Canadian Foreign Policy and the Palestine Problem

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A MIDDLE EAST RESEARCH CENTRE PUBLICATION
PREFACE

The research for this essay was done during the academic year 1968/1969. It is based primarily on United Nations' documents and official declarations of Canadian policy-makers. It is written in the hope that it may urge the reader to have second thoughts on Canada's "neutral" stand in the Palestine problem.

I would like to thank Miss Karen Lee Koning of McGill University for kindly reading the whole manuscript.

Ali Dessouki
Reading

I'm not sure what you're trying to do, but I can help you with it. If you can provide more context, I'd be happy to assist you further.
CONTENTS

INTRODUCTION

CANADA AND THE ESTABLISHMENT OF ISRAEL 1

I — The Partition Plan 1

II — The 1948 War and Armistice Treaties 11

III — Israel and Membership in the United Nations 13

CANADA AND THE 1956 CRISIS 16

I — Nationalization and its Repercussions 17

II — Threats and Attack 22

III — United Nations and the Establishment of UNEF 24

IV — Withdrawal 27

CANADA AND THE JUNE WAR 29

I — Closure of the Straits 33

II — War and its Aftermath 38

EPILOGUE 46
INTRODUCTION

This essay records and analyzes Canadian foreign policy towards the Palestine question through its various stages since 1947. It is true to say that Canada’s foreign policy and interest in the Middle East have developed with the emergence of this problem.

Historically speaking, the Middle East is not a part of the world in which Canada has in the past taken any particular interest. Only a few Canadian troops fought there in the First World War; none fought in the second. At the Commonwealth Defence Ministers’ Conference of 1951, in which Middle Eastern questions dominated the agenda, Canada preferred to be represented by an observer and it was not until 1954 that Canada was represented in the Middle East by its own diplomatic missions. In that year, embassies were opened in Israel and Egypt, and on February 23, 1955, a legation in Lebanon. As late as 1957 James Eayrs was able to write: “On the whole the Middle East has not seemed, even in recent years, to be a region for which the Canadian people and their government have felt a distinctively Canadian policy ought to be evolved”. It is exactly because of this that the Middle East was not included in the Canadian policy review which has been carried out by the Liberal government after the election of May 1968. Neither was there mention of the Middle East in the speech from the throne, outlining the policy of the new government, which was delivered on September 12, 1968.

But while Canada lacked a distinctive policy towards the Middle East, it may appear strange to note that she played a prominent and decisive role at various stages of the Palestine problem. The following words of Mr. Paul Martin, the former Minister of External Affairs, before the fifth emergency special session of the United Nations on June 23, 1967, summarized the Canadian role: “My country has been closely associated with United Nations’ efforts to mediate in Palestine. A Canadian served on the United Nations’ Special Commission on Palestine in 1947. Canada was associated with negotiations which subsequently took place at the third session of the Assembly which led to the resolution of November 29, 1947. We served on the Security Council in 1948-1949, when the Palestine

question was among the most important to be considered and when the armistice agreements were arranged, we provided one of the early Directors-General of the United Nations' Relief and Works Agency and, a little later, the chief-of-staff of observers since 1954. The present Prime Minister of Canada, Lester Pearson, took an intimate part in the negotiations which led to the establishment of UNEF. Canada supplied the first commander, General Burns, and a sizeable contingent to the force. Mr. Martin's words clearly show the important role played by Canada in formulating United Nations' policy towards Palestine. But working through the United Nations did not mean that the Canadian foreign policy was either neutral or objective. It is the contention of this essay that in major issues Canada consistently took pro-Zionist and pro-Israeli positions. At no time did Canadian leaders show their understanding of the Arab point of view or recognize its legitimacy. While Canada has taken a pro-Israeli line, she projects the image of neutrality and objectivity. We will prove the falseness of this image by studying the Canadian positions and roles in the three major milestones of the problem — the discussion of the partition plan and the establishment of Israel, the Suez problem of 1956 and finally the June war of 1967.

CANADA AND THE
ESTABLISHMENT OF ISRAEL

On February 18, 1947, the British government announced that it had found that “the mandate has proved to be unworkable in practice, and that the obligations undertaken to the two communities had been shown to be irreconcilable”.\(^3\) The objective of Britain was, as her representative in the United Nations explained, not to have “the sole responsibility for enforcing a solution which is not accepted by both parties and which we, the British, cannot reconcile with our conscience”.\(^4\) From now on, the United Nations worked to find a solution for the problem.

The Canadian role in the evolution of United Nations’ policy towards Palestine before 1948 was described as “an extremely active and perhaps decisive” one.\(^5\) Canada was involved in the debate concerning Palestine as a member of the General Assembly and, from June 1948, as a member of the Security Council and thus shared part of the responsibility of the outcome.

I THE PARTITION PLAN

A. The Record\(^6\)

On April 2, 1947, the Secretary-General was requested to summon a special session of the General Assembly to constitute a special committee to study the Palestine problem and to report to the Assembly its conclusions. To this session, Canada sent a small official delegation headed by Mr. Lester B. Pearson, then Undersecretary of State for External Affairs. At the opening meeting, Mr. Pearson was elected chairman of the first (political) committee which bore the brunt of the Assembly business.

\(^3\) Palestine: Supplementary Memorandum to the United Nations Special Committee (UNSCOP), p. 27.


On April 21 and 22, five member states (Egypt, Iraq, Syria, Lebanon and Saudi Arabia), communicated to the General Assembly the request that the following item be placed on the agenda: "the termination of the mandate over Palestine and the declaration of its independence". However, their request was turned down.

On May 15, the Assembly resolved to constitute a committee composed of representatives of eleven smaller states (UNSCOP). It was invested with wide powers to investigate in Palestine and elsewhere, and was instructed to report back to the Assembly by September 1. Canada was among the powers named to the committee, and Justice Ivan J. Rand was selected to represent her. At that time it was said that the appointment of a supreme court judge underlined Mr. St. Laurent's statement that he was to be an impartial investigator, and was not bound by any instructions.\(^7\)

To show how Mr. Rand thought about the problem, it is enough to quote from a letter sent by him on May 26th, 1954, to the Winnipeg Jewish community which had honoured him with the planting of a forest in his name in Israel: "After 1,800 years of banishment, the Jewish people return to their homeland. They bring with them the religious learning, the philosophy, the technology and the arts born of social isolation. They are in the full career of a rebirth in mind, spirit and vitality. Henceforth that land will take on new uniqueness".\(^8\) It is no wonder then that the role of Mr. Rand is described in the Canadian Jewish Reference Book and Directory by the following words: "It has been said that Judge Rand's understanding and judgment influenced the commission to recommend the final solution to a problem that troubled the world — the establishment of a separate Jewish state in Palestine".\(^9\) As the Canadian Jewish Chronicle Review reported on October 25, 1968, the Hebrew University of Jerusalem conferred one of its highest titles on Justice Rand and established a chair after his name.

Between May 26 and August 31, 1947, UNSCOP held numerous public and private meetings, primarily in New York, Jerusalem,


\(^9\) Ibid., p. 92.
Beirut and Geneva. It studied reports, held hearings of persons and groups concerned with Palestine, made field trips in Palestine and some of the Arab states, and visited Jewish refugee camps in Europe. The Zionists sent the ship *Exodus* with 4,550 illegal Jewish immigrants to Palestine while UNSCOP was investigating there in order to embarrass the British and play on the emotions of the committee members. According to George Kirk’s History of the Middle East, three of the ship’s passengers were killed and many others injured while resisting British efforts to prevent their disembarkation. Britain ultimately forced those refugees to return to Germany. The whole incident proved to be of considerable propaganda value for the Zionist Cause.¹⁰

When the committee was divided between majority and minority, Mr. Rand was in the majority camp. His view was that the mandate had failed and must be terminated. To create either an all-Arab or all-Jewish state to replace it would involve betrayal and international violation, while a bi-national state was impracticable. Thus partition seemed the only way out.

The majority group drafted a plan for partition whose territorial provisions were so intricate that it was not to come into effect until the two new Arab and Jewish states had signed a ten year treaty of economic union. Jerusalem was to be independent of the two states and Britain was supposed to continue to administer the country in the two year interim period.

The minority plan, supported by India, Iran and Yugoslavia, called for a federal government in Palestine composed of two autonomous states; a Jewish and an Arab state. Jerusalem would be the federal capital and the federal government would exercise full powers over such matters as national defence, foreign relations, immigration, currency, inter-state waterways, transport and communication. There was to be a single Palestinian nationality and citizenship with guaranteed equal rights for all minorities and fundamental human rights and freedoms, as well as free access to the holy places.¹¹

The Zionists welcomed the idea of partition. In spite of the impracticability of the plan, they saw in it the seeds of their aim, a

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recognition of the principle of Jewish statehood. In a meeting in Zurich, Switzerland, the Zionist General Council found the federal scheme "wholly unacceptable", but it expressed satisfaction with the majority partition recommendations. However, since it felt that the plan allocated little territory to the Jews, it decided to reserve final judgment.

The Arab states made it clear that partition would do grave injustice to the Palestinian people and that they would resist it even by war. From now on the Zionist struggle in the United Nations narrowed to the partition plan and in this respect Canada and Mr. Pearson played a valuable role to achieve the Zionist objective.

On October 22, the General Assembly established an *ad hoc* committee to discuss the reports of UNSCOP. The *ad hoc* committee further established two sub-committees to study the two proposed solutions — partition or federalism. A third conciliation committee was established to bring the two parties together. Canada was a member of the nine-state committee, all advocates of partition. It worked out plans for boundaries, economic union, and for a special administration of Jerusalem.

When there was a deadlock between the US and the USSR on the time of terminating the mandate, a working group consisting of Canada, Guatemala, US and USSR was established and "thanks to Mr. Pearson's energetic intervention the group reached a compromise on November 10" by which the mandate would terminate by May 1, 1948, and Arab and Jewish states would come into existence by July 1, with the guidance and assistance of a commission appointed by the Assembly and acting under the guidance and authority of the Secretary-General.

