

Chapter 2

THE PLAN OF PARTITION AND END OF THE BRITISH MANDATE



Members of the Special Committee on Palestine (shown here with two United Nations officials).

The question of Palestine was brought before the General Assembly by the United Kingdom almost as soon as the United Nations came into being. An 11-member Special Committee on Palestine (UNSCOP) was formed at the first special session of the Assembly in April 1947. The majority of the committee members 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 partition plan, 1947

At its second regular session, after an intense two-month-long debate, the General Assembly, on 29 November 1947, adopted resolution 181 (II), approving with minor changes the Plan of Partition with Economic Union as proposed by the majority in the Special Committee on Palestine. The partition plan, a detailed four-part document attached to the resolution, provided for the termination of the Mandate, the progressive withdrawal of British armed forces and the delineation of boundaries between the two States and Jerusalem.

The plan included:

- * The creation of the Arab and Jewish States not later than 1 October 1948;
- * Division of Palestine into eight parts: three were allotted to the Arab State and three to the Jewish State; the seventh, the town of Jaffa, was to form an Arab enclave within Jewish territory;
- * The international regime for Jerusalem, the eighth division, to be administered by the United Nations Trusteeship Council.

The plan also set out the steps to be taken prior to independence. It dealt with the questions of citizenship, transit, the economic union and a declaration to be made by the provisional government of each proposed State regarding access to holy places and religious and minority rights. By resolution 181 (II), the Assembly also set up the United Nations Palestine Commission to carry out its recommendations and requested the Security Council to take the necessary measures to implement the plan of partition.

The Jewish Agency accepted the resolution despite its dissatisfaction over such matters as Jewish emigration from Europe and the territorial limits set on the proposed Jewish State. The plan was not accepted by the Palestinian Arabs and Arab States on the ground that it violated the provisions of the United Nations Charter, which granted people the right to decide their

own destiny. They said that the Assembly had endorsed the Plan under circumstances unworthy of the United Nations and that the Arabs of Palestine would oppose any scheme that provided for the dissection, segregation or partition of their country, or which gave special and preferential rights and status to a minority.

End of the British Mandate

The adoption of resolution 181 (II) was followed by outbreaks of violence in Palestine. As the situation deteriorated, the Security Council called for a special session of the General Assembly, which then met from 16 April to 14 May 1948. On 17 April, the Security Council called for the cessation of all military and paramilitary activities in Palestine, and on 23 April it established the Truce Commission to supervise and help bring about a ceasefire. For its part, the General Assembly relieved the Palestine Commission of its responsibilities and decided to appoint a mediator charged with promoting a peaceful settlement in cooperation with the Truce Commission. On 20 May, Count Folke Bernadotte, President of the Swedish Red Cross, was chosen as United Nations Mediator.

First Arab-Israeli war, 1948-1949

On 14 May 1948, the United Kingdom relinquished its Mandate over Palestine and disengaged its forces. On the same day, the Jewish Agency proclaimed the establishment of the State of Israel on the territory allotted to it by the partition plan. Fierce hostilities immediately broke out between the Arab and Jewish communities. The next day, regular troops of the neighbouring Arab States entered the territory to assist Palestinian Arabs.

The fighting was halted after several weeks, through a four-week truce called for by the Security Council on 29 May 1948. The truce went into effect on 11 June and was supervised by the United Nations Mediator with the assistance of a group of inter-

national military observers, which came to be known as the United Nations Truce Supervision Organization (UNTSO). Despite the efforts of the Mediator, no agreement could be reached on an extension of the truce, and fighting broke out again on 8 July.

On 15 July 1948, the Security Council decided in a resolution that the situation in Palestine constituted a threat to the peace. It ordered a ceasefire and declared that failure to comply would be construed as a breach of the peace requiring immediate consideration of enforcement measures under Chapter VII of the United Nations Charter. In accordance with the resolution, the second truce came into force. By that time, Israel controlled much of the territory allotted to the Arab State by the partition resolution, including the western part of Jerusalem. Egypt and Jordan respectively administered the remaining portions of Gaza and the West Bank of the Jordan River (which included East Jerusalem, or the old city). More fighting took place in October 1948 and March 1949, during which Israel took over other areas, some allotted to the Arab State. In 1950, Jordan brought the West Bank including East Jerusalem formally under its jurisdiction pending a solution to the problem.

