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**The American University in Cairo**

**School of Humanities and Social Sciences**

**EGYPT'S COMMITMENT TO SOVEREIGNTY  
AND SELF-DETERMINATION  
(AT THE UNITED NATIONS 1945-1952)**

**A Thesis Submitted to the**

**Department of Law**

**in partial fulfillment of the requirements for the degree of  
Master of Arts in International Human Rights Law**

**By**

**Leila Henein**

**December 2008**

The American University in Cairo

EGYPT'S COMMITMENT TO SOVEREIGNTY AND SELF-DETERMINATION  
(AT THE UNITED NATIONS 1945-1952)

Leila Henein

Supervised by Professor Alejandro Lorite-Escorihuela

ABSTRACT

The common understanding in Egypt is that one of the main reasons behind the 1952 Revolution was the State's conspiring with the imperialist powers, and its lack of patriotism. This paper argues that this understanding is unfounded, and that Egypt fought against colonialism long before 1952. In fact, the Egyptians were outraged by the influence that the British kept in their country during the Second World War. Therefore, ever since Egypt was invited to join the United Nations when it was established in 1945, it has seized every opportunity to voice its anti-colonial sentiment. It aimed at the demise of imperialism. Egypt has participated in drafting the UN Charter and the Universal Declaration of Human Rights. It has also defended the rights of small states at the United Nations, and stood by them to acquire independence and self-determination from their respective colonial powers. Egypt also defended the sovereignty of states threatened by the ambitions of the poles of the rising Cold War. It has even gone to war for the sake of Palestine's territorial integrity. Since the Palestinian war in 1948, one of Egypt's major concerns has been the rights of the Palestinian refugees. In order to be able to fight for its ultimate goal, self-determination, Egypt has adopted a policy of impartiality so as not fall in either of the two camps of the Cold War. It has also become a leader in the region since the early years of the UN. Egypt has maintained one continuous line throughout the years, that of striving for self-determination and antagonizing all forms of colonialism or interference in other states' affairs. Its activities at the United Nations from 1945 till 1952 account for the gradual emergence of Egypt from a colonized country to an impartial leading state. Committed to the sovereignty and self-determination of other nations as well as its own, Egypt's foreign policy has had these same broad lines since 1945 till today.

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## I. Introduction

My initial intention was to write about my uncle, Adly Andraos “Bey” (1905-1974), who had served Egypt as a politician from the late 1920s, till he left political life for other activities in 1952. He had had an illustrious life and was worthy of a research study. Originally a lawyer, then a judge in the Mixed Courts, he was renowned for defending the rights of his fellow citizens who were subjected to “hasty and arbitrary judgments.”<sup>1</sup> He was appointed as a member of the Egyptian delegation to the Conference on International Organization in San Francisco in 1945. Subsequently, having turned down his appointment as the first Egyptian Ambassador to the Vatican – with whom *he* had established contacts<sup>2</sup> – because he believed that a Muslim should occupy this position, he was nominated Egypt’s Ambassador to Greece in 1949 and to France in 1952. More importantly, he was a member of the Egyptian delegation to the United Nations three more times, namely 1947, 1948 and 1951 - the last year as the head of the delegation, where “his fiery protestations rose more than once to request the evacuation of his country, – and to rebel against the British occupation of our territory.”<sup>3</sup> Among other things, he defended Egypt’s rights in the Sudan,<sup>4</sup> fought for disarmament, and with much courage challenged France, demanding Morocco’s independence.<sup>5</sup> Articles written by diverse personalities and writers after Adly Andraos’s death on March 6<sup>th</sup>, 1974, reveal

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<sup>1</sup> Ester Wahib Doss, In Memoriam “La Gloire Suit Ceux qu’Elle Est Digne de Conduire” [In Memoriam “Glory Follows Those It Is Worthy Of Following” (1974) (unpublished, on file with author)(my translation).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* Egypt claimed from Britain its right to administer Sudan towards self-government. See MICHAEL DORAN, PAN-ARABISM BEFORE NASSER EGYPTIAN POWER POLITICS AND THE PALESTINE QUESTION 44-45 (Oxford University Press, 1999).

<sup>5</sup> *Supra* note 1.

that this man was a patriot who was a source of pride for Egypt and a fanatic of justice who imposed his country's views on the General Assemblies of the United Nations.<sup>6</sup> However, while searching his papers, I realized that Adly Andraos was not alone in attacking British occupation or fighting for the independence of nations. It appeared that contrary to what I had been taught during my school years, Egypt was not a pawn manipulated by colonialists [at least not in the period which this paper discusses] and it did not serve the ends of imperialism.

This paper argues, on the basis of the records of Egypt's participation in the United Nations from 1945 when the UN organization was established to 1952 Egyptian Revolution, that Egypt had adopted from the start and increasingly promoted a foreign policy guided by anti-colonialism, respect for nations' sovereignty and self-determination. It presented itself as a peace and justice loving state, and encouraged peaceful settlements, constantly referring to the UN Charter – which it had vividly participated in drafting – to legally achieve human rights and the self-determination of peoples along the lines of the Charter's stated purposes. It had strong sympathy for weaker nations, and because of its geopolitical situation, especially for the Arab States, the African States, and the Mediterranean States, all of whose interests Egypt strongly prioritized. It struggled for the human dignity of their peoples as embodied mainly in the concept of self-determination. Even when Egypt renounced peace and decided to go to

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<sup>6</sup> See Georges Zesos, *Adly Andraos magicien du verbe [Adly Andraos magician of the verb]*, PROGRES EGYPTIEN, Apr. 14, 1974 (my translation). See also Mina Badi° Abdel Malek, *Aqbat fi tarikh Misr [Copts in the history of Egypt]*, WATANI, Apr. 1, 2001, at 15 (my translation). See also Mirrit Boutros Ghali, *Adly Andraos 1905-1974*, SOCIETE D'ARCHEOLOGIE COPTE 213 (1974)(my translation). See also Hussein Fawzi, *Adly Andraos un maître de la diplomatie*, (1974) (unpublished, on file with author) (my translation).

war against the Jews, the inherent ideology behind its action was that of fighting for the self-determination of its fellow Arab Palestinians.

