

"THE INTERNATIONAL PEACE CONFERENCE
ON THE MIDDLE EAST"
IS A LEGAL OBLIGATION AND
A POLITICAL NECESSITY!*

Prof. Dr. Türkkaya ATAÖV

After having attended, during the last two decades, several international conferences on the question of Palestine, held in different corners of the world, it gives me great pleasure, as a Turk, to welcome you all to another one with a noble and practical purpose, now taking place in my own country. The occasion is all the more meaningful when one remembers that Turkey is, not only a Middle Eastern State with deep interest in regional peace, but also has memories of Palestine, where the former Ottoman citizens, as Jews and Arabs, Moslem or Christian, enjoyed a remarkable degree of equality, freedom and justice.

Since then Palestine witnessed a period of Mandate under the League of Nations, the Partition Resolution recommended by the United Nations, acts of aggression or breaches of the peace. Wars are already being fought in the region, and among the discords all over the world or the ones in the Middle East, the Arab-Israeli conflict perhaps poses the greatest threat of global baptism of fire. All of the peoples who were placed under the League Mandates have exercised self-determination except the Palestinians and the Namibians.

The world has come to believe, in the process, that the idea of an International Peace Conference on the Middle East reflects the democratic will of the international community. The choice for such a formula is the result of a conviction based on objective facts and not of a mechanical majority in the United Nations. First, the initial image of Israel, as an undersized country bent only to survive, has been replaced by another prone to expansion, with a plan to annex

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neighbouring lands. Secondly, the international community now believes that peace cannot be achieved without going to the core of the problem. Thirdly, the Palestine question is different from some other questions (such as the Cyprus dispute) which may be a bilateral issue between the local actors. The one concerning Palestine is an international problem. The United Nations has inherited it since its establishment; it is seized with it; it cannot discard its responsibility. Only a comprehensive solution involving, on an equal footing and with equal rights, all concerned parties (including the five permanent members of the Security Council and the Palestine Liberation Organization), can create the basis for a just and lasting peace. The International Peace Conference on the Middle East, under United Nations auspices, is the means for such a solution. It is a legal obligation and a political necessity.



The post-First World War history of Palestine is one of avoidance of justice. The number of arbitrariness, outlawry and violence is appalling. This series of misdeeds and injury must be redressed. How can right be restored by means other than war?

One may assume that the following assertions conform to facts. Israel wants Arab recognition of the "legitimacy" of its conquests. It has no intention of negotiating a just and durable settlement; it wishes to impose one. It does not accept the United Nations resolutions on Palestine. It wants to consolidate its gains. It does not recognize the elementary rights of the Palestinians. It wants to make the ousting of the Palestinians from their own land an irreversible fact. It wants to keep Palestine without the Palestinians. It receives political, financial and military support from one of the great powers and exerts pressure on the Arab States by virtue of its military occupation of some of their territories. Therefore, it is very doubtful that a solution may be reached through direct and bilateral negotiations with Israel, aided by one of the great powers. As to the usefulness of conciliations as a means for settling the issue, what befell on Count Bernadotte explains the futility in general of such procedure.

It seems that the only way to restore justice by means other than war is to lay down a formula for lasting peace to be achieved within the framework of an international conference and with the guarantee of all the interested parties.

The principal obstacle to an international peace conference lies in the present tension between two currents. The first one, supported by the United States and Israel, envisions a settlement through State-to-State negotiations to the exclusion of the PLO. The second assumes the centrality of the Palestine question, an approach more compatible with global consensus.

A reading of the record leaves the impression that two United Nations members, the United States and Israel, acting in concert, have been mainly responsible for frustrating an overall peace. These two States have repeatedly argued that the Security Council resolutions 242 and 338 or the Camp David framework, or both, were the only practical bases for a settlement. The assertion that the PLO does not recognize these two United Nations resolutions does not rest on logical foundations. As expressed on several occasions, the PLO recognizes *all* United Nations resolutions concerning the Palestine question. No Palestinian leadership can accept resolutions 242 and 338 *separately* since they fail to acknowledge the PLO or the rights of the Palestinian people.

