains its colonisation by force. The Occupied Arab Territories are ruled under marshall law of the military authorities. Palestinians have not reacted passively to this imposition and alien rule.

They have sought to correct the situation by reclaiming their inalienable rights including the right to return to their homes.

The international community has recognized the rights of the Palestinians through several resolutions of the General Assembly such as resolution 2535 B of 10 December, 1969. These rights include the right of self-determination, national independence and sovereignty.

In the Occupied Arab Territories, Israel has deprived the local nationals of any meaningful participation in the political system. The settlement policy is also intended to create a fait accompli. An attempt is being made to divert attention from the crux of the matter which is the restoration of the inalienable rights of the Palestinian people to independence.

The Israeli policy of seeking to change the status, the geography, nature and the demographic composition of the Occupied Arab Territories has been determined by the international community as constituting a threat to international peace and security. Above all, the settlements policy violates the inalienable rights of the Palestinian people which they themselves are striving to uphold and to restore.

States members of the international community which oppose all forms of colonialism have also intensified their opposition to the settlements policy. Israel has been repeatedly called upon to desist from changing the legal status, geographical nature and the demographic composition of the Occupied Arab Territories.

Yet, Israel continues to defy the international community as the policy of settlements is widened in scope daily. This smacks of confrontation and not conciliation. This is the position which I stated in a statement in the Security Council consideration of the situation in the Occupied Arab Territories on 23 May, 1980, that:

"It is now a fact that the Israeli regime is by its actions bent on provoking a catastrophe in the Middle East by continuing to pursue its provocative and aggressive policies of conquest, confrontation and defiance. Our simple advice is for them to know that the only way in which Israel can secure a peaceful future is through conciliation and justice.

If we subscribe to the viewpoint that the question of Palestine is at the heart of the Middle East problem, and consequently, there can be no solution in the Middle East which does not fully take into account the legitimate aspirations of the Palestinian people, then it is evident that the settlements policy is not conducive to the resolution of the Middle East problem. It should be added that since Israel also occupies Syrian territories, Syria may not be expected to acquiesce to the status quo.

Inside the Occupied Arab Territories, there has been an escalation in the confrontation with Israeli occupying authorities. The tide of violence has been on the increase. Here again, there is a probability of escalation in the conflict which could spillover into the broader Middle East crisis.

The author also fully subscribes to the danger signals that were highlighted in one of the conclusions of the Security Council Commission in 1979, which stated:

"Unfortunately, the Commission has also perceived a deep sense of despair and helplessness, primarily among Palestinian refugees. This stems from the realization that Israel's policy with regard to the occupied Arab territories and more particularly its policy of continuing to establish more settlements is unabated and undaunted either by United Nations decisions or any other external factor. The Commission would like to state clearly in that regard that in the course of its various meetings it felt that this settlement policy was widely regarded as a most negative factor in the achievement of peace in the area both by the refugees themselves and all those who support their cause, including the neighbouring Governments for which that policy generates at national levels economic and social problems of grave consequences.

The international community has a duty to prevent the serious conflict arising from Israeli settlement policies from escalating and aggravating any further. It is recognized that breaking the status quo requires arduous efforts, but it is nevertheless evident that this can be done because change is inevitable. Who could have imagined a century ago that Empires could demise.

The international community, and the United Nations in particular have the responsibility to ensure that the Middle East problem is resolved through the recognition of the inalienable rights of the Palestinian people. To this end, the international community should prevail on Israel to withdraw from all Occupied Arab Territories.

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ZIONIST SETTLEMENT IDEOLOGY AND
ITS RAMIFICATIONS FOR THE PALESTINIAN PEOPLE

Don S. Will

The settlement policy of Israel is not a concise subject confined to the territories occupied during the war of 1967. Neither is it a process which began only thirteen years ago. The issue of settlement has been at the heart of the political Zionist movement since its inception and has been a central subject of debate within Zionism ever since. This fundamental nature of the settlement issue has caused it to be one of the determining factors of the various political streams in the Zionist movement and subsequently the Israeli state. It is intrinsically linked to other key questions such as religion and land. Settlement policy played -- and continues to play -- a major role in the Zionist confrontation with, and dispossession of, the Palestinian people. 1/

Zionist settlement over the years has taken its toll of Palestinian lives and land. Even a cursory examination reveals that the impact has been staggering. While it is extremely important to record each dunam lost, each well gone dry, these physical indicators do not describe the full dimensions of the question of settlements. Political forces and personalities in Israel have alternately supported, criticized and manipulated the settlements. Similarly the settlers have played a major role in shaping the political fabric of Israel. Since "the conquest of the land" has long been intrinsic to political Zionism, the settlers engaged in that process enjoy a particular leverage in relation to their fellow Zionists. The Zionist "minimalists" have historically stressed the consolidation of a Jewish state on the territory under their control while the "maximalists" have called for a Greater Israel based on the maximum extent of the ancient Hebrew kingdoms. The relation between these minimalist and maximalist Zionist camps have not always been amicable. The differences, however, have more often been tactical than strategic. The minimalist emphasis may often be on the need for pragmatism, while the maximalist riposte emphasizes inherent rights (often God-given) which even the minimalist ostensibly "knows to be true". This political dynamic lends a veneer of contention to a process of settlement which has inexorably proceeded.

The extreme maximalist elements, historically, have often not enjoyed the favor of the government in power, yet they have always possessed a tremendous means to go outside the law to embarrass and confront the ruling powers. On some occasions they have proven merely to be a stalking horse for the government itself. On others, the dominant powers have faced them down, e.g., the sinking of the Irgun munitions ship "Altalena" on orders of David Ben-Gurion. This action was deemed necessary for the consolidation of power. State control now appears increasingly threatened.

The settlement movement in the territories occupied in 1967 manifests much of this maximalist sentiment. Not only has it displayed enormous influence over mainstream Israeli politics, it has served as a spawning ground for even more extremist elements. The expansionist Gush Emunim

movement may today only control a minority of the settlements in the Occupied Territories, yet it has already been superseded on the right by the Tehiya (Renaissance) Party and the Kach (Thus) of Meir Kahane. The latter has been linked in the press with the two soldiers and the yeshiva student implicated in the plot to blow up the al-Aqsa mosque and other Muslim and Christian institutions. Kach is probably not associated with the emergent Zionist paramilitary group calling itself the "Sons of Zion", which claimed credit for the attempted assassinations of three Palestinian mayors. While the identities of these groups remain somewhat vague and their material sources and friends are yet to be established, their ideological roots are evident.

In the wake of the 1967 War, the Israeli government almost immediately began to settle the Occupied Territories. At that point the rationale was basically twofold. In the case of Jerusalem and its environs the claim of historic rights was primary and settlement was facilitated by outright annexation of the eastern part of the city. On the outskirts of Jerusalem, in the Jordan Valley, Golan Heights, Rafiah Salient and Sinai, the justification put forth was that of security.

During the earlier years of settlement in the 1967 Occupied Territories, the security argument was the most prevalent. The validity of this justification was, however, seriously undermined during the 1973 War when Israel had to use valuable time and manpower to evacuate the settlements on the Golan Heights. Hirsh Goodman, the military correspondent of the Jerusalem Post, concedes the inconsistencies of this argument:

The feasibility of settlements as a function of defense seems doubtful. On analysis, one suspects that they actually hamper the smooth conduct of war, and the country's ability to deal cohesively with a frontal attack... Moreover, planting civilian populations close to the border counteracts all those arguments we have heard for so long about the danger of having Netanya and Tel Aviv "just nine miles from the frontier." 2/

Goodman goes on to point out that the Gush Emunim settlement of Ofra "...is not high on the list of defence priorities right now. Nor is the establishment of a new Jewish ghetto in Hebron..." It is almost certain that the security argument for settlement would be heard less often were it not for the credibility it has sustained in the West and in the United States in particular.

The argument that Israel has historical rights in the Occupied Territories, on the West Bank in particular, proves far more of an impediment to peace in the Middle East than the question of security. It cuts across party lines and across the religious/secular division in Israel. While contemporary analysts are correct in pointing out that the Labor government concentrated West Bank settlement in the Jordan

Valley and the eastern slope of the highlands, it should not be overlooked that they also facilitated the construction of Kiryat Arba near Hebron. As was noted in Ma'ariv over a year ago:

The leaders of Gush Emunim have not forgotten the material and moral aid they have received from Yigal Allon, then Deputy Prime Minister, when they settled in Hebron, nor the aid given to them by the chairman of the Labour Party, S. Peres, while he was the Minister of Defence in Rabin's government; there would have been no Ofra, the first settlement in Samaria, without his help. Gush Emunim now misses those days. It would like to see the Labour in power again and Herut in opposition. The veterans of Gush Emunim think that this is the best political formula for their success in achieving their settlement aims. 3/

Indeed, in denouncing the United Nations Security Council vote last March condemning Israel settlement, Shimon Peres said that no responsible body in Israel would agree to the resolution's demand for dismantling the settlements in the territories. 4/ Even those whose main motivation for establishing settlements may have been security are reluctant to permit the establishment of a precedent for their withdrawal which would challenge the historical rights argument. ~~This objection was even raised~~ in the context of the dismantling of the Sinai settlements as part of the Israeli-Egyptian peace process.

The historical rights argument is premised upon the right of modern Zionists to establish a presence anywhere in "Eretz Israel." The extent of this claim varies according to the particular political positions of various trends within the Zionist movement. Begin's Herut Party has never explicitly abandoned claim to the East Bank of the Jordan, for instance. Since the Hebrew Kingdoms, on which the claims are based, are historically significant not merely for national reasons but for religious reasons which dwarf their limited geographic and temporal extent, the modern claims intrinsically have had a religious character to them.