Perhaps the United Nations was a means for Egypt to emerge from an era of colonial frustration, and served as a gateway to freedom and expression. More specifically, in its aspiration for its own independence from the British, Egypt was committed to standing by all those who suffered colonialism as it had suffered. It may have become a sacred duty to keep the principles of the Charter in line with international relations/politics. It might also have brought to Egypt more security and assurance to gain and maintain its own full independence. The fact is that throughout the period from 1945 till 1952, Egypt did not once bow to colonialism within the United Nations. It did not hesitate once to support fellow nations, i.e. nations that suffered from colonial abuse, in defying colonialism and working towards full independence and self-determination. As a smaller nation, Egypt was not always heard, but it was certainly capable of making a difference as will be shown in this paper. Suffice it for now to say that some members of the United Nations called Egypt “the black sheep and troublemaker of the Orient,”<sup>7</sup> but that some have also described it as a “link between East and West. . . [playing] a role, at once of a pioneer, and an element of peace and stability.”<sup>8</sup> Regardless, then, of its motivations for active participation in the United Nations, Egypt certainly made proper use of the Charter’s provisions to impose itself, gradually moving from a subjugated nation to one that had a voice – a voice that would be heard.

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<sup>7</sup> Adly Andraos, Egyptian Delegate to the United Nations, On the Subject of Disarmament, Address Before the Political Committee of the United Nations (November 22, 1948).

<sup>8</sup> *Id.*



In addition to arguing that Egypt developed an effective anti-colonial policy, this paper proposes that Egypt did not, in its fight against imperialism, fall into the opposite camp, the USSR. It will be demonstrated that Egypt maintained its own line, choosing at times to side with the Eastern bloc, at others with the West; Egypt had its own opinion, and it fought for it – and that opinion was generally one of neutrality, the foretaste of non-alignment. Again, Egypt's making proper use of the Charter and its provisions for human rights and self-determination enabled it to keep its neutrality, without being forced to side with either bloc.

The paper further suggests that Egypt's strong ties with the Arab nations have been a tool to empower itself in facing its occupying colonist, and a means to assert its position as a leader in the region since 1945.

The issues discussed in this paper are far from exhaustive of Egypt's activities in the United Nations, it would be impossible to bring a full assessment of these here; these issues then are those that are supportive of the three arguments stated above, leading to further the hypothesis that even if Egypt witnessed severe internal changes in the aftermath of the revolution, its foreign policy of independence, non-alignment, and pan-Arabism finds its roots in the Kingdom of Egypt's evolving position on colonialism and self-determination at the United Nations.

One note should be added on the methodology and limitations of the argument. The discussion below is based on unpublished materials related to my uncle's diplomatic activities. These materials constitute the primary sources for my argument. They are composed of reports on the work of the Egyptian delegations to the United Nations and

its Committees, diverse correspondences, and personal notes belonging to Adly Andraos. All of these unpublished documents are on file with me. They have proven very valuable for my understanding of Egypt's activities at the United Nations from 1945 to 1952, as they mainly reflect the opinions of the delegations to the UN General Assemblies, and thus explain the policies Egypt followed. Consequently I had to use much of these documents to make the point of the argument in this paper. In other words, all this unpublished material is the basis on which the voice of Egypt and its self-perception at the United Nations was reconstructed. This paper, then, does not pretend to be an authoritative account of Egyptian history. It merely relates the story of Egypt's diplomacy at a specific time, the pre-revolutionary era, in a specific field, foreign affairs, with particular focus on human rights, sovereignty and self-determination, in the context of the United Nations.

The paper is comprised of seven chapters. Chapter II gives a brief background on Egypt's international policy in 1945, when it was still under British influence, and nationalists struggled to achieve complete independence and self-determination. At the time, self-determination was viewed by the West as a means towards peaceful relations between nations within the realm of colonialism. The USSR, however, saw self-determination as complete riddance from imperialism. Egypt gradually formed its own concept, neither submissive nor aggressive, merely giving itself the right not to side with either party.

Chapter III focuses on Egypt's participation in drafting the Charter, where its anti-colonial policy shows to the utmost. Subsequently elected member of the Political and Security Committee, and of the Trusteeship Committee, Egypt further developed its

impartial position whereby it continuously worked for self-determination, while distancing itself from the Eastern bloc. This is particularly clear when drafting the Universal Declaration of Human Rights.

Chapter IV is about Egypt's activities in the Trusteeship Committee of the United Nations, showing its keenness to replace colonialism by the Trusteeship system which helps developing nations until they are ready for self-determination.

Chapter V relates Egypt's activities in the Political and Security Committee, as it intervenes to ensure territorial integrity, sovereignty, and independence of other states.

Chapter VI deals with Egypt's intervention in the Palestinian question. Palestine had become the scene of illegal Jewish immigration, instigated by British promises made some thirty years earlier, and ending in the establishment of the State of Israel which the Arabs refused to recognize. Since the problem was not resolved at the United Nations, Egypt's nationalist, anti-colonial current pushed the government to venture into Palestine, fighting to safeguard the territory and the self-determination of the Palestinian people – in vain. Soon, Egypt's major concern at the United Nations became the Palestinian refugees, for whom it managed to raise Western aid. This has remained an unresolved issue to this very day.

The paper concludes by questioning the impact that Egypt's impartial policy has on its capacity to pursue its quest for self-determination as a human right.

