

# Chapter 1

## THE QUESTION OF PALESTINE BEFORE THE UNITED NATIONS



Photo: United Nations

The League of Nations in session, 1922.

### **Palestine under League of Nations Mandate, 1922**

When the United Nations was founded on 24 October 1945, the territory of Palestine was still administered by the United Kingdom of Great Britain and Northern Ireland under a Mandate received in 1922 from the League of Nations.

Among the issues that had to be dealt with by the Mandatory Power was the question of a Jewish home in Palestine. Increasing Jewish immigration to Palestine following the Second World War was strongly opposed by the Arab inhabitants, who in the mid-1940s comprised about two thirds of the territory's population of 2 million. Faced with escalating violence, the United Kingdom decided, in February 1947, to bring the question of Palestine before the United Nations.

Drawing attention to “the desirability of an early settlement in Palestine”, the British Government asked that a special session of the General Assembly be called immediately in order to constitute and instruct a special committee to prepare a preliminary study on the question of Palestine for consideration by the Assembly at its next regular session.

### **First special session of the General Assembly, 1947**

At the first special session of the General Assembly, which began on 28 April 1947, a special committee on Palestine was established. Five Arab countries—Egypt, Iraq, Lebanon, Saudi Arabia and Syria—tried unsuccessfully to include in the agenda of the special session an item that would address “the termination of the Mandate over Palestine and the declaration of its independence”. The Jewish case was presented by the Jewish Agency for Palestine, while the Arab Higher Committee spoke for the Palestinian Arabs.

### **Creation of UNSCOP**

At the special session, the Assembly established the United Nations Special Committee on Palestine (UNSCOP), made up of 11 Member States, to investigate all questions relevant to the problem of Palestine and to recommend solutions to be considered by the General Assembly at the regular session in September 1947. During the course of its two-and-a-half-month investigation, the Special Committee went to Palestine, Lebanon, Syria and Trans-Jordan, and also visited the displaced-persons camps in Austria and Germany, which had been ravaged by the Second World War and had experienced the tragedy of the European Jews under Nazism.

While Jewish organizations cooperated with UNSCOP in its deliberations, the Palestinian leadership in the Arab Higher Committee decided not to participate, on the grounds that the United Nations had refused to address the question of independence and had failed to separate the issue of Jewish refugees from

Europe from the question of Palestine. The natural rights of the Palestinian Arabs were self-evident and should be recognized, it said, and could not continue to be subject to investigation.

The Jewish leadership maintained before UNSCOP that the issues of a Jewish State in Palestine and unrestricted immigration were inextricably interwoven. The Arabs, represented by the League of Arab States, sought the immediate creation of an independent Palestine west of the Jordan River.

UNSCOP completed its work on 31 August 1947, with the members agreeing on the question of terminating the Mandate, the principle of independence and the role of the United Nations. There was no consensus, however, on a settlement of the question of Palestine. The majority of the members of the Committee recommended that Palestine be partitioned into an Arab State and a Jewish State, with a special international status for the city of Jerusalem under the administrative authority of the United Nations. The three entities were to be linked in an economic union. The minority plan called for an independent federal structure comprising an Arab State and a Jewish State, with Jerusalem as the capital of the federation. Australia abstained from voting on either plan because it maintained that the recommendations exceeded the Committee’s terms of reference.

### Dividing Palestine: Two proposals

The Special Committee on Palestine considered in 1947 two proposals on the question of Palestine: the majority and minority proposals. Here are their main features:

#### The minority proposal: A federal State of Palestine

- “ The independent State of Palestine—The peoples of Palestine are entitled to recognition of their right to independence, and an independent federal State of Palestine shall be created following a transitional period not exceeding three years ...
- “ The independent federal State of Palestine shall comprise an Arab State and a Jewish State.
- “ During the transitional period, a constituent assembly shall be elected by the population of Palestine and shall formulate the constitution of the independent federal State of Palestine ...
- “ The attainment of independence by the independent federal State of Palestine shall be declared by the General Assembly of the United Nations as soon as the authority administering the territory shall have certified to the General Assembly that the constituent assembly referred to in the precedent paragraph has adopted a constitution ...
- “ There shall be a single Palestinian nationality and citizenship, which shall be granted to Arabs, Jews and others.
- “ Jerusalem, which shall be the capital of the independent federal State of Palestine, shall comprise, for purposes of local administration, two separate municipalities, one of which shall include the Arab sections of the city, including that part of the city within the walls, and the other the areas which are predominantly Jewish. ”

#### The majority proposal: Partition with economic union

- “ Partition and independence—Palestine within its present borders, following a transitional period of two years from 1 September 1947, shall be constituted into an independent Arab State, an independent Jewish State, and the City of Jerusalem ...
- “ Independence shall be granted to each State upon its request only after it has adopted a constitution ... has made to the United Nations a declaration containing certain guarantees, and has signed a treaty creating the Economic Union of Palestine and establishing a system of collaboration between the two States and the City of Jerusalem.
- “ Citizenship—Palestinian citizens, as well as Arabs and Jews who, not holding Palestinian citizenship, reside in Palestine, shall, upon the recognition of independence, become citizens of the State in which they are resident ...
- “ Economic union—A treaty shall be entered into between the two States. ... The treaty shall be binding at once without ratification. It shall contain provisions to establish the Economic Union of Palestine ...
- “ Population—The figures given for the distribution of the settled population in the two proposed States ... are approximately as follows:

|                   | Jews    | Arabs and others | Total   |
|-------------------|---------|------------------|---------|
| The Jewish State  | 498 000 | 407 000          | 905 000 |
| The Arab State    | 10 000  | 725 000          | 735 000 |
| City of Jerusalem | 100 000 | 105 000          | 205 000 |

- “ In addition there will be in the Jewish State about 90,000 (Arab) Bedouins ...
- “ (Jerusalem)—The City of Jerusalem shall be placed under an International Trusteeship System by means of a Trusteeship Agreement which shall designate the United Nations as the Administering Authority. ”