As a result of that element of divine ordination inherent in many religions, the admixture of religion and nationalism generally has proven volatile and often oppressive. The perversion of Christianity used to justify apartheid in South Africa is an outstanding example. Similarly, in the United States the doctrine of "Manifest Destiny" was propounded to justify the settlement of western North America at the expense of its native peoples. The worldview of the Gush Emunim is somewhat analogous to both, the undisputed previous existence of the Hebrew Kingdoms notwithstanding.

The Gush Emunim emerged from the National Religious Party's Bnei Akiva youth movement and yeshivot hesder. These "arrangement yeshivas" are religious seminaries the student of which also do army service. 5/ Perhaps the single most influential person inspiring the Gush Emunim worldview is Rabbi Tzvi Yehuda Kook. David Shaham, writing in Yediot Ahronoth, describes him thus:

The politics of Rabbi Tzvi Yehuda Kook are consistent, extremist, uncompromising and concentrated on a single issue: The right of the Jewish people to sovereignty over every foot of the Land of Israel. Absolute sovereignty, with no imposed limitations. "From a perspective of national sovereignty", he says, "the country belongs to us." He defines himself as an extreme maximalist. He did not join the "Movement for the Entire land of Israel" because in his judgement, Transjordan, the Golan, the Bashan (The Jebel Druze region in Syria), are all part of the Land of Israel... In a public statement he defined the right as follows: "The entire country is ours -- there is no Arab land here, only Jewish lands, the eternal lands of our forefathers -- and that land, in its original Biblical borders, belongs to the sovereignty of the Jewish people." 6/

The conquests of the 1967 war were to Rabbi Kook a sign that God was fulfilling his ancient promises to the Jewish people.

It is extremely important to note here that such extreme theistic nationalism is not universal to Orthodox Judaism whose breadth of belief also includes the Neturei Karta to whom political Zionism is an anathema. Other Orthodox scholars such as Yeshayahu Leibowitz, a specialist in Jewish law who holds chairs in biochemistry and philosophy at Hebrew University explain that:

Jews of every generation were willing to die for observance of the Torah, but not for settling in the land of Israel... Gush Emunim is religious like the Israelites who danced around the golden calf were religious: they were idolaters. They worship the state and its borders, the cheapest form of religion. 7/

Ever since 1967 Israeli politics has been confronted with the question of what to do with the occupied territories and the Palestinians who live in them. Withdrawal from the territories was ruled out on both "security" and "historical rights" grounds. Yet holding onto the territories with their large Palestinian population implied an assimilation of Palestinians which would dilute the Zionist goal of a "Jewish State."

Menahem Begin's autonomy plan is only the latest in a series of holding actions intended to maintain Israeli control until a means can be found to resolve the paradox. The Palestinian people, however, are adamant in their resistance to further dispossession.

This question, though, gives only slight pause to the ideologues of the Gush Emunim. To them the Palestinians are merely modern manifestations of the Canaanites and Amalekites. Against the Amalekites there was a command of revenge to kill every man, woman and child. As for the Canaanites, they were given three options: to stay under Israel's terms, to leave, or to make war. In an article entitled "The Real-Politik of Our Sages," published by the Gush Emunim "Department of Information," Dr. Israel Eldad applies these to the Palestinians.

One way out given to the Canaanites was to accept Israel's terms. No autonomy but then no intolerance either... The second method was to leave ... This idea in itself is not new to Zionism. Israel Zangwill suggested it in 1920, the British put it forward in the Peel Report of 1937 as did Avraham Sharon and Avraham Stern in the '40s. Official Zionists opposed the plan due to moral hesitations (not a Jewish morality but one influenced by liberal emancipation and in continuation of their naive belief that the Arabs will agree to coexistence if we succeed in convincing them that Zionism is beneficial for them... If the two foregoing are not acceptable - let it be as it may. There is no fourth solution of 'autonomy' in our sovereign area. 8/

Elsewhere in this article, Dr. Eldad advocates the creation of economic distress in the West Bank and Gaza to bring about large scale immigration, expulsion being permissible only in time of warfare. Almost as disturbing as the position he advocates is Dr. Eldad's peculiar definition of Jewish morality.

Similar thoughts were voiced less pretentiously by the Gush Emunim settlers in Ofra when they were interviewed by the Jerusalem Post's Robert Rosenberg. Aharon Halamish, head of security, has a simple, if cynical, plan: "We simply don't give them jobs. If they didn't have work here, they wouldn't prosper and wouldn't want to stay. We could even pay them to leave." In the words of Rachel Cohen, another settler, "After all there are no Palestinian people. We invented them, but they really don't exist." 9/

What is distinctive about the Gush Emunim ideology is that their intention is not merely to colonize the occupied territories through building in areas where the Palestinian population is thinnest. On the contrary, they wish to confront and eventually supplant the Palestinians. Yosef Goell, summarizing the views of Benny Katzover, a leading Gush Emunim activist, makes this clear:

It is not the specific site of Jebel Kabir or of Rujeib that is important; the proximity to Nablus-Shechem is the point. It is essential and urgent to establish as widespread a Jewish presence in Judea and Samaria as possible; and the closer this presence is to the large concentrations of Arab population in these territories, the better. 10/

This fanatical expansionism of the Gush Emunim would be of limited concern were it restricted to an isolated splinter group. Unfortunately, the Gush Emunim, despite their small numbers, are not isolated. Their ideas enjoy currency far beyond their membership and they have friends in high places. The politics of General Ariel Sharon, the Minister of Agriculture and Chairman of the Ministerial Committee on Settlement, are well known. His extremism is matched by that of Dr. Aharon Davidi, former commanding officer of the paratroopers and lecturer in Geography at Tel Aviv University. The Ashkenazi Chief Rabbi of Israel, Shlomo Goren, in a speech in Kiryat Arba, went so far as to "express his grief that the Arabs of Hebron did not flee towards the Jordan River." He was greeted with applause. 11/

The most tangible evidence of high level political support for the Gush Emunim philosophy is to be found in the pattern of existing settlements. As previously mentioned, the Labor Government concentrated settlements in the Jordan Valley and on the eastern side of the West Bank highlands. The objectives of these belts, as described in United Nations Security Council document S/13132 Annex II, are to sever the West Bank Palestinians from East Jordan and to encircle them by creating a cordon on the eastern side. The settlement blocs surrounding Jerusalem are intended and to psychologically ghettoize them. The latter construction was carried out despite aesthetic and environmental objections of some Israeli city planners. So-called security reasons were used to override the opposition. As also noted, the Labor Government condoned settlements such as Kiryat Arba and Ofra which did not conform to their stated guidelines. This is again indicative of the broad and non-partisan support which exists for Gush Emunim style confrontative settlement.

The Likud Government, with its more explicit intention of colonizing the occupied territories, has since May 1977 proceeded to build settlements along the length of the western highlands of the West Bank. As the aforementioned Security Council document notes, the strategic objective of these colonies is to prevent the physical development of the Palestinian community to the west and to divide the populated northern part of the West Bank into two smaller areas, thus further containing and ghettoizing the Palestinian people.

An additional aspect of the scheme has been the construction of a series of roads on the West Bank which compartmentalize the Palestinian villages and towns. The roads are constructed so as to facilitate Israeli control of the region. They are comparable on a grander scale to the razing and reconstruction in Gaza carried out subsequent to 1967 in order to permit greater Israeli mobility in the effort to combat Palestinian resistance.

The most flagrant statement of support for the plan to penetrate the areas of heavy Palestinian population came in October 1978 when the World Zionist Organization's Department for Rural Settlement published its "Master Plan for the Development of Settlement in Judea and Samaria, 1979-1983." ^{12/} Often referred to as the "Drobles Plan" after its primary author, it calls for the establishment of 46 new settlements to be inhabited by 16,000 families and the thickening of existing settlements by the addition of 11,000 families--all within five years time. The projected cost of this comes to a staggering IL54 billion. The proposed allocation of such an amount for settlement on the West Bank alone is extremely demonstrative of the priorities of the World Zionist Organization. All this at a time when inflation in Israel is running over 100% annually and when only a fraction of this money is going toward housing for the numerous Israeli Jews who live in slum conditions. The recent squatter camp protest by Jews of Eastern origin was named Ohel Moreh to contrast with the Gush Emunim settlement Elon Moreh.

The "Drobles Plan" states clearly that "The disposition of settlements must be carried out not only around the settlements of the minorities, but also in between them, this in accordance with the settlement policy adopted in Galilee and in other parts of the country." This passage is important not only for the distortion of language which takes place. Rather than refer to Palestinians, the plan terms the populace "minorities," despite the fact that Palestinians are the overwhelming majority of the population of the West Bank. Drobles might respond that the Plan refers to the population ratios of the whole of "Eretz Israel." This would only further compound the attempt to deny that the territories are occupied. Such linguistic euphemisms and rewriting of history have always been a part of colonialism. From the coining of the Zionist slogan "A land without people for a people without land," on through the Balfour Declaration's reference to the Palestinian majority as "existing non-Jewish communities in Palestine," the Palestinian people have had to confront and combat such obfuscation, particularly in the Western media.

The first principle guiding the "Drobles Plan" reads: "Settlement throughout the entire land of Israel is for security and by right. A strip of settlements at strategic sites enhances both internal and external security alike, as well as making concrete and realizing our right to Eretz-Israel." Not only does this embody both the security and the historic rights arguments, it acknowledges the need for "internal" security. Thus it betrays the efforts of the Israeli Government to characterize the resistance of the Palestinians as an external phenomenon. It also inherently acknowledges that counterinsurgency and repression are among the objectives of the settlements.