## II. The Aftermath of World War II

### A. Egyptian Foreign Policy in 1945

In order to be able to understand the attitude chosen by Egypt to try and curb the influence of the major powers while it participated in the drafting of the Charter of the United Nations, and also to understand its consequent defense of smaller nations, it is worth looking back at Egypt's foreign policy at the time, in its proper political context.

Like in the rest of the world, there was turmoil in Egypt at the end of World War II. Britain had tightened its grip on Egypt in order to ensure its solidarity during the war, and this was not to please the Egyptian nationalists. In fact, since the First World War, American President Woodrow Wilson's "formulating a postwar order based on 'self-determination,' . . . revolutionized Egyptian political expectations."<sup>9</sup> The nationalist sentiments were instilled in both the Left wing and the Wafd party, which eventually imposed itself as the dominant political party starting the 1920s till the revolution of 1952.<sup>10</sup> What both these parties had in common was the wish to oust the British from Egypt. In 1936, an Anglo-Egyptian Treaty was signed which aroused the nationalists' anger, as it helped the British maintain many interests in Egypt.<sup>11</sup> With World War II, while Egypt aspired to independence, the British held onto Egypt even tighter than before.

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<sup>9</sup> Eran Lerman, *A Revolution Prefigured: Foreign Policy Orientations in the Postwar Years, in EGYPT FROM MONARCHY TO REPUBLIC A REASSESSMENT OF REVOLUTION AND CHANGE* 283, 284-285 (Shimon Shamir ed., Westview Press, 1995).

<sup>10</sup> See TAREK HEGGY, *CULTURE, CIVILIZATION AND HUMANITY* 375, n.51 (Frank Cass, 2003).

<sup>11</sup> J. C. HUREWITZ, *MIDDLE-EAST DILEMMAS, THE BACKGROUND OF THE UNITED STATES POLICY* 75 (Harper & Brothers, New York, 1953).

The world scene explains Britain's holding onto Egypt: during the war, the Allied powers tried to "befriend" all those who were either anti-Axis or neutral, in order to reinforce their military position; this accounts for inviting the smaller nations to the United Nations Conference on International Organization in San Francisco.<sup>12</sup> Moreover, at the outcome of the war, there was a redistribution of land amongst the victorious powers, and the Allies were divided, giving birth to the Cold War. Britain – eventually sustained by the USA coming up as one of the two poles of the rising Cold War – feared it would lose its "partisans" to the other pole, the USSR, who overtly proclaimed an anti-imperialist policy.<sup>13</sup>

As a result of post World War II world scene, Egypt, even though barely militarily active in the War, found itself a partisan in a European war shattering the West, and of no concern to it at all;<sup>14</sup> it first cut its relations with Germany, then with Vichy France.<sup>15</sup> Yet, its government's *ententes* with Britain were far from satisfactory to the nationalists who wanted complete independence of their territory. In fact, Ismail Sidqi Pasha, Egypt's Prime Minister, while negotiating with the British to end the 1936 Treaty, signed a protocol known as the Bevin-Sidqi Agreement which, according to British interpretation allowed Britain to share the administration of the Sudan with Egypt, and according to Sidqi Pasha brought the Sudan back to Egypt.<sup>16</sup> The nationalists were outraged at the

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<sup>12</sup> See RUTH B. RUSSELL & JEANNETTE E. MUTHER, A HISTORY OF THE UNITED NATIONS CHARTER, THE ROLE OF THE UNITED STATES 1940-1945 537 (The Brookings Institution, Washington, D.C., 1958). See also Alfred J. Hotz, 336 ANNALS AM. ACAD. POL. & SOC. SCI. 127, 128 (1961).

<sup>13</sup> MICHAEL DORAN, PAN-ARABISM BEFORE NASSER EGYPTIAN POWER POLITICS AND THE PALESTINE QUESTION 23-24 (Oxford University Press, 1999). See also *id.* at 19.

<sup>14</sup> *Supra* note 11.

<sup>15</sup> See *id.* at 77-79.

<sup>16</sup> See *supra* note 13, at 9-12.

mere concept of an alliance with the British in administering the territory of the Sudan.<sup>17</sup> Consequently, the Egyptian government was compelled to work on all possible means to achieve its central aim of ousting the British from the country.

One of the means to oust the British was to adopt neutrality and non-partisanship with the colonial power and its allies, a tendency which had developed as the anti-British-colonialist sentiment increased. It also had kept Egypt from entering the war on the side of Britain until just a few weeks before it ended.<sup>18</sup> After the war, “[t]he shift towards neutralism and the tightening of relations with the Soviet bloc was mainly a tactical move – a means to pressure the West and also a mode of revenge.”<sup>19</sup>

Another means for Egypt to rid itself from British influence was to call on the support of the United States, the patron of self-determination, at a time when the Cold War imposed on the US and the USSR tactful diplomacy with smaller states and potential allies,<sup>20</sup> in order to strengthen their respective camps in the conflict.

A third means to get rid of the British was the formation of an Arab bloc which would strengthen the status of this group of states headed by Egypt. On March 22<sup>nd</sup>, 1945 the Arab League Pact was signed in Cairo; its first Secretary-General was Egyptian.<sup>21</sup> As Adly Andraos expressed it, “[f]rom now onwards, in the diplomatic field, if no other, Egypt’s voice would not be alone. And indeed the echo has gone ever more resounding

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<sup>17</sup> *Id.* at 11.

<sup>18</sup> *Id.* at 76.

<sup>19</sup> Rami Ginat, *The Egyptian Left and the Roots of Neutralism in the Pre-Nasserite Era*, 30 BRIT. J. INT’L L. 5, 23 (2003).

<sup>20</sup> *See supra* note 13, at 23-33.