Mr. Pearson played a prominent role in elaborating and clarifying the plan of partition. When the sub-committee's report came before the *ad hoc* committee on November 19, he made a careful explanation of its proposals and admitted that they were based on the assumption that after the termination of the mandate some other authority would step in and take over responsibility until the new states were established. However, there were still some objections

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against the plan. Three days later, new proposals were laid before the ad hoc committee. Mr. Pearson was again active in seeking to reconcile objections to the partition plan. After only minor amendments the plan was approved by the ad hoc committee on November 25 by a close vote of twenty-five against thirteen with seventeen abstentions and by thirty-three against thirteen with ten abstentions in the Assembly on November 29.\footnote{United Nations Resolution 181 (11) of November 29, 1947.}

Just before this final vote the Canadian representative, Mr. Ilsly declared that Canada would vote for the partition “with heavy hearts and many misgivings as the least objectionable of the four possible alternatives”.\footnote{Official Records of Second Session of General Assembly, Vol. II, p. 1319.}

It is usually said that the Canadian delegation tended to favor some form of federalism as recommended by the minority group of UNSCOP. However, it is difficult to accept this in the light of consistent official stands in terms of voting and speaking in support of partition. Mr. Pearson played a decisive role in this respect. It was he who interfered at various times “acting in a personal capacity rather than in the name of his government”.\footnote{Western, “Canada’s Role in the Second Assembly,” op. cit., p. 128.} His initiative helped in reaching a compromise solution between the US and the USSR and “marked the turning point of the Palestine debate”.\footnote{Ibid.}

Before the final vote was taken, Mr. Pearson had left for Ottawa, “having been dubbed by Canadian Zionists as the Balfour of Canada. In the struggle to secure acceptance of the partition plan, his influence had been of importance and in the crises of November 4-10 and 20-22, it was perhaps decisive”.\footnote{Spencer, op. cit., p. 147. See also Canadian Jewish Reference Book and Directory, op. cit., p. 92.}

The Canadian press supported the partition plan “in the formulation of which the government representative had played a significant role”.\footnote{Zackariah Kay, “The Canadian Press and Palestine: A Survey 1939-1948”, International Journal, Vol. XVIII, no. 3 (Summer 1963), p. 369.} By the beginning of May 1948 a majority of the press agreed that the end of the British mandate would be followed by a proclamation establishing a Jewish state and with almost unanimous approval the press received the news of the government’s grant of de facto recognition on December 24, 1948.\footnote{Ibid., p. 372.}
B. The Analysis

It is usually said that of all the plans put forward, only partition stood any real chance of being made to work. It was "the best of four unattractive and difficult alternatives". While the Canadian government likes to call her foreign policy practical, neutral and pragmatic, its position in support of the partition plan was a complete betrayal of these principles. A close analysis of this plan will show its serious shortcomings. We will study the impracticability of the plan, the political circumstances under which it was agreed upon and finally, some legal questions related to it.

The plan's main weakness lay in the fact that no satisfactory alternative to implementation by British bayonets had been devised. It assumed not only British co-operation with the United Nations commission, but British willingness to offer it at least some military support and to share authority with it before the end of the mandate. Despite categorical British statements to the contrary, the Canadian delegation clung to the hope that the British government did not intend what it said. Moreover, the success of the partition plan depended upon the inaccuracy of British forecasts of the Arab reaction. Events were to show that, as the British had warned, partition meant war.

Another serious defect was how Palestine was divided between Jewish and Arab states. The partition resolution divided Palestine into six principal parts, three of which (56.47 per cent of the total area) were reserved for a "Jewish state", and the other three with "the enclave of Jaffa" (43 per cent) for an "Arab state". "Jerusalem and environs" (0.53 per cent) was to be an International Zone to be administered by the United Nations.

The rationale behind this unnatural division was to include within the "Jewish state" all areas owned and inhabited by Jews even though this meant the inclusion of large areas owned and inhabited entirely by Arabs. For example, the Negev which comprises half the territory of Palestine in which Jewish ownership was less than one half of one per cent was included in the "Jewish state". In the area assigned to the "Jewish state", Jews owned only 9.30

22 Spencer, op. cit., p. 147.
per cent of the land. On the other hand, the “Arab state” was to include the least possible number of Jews and the smallest amount of Jewish property. As regards population, the “Jewish state” was to comprise 488,000 Jews and 407,000 Arabs, the Arab state was to include 725,000 Arabs and only 10,000 Jews.23

Besides the weaknesses in the scheme itself, the slim majority which could be mustered for it and the abstention or opposition of the Arab-Asian states ought to have been recognized as an ominous danger signal. It was natural then that Prof. R. A. Spencer concluded his study of the partition plan and its defects by saying: “but for Canada to assist in securing acceptance by a slim majority of a resolution which had no real hope of being fulfilled was a dangerous example of reaching an agreement for agreement’s sake, and was both a betrayal of the role of a middle power and in defiance of the repeated declarations on the need for keeping United Nations’ action within the realm of the practicable”.24

Moreover, a close scrutiny of the events that led to the General Assembly’s approval of the partition plan shows the kind of decision Canadian diplomacy worked hard to secure. It should be recalled that the partition plan would not have passed without the active pressure exercised by the US upon many countries. In the straw votes taken on November 22 and 26, less than the required two-thirds majority were pledged to support partition. Haiti, Liberia, the Philippines, China, Ethiopia and Greece, all of which had shown opposition to partition, became the objects of the most intensive Zionist pressure.25

This pressure was applied indirectly, and in most cases, through American channels. The Zionists pressed congressmen to communicate directly with the governments of the six target states.26 The Firestone Tire and Rubber Company, which had large concessions

in Liberia, was telephoned and urged to persuade the Liberian government to vote in favor of partition.27

Under-secretary of State Robert Lovell attested that “... he had never in his life been subject to as much pressure as he had been during the final stage of the voting”.28 Sumner Wells, another former Under-secretary of State, wrote “by direct order of the White House, every form of pressure, direct or indirect, was brought to bear by American officials upon those countries outside the Muslim world that were known to be either uncertain or opposed to partition”.29 James Forrestal, the then Secretary of Defence, complained, “the methods that had been used to bring coercion ... on other nations of the General Assembly bordered closely on scandal”.30 Other high American officials underwent similar experiences.

These efforts were not without result. When the final vote came, all of the six target countries with the exception of Greece, had agreed either to vote for partition or to abstain.31

We have enough evidence about the kind of pressure exerted on these countries. The Liberian delegate complained of “attempted intimidation” and so reported to the US State Department.32 The representative of the Philippines said “my delegation takes part in this final stage in the consideration of the Palestine problem with profound misgivings”.33 Even Western delegates who supported the plan indicated serious qualifications to their support. The Belgian foreign minister said, “we are not certain it is completely just; we doubt whether it is practical; and we are afraid that it involves great risks”.34 The Swedish delegate recognized that the plan “has its weak sides and some dangerous omissions”35 and New Zea-

28 Ibid.
30 Forrestal, op. cit., p. 363.
34 Ibid., p. 1365.
land's representative talked of the "grave inadequacies of the present proposals". Arthur Hayes Sulzberger, publisher of the New York Times, described the nature of Zionist pressure by saying that "I dislike the coercive methods of Zionists who in this country have not hesitated to use economic means to silence persons who have different views. I object to the attempts at character assassination of those who do not agree with them".

To understand the intensity of pressure exercised by the Zionist machine on the US, it is significant to quote former President Harry Truman who was commenting on a letter sent to him by Dr. H. Weizman in which the latter had asserted that there was no substance to the then current charge that the Zionists exerted undue pressure on certain United Nations delegations by saying this in his memoirs: "The facts were that not only were there pressure movements around the United Nations unlike anything that had been seen there before but that the White House too, was subjected to a constant barrage. I do not think I ever had as much pressure and propaganda aimed at the White House as I had in this instance. The persistence of a few of the extreme Zionist leaders — actuated by political motives and engaging in political threats — disturbed and annoyed me. Some were even suggesting that we pressure sovereign nations into favorable votes in the General Assembly".

It should also be recalled that "practically the whole of ex-colonial Asia and the Near East opposed the solution...". Of Asia, only the Philippines voted for the partition and only after terrific pressure by the US, and of Africa only Liberia, an American semi-colony, and South Africa, itself ruled by a white alien minority, voted for partition.

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H. Truman, Memoirs, Vol II (Years of Trial and Hope), copyright held by Time, Inc., p. 158.

The third dimension of our analysis is the legal aspect. The Arabs rejected the partition on the grounds that it violated the provisions of the United Nations Charter which gives a people the right to decide its own destiny—the right of self-determination. As a matter of fact the General Assembly turned down a suggestion of holding a referendum in Palestine and submitting all the legal problems to the International Court of Justice. By denying the Arabs of Palestine, who constituted the two-thirds majority of the country, the right to decide for themselves, the United Nations had violated its own charter. The partition plan was a violation of the rights of the Arab population protected by the League of Nations Mandate, and of article 80 which provides that in no manner can a trusteeship under the United Nations alter the existing rights of peoples. It was also contrary to the principles enunciated in the Atlantic Charter of August 12, 1941, which specified that Britain and the US "desire to see no territorial changes that do not accord with the freely expressed wishes of the people concerned...". The General Assembly in particular has exceeded the scope of its competence as defined in the charter. The United Nations' organs, whether the General Assembly or the Security Council, had no legal authority to partition Palestine into two states, Jewish and Arab, without the consent and contrary to the wishes of the majority of the population of Palestine.

Arab rejection was also based on the fact that while the population of the Jewish state was to be 50 per cent Arab and 50 per cent Jewish, with the Jews owning less than 10 per cent of the total land area, the Jews were to be established as the ruling body—an arrangement which implied a clear human and economic exploitation which no one would accept.