The battleline between the Gush Emunim and the Government bureaucracy now is drawn particularly on the question of whether privately held Arab land may be expropriated for Jewish settlement even if this is not necessary for security reasons. The focus of this debate is the decision last fall of the High Court of Justice of Israel that the settlement of Elon Moreh had to be relocated from Rejeib to Jebel Kabir (though the latter is still proximate to Nablus). The Jerusalem Post describes the Gush Emunim position: "The seizure of small plots of Arab land at that site was justified by the right of Jews to settle throughout Judea and Samaria, they said, and no security mumbo-jumbo legalisms were necessary to sanctify that right." 13/

The Gush Emunim is forthright in its desire to dispossess the Palestinians; the government's actions belie any pretension to protect Palestinian land rights. To date approximately one-third of the land on the West Bank has come under the control of the Israeli Government. 14/ The Israeli state has gained this much land through a variety of means. A portion was confiscated on security grounds, often dubious. Other lands were taken over on the grounds that they were state lands rather than privately held Palestinian property. This has been effected through a manipulation of the system of land tenure existing prior to 1967. Three broad categories of land holdings were common. Privately held land for which the owner possessed a clear title is termed "mulk" land. Communally held land, often cultivated by the same family over generations, is called "miri" land and is registered with the Jordanian Ministry of Finance for tax purposes. Finally, land successively under the title of the Ottoman Sultan, British Mandate and Jordanian governments (which again has been under cultivation for generations) is "jiflik" land. In the last two cases clear title often may not exist. Israeli demands for legal deeds of ownership and the difficult and costly litigation necessary to prove such holdings have facilitated dispossession of West Bank Palestinian farmers. A final means of confiscation is through the notorious absentee property laws. Persons not residing on their lands at the time of occupation were termed "absentees" and the land reverted to the state as "Custodian for Absentee Property." Similar procedures have been used extensively to dispossess Palestinians in Israel itself. 15/

Thus the State of Israel itself is carrying out an extensive and multifaceted takeover of West Bank lands which differs from that urged by the Gush Emunim less in its substance than in its pragmatic avoidance - for the time being - of flagrant confrontation. In November 1979 the Ministerial Committee on Settlement passed a settlement budget of ILL50 billion, nearly half the entire annual state budget. 16/ Despite this massive investment and settlement campaign, the Government has fallen far short of the projections of the "Drobes Plan." It is finding it increasingly difficult to recruit willing settlers even with the various subsidies and benefits proffered. The fact that this land is not needed in order to accommodate an expanding population but is being conquered for almost "mystical" reasons is especially foreboding and revelatory of the aforementioned ideological nature of the settlement movement. It remains to be seen what

contradictions may arise should there be an insufficient number of settlers to realize the political goals of the settlement policy. Since some of the deterrent to volunteers stems from the hostility of the Palestinian to these would-be colonizers, the Government may feel driven, for this reason as well, to step up the repression in the occupied territories in an attempt to crush the opposition.

The most disturbing recent developments in the occupied territories are of a military nature. One of the key figures involved in this aspect is Chief-of Staff Rafael Eitan. With the resignation of Defense Minister Ezer Weizman, Eitan - never noted for his political acumen - has been thrust into an ever more important role. When Menahem Begin assumed the defense portfolio (and refused to promote Deputy Defense Minister Mordechai Zipori) he effectively allowed increased policy formulation to pass on to his chief-of-staff. Eitan had already stirred up a great deal of controversy with the leniency he had shown in the reduction of sentences of Lederman, Pinto, and Sadeh, all of whom had been convicted of killing innocent Arabs. His sympathy to the Gush Emunim has been overt as has his desire to retain the West Bank and Gaza. Eitan considers each settlement a "confrontative settlement" and has restructured the reserve duty of settlers in a foreboding fashion. Rather than serving generally in the Israeli Defense Forces, they now are organized in a framework of "area defense." Thus they serve in the occupied territories particularly and often even in their own immediate vicinity of residence. For example, the Ramallah area is policed primarily by settlers from Ofra, Beit Horon and Beit El. Israeli journalist Yehuda Litani reports that:

A security source dealing with these matters claims that "they are the best soldiers for this task." He says that the settlers have strong discipline and most important--motivation. For them "a roadblock is a roadblock and a search is a search"... Security sources think that the Area Defense... cannot be called "a private army." Security sources and the settlers deny the existence of a private army, but the given data shows that the settlers have the infrastructure, prepared by the army. There is no need for underground organization. When the Governor of Ramallah demanded the arms back from the settlers from Ofra following their "police action" last year, the settlers simply refused. This proved that in critical times the settlers and not the army dictate their will. 17/

Even should the settlers function as a private army, it is unlikely to disturb the Chief-of-Staff who recently made a "statement that there was nothing new or particularly worrisome in having a private army, almost certainly Jewish, operating separately from his own. 18/

His words are echoed by another Rafael Eitan, the advisor to the Prime Minister on the "War against terror," when he urged,

that every Israeli who enters the territories, and even the Old City of Jerusalem, should carry arms and know how to use them... In my judgment more Israeli civilians must be allowed to carry weapons all the time. Some argue that such a state of affairs will be exploited for the worst purposes. My reply: Already hundreds of thousands of guns are in the hands of I.D.F. personnel, the police and the Israeli civilian sector. An addition of several thousand weapons more will not change matters good or bad in this respect... 19/

In stating that there was nothing new about a private army, Chief-of-Staff Eitan could have been speaking historically of the various Zionist paramilitary troops active during the 1940's. His remark, however, is accurate in a contemporary context as well. In May of this year The Jerusalem Post was told that "West Bank settlers are preparing to fight the Arab terrorists with or without the army's help... Settlement leaders have decided to form 'regional security committees' which will obtain arms, train settlers and collect information on Arab riots, stone-throwing and incitement." Despite official statements that settler sources indicated they would cooperate with the authorities, "... well-informed settler sources indicated they would act if the army should be curbed by political factors." 20/ Some of the settlers, in order to counteract what they feel to be hostile media coverage, are even exploring the legalities of creating a private broadcasting station for the West Bank. 21/

The extent to which the West Bank settlers have been taking the law into their own hands has reached such great proportions that even the Western media can no longer ignore it. To merely record the incidents of harassment and violence inflicted upon the citizens of Hebron alone by the settlers of Kiryat Arba would take a far longer paper than this. Some of the Israeli press have quite appropriately termed such attacks pogroms. 22/

The sympathy of the military authorities for such activities has been demonstrably evidenced by the leniency they have shown towards the perpetrators. In the case of months-old incidents, the fact that no suspects have been apprehended is not easily explained. In Ha'aretz Zeev Shif notes the reluctance of the responsible authorities to assiduously investigate the attempted assassinations of the mayors for fear it would lead to established political quarters. 23/

What is not so readily apparent is the potential which confrontative settlement, area defense forces, regional security committees, and pogroms hold for bringing about a disintegration within the Israeli military. The settlers, through their overt vigilante actions, have done much to raise the level

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of violence in the occupied territories. Through their demagogic rhetoric and their pogroms, the settler movement---and the Gush Emunim in particular---have helped to legitimize and spawn the underground organizations which are escalating the violence in the occupied territories. As Newsweek put it, "Violence on the West Bank usually meets with little retribution from the Israeli establishment. For years, officials have allowed Gush Emunim bullies to attack Arabs, and Kahane and his crew seem to enjoy the same prerogatives." 24/

The most tragic attack by an underground group so far has been the maiming of Mayor Karim Khalaf of Ramallah and Mayor Bassam al-Shakaa of Nablus. These terrorist attacks, which occurred almost simultaneously with others in Hebron and El-Bireh, are not isolated incidents. As Mayor al-Shakaa said from his hospital bed,

This is another part in the chain of acts of the authorities who want to force upon us the autonomy conspiracy and the Camp David Agreements. It is natural that the authorities won't listen to any call for peace and recognition of the Palestinian people and their national rights. Like any other aggressive state they slip into oppression and terror. Don't forget: The bomb in my car was preceded by the killing of a student in Anabtah on May the first by the military governor of Tulkarm. Later he visited the father of the dead student and told him: "I'm sorry that it was your son that was killed; the one that should have been killed was the son of Bassam al-Shakaa and the son of Hilmi Hanoun (the Mayor of Tulkarm)." 25/

The role which Mayor al-Shakaa ascribes to the Israeli authorities in both these attacks should not be overlooked. Given the thorough surveillance of the West Bank Mayors, it is hard to imagine how such well planned attacks could have been carried out without the collusion of the military authorities.

As much an indicator of the rising lawlessness in Israeli society as the attacks themselves are the public responses made to them. Although the Begin Government may have formally denounced the terror, various public figures have been far more ambivalent in their remarks.

Yossi Dayan, Meir Kahane's deputy in the Kach Movement, expressed enthusiasm for the attacks and was sure they were done by "good Jews." He noted that "apparently the underground continues to function without him (Meir Kahane)." 26/ The Gush Emunim Secretary of Kiryat Arba, Yossi Weiner said "I can't say I'm sad. Until yesterday, we were the ones who had to guard ourselves, to watch out for stones and Molotov cocktails when we walked along the street. The time has come for the Arabs to be afraid too." 27/ One of the leaders of the Gush Emunim, Rabbi Moshe Levinger, said that he felt "safer" after the attempts to assassinate the mayors and that he felt an "understanding" for the men who

did it. 28/ Similar thoughts were echoed at higher levels. Ha'aretz reported that "MK Rabbi Haim Druckman (National Religious Party) expressed regret concerning the terror, but noted that the victims were enemies of Israel, and quoted the biblical 'May all your enemies perish thus.' He also said that he would not be terribly saddened if they were to die a natural death." 29/ Although some of his colleagues rebuked him for these comments, the National Religious Party affiliated newspaper Hatzofeh was not above putting out the scam that "The attackers should be sought among the P.L.O..." 30/

Apparently there are at least two Zionist underground groups operating in the occupied territories: the "Sons of Zion" and another connected to Meir Kahane's Kach party. Newsweek distinguishes between the two: "The membership of the Sons of Zion remains something of a mystery, though it appears to be small, highly professional, well-educated and native. Kahane's Kach, on the other hand, is seen as a dumping ground for young thugs. Some of them never bother to learn Hebrew and they often return home after a few months of hell-raising on the West Bank." 31/

Also claiming responsibility for the attacks on the mayors is a group calling itself "Terror Against Terror" (in Hebrew the acronym is TAT). Whether this group is identical to the "Sons of Zion" remains to be seen. However, in a Ha'aretz poll asking whether they approved of the facts of "Terror Against Terror", 36.6% of the Israelis polled said yes. 32/ The majority of Israelis may not at this time openly condone such flagrant illegal actions, yet the magnitude of those that do is quite sufficient to sustain a great deal of unlawful activity. The underground will find a great deal of sympathy and support, especially among the settlers in the occupied territories.