<sup>21</sup> *See supra* note 11, at 79-80.

then... The first occasion to express this solidarity was the Conference of San Francisco... to draft the Charter of the United Nations.”<sup>22</sup>

It is against this background of Egypt’s political situation that we need to approach its position on the question of self-determination.

### **B. The Concept of Self-Determination**

It is important here to mention that the concept of “self-determination” did not always mean the same to everyone and along the years. In the late 1910s, for instance, the meaning was different for the Russian leader Lenin than for American President Wilson. While the former had a totally anti-colonialist perspective, the latter aimed at offering peoples the right to choose their ruler without exterminating colonialism. “Wilson did not envision self-determination as giving rise to a right to wage violent revolutions. Whereas Lenin called for the immediate liberation of those living under colonial rule, Wilson championed ‘orderly liberal reformism.’”<sup>23</sup>

The differences continued till the Second World War. In spite of Britain’s and the USA’s proclamation that self-determination would become a basic standard after the War, the British Prime Minister clearly stated that self-determination did not touch the colonies.<sup>24</sup> The debates over the significance of the term while drafting the Charter of the United Nations ended in an understanding that “self-determination” was a means to the

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<sup>22</sup> ADLY ANDRAOS, *The International Status of Egypt During the Last Half Century*, SOCIÉTÉ D’ÉCONOMIE POLITIQUE, DE STATISTIQUE ET DE LÉGISLATION 1, 14, (Société Orientale de Publicité, 1960).

<sup>23</sup> ANTONIO CASSESE, *SELF-DETERMINATION OF PEOPLES, A LEGAL REAPPRAISAL* 21 (Cambridge University Press, 1995).

<sup>24</sup> *Id.* at 37.

end of establishing good relations between nations, with equal rights, and the common goal of achieving *self-government*.<sup>25</sup> Appropriate mechanisms, such as the trusteeship system, were established to help the political development of the non-self-governing nations towards their independence.

As the USSR grew more powerful, however, both the socialist bloc and the developing nations adopted a more aggressive conception of self determination, one that was radically anti-colonialist. By 1955, after the Bandung Conference of the non-aligned states, this became the dominant concept.<sup>26</sup> The evolution of Egypt's approach towards self-determination went along the same line, as will be shown below.

Being invited to the United Nations Conference on International Organization was an outstanding opportunity for Egypt, then, to get closer to the decision makers of the world order. The invitation was extended on March 5, 1945 by the victorious powers of World War II, and it enabled small nations to state their opinions in drafting the Charter of the United Nations.<sup>27</sup>

Egypt, as a nation avid for its independence and holding it as its primary goal, welcomed the invitation as a means of salvation. Drafting the Charter of the UN was going to give Egypt the opportunity to participate in setting international standards that would reinforce it in its struggle for independence from British colonialism.

The coming chapter will relate Egypt's role in drafting the Charter, and how it developed its own policy regarding impartiality and self-determination.

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<sup>25</sup> *Id.* at 42.

<sup>26</sup> *Id.* at 44.

<sup>27</sup> See generally George A. Finch, *The United Nations Charter*, 39 AM. J. INT'L L. 541 (1945).



### **III. Egypt and the United Nations**

The present chapter will explore Egypt's activities at the United Nations. First participating in drafting the Charter, it was subsequently elected in different committees of the General Assembly of the UN, and also participated in drafting the Universal Declaration of Human Rights.

#### **A. The Beginning: The Charter of the United Nations**

San Francisco, June 26, 1945: the beginning of a new era. Fifty nations attended the United Nations Conference on International Organization; fifty states signed the Charter of the United Nations, thus marking the cloture of the conference, and the creation, four months later, of the United Nations. Among these fifty nations, Egypt was invited as a nation which had sided with the Allies in World War II.<sup>28</sup>

The United States, the United Kingdom, the USSR, and China had convened in 1944 at Dumbarton Oaks, Washington, D.C., and discussed proposals which eventually became the basis on which the UN Charter was founded.<sup>29</sup> The purpose of drafting the Charter was to ensure peace, human rights “in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small,”<sup>30</sup> justice and social

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<sup>28</sup> See RUTH B. RUSSELL & JEANNETTE E. MUTHER, A HISTORY OF THE UNITED NATIONS CHARTER, THE ROLE OF THE UNITED STATES 1940-1945 506-509 (The Brookings Institution, Washington, D.C., 1958).

<sup>29</sup> *Id.*, at 411.

<sup>30</sup> U.N. Charter pmbl. § 1, para. 2.

progress. The signatory states agreed to establish an international organization working for these ends, of which the Charter would be the establishing instrument.<sup>31</sup>

During the debates that took place in San Francisco to adapt the Dumbarton Oaks Proposals to the new organization, Egypt did not remain idle. Its participation came through discussions concerning several articles, all of which reflect a tendency to hold onto the enforcement of justice and international law, expressed in the promotion of weaker states, as well as maximal protection for non-self-governing nations. Together with other nations, Egypt pushed for many proposals against racial discrimination; with others, it also “kept up the pressure for giving human rights an even higher profile in the Charter.”<sup>32</sup>

In his article *Présence de l’Egypte*, Adly Andraos praised the activities of the Egyptian Delegation:

The Egyptian Delegation contributed to the works from which the Charter of the United Nations was to come out, in such a distinguished manner, that this Country whose degree of Sovereignty some still pretended to measure, took right away a place among the six first members elected to the Security Council, while an Egyptian Jurisconsult was called to sit as Judge at the International Court of the Hague.<sup>33</sup>

The first of Egypt’s interventions came while drafting what was to become Article 1(1) of the Charter concerning maintenance of peace and security. At Dumbarton Oaks, the proposals targeted “peace at any price for the small nations. Reference to the

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<sup>31</sup> U.N. Charter art. 1.