Other legal problems were raised such as the legal effects of promises made to Arab leaders by Britain and France during the First World War for the establishment of an independent Arab state and the legal status of the Balfour Declaration and the Palestine Mandate which were created without Arab participation or approval. In a draft resolution presented on November 11, 1947, before the partition plan was adopted, the Arab states posed all these legal problems and asked that they be referred to the International Court

40 Lilienthal, op. cit. pp. 73-74.
of Justice. However, the resolution failed adoption by 20 to 21, with 13 abstentions.

II THE 1948 WAR AND ARMISTICE TREATIES

When Israel, during the war of 1948, expanded its territory, the Canadian position changed to justify this. Now, it appeared to Canada that the partition plan was no longer workable according to the 1947 resolution and must be modified in the light of the Israeli expansion. The Canadian representative told the first committee of the General Assembly on November 22, 1948, that “we must deal with the fact that a Jewish state has come into existence and has established its control over territory from which it will not be dislodged and we must address ourselves to the problem of regulating the relations of this community with its neighbours. I do not deny for a moment that this is a difficult circumstance for the Arab states to accept, but it is nevertheless the case, and it does not seem to me that the United Nations would be doing these states any service if it encouraged them, or even permitted them, to continue their efforts to destroy by arms the Jewish state”. The authors of Canada and the United Nations explain this shift by saying that “a permanent settlement must be based on a realistic appreciation of the actual situation and not on a rigid attempt to uphold decisions that have proved to be inapplicable”.

One wonders why the results of this “realistic appreciation” always came in support of Israeli and Zionist points of view and why were the Arabs never “realistically appreciated”? The fact that there is no peace in the area after twenty-one years and the fact that there is no sign of peace show without the slightest degree of doubt that the Canadian “realistic appreciation” of the Middle East situation in 1948 was simply false and wrong.

It is in order here to compare the American and Canadian reactions to what took place after May 1948. When the US concluded that partition was unworkable and suggested a United Nations trusteeship (a conclusion described by Zionists as a shocking reversal), Canada viewed the situation from another perspective.

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41 A/AC. 13/32, United Nations GAOR. 11, ad hoc commission on Palestine question, pp. 209-301.
42 Howard and McInnis, op. cit., pp. 110-111.
On March 24, 1949, Canada's representative in the United Nations expressed his concern of abandoning one line for another without some assurance that the required co-operation would be forthcoming. On April 29, 1949, Mr. St. Laurent told the House of Commons that "it was, and still is, the Canadian attitude that the United Nations should not make recommendations in regard to Palestine without taking into account the problem of whether their acceptance could be secured". This is an attitude which might have been adopted at the General Assembly in 1947 rather than in the Security Council in 1948 and 1949.

It seems that what was meant by "co-operation" and "acceptance" was Israel. In 1947 when Arab states were against the partition plan (and Britain was hesitant and abstained on the resolution), Canada found no problem in securing the necessary "co-operation" and "acceptance" to implement the plan. Canada's policy was inherently inconsistent. While in reaction to the American initiative to establish trusteeship she advised caution and expressed some reservations, on the other hand her representative was able to say that the partition plan was out of date and to justify Israeli expansion. The "pragmatic" and "practical" nature of Canadian foreign policy was intelligently used to support Zionist and Israeli points of view.

When the Israeli army invaded the Negev area in mid-October 1948, the Security Council ordered withdrawal behind the lines occupied on October 14, and the establishment of permanent truce lines; Canada supported the step. On November 14, Canada introduced a resolution which called for an armistice in all sections of Palestine, and directed the parties to negotiate permanent armistice lines and the withdrawal and reduction of forces. It was adopted on November 16.

In the General Assembly Mr. Pearson's approach was that a solution could be found only if the Arabs were willing to concede that the State of Israel had come to stay, and if the Jews refrained from using their obvious military advantage to overrun all Palestine. He called for acceptance of three principles: first, the recognition of a Jewish state; second, the establishment of a small commission of conciliation; and third, international control of Jerusalem. These principles were finally embodied in a resolution adopted by the

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43 Spencer, op. cit., pp. 148-149.
Assembly on December 11. The commission was to assist in achieving a final settlement of Palestine, to draft recommendations for the protection of the holy places and to solve the problem of Arab refugees.\textsuperscript{44} Paragraph II of the same resolution established the right of the Palestinians to return to their homes or to claim compensation. Under the auspices of the commission the Lausanne Protocol in which Israel pledged to implement this resolution was signed. Later, Israel renounced this pledge. For the next twenty years the General Assembly in twenty-two resolutions was to reaffirm its resolution only to be consistently disregarded by Israel. In fact, the government of Israel rejected the return of the displaced Palestinians as early as August 1, 1948, as indicated in a letter by its foreign minister to the United Nations’ mediator. The reasons given as reported in *The Spectator* of May 12, 1961 were security and economy.

What Mr. Pearson proposed and was adopted by the General Assembly was essentially a recognition that Israel would be left in possession of its recent territorial gains. There was no mention of the “Arab state” which was supposed to be established according to partition plan of 1947. The proposals were naturally opposed by Arab states. Eleven days later, the Israeli army launched a new offensive which compelled the Arab states to agree to negotiate and Israel and Egypt agreed to a cease fire on June 6, 1949.

Canada offered a *de facto* recognition of Israel on December 24, 1948, which was followed on May 11, by a *de jure* recognition implied by Canada’s vote in the General Assembly in favor of Israel as an eligible applicant for admission to the United Nations. The first Israeli counsel general arrived in Montreal on July 18 of the same year.

### III ISRAEL AND MEMBERSHIP IN THE UNITED NATIONS

When Israel first applied for membership in the United Nations on November 29, 1948, Canada, as a member of the Security Council, was of the opinion that time was needed to clarify Israel’s position in relation to resolutions of the General Assembly or of

the Security Council. The Canadian representatives urged postponement, along with Britain and France. A motion to delay action for a month having failed adoption by one vote, the proposal to recommend the admission of Israel immediately failed to secure seven affirmative votes. Canada abstained from voting on the second one.\textsuperscript{45}

When Israel on February 24, 1949, asked the Security Council for renewed consideration of its application, the Security Council, presided over by Canada, approved by nine affirmative votes in March a US resolution recommending that the General Assembly should admit Israel to membership as a peace-loving state able and willing to carry out the United Nations’ Charter’s obligations. Britain abstained on the ground that Israel’s policy with regard to Jerusalem and the repatriation of Arab refugees was not yet sufficiently clear.\textsuperscript{46}

When the General Assembly voted to refer the Security Council resolution to its political committee to study the situation of the Arab refugees, the boundaries between Israel and the Arab states and the internationalization of Jerusalem, Canada abstained on this question.\textsuperscript{47}

Canada, joined by Australia, the US, Guatemala, Haiti, Panama and Uruguay, sponsored the resolution favoring Israel’s admission to the United Nations. Mr. George Ignatieff, principal adviser to the Canadian delegation, told the Assembly that his government took its position from Article IV of the Charter, by which membership was open to all peace-loving states which accepted its obligations and were able to carry them out, and whose admission has been recommended by the Security Council. He added that his government hoped that Israel would recognize that responsibility of member states to live in peace with other nations and settle disputes by peaceful means.\textsuperscript{48}

To conclude this part, Canada’s role in the establishment of Israel can be best summarized by two quotations. The first one is by Mr. Figler who is considered the historian of Canadian Zionism

\textsuperscript{47} Bulletin of External Affairs, Vol. I, no. 6 (June 1949), pp. 16-17.
\textsuperscript{48} Plenary Meeting of the General Assembly, April 5-May 18, 1949, p. 317.
in his article which was referred to previously: “Canada has maintained its traditional sympathy on behalf of the Zionist cause and its statesmen have come to its support in national and international forums”.49 The second one by former Prime Minister of Canada, Mr. Louis St. Laurent, is from a speech delivered by him on October 19, 1956, before the 11th plenary session of the Canadian Jewish Congress in Montreal: “Although the main impetus toward the creation of a Jewish state, apart from that given by persecution, has always come from within the Jewish communities themselves, and it is to the Jewish initiative, Jewish sacrifice and Jewish endeavour that Israel chiefly owes its being, a considerable amount of outside help has also been contributed, through the United Nations and otherwise. Where Canada is concerned, this help has been given gladly. I believe that what Canada has been able to give has been appreciated”.50

49 Figler, op. cit., p. 93.
50 Ibid., p. 93.
CANADA AND THE 1956 CRISIS

The sequence of events which began with Egyptian nationalization of the Suez Canal had a major impact on Canadian policy. The Suez Crisis brought foreign policy to the core of the Canadian public opinion; it became for the first time a public concern. As James Eayrs described it, “Churchmen preached sermons on the issue, university students debated and passed resolutions, trade union councils were aroused to petitioning pitch; public libraries reported a run of Colonel Nasser’s Egypt’s Liberation; speakers on Middle Eastern affairs were in great demand and found audiences of unprecedented size and wakefulness”. Furthermore, the crisis and how it was handled by the Canadian government became a subject of the 1957 general election.

Two aspects of British policy provoked Canadian criticism. Public criticism tended to decry Sir Anthony Eden’s decision to resort to force; official opinion seemed to have been more distressed by the failure of British government to let its allies know in advance what it was up to.

The Canadian Prime Minister expressed his distress in his address on the international situation on November 4, 1956, in which he confined his feeling to an expression of “regret... that, at a time when the United Nations was seized of the matter, that the United Kingdom and France felt it necessary to intervene with force on their own responsibility”. Later, he described himself as being “scandalized by the action of the leaders of the great powers, the great men of Europe.”