Even more incredible than the attacks upon the mayors are the potential consequences of the plot to blow up the al-Aqsa Mosque. The intention of this scheme is not the mere physical or even symbolic destruction of the Mosque. Such an action would quite probably have precipitated a major conflict in the Middle East. From the point of view of the plotters, just such a war is needed to expedite the expulsion of the bulk of the Palestinian population in the occupied territories. Kahane and the Gush Emunim have been explicit in their advocacy of such an expulsion. In the words of Ashkenazi Chief Rabbi Goren, "Not only Kiryat Arba but Hebron must be a Jewish city." 33/

Most ominous is the recent warning sounded by former military intelligence chief Gen. (Res.) Aharon Yariv in a speech recently at Hebrew University in Jerusalem. He stated that some people already "hope to exploit a situation of war to expel 7-800,000 Arabs..." things are being said to this effect, and the means are even being prepared." 34/

The problem goes well beyond that of fringe groups as Amnon Kapeliuk explains:

Rabbi Kahane is not the problem. He and his gang can easily be taken care of (why not expel him to the U.S.A. for example?); the problem is Gush Emunim and their supporters in the government and the army. As long as they are able to force their wish on everyone the decline will continue. Every new settler in the West Bank is a piece of additional dynamite. Today we already know that the settlers or many of them are driving towards a situation in which the expulsion of the Palestinian inhabitants from the territories will turn from a nightmare into a terrible reality. 35/

These plots and provocations are not taking place in a political vacuum. Over the last several months the Israeli press has begun to carry articles warning of creeping fascism.

One indication is the Tehiya (or Renaissance) Party which many of the leaders of Gush Emunim had a role in founding. It was created due to dissatisfaction with the Herut and National Religious Party positions on settlement. The ideology of Tehiya is one of mystical nationalism and the rhetoric has led some Israeli journalists to compare it with European fascist movements. 36/

Amnon Kapeliuk, in an insightful article written six months prior to the attack on the Palestinian mayors, notes several worrisome trends: "... the growing activities of the fanatic religious Gush Emunim movement; the positions taken by Minister of Agriculture General Sharon; the foundation of the fascist party Hatehiya, etc..." 37/ Sharon recently expressed the opinion that security in his eyes was above constitution 38/ (something Israel does not even have). Begin himself confided to colleagues that he would not appoint Sharon Defense Minister because "He would be liable to put tanks around my office." Whatever the wryness of the Prime Minister's comment, the politics of such highly placed officials as Sharon trouble many Israelis.

Throughout the history of the state of Israel, there have been outbreaks of extralegal and illegal activities. Almost invariably these have been a result of actions of the extreme right wing of the Zionist camp. The policies of Begin's own Herut Party during the formation and early years of the state clearly fit this category. 40/ This is why Ben-Gurion confronted them over the Altalena. Often the right has used such tactics to gain disproportionate leverage over policy formation. They have succeeded in achieving this influence through their abilities to manipulate the political and religious fundamentals of Zionist ideology. Within Zionism the only definitive answers to such key questions as - What are the final borders of Israel? Who has more right to the land? Who is a Jew in the eyes of the state? - have come from those relying upon religious formulas. Those with more universalist religious interpretations or more liberal political analysis have not succeeded in putting

forward alternatives capable of neutralizing the maximalist arguments. They respond weakly when faced with the question: If history and the Bible entitled us to Haifa, how much more are we entitled to Hebron? Or also the correlative: If we abandon our rights and withdraw from Hebron will we not be forced to withdraw from Haifa?

Virtually all factions within the Zionist movement, in their effort to create the state of Israel, accepted and used--at least in a limited fashion--the historical and religious claims to the land. As a result, the maximalist position has an element of "truth" to it which the moderates are seldom prepared to deny or refute. While in times of relative peace and security, pragmatism may retard the expansionist and exclusivist elements of Zionism, in times of stress and disorder the extremists gain in strength.

At the present, the contradictions of settler colonialism are catching up with Israel. Occupation and democracy (even for the settler population) do not mix. The requirements of defense and settlement are placing an enormous strain on an economy which has never been self-reliant. The inability to resolve the political contradictions latent in Zionism and the ensuing economic hardship are already evoking calls for greater authoritarianism. The editor-in-chief of the widely read Yediot Aharonot commented last September:

If we cannot obtain economic independence under a democratic regime, we will have to opt for a less democratic rule, provided it is strong enough and firm enough to assure our survival, because our existence is more important than the individual freedom of each one of us. 41/

Not only does he call for a more authoritarian regime, he worries lest it not be "strong enough and firm enough." MK Haim Druckman candidly remarked of late that the unity of Eretz Israel is more important than the democracy of dogooders. 42/ Amnon Kapeliuk describes the danger:

Democratic principles are the first to suffer from this crisis atmosphere. Certain quarters increasingly flout democratic laws in the name of what they call their "idealism." They consider themselves in effect to be above the law and proclaim themselves representatives of a "divine authority." Their nationalist ideology, coloured by religious fanaticism, consists of an unshakable determination to annex officially and definitively all the Arab territories in the regions occupied since 1967... The religious authorities almost as a body provide moral support and a "religious cover" to the ideology and methods of the extreme rightwing nationalist groups. We have not heard

of a single rabbi who, in regard to Israeli occupation of the occupied territories, has condemned or even mentioned the immoral aspect of the domination of one people by another. 43/

Dissident Israelis may someday find themselves living under the same political oppression as their Palestinian neighbors. A countervailing force to the maximalists has yet to coalesce in Israel. The Peace Now movement is neither ready to respond to the right with the extralegal tactics of the Gush Emunim nor is it capable of manipulating the historical imperatives of Zionism for its own ends. Even should the Labor Party defeat Likud in the next election, it is likely to find itself politically hamstrung by the right. In the past Labor has shown itself no more inclined toward resolving the inherent political dilemma of living with the Palestinians than has the Likud. It is unlikely that any new government will break with the past sufficiently to come to grips with the right of the Palestinian people to self-determination which is an obvious prerequisite to peace.

The Palestinians in the occupied territories, already the victims of creeping expansionism and expropriation, must prepare themselves for another danger emanating from the settler movement. They must anticipate the possibility that the Gush Emunim and its rightist allies will through illegal and fascistic methods precipitate a conflict which will be used as a cover for the forcible expulsion of Palestinians from the occupied territories. An expulsion through such a means will likely enjoy the support of elements of Israeli society beyond the right who will welcome the resolution of the last thirteen years' paradox. Such events would destroy the possibility of achieving peace through the establishment of a Palestinian state on the West Bank and Gaza. Continued settlement and expropriation already have almost rendered this irrelevant. The Palestinians for their part must secure allies and find means of defense (political means may prove as effective as military means against the powerful Israeli army).

Historical examination reveals that the settlement movement (and the Gush Emunim particularly) has roots deep in the philosophy of Zionism. It draws strength from these in the present moment, yet it also bears the seeds of self-destruction. It has the potential for inflicting further hardship and dispossession upon the Palestinians and, ironically, may bring unseen grief to the Jewish people as well. Virtually the entire world has recognized the illegality and injustice of the Israeli settlements in the occupied territories. For the peace of all, settlement must be halted and the right of the Palestinians to self-determination realized through a state of their own.

NOTES

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- 163 -

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31. Newsweek, International Edition, 16 June 1980.
32. New York Times, 21 June 1980.
33. Jerusalem Post International Edition, 30 December 1979-5 January 1980.
34. Ha'aretz, 23 May 1980.
35. Al-Hamishmar, 16 May 1980.
36. Cf. Jerusalem Post International Edition, 13-19 April 1980; Amnon Kapeliuk, Le Monde Diplomatique, No. 309 (Dec. 1979). The latter is translated to English and reprinted in the Journal of Palestine Studies 35, Vol. IX, No.3, Spring 1980. Also cf. Ha'aretz, 23 October 1979 and Ma'ariv, 24 October 1979.
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THE PALESTINE LIBERATION ORGANIZATION:
PAST, PRESENT AND FUTURE

Dr. Asad Abdul-Rahman
and Rashid Hamid

In the past few years, the Palestine Liberation Organisation (PLO) has moved to the forefront of the international scene. The attention that it has attracted has, however, been highly selective. Although its armed struggle and increasing international and Arab status have featured prominently in the world media, less attention has been devoted to the internal struggle of the PLO and its relationship to the Palestinian community as a whole whether on the political, social and cultural levels.

The Palestine Liberation Organisation is the broad organisational framework within which all Palestinian organisations - commando groups, trade unions, professional associations, as well as prominent national figures - converge to work for the achievement of Palestinian national goals. Established in 1964, the PLO has experienced various developments and change during a long period of transformation.