<sup>32</sup> MARY ANN GLENDON, *A WORLD MADE NEW: ELEANOR ROOSEVELT AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS 13& 17 respectively* (Random House, New York, 2001).

<sup>33</sup> ADLY Y. ANDRAOS, *Présence de l’Egypte [Egypt’s Presence]*, LA REVUE D’ATHENES 3, 4 (Dec., 1950).

principles of international law and justice were conspicuous by their absence.”<sup>34</sup> Several nations objected to that, and an amendment was made to include “due regard for principles of justice and international law” in the settlement of disputes.<sup>35</sup> This amendment, however, guaranteed no such standards regarding the *enforcement* of peace and security. In spite of the protests of the United States and Britain, the smaller nations kept asking for the inclusion of this guarantee, “Egypt raising the point again in the commission, when the committee text was up for adoption.”<sup>36</sup> Eventually, article 1 (1) was adopted with the amendment.

In another instance, the delegates of the different nations failed to define the word “aggression” found in Article 1 (1) and Chapter VII. The problem with this is that action taken against aggression in order to safeguard peace could actually be taken unjustly, since “aggression” could be interpreted in different ways. Fearing these consequences, Egypt joined Bolivia, Brazil, Ethiopia and Peru in submitting amendments ensuring that member states of the new organization would not breach each others’ territorial integrity and independence – Article 2 (4).<sup>37</sup> This was only one aspect of Egypt’s concern for neutralizing the influence of the Great Powers, since at an ulterior moment, it pushed for further strengthening of smaller vulnerable nations by calling for greater autonomy for regional organizations.<sup>38</sup> It is hardly surprising, then, that Egypt requested that the Arab League be considered a regional system within the new organization, complying with articles 52 and 53 of the Charter.<sup>39</sup> The point to note here, however, and which will be

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<sup>34</sup> *Supra* note 27, at 542.

<sup>35</sup> *See supra* note 28, at 656.

<sup>36</sup> *Id* at 657.

<sup>37</sup> *See id.* at 673.

<sup>38</sup> *See id.* at 688.

<sup>39</sup> *See id.* at 704.

discussed below, is that it was an Egyptian move rather than that of any other Arab country represented, namely Iraq, Lebanon, Saudi Arabia, or Syria.<sup>40</sup>

An additional evidence of Egypt's caring for weaker nations' interests is its insistence, together with the Philippines and Iraq, on referring to the nations which would be under the trusteeship system as developing towards "self-determination".<sup>41</sup> Alternative terms namely "independence" and "self-government" were eventually used.<sup>42</sup>

Egypt was also responsible for bringing up the provisions of articles 82 and 83 of the Charter concerning trusteeship and the Security Council's assistance to the Trusteeship Council, although both its attempts to add clauses allowing for peoples to select their trustee administration, and to diminish the power of the trustee's authority by empowering the Security Council were rejected.<sup>43</sup> Egypt further proposed an amendment empowering the General Assembly to control the trusteeship in case of violation of its terms.<sup>44</sup> "The committee, Egypt argued, should remember how powerless the League of Nations had been when Japan violated mandate restrictions and withdrew from the organization."<sup>45</sup>

Egypt's amendment proposals were not always adopted. Besides being a small nation, there were 3,500 persons also attending the Conference, all allowed to bring up their concerns, leading to too many proposals.<sup>46</sup> Yet, one can tell from all the above that Egypt

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<sup>40</sup> See United Nations Member States, available at <http://www.un.org/members/list.shtml>.

<sup>41</sup> *Supra* note 28, at 817.

<sup>42</sup> U.N. Charter art. 76, para. b. See also *supra* note 28, at 816-817.

<sup>43</sup> See *supra* note 28, at 834-837. See also *id.* at 836 n.47-48

<sup>44</sup> The General Assembly was established by art. 20 of the U.N. Charter. See *infra* note 48.

<sup>45</sup> *Supra* note 28, at 837.

<sup>46</sup> *The Story of the United Nations Conference on International Organization, 1945*, UN CHRONICLE, April, 1985, available at [http://findarticles.com/p/articles/mi\\_m1309/is\\_v22/ai\\_3709367](http://findarticles.com/p/articles/mi_m1309/is_v22/ai_3709367).

was specifically noted for constantly attempting to downsize the influence of the Big Powers over the small nations. Eventually, these small nations achieved an aim namely that “the Economic and Social Council and the Trusteeship Council were given wider authority than was provided for in the Dumbarton Oaks draft, and they were made principal organs of the UN.”<sup>47</sup>

Egypt was thus keen on having a Charter well equipped with provisions which it would later use as a weapon to safeguard its own self-determination, and continue struggling for the other nations’ in the General Assembly of the United Nations.

### **B. The First General Assembly**

In addition to participating in drafting the UN Charter, Egypt was also active in the UN General Assembly. The General Assembly is one of the six main organs of the United Nations; it was established by the Charter and it meets on an annual basis to discuss diverse issues, with the guidance of the Charter.<sup>48</sup> At its very first meeting in London in January 1946, an Egyptian judge was chosen for a three year term at both the Security Council established by Article 7 (1) of the Charter, and the International Court of Justice established by Chapter XIV of the Charter; namely, Abdel Hamid Badawi Pasha, who

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<sup>47</sup>*The Making of the United Nations, the San Francisco Conference, 25 April–26 June 1945*,  
ENCYCLOPEDIA OF THE UNITED NATIONS, available at <http://www.nationsencyclopedia.com/United-Nations/The-Making-of-the-United-Nations-THE-SAN-FRANCISCO-CONFERENCE-25-APRIL-26-JUNE-1945.html>.