In the debate in the House of Commons on November 26, Mr. L. Pearson, Minister of External Affairs, prefaced his defence of an independent Canadian policy by observing that Canada was not “a colonial chore-boy running around shouting ready, aye ready”. He went further to point out that “instead of indulging then

3 Earys, op. cit., p. 183.
4 Ibid., p. 185.
or since in gratuitous condemnation we expressed our regret and we began to pursue a policy... which would bring us together again".\(^5\)

Much has been written on the Suez crisis and the role played by Canadian diplomacy and Mr. Pearson in establishing the United Nations Emergency Force. What we are trying to do here is to analyze the motivations and perceptions of Mr. Pearson toward the problem. From the very beginning, Mr. Pearson accepted the main premises of Anglo-French policy when he declared on November 29, "I do not for one minute criticize the motives of the governments of the United Kingdom and France in intervening in Egypt at that time. I may have thought their intervention was not wise, but I do not criticize their purposes".\(^6\) Again in his speech before the Commons on January 14, 1954, he referred to the difference "not perhaps in objectives but in methods and procedures, with the United Kingdom".\(^7\) If the purposes or motives were not in dispute, what was disputable then was just the methods or the means. Mr. Pearson’s policies during the crisis were unjustly attacked by the opposition as anti-British and were accused of "knifing Britain and France... in the back".\(^8\) In fact, he sincerely attempted to save the face of Britain and France. What they failed to achieve by military force, he was trying to get by United Nations’ resolutions and through quiet diplomacy. But before we go further let us recall the main events and the Canadian reaction to them.

1 NATIONALIZATION AND ITS REPERCUSSIONS

A. The Record

On July 26, 1956 Egypt nationalized the company of the Suez Canal. Egypt offered the shareholders of the company compensations on the basis of the value of the shares on the Paris market on the day preceding nationalization. Two days later Mr. Pearson condemned the Egyptian act in the House of Commons by saying, "the violation by the government of Egypt of an international convention governing the use of an international

\(^5\) Ibid.
\(^6\) Ibid.
waterway so important as the Suez Canal is, of course, to be con-
demned. Possibly it should be recalled at this time that the con-
vention in question attempted to safeguard the free use of the water-
way in war and peace. In that sense, the Convention was already
violated by the Egyptian government when Israeli vessels were pre-
vented from using the Canal’.9

Later in the discussion he called the Egyptian act an “expropria-
tion” and proposed an international control for the canal “by which
the legitimate rights of all countries can be protected”.10 Mr. Pearson
assured his audience that the Suez Canal is an international water-
way “which was constituted by international agreement and with
international co-operation and is now maintained and operated
internationally”.11 Thus, Canada maintained that the canal was an
international waterway, that the Egyptian act was a violation of this
convention and that Israel had a right to use it. A legal study of
the 1888 convention will show us that Canada’s position was based
purely on political — not legal grounds.

B. The Analysis

While no country denied the principle of the right of nationali-
zation, Britain and France, however, maintained that the Egyptian
government could not nationalize something which was inherently
international and which was intended perpetually to remain so.
They went even further to undermine Egypt’s territorial sovereignty
in the Canal Zone.12

It was forgotten then that internationalization of the canal had
been proposed by the majority of the Constantinople Convention
signatories in 1888 and again by Italy in 1938 and on both occa-
sions, the proposals were met with opposition from Britain, which
preferred the neutralization of the canal rather than its internationali-
zation. Britain was at that time the de facto power in Egypt, and
internationalization would have affected its control of the Suez

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9 See text in Eayrs, The Commonwealth . . . p., 46.
10 Ibid., p. 48.
11 Ibid.
52-71.
route. It is in order here to discuss the claim of the “international” character of the canal and the legal problems related to it.¹³

Article 8 of the Anglo-Egyptian treaty of October 19, 1954, asserted that “the maritime Suez Canal... is an integral part of Egypt” and article 9 of the act of concession of February 22, 1866 indicated the same meaning. According to the 1888 convention Egypt enjoyed certain rights and bore certain obligations. The convention delegated to Egypt implementation of the principles and obligations established by the agreements; article 9 states, “the Egyptian government is to take... the necessary measures to enforce the execution of the said treaty...” and Egypt remained, according to the convention, the sole judge as to the measures required to be taken for the implementation of the treaty. Of course, implicit here is that Egypt had no power to take measures that do not conform to the terms of the convention. Article 14 stipulated that obligations imposed by that treaty were not to be limited in time to “the duration of the concessions granted to the universal company of the Suez Canal”, and this article assumes special significance because it clearly distinguishes between the canal itself and the universal company of Suez Canal as the operating agency for the waterway. It further acknowledged Egyptian sovereignty over the canal.

To conclude, the Suez Canal company was an Egyptian corporation, established under Egyptian law¹⁴ and, thus subject to that law. It was established to perform a specific function: construction and operation of a waterway. It had no independent existence outside the terms of its establishment and no powers or rights beyond those granted to it by the government of Egypt. Its legal nature was no different from that of a crown corporation in Canada authorized to perform a certain public utility. That the shares of the company were all owned outside Egypt had no bearing on the legal character or status of the company. “A corporation is in itself a legal entity, whoever may own or control its stock”.¹⁵ In the final


¹⁴ The firmans of the Khedive of Egypt of 1954 and 1956, setting out the terms of this concession, were approved by the high porte in 1966.

analysis, the Egyptian nationalization decree of July 26, 1956, altered none of the rights and obligations arising under international law, but only substituted one agency for another.

Now let us see to what extent did Egypt violated the 1888 convention by refusing to let Israeli ships pass through the canal. Since May 1948, Egypt maintained a blockade against Israeli ships. The Israeli complaints before the Security Council were based on the denial of rights guaranteed to all ships under the rules of the decree of March 19, 1866, and by the Constantinople Convention of October 29, 1888. Article 1 reads, “the Suez maritime canal shall always be free and open, in time of war as in time of peace, to every vessel of commerce or of war without distinction of flag”. According to article 4 the canal shall never be subjected to the exercise of the right of blockade and that it will be open “even to the ships of belligerents”.

Therefore some argued that this right accrued to Israel as a continuing right available to all states since it was not in existence when the 1888 convention was signed. Authorities have maintained, however, that this dedication—a stipulation in favor of third parties—is a concept of domestic law and has no place in international law. In 1926 and 1929 the International Court of Justice ruled that the stipulation in favor of a third state is not a rule of international law: “a treaty creates rights only for the states party to it”.

It thus appears that Israel acquired no right to the beneficial use of the Suez Canal under the Convention of 1888 and that, having never acquired such a right subsequently by unobstructed habitual transit of the canal, there is no avenue open to Israel under international law now to assert such a right. Israel does not, and cannot, have this right against the will of Egypt.

On May 14, 1948, Israel declared its independence and on the same day Egypt established a general blockade against Israel in the

16 See comments on article 32 of the international law draft treaty law, Official Documents of the General Assembly, 21st Session, Supplement no. 9, A/6309/Rev. 1.
17 Case relating to certain German interests in Upper Silesia, judgment no. 7 of May 25, 1926, p. 28; also see case of free zones of Upper Savoy and Cos, judgment of August 19, 1929.
18 Bassiouni, op. cit., p. 48.
Suez Canal. Egypt justified its action by Article 10 of the Convention which provides, “similarly, the provisions of article 4, 5, 7, and 8 shall not interfere with the measures which His Majesty the Sultan and His Highness the Khedive, in the name of His Imperial Majesty, and within the limits of the firmans granted, might find it necessary to take for securing by their own forces the defence of Egypt and the maintenance of public order”. Thus, Egypt used its right of search for reasons of her own defence; a measure which was not without precedent. During both world wars Britain blockaded the canal against use by Germany and her allies.19

Egypt maintained that it was an active belligerent against Israel and was entitled therefore to exercise the right of visit, search and seizure for legitimate self-defence. The legal point which was never resolved centered around what interpretation to be given to the effects of the armistice agreements. Egypt held that she was legally in a state of war with Israel and that an armistice did not end a state of war. Thus it did not prohibit a country from exercising certain rights of war.20

The Security Council rejected the Egyptian arguments by its resolution of September 1, 1951. Whether the Security Council is a legal body or not, and whether it is qualified to determine between different legal interpretations is left to the intelligence of the reader. To show the weakness of Israel’s legal position and its alleged right to pass through the canal, we refer to the fact that on July 18, 1957, Egypt accepted the compulsory jurisdiction of the International Court of Justice in all matters related to the interpretation of the Constantinople Convention or freedom of navigation in the canal21 While Egypt is willing to permit the entire question to be settled through the International Court of Justice, Israel has not communicated a corresponding answer.


II  THREATS AND ATTACK

When the conference of the twenty-four states met in London August 16-23, to consider the situation and devise plans for the Canal's future, Canada was not invited. Mr. Pearson made it clear that Canada would have been quite willing to attend the conference if she had been invited.22

All countries invited sent representatives except those of Greece and Egypt. The main proposal, endorsed by eighteen states of the twenty-four, called for an international board for the canal. The board would consist of Egypt and other states chosen with due regard to the use of the canal, pattern of trade and geographical distribution.23 This formula would have given the Western user countries a large voice in canal policy. The opposition to this plan consisted of Ceylon, India, Indonesia and the Soviet Union. The Indian delegate, Mr. V. K. Krishna Menon, insisted that whatever kind of international supervision would be devised, it should not prejudice the Egyptian ownership and operation of the canal. The Indian plan, acceptable to Egypt, was unacceptable to the majority of the conference who favored an international control. On August 30, the Canadian government endorsed this proposal24 and Mr. St. Laurent declared that, "It is devoutly to be hoped that President Nasser will accept this invitation to negotiate a peaceful and permanent solution of this serious problem along the lines of the London majority proposal. A failure to do so would involve a very heavy responsibility indeed."25

The conference sent a delegation, headed by Mr. Menzies, the Prime Minister of Australia, to Cairo between September 3 and 9, to propose that Egypt should turn over the canal to an international authority. Nasser was ready to discuss a solution only on the basis of Egyptian ownership and control. He called the London conference's plan a form of collective colonialism. Egypt proposed the establishment of a special international negotiating body, repre-

22 Earys, Commonwealth, op. cit., pp. 50, 82.
25 Ibid., p. 121.
sented the users of the canal, to review the Constantinople Convention and to guarantee freedom of navigation through the canal.26

At the same time, Mr. Dulles announced his project soon afterwards to be known as the Suez Canal Users' Association. He thought that the principal users of the canal should form a club for the purpose of operating the canal to their own, and hence the world's advantage. The association was to hire pilots and collect dues. On September 15, Nasser spoke in Cairo and declared that the eighteen countries were being accused of "international thuggery and imperialism" and that the proposed Users' Association was an association for waging war. A second London conference was held between September 19 and 21. This conference set up the Association, though left its functions indefinite.