1. The Historical Context

After the 1948 war, the Palestinians were in the unusual situation of possessing a high level of national consciousness without the national and political institutions to embody it. Their national identity was a dominant theme of their everyday life. In the eyes of those Palestinians, who found themselves suddenly uprooted from their normal rhythm of life and plunged into the situation of refugees in the surrounding countries, all the daily problems of survival - finding work, food or shelter - arose directly from the fact that they were Palestinians exiled by the Israelis from their home-land. At all levels of political and national socialisation in this traumatic situation, Palestinian consciousness was retained and extended: Palestinians lived among other Palestinians or other Arabs in exile; they remembered Palestine through personal experience and through the accounts of families and relatives; and they identified themselves as Palestinians with a common historical and contemporary experience with a deep attachment to their land. Those who were politically active, were committed to parties working for the Palestinian cause in one way or another.

Palestinian aspirations for the future, both political and personal, crystallised in most cases into a single goal that received almost universal support in the community - that of the return. This was, in fact, a right that was internationally acknowledged by United Nations resolutions passed annually with the approval of Israel's major ally, the United States, though not implemented by Israel. As the director of the United Nations Relief and Works Agency (which supplies rations and education and health services in refugee camps) put it in 1964: what is not in doubt is that their (refugees) longing to return home is intense and wide-spread... (they) express their feeling of

embitterment at their long exile and at the failure of the international community, year after year, to implement the resolution so often reaffirmed". 1/ And, in the following year; "From their standpoint, a nation has been obliterated and a population deprived of its birthright". 2/ Most Palestinian songs, poetry and political pamphlets of the time reflected this aspiration to return to Palestine.

Palestinian consciousness might be high, but partly because of the abnormal situation of dispersal in which Palestinians found themselves, their political organisation was initially very limited. Their old, traditional leadership, comprising the Arab Higher Committee led by the Mufti of Jerusalem, had been discredited by the disasters of 1947-48. In the Diaspora, the Palestinians were not able to fill that political vacuum because of the organisational difficulties arising from their being dispersed, and because they were subjected to the laws and regulations of the host countries which had no interest in encouraging a separate national political organisation among them.

Most Palestinians found themselves under the sovereignty of Jordan, which had annexed the West Bank, the largest and most important of the three areas of Palestine remaining in the hands of the Arabs after planting the "State of Israel" in Palestine in 1948. Apart from this, the Gaza Strip was administered, but not annexed, by the Egyptians. The third and smallest area of the ununsurped parts of Palestine (al-Himma) was administered by Syria. These territories covered about 21 per cent of the original mandated territory. Tens of thousands of Palestinians were either dispersed in Lebanon, Syria, Kuwait, Iraq and other Arab and non-Arab countries or lived under Israeli military rule.

The different areas in which Palestinians were located had a different effect on their freedom to conduct nationalist activities. Palestinian political activities in Jordan were kept within the Hashemite framework. Their serious opposition, especially through pan-Arab groups, was repressed. In contrast, there was a basic difference with the Gaza Strip (administered by Egypt). There the Palestinians fully exposed to Arab nationalist ideas and much Palestinian activism arose (e.g., the creation of al-Fateh). Elsewhere, Palestinian activism tended to be linked with one of the political trends that existed in the neighbouring countries, especially movements such as Nasserism, the Ba'th, the Arab Nationalists' Movement or the Syrian National Party. Most Palestinians saw the recovery of their homeland as dependent upon the achievement of Arab power through Arab unity; they therefore identified with pan-Arab parties, which they believed to be seriously committed to the Palestinian cause.

This attitude was not, however, held by all Palestinians or Arabs, and a change began to be evident in the 1960's. After the Israeli occupation of Sinai and the Gaza Strip in 1966, some Palestinian groups committed solely and exclusively to the liberation of Palestine emerged. It was in this period that al-Fateh was created, and that its newspaper Filastinuna began to appear, even though al-Fateh's first military operation was not carried out until 1965.

In 1961, too, Abdul Karim Qassim of Iraq publicly committed himself to the establishment of a Palestinian entity, thereby converting it into an issue of inter-Arab politics. But the major reasons for the upsurge of Palestinian political activity in the 1960's lay in two events that seemed to alter the political environment. The first was the break-up of the United Arab Republic, the union between Egypt and Syria that had marked the high-point of pan-Arab nationalism to which Palestinian political activists had been committed. This shook their belief in the possibility of quick Arab unity, particularly, when, following close on its heels came the attainment of independence by Algeria in 1962 after a long, bitter, and costly revolution.

This seemed to indicate that Arab unity might not be a prerequisite for liberation and that a nation could struggle successfully against foreign settlers by relying mainly on its own resources. Hitherto oriented mainly towards the Arab states, certain Palestinians now began to emphasise self-reliance. Groups for the liberation of Palestine sprung up from among those Palestinians who had been politically active in some way or another in the Arab world. By 1965, about 40 such groups most of which were insignificant existed. 3/ There was clearly no absence of potential catalysts for the Palestinian feeling, pervasive through the entire community, that an injustice had been committed against them and must be redressed.

This upsurge of Palestinian feeling occurred at a time when the Arab-Israel conflict was reviving over Israel's plans to divert part of the Jordan River. Nasser called on December 23, 1963 for a meeting of Arab kings and presidents, regardless of conflicts among them, to discuss Israeli plans for the diversion of the Jordan waters, saying that the battle of the Jordan River is part of the battle of Palestine". 4/ It was at this First Arab Summit Conference of 1964 that the initiative was taken towards the creation of the PLO.

Previous discussions by the Arab League on the Palestine issue had generated resolutions that were not implemented. In its thirty-fourth session of March 4, 1959, for instance, a resolution had been passed by the Council of the Arab League, going so far as to provide for the creation of Palestinian army in the Arab countries. In its next session on February 29, 1960, when the issue of this reorganisation was discussed, the Arab League Council merely decided to resume the discussion at its next session. At the thirty-third session of April 1960, however, the subject was simply left in the air to be discussed, at another extraordinary session - held in August 1960, which carried out the rather undemanding task of stressing the need to preserve the Palestinian character. 5/ The first significant resolutions on the subject were those of the First Arab Summit Conference mentioned above. It adopted, according to its own communique, "practical resolutions necessary to ward off the existing Zionist danger in the technical and defence fields and to organise the Palestinian people to enable them to carry out their role in liberating their homeland and determining their destiny". 6/ In February of that year, late Ahmad Shuqairy, who had been appointed representative of Palestine at the Arab League by its Council in September 1963, toured Arab countries at the request of the Summit Conference 7/, announcing that a Palestine National Council (also known as Assembly or Congress) would be summoned in Jerusalem in May 1964. It was at this meeting that the Palestinian Liberation Organisation was proclaimed.

2. Establishment of the PLO

The first objective of Shuqairy in preparing for the National Council was to select members to serve as representatives of the Palestinian community. Preparatory committees and subcommittees set up by him were entrusted with the task of nominating and preparing the final list of members. When the Council met in May, its members were mainly Palestinian notables - usually elected Palestinian public officials and middle class professionals and businessmen. The elected officials included members of the Jordanian Parliament and that of the Gaza Strip, and mayors and presidents of urban and rural councils. The professionals consisted of categories as varied as clergymen, pharmacists, professors, lawyers, doctors, engineers, businessmen, bankers, and industrialists.

To round out the Council, farmers, labour leaders, and representatives of refugee camps and women's and students' organisations were included. In all 422 members sat in the Palestine National Council. If, like most parliaments, they were not equally representative of all social classes or categories (there were only twelve trade unionists and ten representatives of women's organisations), they did reflect the geographical distribution of Palestinians rather precisely (Table 1).

TABLE 1

Geographical Areas Represented in the First National Council 9/

<u>COUNTRY</u>	<u>Palestinian Population</u>	<u>Number of Members</u>	<u>% of Con- gress Members</u>
Jordan (including West Bank)	1,570,000	212	50.2
Gaza Strip	364,000	46	10.9
Lebanon	240,000	29	6.8
Syria	155,000	20	4.7
Kuwait	140,000	20	4.7
Egypt	33,000	6	1.4
Saudi Arabia	20,000	none	0
Arab Gulf	15,000	8	1.8
Iraq	24,000	3	0.7
Libya	5,000	10	2.3
Algeria	unknown	17	4.2
Emigrants	unknown	3	0.7

The Council attracted criticism from some Palestinian quarters, mainly on the grounds that it was insufficiently revolutionary or activist. Mr. Shuqairy's insistence that its members should act as individuals rather than as delegates of their organisations provoked controversy. Indicative of the doubts of revolutionary groupings as to the purpose of the Council was the statement by the Political Bureau of United Action of the Revolutionary Palestinian Forces (PBUARPF) on May 24, 1964 declaring that it would not stand in the way of the proposed Palestinian entity. The statement nevertheless expressed doubt that an official entity would succeed in isolation from the revolutionary organisations, and offered their help in transforming it into a truly revolutionary force. The PBUARPF consisted of a variety of Palestinian organisations: The Palestine Liberation Front (PLF), the Revolutionary Front for the Liberation of Palestine, the Palestine National Liberation Movement (Fateh), the Bloc of Palestinian Commandos, the Arab Front for the Liberation of Palestinian, and the National Front for Liberation 8/. Their major fear was that the PLO would be used by Arab governments to contain the upsurge of Palestinian national feeling by institutionalising it within the existing framework of Arab states, where the PLO would be subject to heavy pressure not to disrupt the existing Arab-Israeli status quo.

Opposition came also from some ultra-traditional Palestinian sectors. The Arab Higher Committee for Palestine, which had led Palestinian resistance until 1948 under the ex-Mufti of Jerusalem, issued a statement on May 28, 1964 claiming that it had evidence that the aim of the proposed Palestinian entity was the liquidation of the Palestinian cause under the cover of a Palestinian body. 10/ The Committee which itself has never been elected, called for free elections among the Palestinians. 11/

The Council, in its concluding session on June 1, 1964, adopted certain key resolutions creating an infrastructure, that affected the Palestinian community in several fields: military, financial, political and administrative. 12/ The Palestine Liberation Organisation was officially proclaimed with the goal (not spelled out in any detail) of the liberation of Palestine. The National Council, which would meet regularly, became the ultimate legislative sovereign body within it. A National Charter and Fundamental Law drawn up by Mr. Shuqairy were adopted as the basic constitution. A fifteen-man Executive Committee was appointed. All powers were vested in Mr. Shuqairy himself as Chairman of the Committee and Spokesman of the Palestine National Council. Financially, it was agreed to set up a Palestine National Fund to draw contributions from all Palestinians. A Palestine Liberation Army, under the control of the PLO was created.