<sup>48</sup> U.N. Charter chapt. IV.

was also the head of the Egyptian Delegation to the General Assembly for the same years.<sup>49</sup>

The First General Assembly created six committees which would study resolutions to be presented to, and eventually either adopted or rejected by the General Assembly.<sup>50</sup>

These committees were:

1. The Political and Security Committee (First Committee).
2. The Economic and Financial Committee (Second Committee).
3. The Social, Humanitarian and Cultural Committee (Third Committee).
4. The Trusteeship Committee (Fourth Committee).
5. The Administrative and Budgetary Committee (Fifth Committee).
6. The Legal Committee (Sixth Committee).

Egypt assumed an important role from the very first General Assembly. It was elected as a member of the First Committee for a one-year term by 45 votes out of 51; the committee was to look into admission of new member states, into the issue of article 27 on the voting system at the Security Council, and more particularly the question of whether to adopt the veto or not.<sup>51</sup> It is to be noted, as reminded by Adly Andraos, that Egypt insisted on the inclusion of the veto in the Charter,<sup>52</sup> “restricting the competences granted to countries by the veto power,”<sup>53</sup> by “broadening the powers of the General

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<sup>49</sup> See *The General Assembly*, 1 INT'L ORG. 46, 47 (Feb. 1947). See also *supra* note 22 at 14. See also *supra* note 33 at 4.

<sup>50</sup> *The General Assembly*, 1 INT'L ORG. 46, 46 (Feb. 1947).

<sup>51</sup> *Id.* at 22.

<sup>52</sup> UN GAOR AD HOC POLITICAL COMMITTEE, 3<sup>rd</sup> Sess., 21<sup>st</sup> plen. mtg. at 8, U.N. Doc. A/AC.24/SR.21 (Dec. 4, 1948).

<sup>53</sup> Egypt State Information Service,

<http://www.sis.gov.eg/En/Politics/Foreign/IntlOrganizations/EgyptUN/040313010000000001.htm>

Assembly.”<sup>54</sup> The Committee was also to consider the issue of reduction of armament, and the relationship between Franco’s Spain and the United Nations. The government of Spain was considered by the majority of the members of the General Assembly to have been “established with Axis support, and consequently was not qualified for membership in the United Nations.”<sup>55</sup> Egypt, as will be shown below, did not follow the line of the majority, and kept its own policy with regards to Spain.<sup>56</sup>

Egypt was moreover elected as a member of the Fourth Committee, the first mission of which was to study trusteeship agreement proposals for eight mandates under the trusteeship system. “The territories and the trustee States were as follows: New Guinea (Australia), Raunda-Urundi [*sic*] (Belgium), Cameroons and Togoland (France), Western Samoa (New Zealand), Tanganyika, Cameroons and Togoland (United Kingdom).”<sup>57</sup> All eight mandates were approved, as states like Egypt pushed to move non-self-governing nations from the colonized status to that of being under the trusteeship system, which administers their development towards the achievement of self-determination.<sup>58</sup>

Upon dealing with the issue of the “non-self-governing” nations, however, debates ensued over the meaning and content of article 73 (e) of the Charter,<sup>59</sup> which if left un-

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<sup>54</sup> *Supra* note 22, at 15.

<sup>55</sup> *Supra* note 50, at 47.

<sup>56</sup> This issue of the relations between Spain and the UN is discussed below, *see* chapter V A.

<sup>57</sup> *Supra* note 50, at 66.

<sup>58</sup> Egyptian Delegation to the UN Fourth Committee Trusteeship Council, Report on the First Session (26 March-28 April 1947) (my translation) (on file with author).

<sup>59</sup> “Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end: . . . e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical

clarified would give much leeway to the administrators of non-self-governing territories. The Fourth Committee therefore established an *ad hoc* committee to negotiate that article; Egypt was again a member of this committee.

### ***1. The debates on Article 73 (e): the “ad hoc” committee of the Fourth Committee***

Article 73 (e) was a tool to control the influence of the administrative powers over the non-self-governing territories. Consequently, while colonial powers wished to minimize the report requirements that the article provided for, the small nations – including Egypt – wanted to maximize them. The report which the Egyptian members of the Fourth Committee submitted to the head of their delegation on the preparatory works of the *ad hoc* committee indicates that the *ad hoc* committee was divided into two camps. The first one was represented by China, Egypt, the Philippines, and the Soviet Union. The second one included Australia, Belgium, Brazil, France, the Netherlands, the United Kingdom, the United States, and Uruguay. The second camp objected to the trustee’s report including information concerning the political development of the peoples of the non-self-governing territories within the information to be reported to the Secretary-General; the camp considered such information to be outside the scope of work of the committee, on top of it being impossible to reach an agreement on the nature of this kind of information. The first camp, on the other hand, found it important to include this kind of information. Egypt in particular saw that information on political development could not be differentiated or separated from economic, social, and educational conditions; the

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nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.”



Egyptian delegate questioned how the political development – essential for the march towards the independence of these territories – could be supervised by the United Nations organization if the latter did not have adequate reports about the territories. The rest of its camp shared this opinion. The final decision on which there was a consensus was the optional submission of the information in question.<sup>60</sup>

The Egyptian delegate was also the first one to point out that there should be a unanimous understanding of the nature of the information to be submitted by the committee to the Secretary-General, in order to enable him to make adequate comparisons between the developments of the different non-self-governing territories. The delegate proposed setting up a questionnaire for this end; his proposal was approved unanimously. He further asked for reports including on mandatory basis ample and exact information on the policies followed by the different trustee states with regard to the maintenance and respect of the identity and civilization of the respective peoples, the preservation of their languages and the promotion of their education and standard of living.<sup>61</sup>

Finally, it was thanks to Egypt that interest was given to the information provided by non-governmental organizations. The Egyptian delegate pointed out that such organizations made scientific studies devoid of propaganda or bias, and that this would be advantageous to the nations under the trusteeship system. Resolution 4 (1) of 14 February 1946 recommended the inclusion of non-governmental organizations' help to the Economic and Social Committee of the General Assembly.