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Israel has a "peace" concept, divorced from the reality of what peace in the region means. It has neither defined its borders, nor proposed a full peace plan. The only *de jure* boundaries which Israel has ever had are those specified for the "Jewish State" in the Partition Resolution. In the past, it opposed several initiatives coming from the United Nations (1983 Geneva Conference), regional groupings (1982 Fez meeting), bilateral (Palestinian-Jordanian) and unilateral (Soviet) peace plans as well as actions of individuals (Jaring and Rodgers). Israel has constantly violated international law, not abiding by the United Nations Charter, rejecting various United resolutions and annexing land by force. It has carried its defiance of international norms to the hills of Lebanon, the atomic reactor of Baghdad and to Tunisia, which is neither a confrontation state, nor at war with Israel. Its policies of collective punishments, mass arrests, killing of civilians, tortures of detainees and deportations have become matters of daily life in the occupied territories. The colonization of occupied land, in defiance of the Fourth Geneva Convention, is gaining new momentum. As this international meeting is in progress, Israeli bulldozers are probably at work in the West Bank. Israel has taken over the control of the water resources of the occupied lands. The Arab municipalities are dissolved, the mayors fired and

some physically attacked and injured. A law was proposed by the Knesset in late 1985 prohibiting contacts between the Israelis and the PLO members. Not only the Africans, but the world public in general is very critical of the nuclear collaboration between Israel and the racist State of South Africa.

On the other hand, even the membership of Israel in the United Nations is conditional on the implementation of the General Assembly Resolutions 181 (II) of 29 November 1947, and 194 (III) of 11 December 1948. They relate to Israel's obligations concerning boundaries, respect for the rights of the Palestinians, the return of the refugees and the status of Jerusalem. Israel's first application for United Nations membership was declined by the Security Council on 17 December 1948. Its second application on 24 February 1949, led to an *Ad Hoc* Political Committee inquiry as to whether Israel would accept the appropriate General Assembly resolutions. Israel's representative (Abba Eban) was specifically asked the question whether Israel, if admitted to United Nations membership, would invoke Article 2/7 of the Charter which deals with the domestic jurisdictions of States, in settling the question of Jerusalem and the refugee problem. The Israeli representative promised to co-operate with the General Assembly, and the Cuban representative, who summed up the statements on this inquiry, stated that Israel had given assurance that it would not regard such matters to be within its domestic jurisdiction. When Israel was admitted to membership on 11 May 1949, the resolution recalled the explanations made before this *Ad Hoc* Political Committee.

Israel violated Resolutions 181 and 194 and failed to abide by its promises made prior to admission to the United Nations. Israel's membership in that international organization is different from that of any other State. Israel was created by the General Assembly. The same resolution established its borders and set certain obligations. Israel does not have unrestricted sovereignty. The United Nations, as the creator of Israel, has the right and the obligation to compel that State to abide by so many of the resolutions that go to the root of the problem as well as its formal explanations, which should be taken as a condition of Israel's membership in that international body.

However, there is a minority in Israel which believes in peace. The 400,000 people, who demonstrated after the Sabra and Chatila massacre, would be equivalent to 25 million Americans demonstrating in Washington, D.C. There is also a minority which believes

that the West Bank and Gaza should remain forever in Israeli hands. There is a wavering majority between these two minorities. That majority should be convinced that the creation of a Palestinian national State is an integral part of the final settlement.

The United States has so far not allowed the international community to act in accordance with the well-established global consensus. It is unfortunate that the assumption considering Israel a strategic asset for the United States has rendered that great power a partisan in the issue. The United States shoulders responsibility for its support of Israel especially when the use of American arms violates the laws of the United States and Israeli commitments, let alone international law.