Despite these resolutions, the PLO continued to be criticised for being inadequately militant or revolutionary and for being too linked to the Arab states. The Arab Nationalist Movement, for instance, attacked the Council's resolutions as having bypassed all proposals offered to establish an effective military organisation, and maintained that the PLO had not achieved the minimum acceptable to the Palestinian people. 13/

Thus, though the Palestinian political groups were generally in favour of organising the Palestinian people in one unifying framework, they differed on the structure and form of the proposed organisation. While Mr. Shuqairy and the notables composing the PLO were only too aware of Arab official demands and pressures, the various Palestinian political groups tried to achieve an organisational formula involving a militance that went far beyond Arab official conceptions. Guerrilla activities carried out by them independently of the PLO began to take place with increased frequency in 1965 and 1966.

Between 1964 and 1967, the PLO established itself more firmly through diplomacy in the Arab world and in some international quarters. It represented Palestine at Arab Summit Conferences. In October 1964, it attended the Conference of Non-Aligned States in Cairo, which expressed support for "the complete reinstatement of the Arab people in Palestine in all their rights to their country as well as their inalienable right to self-determination". 14/ The PLO's major concern at this time within the Arab world was the tension between itself and Jordan, which forbade PLO political, military and other mobilisational activities within its territories.

As Jordan became polarised against the radical Arab states, the PLO moved to the support of the latter. In October 1966, its Executive Committee supported Syria in its conflict with Jordan. 15/ After the Israeli raid on Sumu'a in November, Mr. Shuqairy repeatedly called upon Hussein to co-operate with the PLO in the defence of Jordan against Israel, 16/ later announcing that its military wing, the Palestine Liberation Army, would enter Jordan, regardless of whether King Hussein agreed or not. 17/

The PLO's new militance was partly due to the links between the PLO and radical regimes. It was also a response to the activism and guerrilla activities against Israel engineered by the rival independent and revolutionary Palestinian groups. Contacts occurred between the PLO and some of these groups interested in playing a role within its framework. In a process encouraged by the PLO in early 1966, various Palestinian groups met in Beirut in an attempt to unify Palestinian action. The outcome of these meetings - between the PLO leadership and the Palestinian branches of the Ba'th Socialist Party and the Arab Nationalists' Movement among others - was the formation of the Preparatory Committee for United Palestinian Action. 18/ The Third Palestine National Council which met in May of that year called for the unity of revolutionary organisations within the framework of the PLO. 19/ One notable outsider to all of these developments was the al-Fateh organisation which kept its distance from the PLO and called for united action "within Palestine", and not in "offices". 20/

On December 27, 1966, Mr. Shuqairy announced the replacement of the Executive Committee with a Revolutionary Council "to assume the responsibility of preparing the people for the war of liberation". The name of members of the Council and their activities were kept secret, it was said, because some of them lived inside Jordan. 21/ But if such proposals were serious, they were soon overtaken by the events of the June war, as was Mr. Shuqairy himself. His braggadocio during the period preceding the war, in contrast to the lack of concrete action undertaken by the PLO under his leadership, discredited him among Palestinians. On December 9, 1967, Fateh submitted a memorandum to the Conference of Arab Foreign Ministers in Cairo expressing its concern at the "misleading statements".

of Mr. Shuqairy and demanding the closure of the Arab information media to him. 22/ The Popular Front for the Liberation of Palestine (created mainly out of the Arab Nationalists' Movement) and the General Union of Palestinian Students demanded Mr. Shuqairy's abdication. 23/ On December 14, 1967, seven members of the PLO Executive Committee requested his resignation "because of the way you run the organisation". 24/ After a brief and unavailing attempt to rally support, Mr. Shuqairy resigned on December 24, 1967. 25/

3. The Commandos Come to Power

The aftermath of the 1967 war created a new situation for the Palestinians. Israel now occupied the whole of Palestine, parts of Syria and Egypt. Arab military activity against Israel, previously opposed by almost all Arab regimes, now appeared inevitable in order to regain at least those territories. This situation opened up new possibilities for the Palestinians, and especially those organisations outside the PLO that had already been carrying out guerrilla activities against Israel. These organisations, at least, had not been tarnished by the defeat of the regular armies, and their different military tactics seemed to present a viable alternative to those of the Arab conventional armed forces. When Israel dug in on the West Bank and Gaza, the support among the Palestinian community at large for the guerrillas increased rapidly as they began active resistance against the Israelis.

On the same day Mr. Shuqairy submitted his resignation, the new leadership under Yahya Hammouda issued a statement aiming to bring the PLO closer to the activist and guerrilla organisations. It stressed the need for an escalation and unification of armed struggle against Israel and for the mobilisation of all nationalist forces to this end. The necessity for national unity among Palestinians as a whole was also emphasized with promises for the establishment of a new National Council and for the institutional development of the PLO as a whole. 26/ A sub-committee was formed to make contacts with the Palestinian organisations. 27/

These moves came too late for the traditional Palestinian leadership. On the initiative of Fateh, a meeting of commando organisations was held in Cairo on January 17-20, 1968, with the result that a Permanent Bureau, composed of the eight attending organisations was constituted. 28/ The meeting was boycotted by the PLO which viewed itself as the framework within which all organisations should operate. It was also boycotted by the Popular Front for the Liberation of Palestine which supported the PLO viewpoint. In an attempt to keep up with the commandos, the PLO created its own guerrilla unit, the Popular Liberation Forces, in March 1968. A meeting held between the PLO, Fateh, and the PFLP in Beirut in the same month had, however, resulted in an agreement that would give the commandos half of the seats in a new 100-seat National Council to be convoked soon. This move recognised the new realities of the prestige and support enjoyed by the commando organisations among Palestinians. 29/

The Battle of Karamah (March 1968) between the Palestinian commandos and some units of the Jordanian Army and a large attacking Israeli force, dramatically improved the reputation of the commandos.

Soon after, all resistance organisations sat in a new National Council which met in Cairo between July 17-18, 1968. Its members were distributed as follows:

The Permanent Bureau	38
PFLP	10
The Popular Liberation Forces of the PLO	20
General Union of Palestinian Workers	1
General Union of Palestinian Students	1
General Union of Palestinian Women	1
Executive Committee and Independents	29
	<hr/>
	100

The new National Council demanded freedom of movement for commandos in the countries surrounding Israel, called for support for the PLA and rejected UN Security Council resolution 242, which made no reference to the Palestinians or their national rights. 30/ Institutionally the Council introduced changes that did away with the autocratic role of the PLO Chairman, passed resolutions separating the legislative and executive branches, and provided for the election of the Executive Committee which, in turn, would elect the Chairman. All done, the term of the previous Executive Committee was, however, renewed. 31/

The dominance of the commandos in the PLO had then become obvious. Military collaboration between themselves and the PLO leadership was established by the creation of a Military Co-ordination Council in Amman in October 1968. 32/ The next session of the Palestine National Council was held in February 1969. It resulted in the election of Yasser Arafat, the leader of Fateh as Chairman of the new Executive Committee. The membership of the Council, now 105, was distributed as follows:

Fateh	33
PFLP	12
Sa'iqa	12
Executive Committee	12
PLA	5
Unions	3
Independents	28
	<hr/>
	105

The session reflected the tensions between the different organisations. It was boycotted by both the PLA and PFLP who did not approve of the distribution of members. The former's share, in particular, had dropped substantially. At the same time, however, there was a movement towards military unification among the commando groups. The Armed Struggle Command was formed for this purpose by the Executive Committee in the same month.

By 1969, the basic structure and composition of the PLO as it exists today had been established. The largest single component was al-Fateh, the leading commando organisation. Other significant commando organisations were Sa'iqah (formed from the Palestinian branch of the Syrian Ba'th party) and the PFLP led by Dr. George Habbash which was often only symbolically represented in the PLO due to its disagreements over policy with the leadership. Other groups represented within the PLO were the Democratic Popular Front for the Liberation of Palestine and the PFLP - General Command (both off-shoot of the PFLP). They were all joined in 1969 by the pro-Iraqi Arab Liberation Front. Also seated in the National Council are the representatives of the Palestine Liberation Front (PLF) and the Popular Struggle Front (PSF) as well as independent members. The latter constitute the second largest single category of members who are selected by a committee of the National Council after extensive contacts with the various sectors of the Palestinian people. Finally, the unions' representatives were drastically increased since 1969.

What is the institutional structure within which these groups operate? The PLO includes institutions working in many different fields; political, administrative, military, economic, cultural, and social. It has attained a level of institutional development and sophistication that enables it to penetrate all sections of the Palestinian people. Possibly its most important asset is the legitimacy that it has acquired among Palestinians where ever they are. Within the Israeli-occupied territories, freedom of national organisation is not, of course, allowed. There support for the PLO has been shown by the local population in the most direct and indirect ways possible under a foreign occupation; by regular strikes, petitions, electing PLO candidates as mayors and demonstrations.

4. Major Institutions of the PLO:

The National Council and the Central Council:

The most important of the institutions within the PLO is the National Council, the Palestinian equivalent of a parliament. Members of the Council are nominated by a committee of the preceding Council after wide-ranging consultations with the commando organisations, the Palestinian unions and professional organisations, and leading Palestinian individuals in all walks of life. The aim is to secure as representative a seating of Palestinian parties (i.e. the political wings of the commando movements) and individuals as possible.