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<sup>60</sup> See generally The *Ad Hoc* Committee, Report on the Work of the Committee on Information from Non-Self-Governing Territories, (September, 1947) (on file with author) (my translation).

<sup>61</sup> *Id.*

## *2. First report of the Egyptian delegation to the Fourth Committee*<sup>62</sup>

More on Egypt's position as supporting non-self-governing nations at the General Assembly in 1946 is reflected in the report which the Egyptian delegation to the first session of the Fourth Committee submitted to the Egyptian Delegation to the second session. The report reflects annoyance on behalf of the Egyptian representatives. According to this report, several states showed only little interest in the discussions concerning non-self-governing territories. The different political interests divided the member states into two: the "colonizers" who chanted the praises of the colonial system, and the anti-colonialists – led by the USSR – who claimed that colonialism was a form of inhuman exploitation. It is interesting to learn from the report that the United States who was once a fervent advocate of "self-determination",<sup>63</sup> though rather moderate in the *ad hoc* committee debating article 73 (e), showed more inclination towards the colonialists, or in other words, opposed the USSR. Clearly, the air of the Cold War was blowing.

As to Egypt, the report said, it gave special care to its work in the Trusteeship Committee because "it has suffered greatly from the ills of foreign influence."<sup>64</sup> Consequently, Egypt was adamant in helping the non-self-governing nations to attain freedom and independence. It sided with the anti colonial bloc, the USSR, because it

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<sup>62</sup> Taha el-Sayed Nasr, Report on the Work of the Fourth Committee Second Session (1947) (on file with author) (my translation).

<sup>63</sup> See *supra* note 23, at 14-33.

<sup>64</sup> *Supra* note 62. at 4.

“agrees with anyone who opposes the idea of colonialism, and because it knows perfectly that much of what is said in defense of colonialism is completely devoid of truth.”<sup>65</sup>

The Egyptian delegates to both the *ad hoc* and the Fourth committees were therefore convinced that it was their *duty* to stand by the small nations, defend the peoples of non-self-governing territories, and be allies in any action to promote the supervision of the United Nations Organization.<sup>66</sup> This is shown through Egypt’s successes, in coalition with the other small nations in the *ad hoc* committee, in changing several decisions in favor of the nations under the trusteeship system, thus defeating the colonialist point of view.<sup>67</sup>

In a reference to the Arab nations, the report says that they were all in total agreement with each other during the reported session of the Fourth Committee, but that the situation was not the same when discussions reached the General Assembly: while Egypt voted for the Fourth Committee’s decisions, the Arabs abstained from doing so,<sup>68</sup> which indicates that Egypt had a consistent position fearless of western pressure.

The final remarks of the report let one perceive a growing sense of Egyptian leadership as they express Egypt’s concern with African nations, as well as with the Arabs, stating that

it is necessary, considering that Egypt is an African state, that it pays interest to the affairs of the African nations who do not enjoy independence, and that it guides them in an open policy in this direction... Egypt’s position, its

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<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

<sup>67</sup> *See supra* chapt. III § B 1.

<sup>68</sup> *Supra* note 62, at 5.

leadership of the Arab bloc, and its importance in the African continent, impose on it to have a guiding role in the Trusteeship Committee.<sup>69</sup>

Thus, one can say at this point that at the First General Assembly, its committees and sub-committees, Egypt pushed for the interest of the peoples of the non-self-governing territories, with the concept that these peoples should develop in different aspects under trusteeship until their development drives them towards self-determination – a concept which, as mentioned above, tends to conform to the Western vision of self-determination.

The final remark of the report mentioned above also reflects that Egypt started to see itself as a leader, concerned not only with colonized states, but with the smaller African and Arab nations in general, even though the Arabs did not align with Egypt in the voting at the General Assembly as mentioned above. With this new stand, Egypt joined in drafting the Universal Declaration of Human Rights the following year.

### **C. The Universal Declaration of Human Rights**

It was during the first General Assembly that a resolution was taken to write drafts on the rights and duties of States, and an international bill of fundamental rights and freedoms – which was later to become in part the Universal Declaration of Human Rights (UDHR), also known as General Assembly resolution 217 A (III) of 10 December 1948.<sup>70</sup> The UDHR was drafted by the Commission on Human Rights, established by the Economic and Social Council in June 1946; the Commission was composed of 18 states, including Egypt.

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<sup>69</sup> *Id.* at 10.

<sup>70</sup> *The Universal Declaration of Human Rights*, available at <http://www.un.org/Overview/rights.html>.

Egypt's membership in the Commission on Human Rights was for a period of three years. In her account on the drafting of UDHR, Mary Ann Glendon wrote that when the members of the Commission met for the first time in January 1947, they were given the charge not only of drafting a bill of rights, but also of "devising means for its implementation."<sup>71</sup> Considering the difficulty in having eighteen nations working on the same issue, the Commission was divided into three working groups: the first one drafted the declaration – this group was headed by President Roosevelt's widow, Eleanor, who championed the procedures till the adoption of the UDHR; the second group worked on a "draft Convention" to be able to legally enforce the declaration – Egypt, represented by Mr. Omar Loutfi, was part of this group; and finally, the third group was to work on means to implement the Declaration-to-be.<sup>72</sup> The three groups were each composed of representatives of a diverse group of countries, with the purpose of achieving a truly *universal* document, covering rights for peoples of all sorts of nations; "the Universal Declaration of Human Rights represented a common statement of goals and aspirations -- a vision of the world as the international community would want it to become."<sup>73</sup>

It is worth noting that during the 183<sup>rd</sup> plenary session which witnessed the Third Committee's discussions on the draft UDHR, and while the tension of the Cold War increased between the Eastern bloc and the West, Egypt did not side with the USSR as it had done during the draft of the Charter, or as it was later written by Charles Malik, the Lebanese representative and *Rapporteur* of the Commission on Human Rights, when he described the atmosphere of the Commission: "There had been, Malik wrote, a 'quiet

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<sup>71</sup> MARY ANN GLENDON, *A WORLD MADE NEW: ELEANOR ROOSEVELT AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS* 32 (Random House, New York, 2001).