Succeeding United States Administrations have thwarted a comprehensive settlement. Talks between the four great powers, proposed by France in early 1969, were conceived as the initial step of attempts to strengthen the United Nations. They were frustrated by the Nixon Administration. On 29 September 1977, President Carter declared that if the PLO accepted Resolution 242, the United States would begin to meet and work with it. A joint United States-USSR statement, dated 1 October 1977, referred to the "legitimate rights of the Palestinian people". Although "legitimate rights" were not defined and self-determination not mentioned, the simple recognition of "rights" and designation of the Palestinians as a "people" and *not* as "refugees" were a significant step for the United States. The Soviet recognition of the Palestinians and their rights were never doubted. This new Carter position lasted, however, only a few days. Moshe Dayan's instant visit to the United States led to a "working paper", in which there was again no reference to the "legitimate rights" of the Palestinians, who were once more divided into "Arabs" and "refugees". The period which extends from Camp David in 1978 to the present witnessed the abandoning of the idea of an international peace conference. The deceased Dr. Fayez A. Sayegh had described the Camp David framework in the following striking manner: A fraction of the Palestinian people was promised a fraction of its rights in a fraction of its homeland, and this promise was to be fulfilled several years from now, through a step-by-step process in which Israel would be able at every point to exercise a decisive veto-power over any agreement... The Arab Fahd (1981) and Fez (1982) Plans as well as the Brezhnev Plans (1981, 1982) tried to sway the United States towards an international approach. As evident in the Reagan Plan (1 September 1982), the United States

chose to by-pass the United Nations. The United States Administrations must bear responsibility for this depressing record.

They must also bear responsibility for complicity in Israeli violations of Palestinian rights. Israel could not carry out its violations without the funding it receives from the United States. Moreover, the United States was aware, at least in some cases, that financial or military support would be used for such a purpose. Not only the participation of American planes in Israel's aggressions constituted complicity on the part of the United States, but also that Government did not encourage Israel to withdraw from the West Bank and Gaza. It has acquiesced in numerous violations of the rights of the Palestinians in the occupied territories.

On the other hand, as it is true with all the peoples of the world, there is a basic sense of fairness in the American people as well. It may be established in the minds of the American people that the Palestinian cause is just. One may add at this point that the United States Government recognized Palestinian rights when it agreed to the term of the Palestine Mandate in the Anglo-American Convention on Palestine in 1924 and also with the adoption of the Partition Resolution. A 1982 Gallup survey, commissioned by the Chicago Council on Foreign Relations, shows that the American public supports, by a two-to-one margin, the formation of a separate Palestinian state. If the Gallup tabulation reflects the tendency of the public realistically, the succeeding United States Government's hostility to a Palestinian state, then, echos the inclination of a minority of the United States public.

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The United Nations has a clear responsibility to deal with this question. Being a Mandate of the League of Nations, Palestine was referred to its successor organization on the very same day the United Nations was established. After an agonizing debate, the General Assembly recommended the creation of a Jewish state, but has been unable so far to secure the establishment of a Palestinian state, as provided by the same resolution. The solution of problems connected with the creation of a state based on a primarily settler community on land whose indigenous people are still denied the same right deserves to continue to be an international responsibility.

Up to the 1967 aggression, the United Nations did not go beyond condemning some of Israel's violations of United Nations resolutions

and of international law. The fact that this international body deplored some of the injustices but remained silent over some others had then encouraged Israel to continue to defy the United Nations resolutions. It was only after the 1967 War that the United Nations began to feel the need for a lasting peace. The United States and the USSR differed in their approach in the emergency special session of the General Assembly and consequently their respective draft resolutions failed to gain the required majority for adoption.

The compromise resolution 242 of 22 November 1967, called, among others, for the withdrawal of Israeli armed forces from the occupied territories. Resolution 338 of 22 October 1973, following the 1973 War, requested a cease-fire and the implementation of resolution 242 in all of its parts. But neither of the two resolutions included a solution of the Palestine question. The former reflected the balance of forces amongst the belligerents of the 1967 War, Israel as victor and Syria, Egypt and Jordan as vanquished. The resolution did not redress the wrongs done to the Palestinians. There was not even a reference to the mass Jewish immigration forced upon the original inhabitants, the usurpation of the territory of Palestine by an alien minority, the uprooting of its indigenous population and the plunder of their possessions. All that it offered was a mention of the "refugee problem", as if this constituted the whole of the Palestine question.