The hostilities also created a major humanitarian crisis, with almost 750,000 Palestinians being uprooted from their land and becoming refugees.

While in the middle of negotiations between the parties, Count Bernadotte was shot and killed on 17 September 1948 in the Israeli-held sector of Jerusalem. Ralph Bunche, of the United States of America, was appointed as Acting Mediator.

Between February and July 1949, under United Nations auspices, armistice agreements were signed between Israel, on the one hand, and Egypt, Jordan, Lebanon and Syria on the other. The agreements, which were similar in general content, accepted the establishment of the armistice as an indispensable step towards the restoration of peace in Palestine. They also made clear that the purpose of the armistice was not to establish or

recognize any territorial, custodial or other rights, claims or interests of any party.

In August of 1949, the Security Council called for UNTSO observers to supervise the armistice. In accordance with Council decisions, UNTSO observers remain stationed in the Middle East.

General Assembly resolution 194 (III): The right to return

At its third regular session, on 11 December 1948, the General Assembly adopted resolution 194 (III), in which it delineated ways to resolve the Palestine problem. Following suggestions contained in the report prepared by Count Bernadotte for a solution to the increasingly intractable situation in Palestine, the Assembly declared that:

- * Refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date;
- * Compensation should be paid for the property of those choosing not to return.

The Assembly also called for the demilitarization and internationalization of Jerusalem and for the protection of, and free access to, the holy places in Palestine. Resolution 194 (III) also provided for the establishment of a three-member United Nations Conciliation Commission for Palestine, which was to assume the functions of the United Nations Mediator insofar as it considered necessary. It was instructed to assist the parties in achieving a final settlement on all outstanding questions and to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees. The Assembly subsequently named France, Turkey and the United States to the Commission.

The Conciliation Commission tried to resolve three major issues: the size of the territories, the refugees and the status of Jerusalem. Through separate talks with Arab States (Egypt, Jordan, Lebanon and Syria) and Israel at a conference in

Lausanne in April 1949, it obtained a protocol, signed separately by each side, agreeing to use the boundaries established in the partition resolution as a basis for discussion. However, the 1949 meetings of the Commission ended inconclusively, with the Arab States pressing for the refugees to be returned as a first step, and with Israel insisting that the territorial question be given priority.

Later efforts by the Commission to secure the return of the Palestinians and establish an international regime for Jerusalem were also unsuccessful. Since 1951, the Commission has tried to secure the complete release of Arab refugee bank accounts blocked in Israel. In 1964, it completed the identification of Arab refugee property, and it continues to maintain records relating to such property.

In periodic reports submitted to the General Assembly since 1952, the Commission has repeatedly stressed that its efforts to advance matters towards the implementation of resolution 194 (III) depend on substantial changes in the attitudes of the parties. The provisions of that resolution on the right of Palestinian refugees to return have been reasserted by the Assembly virtually every year since 1948.

Meanwhile, on 11 May 1949, Israel became a Member of the United Nations. In admitting Israel, the General Assembly specifically took note of Israel's declarations and explanations made earlier to the Assembly's Ad Hoc Political Committee regarding the implementation of resolutions 181 (II) and 194 (III). Those declarations and explanations referred, among other things, to the international regime envisaged for Jerusalem, the problem of Arab refugees and boundary questions.

UN facts

Israel joins the United Nations

Israel became a member of the United Nations on 11 May 1949. The preamble to the resolution admitting Israel to United Nations membership specifically referred to Israel's undertakings to implement General Assembly resolutions 181 (II) and 194 (III), the two resolutions that formed the centre of the Palestine issue in the United Nations:

- “ Having received the report of the Security Council on the application of Israel for membership in the United Nations,
- “ Noting that in the judgement 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’,
- “ Recalling its resolutions of 29 November 1947 and 11 December 1948 and taking note of the declarations and explanations made by the representative of the Government of Israel before the ad hoc Political Committee in respect of the implementation of the said resolutions,
- “ The General Assembly,
- “ 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.”