On October 29, Israeli troops attacked Egypt in strength and moved swiftly toward the canal. Almost immediately the Prime Ministers of Britain and France issued an ultimatum to Israel and Egypt. The belligerents were ordered to cease fire, and to withdraw their forces to a distance of ten miles from the Suez Canal within twelve hours. Failure to comply with these instructions would result in the intervention of Anglo-French forces to protect the Suez Canal and to keep a shield between the opposing forces. Of this ultimatum the Canadian government had received no advance warning.27

Naturally, Egypt refused to comply with the demands of Britain and France that it evacuate its own territory as a consequence of being attacked. The deadline came and went, and the Anglo-French invasion of Egypt began. Mr. St. Laurent expressed his government's position in a telegram sent to Mr. Eden which said. "I think we have a sympathetic understanding of your and France's position, but we still regret that you have found it necessary to follow the course you are taking".28

III UNITED NATIONS AND THE
ESTABLISHMENT OF UNEF

From the beginning of the crisis, it seemed clear that there was no meeting of minds between the United States and the two European countries. The US immediately asked the Security Council to meet to stop hostilities, but its action was blocked by French and British vetoes. On the 2nd of November, at a specially convened emergency meeting of the General Assembly, the US introduced a resolution which called for an immediate cease-fire, the prompt withdrawal of forces and the end of the military shipments to the area. The resolution was carried by sixty-four votes in favor to five against, including Britain and France. Canada and five other states abstained in the vote.

Explaining his government's abstention, Mr. Pearson said that peace was far more than ceasing to fire. "I therefore would have liked to see a provision in this resolution authorizing the Secretary-General to begin to make arrangements with member governments for a United Nations force large enough to keep these borders at peace while a political settlement is being worked out." On November 3, Mr. Pearson introduced a resolution on behalf of Canada which requested the Secretary-General to submit within forty-eight hours a plan for a United Nations force to secure and supervise the cease-fire arrangements. He explained that no members of the United Nations were to be asked to provide forces without their previous consent. The Canadian resolution was adopted on the following day, by a vote of fifty-seven to nothing with nineteen abstentions including Britain, France, Egypt, Australia and all of the Soviet bloc.

On November 5, the Secretary General produced an aide memoire to the General Assembly on the proposed United Nations force. It was placed before the General Assembly on the morning of November 6. A significant feature of it was its emphasis on the need to keep control of the force vested in the General Assembly, which meant in practice the Secretary-General and his advisers.

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31 Ibid., p. 282.
The force was “to enter Egyptian territory with the consent of the Egyptian government, in order to help maintain quiet during and after the withdrawal of non-Egyptian troops, and to secure compliance with the other terms established in the resolution of November 2nd. There is no intent in the establishment of the force to influence the military balance in the present conflict and thereby the political balance affecting efforts to settle the conflict.”

The General Assembly accepted these guiding principles. At the suggestion of the Secretary-General a seven-member advisory committee was established, with himself as chairman. Canada was chosen as a member.

It is interesting to see how the idea of an emergency force evolved and what was Mr. Pearson’s perception of its function. The original plan, formed at the meeting of Canada’s cabinet, was that Mr. Pearson should attempt to persuade the General Assembly to prevail upon Britain and France to place their forces at the disposal of the United Nations. This plan Mr. Pearson soon abandoned after reaching the United Nations and seeing the mood of anger and protest which existed among the delegates of other nations, particularly those of Asia and Africa. Many of them already branded Britain and France as aggressors under the Charter. “To ask them to entrust these same countries with the task of police enforcement on the United Nations’ behalf was clearly out of the question”.

Mr. Pearson’s perception of the function and rationale of UNEF consisted of two major components—to save Britain and France from their dilemma without a loss of face and to strengthen Israel’s political position vis-à-vis Arab states. On October 31, Mr. Pearson was telling John Foster Dulles, “We are interested in helping Britain and France. I would like to make it possible for them to withdraw with as little loss of face as possible, and bring them back into realignment with the US”. Again on November 27, in answering his critics in the House of Commons he said, “our purpose was to be as helpful to the United Kingdom and France as we possibly could be. Believe me, that attitude has been appreciated in London even if it has not been appreciated by my Hon. friends opposite. We have had many expressions of appreciation for the

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32 Quoted in Ibid.
33 Ibid., pp. 275-276.
34 Robertson, op. cit., p. 188.
line we have been trying to follow, and which has been helpful in the circumstances to the United Kingdom and France". Apparently, Mr. Pearson was very cautious not to mention that one of his plan’s benefits would be its propaganda value to Britain and France. There were only three persons to whom he admitted his concern about helping Britain and France—Dulles, Hammarskjold and Engen.36

It was natural then that Mr. Eden would welcome the Canadian efforts to save his country. He later expressed his “personal indebtedness to Mr. Pearson for the skill and energy with which he has sponsored this idea (UNEF)”37 The Canadian and British delegations in the United Nations were in close touch with each other during the crisis. In an interview for Maclean’s magazine Mr. Pearson admitted, “I have spent hours with them trying to see how we could work things out together”.38

The second component of Mr. Pearson’s perception of UNEF’s role was the protection of Israel and the liquidation of the Palestine problem or at least making it more difficult for the Arabs to continue exposing the nature of Israeli aggression on Palestine. Speaking in the General Assembly about the civil administration of the Gaza Strip on February 26, Mr. Pearson said that “provisions must surely be made for a peaceful transition from the administration of Israel to something no less strong and effective. This is all the more desirable because after Israel’s withdrawal the United Nations should, in our view and by arrangement with Egypt, accept responsibility to the maximum possible extent for establishing and maintaining civil administration in the territory. The United Nations Relief and Works Agency is already there”.39

The implications of Mr. Pearson’s proposal were clear, to take the Gaza Strip away from its Egyptian administration and to put it under an international regime which implied a change in the legal status of the territory. Until that time, the Gaza Strip was the re-

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35 Eayrs, op. cit., p. 425.
37 Ibid., p. 250.
maining part of Palestine which was not yet annexed to some state. Egypt administered the Strip but she always made it clear that it was not part of Egypt. Besides, his proposal meant the widening of the functions and tasks of UNEF in such a way that it would become able to solve territorial problems which were not incorporated in any United Nations resolution related to the question. Therefore, Mr. Pearson came under attack by Arab delegates. The Syrian spokesman accused him of introducing Israeli and Zionist proposals and that “the representative of Canada is trying to show various faces in various directions. Canada is definitely supporting the Zionist policy”, and the Jordanian representative reminded the General Assembly of Mr. Pearson’s role in the partition resolution.  

**IV WITHDRAWAL**

The timing of the Anglo-French withdrawal also created some difficulty. Britain and France thought that the presence of their forces in Egypt offered the possibility of influencing whatever settlement might be reached. Egypt, on the other hand, supported by most Afro-Asian states, insisted that the aggressors had no right to suggest terms or impose conditions. When the Afro-Asian states introduced a resolution asking for immediate withdrawal, the foreign minister of Belgium suggested a less peremptory formula allowing those governments discretion as to timing. On November 24, twenty-three delegations voted for the amendment, thirty-seven against it and eighteen abstained. Canada and Britain supported the amendment. The Afro-Asian resolution was passed by a vote of sixty-three to five, with ten abstentions. Canada abstained.  

The major problem left afterwards was the withdrawal of Israeli troops which were asked more than one time by the General Assembly to withdraw and which were branded as aggressors by most African and Asian states. While the US government felt that Israel should not be allowed to impose conditions of its withdrawal, Canada thought that withdrawal should be accompanied by explicit provisions for its own future. Canada maintained that “the withdrawal of Israeli forces and the arrangements following that withdrawal were related and that one could not be discussed or decided without taking into consideration the other”.

Israel finally accepted to withdraw on the assumption that UNEF would move into the evacuated areas, and that its passage through the Gulf of Aqaba must be established and maintained as the Israeli foreign minister tried to make clear before the General Assembly. The passage through the Gulf of Aqaba was Israel’s fruit of its aggression and military victory and the condition for its withdrawal. Although it was not certain whether Israel had the legal right to pass when she was at war with Egypt, Mr. Pearson successfully attempted to give this victory a political sanction by a resolution of the General Assembly. On the occasion of the Negev dinner offered by the Montreal Jewish community on April 8, 1957, he remarked, “We did our best to convert such assumptions into United Nations’ recommendations. I am only sorry that we did not succeed in our efforts”.43

43 Eayrs, Canada in World Affairs, op. cit., pp. 272-274.
CANADA AND THE JUNE WAR

The six-day war has opened a new chapter in the history of the Middle East. The complete story of what happened in those dramatic days of May-June 1967 has not been written yet. Our knowledge of this episode is fragmentary and incomplete. It is possible, however, to make some general remarks on the role played by Canada in the crisis.

Canada’s interest in the crisis was influenced by two factors—the existence of a Canadian contingent of 800 soldiers in UNEF and its co-ordination of policy with the US and Britain. President Johnson, who visited Canada on May 25 and conferred with Mr. Pearson, said that they “discussed the situation that exists in the Middle East, the discussions in the Security Council of the United Nations, and the likely discussions that will take place in the days ahead”. Mr. H. Wilson, Prime Minister of Britain, also came on June 1, in what he described as “essentially a working visit”. By co-ordinating its policy with the US, and working in the United Nations accordingly, Canada lost every legitimate reason to be considered neutral by the Arabs. Canada’s great interest in the Middle East situation was perhaps best displayed by Mr. Pearson’s highly unusual step on May 29, of calling in leaders of all other parties represented in Parliament for a top secret briefing on the crisis. As The Gazette commented, “consultations of this kind are comparatively rare, reserved usually for a world crisis in which Canada and Canadian policy are directly and immediately involved”.