Constitutionally, the Council is the supreme authority formulating policies and programmes for the PLO. It meets regularly in ordinary sessions upon the request of the Executive Committee or a quarter of its members. Between 1964 and 1967, the ordinary session was annual, but the fourth ordinary session of July 1968 resolved that ordinary sessions be held at least once every two years. Should the Chairman of the Committee fail to call the Council into session, the Council meets in the place and at the time specified at the request of its members or the request of the Executive Committee. The Council has a presidential office composed of the Chairman, two Vice-Chairmen, and a Secretary, all elected by the Council.

During its ordinary sessions, the Council considers the reports of the Executive Committee on the achievements of the PLO and its organs; the report of the Palestine National Fund and the PLO budget; the recommendations of various Council committees; and any other issues submitted for consideration. Two-thirds of its membership form the quorum and decisions are taken by simple majority. So far, the Council has held fourteen ordinary and two extraordinary sessions. Membership in these Councils is now close to 400.

The National Council, in its eleventh session of January 6-12, 1973, created a Central Council from its own membership to follow up and implement its resolutions. This then 21-man body was headed by the Chairman of the National Council and its membership was distributed among commando unions and independents as follows: Fateh 4 members, Sa'iqa 2, PFLP 2, DPFLP 2, the Arab Liberation Front 2, Unions 6, and Independents 5. Since then, the Council's membership grew and now it is close to 40 members who meet at least once every 3 months.

The Executive Committee

The National Council selects the Palestinian "Cabinet", the PLO Executive Committee, from its own members. 33/ The Committee members, in turn, elect the Chairman. The Executive Committee is in permanent session and its members work on a full-time basis. It is responsible to the National Council collectively and individually for the execution of the policies, plans, and programmes drawn up by the Council.

The number of members of the Committee was set by Article 14 of the Fundamental Law at a maximum of fifteen, including the Chairman. Each member has his own portfolio, like members of a Cabinet (e.g. foreign affairs, information, occupied territories, education and culture, defence. etc).

The Executive Committee performs four major functions. It represents the Palestinian people officially, it supervises the various bodies of the PLO; it issues directives, draws up programmes, and takes decisions on the organisation of the PLO, provides these do not contradict the National Charter; finally, it executes the financial policy of the PLO and prepares its budget. Generally speaking, the Committee conducts all the PLO responsibilities in accordance with the general plans and resolutions passed by the National Council.

The Committee should submit its resignation to any new National Council. The Council may, however, re-elect the outgoing Committee. Within the Executive Committee, two-thirds of the members form a necessary quorum and decisions are taken by simple majority.

Since the Executive Committee is elected by and from within the National Council, it is usually representative of the structure of power in the Council itself.

The National Fund:

The first National Council resolved that a Palestine National Fund be established to be managed by a board of directors constituted in accordance with a special law passed by the National Council. Revenues of the Fund come from the following sources: (1) a fixed tax levied on Palestinians by the Arab governments in whose countries they reside; (2) financial contributions by the Arab governments and peoples; (3) loans and contributions from Arab governments and friendly nations; (4) any additional sources approved by the Council.

The Council elects the Chairman of the board of directors of the Palestine National Fund who automatically becomes a member of the Executive Committee. The members of the board of directors are appointed by the Executive Committee, with a maximum number of eleven. The board of directors elects a deputy chairman and a secretary, and holds a three-year term of office.

The Palestine National Fund receives all revenues and finances the PLO according to an annual budget prepared by the Executive Committee and approved by the National Council. It also develops the Fund's revenues and supervises the expenditures of the PLO and its organs.

The Palestine Liberation Army

The PLO maintains a regular military force known as the Palestine Liberation Army (PLA). It was established in accordance with the resolutions of the First National Council which provided for the constitution of special military units in co-operation and co-ordination with the United Arab Command. ^{34/} The PLO Executive Committee was to work towards the enrolment of Palestinians in Arab military colleges and institutions, the mobilisation of all Palestinian capabilities, and the preparation of the Palestinians for a war of liberation. Moreover, the first Council called for the formation of capable commando units, ^{35/} though these did not come into existence until 1968.

The PLA is made up of three contingents; the Ain Jalut Forces stationed in Egypt, the Qadisiyyah Forces based in Iraq (until June 1967 when they were moved to Jordan and Syria), and the Hittin Forces, the largest contingent, stationed in Syria. The PLA numbers 6,000-10,000 men, mainly infantry. It participated in the October 1973 War on both the Syrian and Egyptian fronts.

The resistance organisations that constitute the PLO have their own guerrilla units. These, however, operate autonomously and are controlled by their own organisations, not by the PLO itself. The PLO's own guerrilla unit, the Popular Liberation Forces, founded in 1968, had only a short existence.

Social, Educational and Information Bodies: (See Appendix No. 1)

The past few years have witnessed an increasing involvement of the PLO in the broad social and human concerns of the Palestinian people in exile. The institutions set up to deal with this are various; they concern trade union organisation, medical aid, education and information.

Palestinian trade unions are democratic organisations in which officials are elected by their respective members. All unions are linked to the PLO in several ways. The unions are represented by delegates in the Palestine National Council and are also engaged in day-to-day co-operation with the PLO. The PLO department for popular organisations, whose staff includes representatives of the unions, deals with the regular problems encountered by Palestinian workers and professionals. The PLO offers help to these unions in fields ranging from finance to intercession with Arab governments (e.g. on behalf of the right of Palestinian workers to work in Arab countries where they are refugees without work permits).

In the field of medical services, the major institution affiliated with the PLO is the Palestine Red Cross Society (PRCS), established in 1969. Its President, Dr. Mahmoud Hijazi, was the delegate who signed the agreements of the International Red Cross and the Geneva Conventions on behalf of the Palestine Liberation Organisation. The PRCS has participated in several international conferences and has branches in Syria, Iraq, Kuwait, Egypt, Libya, the United Arab Emirates, Qatar, Morocco and Sudan and supporting societies in Sweden, France, Switzerland, Britain and the USA.

The PRCS renders medical services to the Palestinian people - civilian and commando alike. It operates several hospitals in Syria, Lebanon and Egypt, and many clinics in the villages of South Lebanon. Each hospital has an operating room, X-ray section, laboratory, outpatient clinic and an emergency room. The PRCS also has several medical complexes in Syria and Lebanon, each with an outpatient clinic, dental clinic, laboratory, pharmacy and dressing room.

It has organised a large number of popular clinics in Syria, Lebanon, Egypt and Sudan. Each refugee camp in Syria and Lebanon has at least one of these.

Educationally, the PLO has organised an educational programme for Palestinian students in Kuwait. This programme was necessitated by the unusually large number of Palestinians of school age resident there as a result of the large influx of Palestinians into Kuwait following the 1967 war. The programme provides educational opportunities for 38 per cent of school-age Palestinian children in the country, at considerable cost. The PLO Planning Centre also has an educational section that has evolved a philosophy of Palestinian education and designed educational materials for Palestinian children. It organises summer programmes and courses for Palestinian teachers, and had built several model kindergartens.

The PLO assumes responsibility for the welfare of the children of commandos killed in battle. The most significant of the organisations dedicated to this end is the Association of Workshops for the Children of Palestinian Martyrs, first established by Fateh in January 1970. It offers vocational training for orphans or children from fatherless families, but has the additional economic purpose of producing ready-made clothes, furniture and embroidery for the population of refugee camps at prices consistent with the very low income of these camps.

The PLO has a number of information offices and its own newspaper, Filastin al-Thawra (Palestine Revolution) and news agency (WAFA). It also operates a major institution for the documentation and study of the Palestine question. This is the PLO Research Centre, established in Beirut in 1965, which possesses a huge library and extensive archives. It has published over 400 books on the Palestine problem and issues an Arabic intellectual monthly journal, Shu'un Filastiniya (Palestine Affairs).

Conclusion

Perhaps the most striking feature of the PLO in the last few years has been its ability to survive and develop in the face of massive attacks upon it. In Jordan in 1970, there was increasing tension between the PLO and Jordan. 36/ In July of that year, when President Nasser's acceptance of a cease-fire and American peace initiatives left the PLO isolated as the only Arab force fighting against Israel, it proved possible for the regime, with American instigation and backing, to attack the PLO bases and, by July 1971, to put an end to the overt political and military presence of the PLO in Jordan. In Lebanon, too, there were clashes between the armed forces and the guerrillas in October 1969, that resulted in the Cairo Agreement of November in that year, which conferred official recognition of the PLO military presence in Lebanon. Clashes also broke out in May 1973, without bringing about radical changes in the situation. Since 1975, the PLO has been confronted with the most verocious war waged against it by Israel and its supporters in Lebanon. Needless to add that this war necessitated the establishment of an extensive relief structure to help thousands of needy Lebanese and Palestinians.

Had the PLO been simply the military movement of a limited number of Palestinians it might not have survived. But its strong political roots among the Palestinian people, and in the Arab world, had made it too well-established and accepted for its elimination to be possible. When it came under attack, it attracted the active support of the Palestinian community and sympathisers throughout the Arab world, and this body of opinion constituted a powerful source of pressure on Arab governments. It has continued to retain this support, a factor which made possible the increased Arab and international status arising from its formal recognition by the Arab League as the sole legitimate representative of the Palestinian people since 1974.

Within the PLO, different trends of opinion exist.^{37/} These have not, however, led to internecine feuding. By emphasising the need for the PLO to group under its umbrella all sectors (right and left-wing) of Palestinian opinion, the PLO has suffered the possible disadvantage of being a loosely rather than tightly controlled organisation. It has, however, gained the advantage of thereby being more representative of Palestinian opinion and being able to count on support from it when under attack from outside.