Resolution 242 even rewarded the guilty party. It required Israel to withdraw only from territory occupied in 1967. Prescribing respect for the "sovereignty, territorial integrity and political independence of every state in the area", it aimed to secure Arab recognition of Israel, including its sovereignty and conquests prior to 1967. Calling for the withdrawal of Israeli armed forces from territories occupied "in the recent conflict", it implied ratification of the Israeli conquest in excess of the Partition Resolution. The sovereignty, territorial integrity and political independence of the Arab states in the area were never in doubt. This was an attempt to "settle" the Arab-Israeli conflict, by-passing the Palestinians.

In recent years, the United Nations General Assembly adopted resolutions which lay stress on the inalienable rights of the Palestinian people. For instance, Resolution 2535 (XXIV) B of 10 December 1969, declared that the "problem of the Palestine refugees has arisen from the denial of their inalienable rights". Resolution 2628 (XXV) of 4 November 1970, states that "respect for the rights of the Palestinians is an indispensable element in the establishment of just and

lasting peace in the Middle East". Resolution 2672 (XXV) of 8 December 1970, declares that "the people of Palestine are entitled to equal rights and self-determination". Resolution 2787 (XXVI) of 6 December 1971, reaffirms the rights of the Palestinians to freedom, equality and self-determination. Resolution 2949 (XXVII) of 8 December 1972, declared that the changes carried out by Israel in the occupied territories were null and void. Resolution 2963 of 13 December 1972, embraced seven resolutions, which called on Israel to "desist forthwith from all measures affecting the physical, geographic and demographic structure of the occupied territories" and expressed "grave concern that the people of Palestine have not been permitted to enjoy their inalienable rights and to exercise their right to self-determination".

But since the International Conference on the Question of Palestine, held in Geneva on 29 August - 1 September 1983, the concerted judgement of the United Nations is that the path to a comprehensive, just and lasting peace in the Middle East is through the convening of an International Peace Conference. It was the first time that so broad an international forum had met to consider the Palestine question. One-hundred-and-thirty-seven states, about 100 NGOs, nine United Nations specialized agencies and several personalities especially invited for the occasion participated. A significant number of the NGOs were from Israel, demonstrating that there exists in Israel fair-minded groups striving for a lasting peace in the area. A plan to deal with all aspects of the question was adopted in Geneva and embodied in two historical documents, namely the Geneva Declaration and a Programme of Action. The settlement emerging from these two documents is based on the following principles: (a) the settlement should be comprehensive, just and lasting; (b) the United Nations is the right place for such a settlement; and (c) the convening of an International Peace Conference on the Middle East is the most appropriate procedure to put such a settlement into effect. The General Assembly Resolution 38/58 C of 13 December 1983, welcomed the call for convening of such a Conference.

The recognition of the rights of the Palestinians was a part of the Programme of Action of the Geneva Conference. The Palestinians were certainly no "rebels without a cause", no "nihilists", no "violent people" closing all doors for peaceful solutions. They are neither a non-existent fiction, nor only "refugees". They are a people constituting a nation comprising no less than three groups: (a) 650,000 who are Israeli citizens; (b) 1.3 million more in the West Bank and

Gaza, who since 1967 live under Israeli military occupation; and (c) the Palestinians in exile, originally 800,000 driven out in 1948.

During the Mandate, the British Government recognized the existence of the Palestinians as a people distinct from the European Jewish immigrants by negotiating with their leadership and by adopting the White Paper (1939) in response to Arab criticism of foreign colonization. The first direct recognition by the United Nations General Assembly of the national right of the Palestinian people to self-determination was in the Partition Resolution. The second such recognition was General Assembly Resolution 2649 (XXV) of 30 November 1970. Many subsequent resolutions reiterate the Palestinian national right of self-determination.