In early May 1967, certain indications led many observers to believe that Israel was preparing for massive military action against Syria. In the previous month on April 7 retaliatory action had been carried out against Syria which involved an Israeli air strike near Damascus. A few months earlier, on November 13, 1966, massive action had been taken against the Jordanian village of al-Sammu, in which large numbers of civilians had been killed and a large part of the village leveled. The reason for these attacks, according to Israeli statements, was the increasing Palestinian guerrilla activity against Israel. By May 10, President Nasser of UAR became con-

vinced that Israel was in fact preparing to attack Syria and overthrow the Ba‘th regime. Israeli leaders increased Nasser's suspicions by speaking publicly of attacking Damascus. The New York Times correspondent in Tel Aviv reported on May 12 that Israeli authorities had already decided that the use of force against Syria "may be the only way to curtail increasing terrorism".4

Thus, Egyptian armed forces were put under a state of emergency on May 16; later the same day the commander of UNEF in Sinai received a letter from General Fawzi, the chief of the Egyptian armed forces, asking him to withdraw all United Nations troops immediately. On May 18, U Thant gave orders to UNEF to withdraw from the UAR's territory.

Canada's reaction to the UAR's demand for withdrawal was hasty and violent. Mr. Martin said in the House of Commons that Canada would try to persuade the United Nations' Security Council to keep the UNEF in being and the disbanding of it could be ordered only by the General Assembly which had created the force in the first place. Canada contended that U Thant should not have made the decision to order UNEF to withdraw, that such a decision could only be taken by the Security Council or the General Assembly. While U Thant thought that he could not refuse the Egyptian demand "without putting into question" the sovereign authority of the government of the UAR within its territory and that the aide mémoire exchanged between President Nasser and Dag Hammarskjold indicated that Egypt would suffer no loss of sovereignty as a result of accepting UNEF on its territory, Canada contended that Egypt did accept a loss of sovereignty as a result of accepting UNEF.5

Speaking before the Commons on May 25, Mr. Pearson remarked that he was not critical of U Thant's decision since he agreed that the proper United Nations policy foundation did not exist in this case. "The force had been sent to Egypt under special arrangements worked out ten years ago, which were deliberately left vague".

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Mr. Pearson said he could understand U Thant, reading the documentation of the period, would have concluded that he could not oppose Egypt's demand.\(^6\)

Thus, while Canada withdrew its criticism of U Thant, it still maintained that Egypt had no right to ask for withdrawal of UNEF. As a matter of fact, Mr. Pearson held this view since 1957 although he never put it clearly and strongly in the United Nations. Speaking before the General Assembly on November 23, 1956, he said, "the force could not operate in the territory of a country without the consent of that country. That is why we are happy that Egypt has given that consent in principle and I am sure we all agree that... no infringement on sovereignty is involved".\(^7\)

However, in his interview with Maclean's magazine on July 6, 1957, he was much more explicit in his views. When asked whether Egypt had the right to order UNEF out of its territory, he answered, "I would say no... we feel that Egypt has the right to be consulted and to agree to entry of an international force, but having given that consent as she did she has no right to control the force, to order it about, to tell the force when it shall leave".\(^8\) He maintained that until the General Assembly decided that it should leave, the force would stay in Egypt. It is important here to note that whatever understanding Mr. Pearson might have had, and whether it was right or wrong, it was not incorporated in any United Nations' decision or resolution.

When asked by Mr. Fraser in the above-mentioned interview, "Do I understand you correctly to say that if President Nasser tomorrow decided he didn't want the force in Egypt any longer, the force would not leave within a reasonable period?" He answered, "You put the question in very difficult practical terms. The position I stated is, I think, theoretically sound. But there are several governments participating in the force who don't accept our position and say that any time Nasser wants them to leave they'll go — India particularly. So it's a difficult question". As Mr. Fraser pushed the question further by concluding "The practical answer then is that the force must get out when Nasser decides it must", Mr. Pearson

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\(^7\) J. Eayrs, The Commonwealth and Suez, op. cit., p. 327.

\(^8\) Ibid., p. 342.
commented “I’m afraid that having regard for the practical difficulty of the position, the force couldn’t operate constructively on Egyptian territory with the active opposition of the government of Egypt. But, it is one thing to say that, and another to admit the right of Egypt to take that position…”

In May 1967, it seemed apparent that there was clear difference of opinion on this matter between the participants in UNEF. Yugoslavia and India, on the one hand, supported U Thant’s position that he had no choice but to accede to Egypt’s demand for withdrawal. Norway, Sweden, Denmark, Brazil and Canada, on the other hand, took the view that withdrawal could only come on the orders of the Security Council or the General Assembly.

On its first page of May 20, 1967, The Montreal Star read “Canada fights to keep UN in Mid-East”, and reported that External Affairs Minister Paul Martin flew to New York with new proposals for the maintenance of a United Nations presence in the Middle East. The Star further reported that there were other ideas and possibilities for maintaining this presence. While the press strongly criticized Egypt and U Thant, it occurred to no reporter or writer to suggest that if these troops could indeed keep the peace which Israel allegedly was interested in preserving, UNEF be stationed on the Israeli side of the border. Not only was the suggestion not made, but few bothered to mention that Israel refused since 1956 to station such troops within its borders and that it turned down U Thant’s request to move them to the Israeli side after Nasser asked for their removal. When Mr. Martin made the same suggestion in the Commons, the press did not give the proposal any importance. Furthermore, in his press conference of May 30, Nasser suggested that the Mixed Armistice Commission be revived to supervise the withdrawal of Egyptian and Israeli forces from the armistice lines. Israel did not respond to the offer. Nor was there any mention that U Thant’s attempt to revive this commission failed owing to the attitude of the Israeli government which had denounced

9 Ibid.
that commission and which for some years had refused to have anything to do with it.\textsuperscript{11}

It was no wonder that Canada’s position was highly appreciated by Israel. The President of Israel, who was visiting Canada in May 1967, called Canada “a pillar of support to Israel in current troubles” and said that Israel was again in need of Mr. Pearson’s support and statesmanship.\textsuperscript{12} Mr. Pearson was further honored by the honorary fellowship of the Weizman Institute of Science in Israel where he went in December 1968 for one week and was reported to say, “If I can do anything for Israel, don’t hesitate to call on me and I will do all I can”,\textsuperscript{13} and by the Zionist Organization of America which awarded him the Theodor Herzl Award. The award is for “commitment to Jewish freedom and Israel”.\textsuperscript{14}

It was no wonder also that Canada was bitterly attacked by Nasser who referred to some states which were attempting to use UNEF as “occupation forces”, and therefore issued an ultimatum demanding the immediate withdrawal of the Canadian forces of UNEF in forty-eight hours. The views of Messrs. Martin and Pearson that Egypt had no right to ask for the withdrawal of UNEF was, to say the least, a profound shock for the Arabs. In the absence of a clear United Nations’ resolution about the question, the strong Canadian stand was startling for them. Nasser declared that he was deeply affected by Canada’s argument: “this argument of Canada places Canada completely on the side of Israel and the US, which has instigated Canada to oppose us. We deplore Canada’s attitude”.\textsuperscript{15}

\section{Closure of the Straits}

On May 19, Israel conveyed to the Western powers that it would fight any move to close the Gulf of Aqaba. It maintained that the late President Eisenhower had agreed that such an event would

\textsuperscript{11} A summary of the text of the Secretary-General’s report on May 30, 1967, to the General Assembly on the situation in the Middle East can be found in the \textit{New York Times}, May 21, 1967. For a previous report on May 18, to the General Assembly, see United Nations Document A/6669.

\textsuperscript{12} \textit{The Gazette}, May 23, 1967.

\textsuperscript{13} \textit{The Globe and Mail}, Dec. 12, 1968.

\textsuperscript{14} \textit{The Montreal Star}, Feb. 25, 1969.

\textsuperscript{15} \textit{The Gazette}, May 29, 1967; also see Arthur Blakely, “Why the Arabs are Furious at Canada”, in \textit{The Gazette}, June 7, 1967.
entitle Israel to rectify the situation with United Nations' support. However, on May 22, Nasser announced the closure of the gulf to all ships flying the Israeli flag or carrying strategic materials to Israel.

Speaking before the Commons on May 24, Mr. Martin considered the blockade to be in violation of international law on the right of innocent passage and called, in collaboration with Denmark, for an emergency meeting of the Security Council. The meeting demonstrated the widening gulf between Israel and the Western countries, on the one hand, and the Arabs, Afro-Asian countries, France and the Soviet Union, on the other. Canada's apparent co-ordination of policy with the US and her stand on the withdrawal of UNEF had already alienated Arab governments. Thus, when Canada and Denmark introduced a resolution in the Council expressing "full support to the efforts of the Secretary-General" and requested member states "to refrain from taking any steps which might worsen the situation", it was not accepted by the Arabs and their allies. The representative of Egypt said "it was regrettable that Canada and Denmark had seen fit to act on behalf of the US and the UK. It was ironic that Canada and Denmark, which had put the Mid-East crisis before the Council, had failed to support the role of the United Nations in South-West Africa". He further contended that Canada was acting as a stooge of the Western powers which sought to colonize the Arab world with Israel's help. The Arab view was that by calling for an emergency session and introducing such a resolution while the Secretary-General was still in Cairo negotiating with Nasser, the West was trying to create an atmosphere of tension which Israel would use to cover up any designs for attacking Arab countries. The Canadian-Danish resolution was described as an attempt to sabotage the mission of the Secretary-General. They believed that there was no need for the emergency session until U Thant returned from his peacemaking mission.

This view was shared by France, Nigeria, Ethiopia and India; all of which questioned the need for the session. India and Nigeria, fellow members of the commonwealth, were deeply offended because Canada did not consult them in advance on the need for the emergency session. The Arab suspicions were not a mere fancy. Raymond Heard, The Montreal Star correspondent in Washington,

described the Canadian-Danish resolution as a "bland and virtually meaningless" one. Commenting on the Canadian-Danish request for an emergency session of the Security Council, he wrote "there is strong reason to believe that it was done at the behest of the United States".  

The Western point of view, as expressed by Mr. Ignatieff, the Canadian representative, was that the emergency session was required because the crisis had worsened since U Thant left for Cairo. Although the Ethiopian delegate appealed to the members not "to pour oil on the flames of the crisis by resorting to invective", both Mr. Arthur Goldberg, the US representative, and Lord Kardon of Britain warned that their governments would not allow Nasser to get away with blockading "international waterways". After a five-hour debate the Council adjourned without a vote on the resolution.