The most pressing concern of the PLO since the October 1973 war has been relations with Arab regimes that are in favour of or amenable to moves for peaceful settlement in the Middle East, especially Egypt. PLO policy has been defined in terms of the total liberation of Palestine. In 1969, at its sixth session, the Palestine National Council declared their goal to mean the establishment of a democratic state in all of Palestine, free from all forms of racial and religious discrimination. Following the 1973 war, when moves towards peace negotiations became more serious than ever before, the PLO chose to define its attitude towards any settlement that would restore the Palestinian territories occupied in 1967 by Israel. The result was a decision by the twelfth session of the National Council (June 1-9, 1974) to adopt a ten-point transitional political programme, which stated that in the case of an Israeli withdrawal from the West Bank and the Gaza Strip, the PLO would accept the establishment of a national authority in these two parts of Palestine. This moderate attitude has crystallised in more concrete resolutions in the last two meetings of the National Council held respectively in March 1977 and January 1979. According to the resolutions of these two Councils, the PLO seeks to establish a Palestinian independent state on any liberated part of Palestine and in accordance with the UN resolution 3236. Should Israel withdraw from the occupied Palestinian land, the highly developed infrastructure of the PLO will greatly facilitate its task of establishing the long-awaited Palestinian State.

FOOTNOTES

1. UN Document A/5813, UNRWA Report for the period July 1, 1973 to June 30, 1964.
2. UN Document A/6013, UNRWA Report for the period July 1, 1964 to June 30, 1965.
3. According to Ghassan Kanafani in the Palestine Supplement of al-Muharrir, December 30, 1965.
4. Gamal Abdel-Nasser, Speeches Press Interviews, January-December 1963 (Cairo: UAR Information Department, 1964) pp.291-312.
5. League of Arab States, Qararat Majlis Jam'iat al-Duwal al-Arabiya al-Khassa bi-Qadaya Filastin munhu al-Dawra al-Ula, hatta al-Dawra al-Khamsin (The Palestine Resolutions of the Council of the League of Arab States from the First to the Fiftieth Session) Cairo, 1970.
6. UAR, Ministry of National Guidance, Malaf Watha'iq Filastin (Documents and Papers on the Palestine Questions), Cairo, 1969 Vol, 11, p.1373
7. Al-Ahram, January 18, 1964
8. PBUARPT, Official Statement, May 24, 1964
9. This table deals with the 374 members specifically selected to represent geographical areas. The remaining members represented non-geographical entities (e.g., trade unions).
10. Arab Higher Committee, Filastin (Beirut) no.40, June 1, 1964
11. Al-Hayat, August 7, 1964
12. Palestine Liberation Organisation, al-Nu'tamar al-Filastini al-Awwal, p.39. For a discussion of these institutions, see below, pp 101-105.
13. Al-Hurriya, June 15, 1964
14. Keesing's Contemporary Archives, November 28 December 5, 1964
15. Akbar Filastin (Gaza, PLO publication), October 24, 1966
16. Al-Ahram, November 17, 1966. al-Muharrir, November 23, 1966
17. Al-Ahram, November 30, 1966
18. Al-Ahrar, February 5 1966
19. Palestine Liberation Organization, al-Dawra al-Thalitha lil-Majlis al-Watani al-Filastini (The Third Session of the Palestine National Council), May 20-21, 1966, pp.64-65

20. Al-Ahrar, April 2, 1966
21. Al-Muharrir, December, 28, 1966
22. G.K.Nasrallah (ed). al-Watha'iq al-Filastiniya al-Arabiya, 1967 (Palestine Arab Documents, 1967) Beirut; Institute for Palestine Studies, 1969, no.697, p.989.
23. Al-Hurriya, December 18, 1967 al-Ahram, December 20, 1967
24. Al-Muharrir, December 19, 1967.
25. Al-Ahram, December 25, 1967.
26. Al-Ahram, December 26, 1967.
27. Al-Nahar, January 15, 1968.
28. These were: Fateh, Sa'iq (Vanguards of the War of Popular Liberation) Palestine Liberation Front, Action Organization for the Support of the Revolution, Front of the Palestinian Revolutionaries, the Palestinian Popular Front, the Organisation of Palestinian Revolutionary Youth, the Commando Vanguards Organisation. Fateh, al-Kitab al-Sanawi, 1968 (Fateh Yearbook, 1968) Beirut: Dar al-Tali'a n.d. pp. 127-30.
29. Al-Hurriya, April 8, 1968.
30. Palestine Liberation Organisation, al-Majlis al-Watani al-Filastini, min 10 ila 17 Tammouz, 1968 (The Palestine National Council, July 10-17, 1968).
31. Ibid.
32. Al-Dustur, November 21, 1968.
33. Between May 1970 and July 1971, to confront the emergency in relations with Jordan, the Executive Committee was subordinated to a central Committee consisting of itself, the Chairman of the National Council, a leading delegate from each commando organisation, three independent members of the Palestine National Council and the Commander-General of the PLA. The Central Committee was, however, replaced by the Executive Committee following a resolution of the ninth session of the National Council (July 7-13, 1971).
34. The Third National Council amended Article 22 of the Fundamental Law so that it provided for the formation of the Palestine Liberation Army with an independent command.

35. Al-Mu'tamar al-Filastini al-Awwal, pp. 10, 54-55.
36. Some indication of the issues of conflict between the regime and the organisation and mobilisation requirements of the commandos is offered by the events of February 1970. On February 10, 1970 the Jordanian Government announced an 11-point programme entitled "A United and Organised Society" which, among other measures, prevented Palestinian commandos from moving around with arms and prohibited all demonstrations, gatherings, meetings, and debating groups. It prevented all publications not in accordance with Jordanian law. It also demanded that all commando vehicles be registered with government officials. These measures aroused tension and three days of bloody clashes after being rejected by the resistance movement. A meeting attended by all organisations on the eve of February 11, 1970 announced the establishment of a "United Command of Commando Action". This new Command was later superseded by the Central Committee established in May, 1970, *supra*, note 34.
37. The PFLP, for instance has often dissented from the policy of the PLO, which it considers to be insufficiently revolutionary. Until recently it was not willing to sit on the PLO Executive Committee, although it remained member of the PLO itself, because it felt that the PLO was too conciliatory towards moves for a peaceful settlement in the Middle East.
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5. LIST OF PARTICIPANTS

Group of Experts

<u>NAME</u>	<u>COUNTRY/UNIVERSITY</u>
John H. Clarke (Prof.)	Hunter College, New York, USA.
Tilden J. LeMelle (Prof.)	Hunter College, New York, USA.
Abdeen Jabara (Attorney)	USA
Donald S. Will (Research Specialist)	USA
Bala Muhammad (Dean)	Bayero University, Kano, Nigeria
Mohamed Omer Basheer (Prof.)	University of Khartoum, Sudan
Henry Cattat (Prof.)	Palestinian
Asad M. A. Abdul-Rahman (Prof.)	Palestine Liberation Organization, Kuwait University
Arabi Awwad	Palestine Liberation Organization
Bernad Magubane (Prof.)	South Africa
Hawa Sinare (Miss)	United Republic of Tanzania
Ntalaja Nzongola (Prof.)	Zaire
Kasuka Simwinji Mutukwa (Dr.)	Zambia

REPRESENTATION OF THE COMMITTEE ON THE EXERCISE OF
THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE

<u>NAME</u>	
H.E. Falilou Kane (Senegal)	Chairman
H.E. Victor J. Gauci (Malta)	Rapporteur
Gerhard Schroter (G.D.R.)	Member
Bechir Chebaane (Tunisia)	Member
Zehdi Terzi (Palestine Liberation Organization)	Observer

COUNTRY REPRESENTATION

<u>NAME</u>	<u>COUNTRY</u>
Tu Lien-Yen	People's Republic of China
Chu Po-te	People's Republic of China
Elias Eliades	Cyprus
Mahmoud Helmy Saeed	Egypt
Andrew Kow Afful	Ghana
Misbah Alasil	Iraq
Nasif Awad	Iraq
Gideon Nyamweya Nyaanga	Kenya
Drame Zeydi Drame	Mali
Bala Muhammad, Dr.	Nigeria
Warsama Abdulkadir Warsama	Somalia
Mohamed Nur M. Taka	Sudan
Christopher Kassami	Uganda
Anatoly Zhigunov	USSR
Christopher Labani	United Republic of Tanzania
Rev. Paulo I. Misigalo, MP	United Republic of Tanzania
Aidano Mtoi	United Republic of Tanzania
Peter K. Palangyo, Dr.	United Republic of Tanzania
Abbas K. Sykes	United Republic of Tanzania

PRESS

<u>NAME</u>	<u>COUNTRY</u>
Anatoly Zhigunov	USSR
Henry Isike	United Republic of Tanzania
Beth Luzuka	United Republic of Tanzania
Stephen Mganga	United Republic of Tanzania
Boaz Mpazi	United Republic of Tanzania
Danford Mpumilwa	United Republic of Tanzania
Anaclet Rwegayura	United Republic of Tanzania
Steve Rukwerere	United Republic of Tanzania
Attilio Tagalile	United Republic of Tanzania

UNIVERSITIES, LIBERATION
MOVEMENTS AND INDIVIDUALS

<u>NAME</u>	<u>UNIVERSITY/LIBERATION MOVEMENT</u>
Abdel Magid Ali Bob	Juba University
Jerome B. Weiner	Old Dominion University, USA
Amadou Tankoano	University of Niamey (Niger)
Hintsa Tshume	African National Congress (S.A.)
Ali Halimeh Ali	Palestine Liberation Organization
Asad Mohd Asad Abdul-Rahman	Palestine Liberation Organization
Arabi Awwad	Palestine Liberation Organization
Salah Zawawi	Palestine Liberation Organization
Vuyisile Dlova	Pan African Congress of Azania