The PLO is the sole legitimate representative of the Palestinian people. This was highlighted by a resolution passed by the General Assembly in 1974, inviting the PLO to participate in the debate relative to the Palestine question and conferring upon it the same rights of participation as that of a member State. It was the first time that a non-State entity was accorded such status.

What juridical status does the PLO have? Traditionally, nation-States are the sole subjects of international law. However, non-territorial public bodies are also brought into existence through agreements. One of the most important non-territorial public bodies is the United Nations Organization. Anti-colonial liberation movements, in addition to resistance groups against occupation forces, have come to be subjects of international law. The Geneva Protocol of 1977 extends its protective cover to include the armed forces, groups and units which are under a command responsible to a "party", whether the party is represented by a Government or an authority.

There are two historical entities, which may be taken as precedents developed in Palestine, namely the World Zionist Organization (Jewish Agency) and the Arab Executive Committee (Arab Higher Committee), recognized as public bodies. The former was originally a group of individuals with no territorial base. The Arab High Authority, which included all the political parties, represented the Palestinian Arabs. It entertained the same status until it was succeeded in 1964 by the PLO.

The PLO represents the embryonic Palestinian State and Government. It has been recognized by over 100 nation-States. It has opened offices equivalent to governmental diplomatic missions in

85 States. The PLO is also exercising certain governmental powers. It has typical sovereign powers, including taxation, extradition, obtaining loans, granting governmental guarantees, signing treaties and cease-fire arrangements. The Palestinian National Council serves as a parliament with legislative authority. Its composition reflects Palestinian pluralism. The Executive Committee functions like a Cabinet with various departments and agencies. The PLO also has a judiciary.

Although arguments have been furthered that the PLO does not control a defined territory, the French Government-in-Exile during the Nazi occupation of France, the Algerian Liberation Front or the Viet-Cong had command over their populations while their adversaries governed the territories.

It is counter-productive to the cause of peace to ignore the Palestinian contribution to the search for a settlement of the Arab-Israeli conflict. The PLO endorses all United Nations resolutions. It is unfair to the Palestinians, the primary victims of the conflict, to misinterpret their motivations.

The international backing for the overdue act of self-determination by the people of Palestine is now almost unanimous. The principle that only the Palestinians can choose their own representatives cannot be negated. The PLO is the only organization which can negotiate, sign and honour an agreement. No signature, even if it belongs to an individual originally from Palestine, can be binding unless it is affixed by properly chosen representatives and satisfies Palestinian aspirations. Attempts have been made in the past to find Arabs who have no PLO support. Their endeavours are bound to be fruitless.

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The Israeli preference to negotiate exclusively with its Arab neighbours reveals an intention to by-pass the representatives of the Palestinian people. The United Nations cannot allow an aggressor to reap the fruits of its policy. It should, instead, act as a peace-maker and also guarantee the results of the conference. Any comprehensive peace initiative needs to be coupled with a guarantee of its implementation. The United Nations has so far adopted about 200 resolutions none of which have been observed. The fact that these resolutions were often taken by overwhelming majorities certainly carries a moral weight with them. But it is at least equally important to implement them. There will be no compliance without internatio-

nal guarantees and no justice and peace without such compliance. For instance, Philip Habib, the special envoy of the United States President, gave Chairman Arafat a formal pledge to protect the Palestinian camps in West Beirut. This pledge was followed by the Sabra and Chatila massacre.

Let us appeal to the United States to join the overwhelming majority of nations for an International Peace Conference, the organization of which should be entrusted to the Security Council, where the United States may express its views in every step leading to its realization. In spite of difficulties, we have faith in the prospects of peace. We believe in the ability of the United Nations to achieve it. 1986 is globally designated as the Year of Peace. There will be no peace without peace in the Middle East.