On the same day Mr. Pearson elaborated his thoughts on the problem at the House of Commons. "The basic issue in this situation, it seems to me, as has already been mentioned in this debate, is the recognition of Israel's right to live in peace and security. So long as Israel's neighbours, or some of them, refuse to recognize the right of Israel to exist, then we move from one crisis to another. Israel, of course, also has the basic obligation, which I am sure she accepts, to live without provocations and threats to her neighbors and in accord with the United Nations' resolutions which gave her birth". Mr. Pearson, however, failed to inform his audience how Israeli territory of 1967 was much larger than the one allocated to her in the partition resolution and why she consistently refused to abide by United Nations' resolutions about Jerusalem and the refugees. He went further to emphasize the economic importance of the Gulf of Aqaba for Israel and advised her "to be very careful about unnecessarily running". When asked about the right of Israel to use the Gulf of Aqaba and whether it was international water or not, and although he said before in the same speech, "we need not go into the legal situation. Perhaps it should be sent to the International Court of Justice for judgment", he answered by saying, "We believe that, under international law, and specially since the convention was passed in the United Nations (in 1952, I think, or 1953),

20 Ibid.
these are international waters and the ships of all nations have access to them and passage through them. There are a good many cases of international law dealing with this matter. This particular United Nations’ treaty, however, has not been signed by the UAR and the government of UAR has not admitted the contention that they are international waters, but we certainly believe it so, as do most countries in the world”.

A few words on Egypt’s right to close the gulf are in order here since many Western observers tend to consider its closure as the immediate causus belli in the crisis. Israel considered the closure an act of war. From the Arab point of view the act was not considered to be irrevocable. In his press conference of May 30, Nasser offered to take the question of the straits to the International Court of Justice.

The problem of sovereignty over the gulf was far from settled by American assurances to Israel in 1957. Egypt and Saudi Arabia have proposed that the Gulf of Aqaba is not an international waterway and that it should be considered in the nature of a mare clausum or a closed sea. At a news conference on July 16, 1957, Secretary of State Mr. Dulles acknowledged the questionable status of the gulf. “There has always been a difference of opinion about the international status of the Gulf of Aqaba. The Arab countries believe that the six-mile limit applies rather than the three-mile limit; and that, since the position of Israel on the gulf is not fixed by any permanent boundary decision, Israel does not have the right to claim a voice in the access to the gulf; and that if the countries which do have permanent boundaries on the gulf, namely, Egypt, Jordan and Saudi Arabia, agree to close the gulf, they think that they have the right to do so. There is certain amount of plausibility from the standpoint of international law, perhaps, to those claims.

21 Ibid., p. 258.
This is not the view of the US". He further admitted that it was a highly complicated question of international law.\footnote{The United States, \textit{Department of State Bulletin}, Vol. 36, 1957, pp. 482-489; also see United States Department of State, \textit{The Digest of International Law} (Washington, 1963), no. IV, p. 371, 1965; no. IV, p. 233.}

Israel sometimes bases her claim to the right of free passage through the gulf on her geographical position as one of the four states bounding the gulf. This five-mile coastal area now occupied by Israel was not within the borders established for it by the partition resolution. Within two weeks, after the signing of the armistice agreement with Egypt on February 24, 1949 at Rhodes, the Israeli army invaded the Negev Desert and proceeded southward to the Gulf of Aqaba, occupying the village of Um Rashrash, today known as the Port of Eliat. As the Arabs refused to accept Israel's takeover of Um Rashrash, its occupation of this area has been nothing but a belligerent occupation by virtue of military conquest. Annexing a territory occupied by military force can have legal effects only if the state of war ends between the belligerents by the concluding of a peace treaty. As yet, no such treaty has been signed, and therefore it would appear that Israel remains a belligerent occupant of the area. Thus it has no legal rights to claim against the Arab countries.

And after all, the legality or illegality of the Egyptian acts is not the crux of the problem. No matter how ill-advised and illegal this action might have been, it did not justify starting a war. Article 2 and 23 of the United Nations' Charter clearly require all members to settle their disputes, no matter how serious and threatening, by peaceful means alone. If every United Nations member could unilaterally resort to force at any time it felt threatened or suffered from some illegal or hostile member, the United Nations' Charter would be rendered meaningless and international relations would be thrown into chaos.

To maintain that the closure of the gulf was the \textit{raison d'être} of the June war, is to mistake the crux of the problem for one of its side issues. The June war was simply a recent eruption and manifestation of the Palestine problem which is beyond the scope of this paper. On May 24, Nasser outlined to U Thant in Cairo the following points: the Straits of Tiran should be recognized as Egyptian
territorial waters; Israel should fully accept the provisions of the 1949 armistice agreement; the United Nations should be responsible for policing all frontiers and demarcation lines; and Israel should observe the demilitarized zones. Furthermore, on May 30, he proposed withdrawal of troops under United Nations' supervision and adjudication of the Aqaba question. On May 31, Egypt submitted a proposal to the Security Council to revive the Egyptian-Israeli Mixed Armistice Commission. It is not surprising that these offers were ignored by Israel. Canadian press also never gave them prominence in its reporting of the crisis; on the contrary, it gave the impression of "an aggressive and warmonger dictator". From the Israeli point of view, the anticipated rewards of military action certainly exceeded those of diplomatic negotiations.

"Israel acted, not spontaneously in fear or in anger, but calmly, in light of careful calculation based on extensive intelligence and highly sophisticated analysis of the overall political and military situation. It is now obvious that for Israel the real problem was not one of security; a country which demonstrated that it can dominate its neighbors could not have entertained serious fears about its security".24

II WAR AND ITS AFTERMATH

As did the US and some Western countries, the Canadian government changed its position after the victory of Israel. It is significant here to compare two policy statements, one by Mr. Martin and the other by Mr. Pearson. Speaking in the United Nations on May 23, Mr. Martin offered a four-principle peace program the first of which read "respect for the territorial integrity of the nations of the area, including provisions for the security and the international supervision of frontiers".25 Speaking on June 9, the day the UAR acceded to the Security Council's cease-fire resolution and when the magnitude of Israeli victory became known, Mr. Pearson offered a six-principle plan for peace, the first of which read, "There will have to be certain military withdrawals, after a cease-fire, by negotiations and agreement... there must be certain political agreements which will produce stability".26 The emphasis

was no longer on territorial integrity of all countries in the Middle East, and the vague words of "certain military withdrawals" were open for any interpretation. The Montreal Star understood this principle and reported it as follows, "Israeli withdrawal from some of the territory it has occupied this week by negotiations and agreement". The same understanding was shared by Time Magazine.27

In the General Assembly Canada, joined with nineteen other states, presented a draft resolution endorsing the humanitarian resolution adopted by the Security Council which called upon Israel to ensure the safety and welfare of the inhabitants of areas where military operations had taken place and to facilitate the return of those who had fled from their homes since the outbreak of hostilities and urged all governments concerned to respect essential and inalienable human rights.28

When a polarization took place in the General Assembly between those who supported the Yugoslav resolution and those supporting the Latin-American one, Canada voted for the latter. The Yugoslav resolution which Canada voted against called for the immediate withdrawal of Israeli forces behind the armistice lines and requested the Secretary-General to consider the remaining questions immediately after the withdrawal of Israeli forces had been completed. It also asked the Secretary-General to designate a personal representative who would "assist him in securing compliance with the present resolution and be in contact with the parties concerned".29 It is noteworthy that this resolution did not condemn Israel. Canada voted also against the Soviet draft which embodied a vigorous condemnation of Israel and demanded the immediate withdrawal of Israeli forces and reparation for any damage done.30

Canada voted in favor of the Latin-American resolution which requested the withdrawal of Israeli forces, reaffirmed that there should be no recognition of the occupation or acquisition of territories through force, requested all parties to end the state of belligerency, and asked the Secretary-General to continue working with

the parties, relying on the United Nations' presence to ensure withdrawal and the end of the state of belligerency, freedom of transit in international waterways, and a full solution to the refugee problem. The resolution also reaffirmed the desirability of an international regime in Jerusalem.\textsuperscript{31}

In explaining Canada's vote, the permanent representative of Canada to the United Nations, Mr. George Ignatieff, affirmed that Canada could not support proposals for withdrawal which were not related to the other basic issues involving security and enduring settlement. Canada, therefore voted against the drafts submitted by USSR and Yugoslavia, and supported the Latin-American one as "the one closest to Canada's own interpretation of the situation".\textsuperscript{32} Needless to say none of the three draft resolutions got the required two-thirds majority.

The Latin-American resolution, however, had a major shortcoming. It called upon the Arab states to denounce their belligerent status \textit{vis-à-vis} Israel as a condition precedent to the withdrawal of Israeli forces. Thus, it put the cart before the horse. "The ending of the state of belligerency is the objective of peace negotiations not a precondition to them. The Arabs cannot be expected to renounce their legal rights as belligerents before there is a final agreement in which peace terms are defined. Moreover, acceptance of any conditions to Israeli withdrawal implies recognition of rights of conquest"\textsuperscript{33} which no legal order is prepared to extend.

Ironically, the Arab approach to negotiations is virtually identical to that taken by Canada prior to the outbreak of hostilities on June 5. The Arab states argue, as did Messrs. Martin and Peason in May 1967 after the closure of the Gulf of Aqaba, that restoration of the \textit{status quo} is the first essential prerequisite to peace. Indeed, Canada has to recognize the inconsistency between its policy in May prior to the hostilities, and its policy after the Israeli victory. Prior to the hostilities, Canada's view was that no progress or negotiations could take place unless the Gulf of Aqaba were reopened to Israel shipping thereby restoring the \textit{status quo ante}. Following

\textsuperscript{31} United Nations Document A/L/523.

\textsuperscript{32} \textit{Bulletin of External Affairs}, Vol. XIX, no. 6 (October 1967), p. 423.

the Israeli victory Canada adopted an entirely different position. Now, restoration of the status quo, i.e., withdrawal of Israeli forces together with international guarantees of Israeli shipping rights, must be accompanied by a political settlement of all major issues.  

In his speech before the General Assembly on September 27, 1967, Mr. Martin reaffirmed Canada’s stand that, “the withdrawal of the Israeli troops, vital as it is, must be related to the other basic issues involved”. These other issues are, “respect for the territorial integrity of all nations of the area, and the ending of claims to belligerency, respect for the rights of all nations to innocent passage through international waterways, justice for the refugees, and arrangements for the preservation of the spiritual and religious interests in Jerusalem”. By not referring to the internationalization of the city of Jerusalem which had been the Canadian stand since 1948, Mr. Martin apparently accepted Israel’s unilateral annexation of the city. According to The Canadian Jewish News, Mr. Martin sent its editor a statement in which he declared, “no one expects Israel to leave united Jerusalem”.

The Canadian stand on withdrawal of Israeli forces and annexation of Jerusalem requires further analysis. While the Arabs held that withdrawal is a prerequisite to any possible discussion, Canada contends that it should be integrally and inseparably linked to the establishment of a lasting peace in the area. The former maintains that war and aggression have been committed against their territories; any negotiations between them and Israel prior to the withdrawal of the latter’s troops would be tantamount to allowing Israel to dictate the terms of settlement. Furthermore, they are afraid that recognition or negotiations before withdrawal would enable Israel to gain legal status prior to her withdrawal. They recall that they entered negotiations in 1949 and agreed to negotiate a settlement of the Palestine problem under the auspices of the United Nations’ Conciliation Commission for Palestine. On May 12, 1949, the Arab states and Israel signed a protocol in Lausanne, Switzerland, providing for a settlement of the refugee question, respect for their rights and protection of their property, as well as territorial and other questions. The 1947 partition plan was to form the basis

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of the discussion. One day before the signing of this protocol, Israel was accepted to the membership of the United Nations. Paragraph 4 of resolution 273 (III) accepting Israel as a member state includes "Noting . . . the declaration of the State of Israel that it unreservedly accepts the obligations of the United Nations’ Charter and undertakes to honor them from the day when it becomes a member of the United Nations". Later Israel refused the partition plan as a basis for settlement. Israel also took an inflexible attitude on the question of refugees and Jerusalem. As a result the Lausanne protocol became a dead letter and hopes for settlement receded. Today, Israeli leaders’ statements about “the new reality of the Middle East” make the Arabs apprehensive of direct negotiations and legal recognition before ensuring Israeli withdrawal. Another source of Arab suspicion is Israel’s refusal to adhere publicly to the November resolution of the Security Council on the basis of which Mr. Jarring has been sent to the area. A third source is Israel’s renaming of the occupied territories, thus Tiran is now Yotvat; Sharm al-Shaikh is called Mifratz Shlome; the west bank is Judea and Samaria; the Gulf of Aqaba has been renamed the Gulf of King Solomon and the Golan Heights is now the Hagolan. Israelis were establishing agricultural settlements in the occupied territories and the latter have been integrated economically into Israel.37 Understanding that Israel wants to retain all the occupied territories, the Arabs seem to have no choice but to refuse to negotiate. Were they to negotiate they would relinquish their rights as belligerents and would have little with which to bargain. The Arabs deny that the present occupation lines are the sole framework for negotiations. They do not want to accept the new Israeli expansion as a fait accompli and as a new reality.

The principle long accepted in international law is that military conquest does not confer lawful sovereignty — *jus ex injuria non oritur*, rights do not arise from wrongs. Title to territory cannot be acquired through conquest in a legal order wherein war is outlawed (Article 2, United Nations Charter). A state seizing territory belonging to another, acts contrary to its obligation. Article 10 of the covenant of the League of Nations established the inviolability of national sovereignty, as did the international convention of rights

and duties of states (Articles 9, 10, 11). This notion lies at the heart of the Kellogg-Briand pact of 1929 and Article 2 of the United Nations' Charter. The Security Council resolution of November 22, 1967, stated, "emphasizing the inadmissibility of the acquisition of territory by war..." and called on Israel to withdraw its forces from territories occupied in the June war.

On May 21, 1968, the Security Council urgently called Israel to drop its plans for annexing the Israeli-occupied Arab sector of Jerusalem. The only two abstentions were Canada and the US. On the next day, Mr. Eban described the resolution as "unjust, impractical and unreasonable".

When Israel unilaterally annexed Jerusalem, the General Assembly, including Canada, promptly reacted and adopted two resolutions on July 4 and 14, 1967. The latter, by one hundred to nothing with eighteen abstentions, declared Israel's action "invalid" and called upon Israel "to rescind all measures already taken and desist forthwith from taking any action which would alter the status of Jerusalem". It further asked the Secretary-General to report to the Assembly and the Security Council on the implementation of the Assembly's wishes. Israel did not participate in the vote on the grounds that the issue of Jerusalem was "outside the legal competence of the General Assembly". Israel's program of annexation went on unabated by world condemnation. A week later, the Israeli government declared its unwillingness to abide by the General Assembly resolution. Israel's mood of defiance was best exemplified by Mrs. Golda Meir in an interview with Newsweek magazine on July 3, 1967, when she said, "if a resolution is passed not to our liking, so what?"

John Campbell summarized the history of the past twenty years by saying, "Israel for its part, consistently expressed its desire to sit down with the Arabs and talk peace terms. Basically, Israel's attitude was more reasonable in that it wanted peace while the Arabs did not, but from a viewpoint of the latter what Israel wanted was

recognition and legal confirmation of unjust gains won by sword. Israel's attitudes, moreover, did nothing to disarm Arab suspicions or mitigate Arab hostility even if that had been possible. Israel paid remarkably little heed to the necessity of coming to some terms with the fact of living in the heart of the Arab world. The government of Israel did nothing toward solution of the problem of the Arab refugees.42

When Canada voted in favor of the Security Council resolution condemning the Israeli attack on the Jordanian village of El-Karameh, the Canadian representative was to say, "This action, which has now been forthrightly condemned by the Security Council, was preceded by a mounting number of incidents of infiltrations or sabotage in areas under Israeli control."43 By maintaining that what has been going on in the West Bank and occupied territories are merely acts of infiltration and sabotage Canada denied the Palestinians their inalienable right to fight against the occupation army; a right never denied to any people in modern history.

In April 1968, the Security Council, including Canada, called on Israel to cancel its military parade in both the Arab and Israeli sections of Jerusalem. Israel defied the resolution and held its parade on May 2. Commenting on the Canadian vote, a spokesman for the Department of External Affairs told The Canadian Jewish News that this "does not mean a change in Canada's general friendliness toward Israel" and stressed "the basic good relations between the two countries".44

Furthermore, when the General Assembly voted a resolution requesting the return of refugees, the implementation of the Geneva Convention and having the United Nations investigate the conditions of the Palestinians in the occupied territories, Canada abstained.

Israel was to be condemned twice by the Security Council after the El-Karameh incident. It was condemned because of its attack on the international airport of Beirut and secondly on April 1, 1969, subsequent to its attack on the Jordanian village of El-Hazar. The latter resolution called for condemnation of Israel for "recent premeditated air attack launched against Jordanian villages and popu-

42 John Campbell, Defense of the Middle East (New York, 1961), pp. 82-83.
lated areas” in “flagrant violation” of the United Nations’ Charter and ceasefire resolutions. The resolution also warns that if Israel continues its attacks, the Council may consider taking punitive steps outlined in the charter, a reference to the use of economic and diplomatic penalties. In both cases Israel brushed aside the rebuke and insisted that it acted in self-defense. The late Mr. Eshkol was to say that the Security Council for years had treated them with “blatant injustice”.45

EPILOGUE

The late United Nations mediator Count Bernadotte observed that "it would be an offense against the principles of elemental justice if the innocent victims of the conflict were denied the right to return to their homes while Jewish immigrants flow into Palestine".¹

More than twenty years have elapsed and the wrong has not yet been righted. Canadian policy-makers have to take a position on the fundamental problem of whether a basic injustice has been inflicted upon the Palestinians or not.² The victims were even denied the right of access to justice. The Palestine problem and the partition plan had some legal aspects which lend themselves to judicial determination. On several occasions the suggestion was put to the General Assembly that certain legal issues affecting the Palestine problem be referred to the International Court of Justice for an advisory opinion. But the political forces which were then at play to secure a favorable vote on partition were able each time to vote down every proposal made.³ Canada must understand that it can't be neutral if its basic sympathy is on one side. Canada's general commitment to Middle East peace is modified by putting Israel's right to exist first and leaving the rights of Palestinian refugees to be settled later. It would be naive to ask Canada to put the rights of the Palestinians first; what Canada is asked for is simply to put both of them on equal footing and to apply one measure of justice to them.

The second major issue which Canada has to take a clear stand on is whether the recent Israeli military conquest must be accepted by the General Assembly and the world as the determining factor in the articulation of peace terms, or are the grievances and rights of all parties as they existed prior to the outbreak of hostilities to be accepted as the determining factors and the point of departure for a negotiated settlement? In other words, must the recent military conquest constitute the only framework within which peace terms must be negotiated? This Israeli concept of peace has become more difficult for the Arabs to accept by the Israeli unilateral declaration that the issue of the annexation of Jerusalem is not negotiable. While professing a desire to negotiate political settlement, Israel is proceeding to create a new fait accompli, a new Israeli defined status quo based upon military supremacy.

To conclude, Canada must strive to articulate in more precise terms its position with respect to the basic issues which divide the parties in the Middle East. These basic issues should be approached regardless of emotional factors and with appreciation of the just grievances of all parties.
About this Book

This essay, which is based primarily on United Nations documents and official statements by Canadian policy-makers, attempts to establish that the official Canadian poise of neutrality towards the Middle East is not tenable.

The plea is made that Canada strives to articulate, in more precise terms, its position with respect to basic issues which divide the parties to the conflict, and with appreciation of their respective just grievances.

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