<sup>72</sup> *Id.* at 87.

<sup>73</sup> The Universal Declaration of Human Rights: A Magna Carta for all Humanity, <http://www.unhchr.ch/udhr/miscinfo/carta.htm>

revolution’ in the Human Rights Commission since the adoption of the Declaration, a revolution reflecting the hardening of the division between ‘two more or less solid blocs’ — one Soviet-led and composed of the Ukraine, Poland, Yugoslavia, Chile, Uruguay, Pakistan, and *Egypt* [emphasis added]; the other U.S.-led and composed of the United Kingdom, France, Australia, Belgium, Sweden, Greece, and Nationalist China. Malik described his own country and India as unaligned but voting ‘for the most part’ with the Soviet bloc.’’<sup>74</sup> Egypt, then, was starting to shift from the pro-Eastern bloc just to be anti-colonial as it was mentioned before to having a place of its own in the middle.

In fact, Egypt’s shift in position showed during the 183<sup>rd</sup> Plenary Session while drafting the UDHR, when the USSR proposed the four following amendments:<sup>75</sup>

1. Article 3 of the draft: Originally, the delegate of the USSR wanted to amend the article which according to him did not go far enough as to give the nations the right to self-determination. It merely proclaimed rights to the peoples of the trusteeship system and non-self governing territories. The proposal was rejected by 34 votes to 8, with 14 abstainers – Egypt *abstained* from voting. Article 3 was eventually deleted and replaced by article 2 (2) as per an approved proposal made by the United Kingdom.
2. Article 20 of the draft:<sup>76</sup> The article protects the right of everyone’s freedom to express and propagate his democratic views. The USSR’s proposal aimed at setting limits on fascist propaganda - which was considered by the USSR to be a

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<sup>74</sup> *Supra* note 71, at 207.

<sup>75</sup> U.N. GAOR, 3<sup>rd</sup> Sess., 183<sup>rd</sup> plen. mtg. at 926-933, U.N. Doc. A/777 (Dec. 10, 1948).

<sup>76</sup> Subsequently became article 19 after article 3 was deleted.

crime - rather than giving absolute freedom of dissemination. The proposal was rejected by 41 votes to 9 with 9 abstainers – Egypt voted *against*.

3. Article 22 of the draft:<sup>77</sup> The representative of the USSR found that the article guaranteeing every person's right to participate in the government of his/her country insufficient; he wanted to add the right to elect and be elected, by universal, secret suffrage as well as direct suffrage; he also wanted to add the right to access State and public offices. The proposal was rejected by 36 votes to 9 with 11 abstainers – Egypt *abstained* from voting.
4. Article 30 of the draft: The USSR proposed to add to this last article of the UDHR a new one stating that the rights and freedoms proclaimed by the Declaration should be guaranteed by State laws. The proposal was rejected by 32 votes to 10 with 14 abstainers – Egypt *abstained* from voting.

The West, i.e. the United States, the United Kingdom, Belgium, France..., systematically voted against the USSR's amendment proposals, which were only supported by the few members of the Eastern bloc. Egypt, I believe, must have been in an embarrassing situation considering its position against the colonial system and its relationship with the West. It only voted once, and that was to reject setting limits on the freedom of democratic expression. The West was accusing the USSR of subordinating the individual to the State, thus jeopardizing the entire meaning and purpose of the UDHR. The USSR's reply to this was that such an argument was only applicable in countries where the individual's interests and those of the State were competing due to the differences in social classes – but that in a society where there were no different social

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<sup>77</sup> Subsequently became article 21 after article 3 was deleted.

classes, the interest of the individual naturally matched that of the State, and subordination would be equally natural, if not desirable. The fact that Egypt voted only once means that it chose to follow neither camp, but that it was firm on the rights and freedoms which it voted to protect. The result, nevertheless was that all four amendments were rejected, which led the USSR and seven other nations to abstain from voting for the adoption of the UDHR.<sup>78</sup>

Prior to the adoption, which occurred during the same session, Mr. Wahid Raafat, speaking for Egypt, expressed concerns over two issues in the UDHR-to-be, namely articles 17 and 19 of the draft.<sup>79</sup> The first one established equality in marriage between men and women, simultaneously eliminating the restrictions put on marriage concerning race, nationality, and religion. To this, the Egyptian representative explained that religion in Egypt and in most of the Muslim countries imposed restrictions on women, disallowing them from marrying men with different religious beliefs. Raafat stressed, however, that the religious nature of these restrictions rendered them acceptable to the human mind, unlike the “shocking” restrictions based on such reasons as skin color.<sup>80</sup>

As to article 19, which established freedom of “thought, conscience and religion” including the liberty for one to change his/her religion, Mr. Raafat assured that Egypt would have had no objections whatsoever had the article stopped at the first part; freedom to change religion, however, put a light note on the meaning of religion, and would encourage disliked practices such as changing religion for divorce purposes; it would also allow, he explained, for “the machination of certain missions” whose aim to convert the

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<sup>78</sup> The other abstainers were Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Saudi Arabia, Ukrainian Socialist Republic, Union of South Africa, and Yugoslavia. *See supra* note 75, at 933.

<sup>79</sup> These articles were to become article 16 and 18 respectively in the declaration adopted in Dec., 1948.

<sup>80</sup> *Supra note* 75, at 912.



people of the “Orient” to their own beliefs was well known.<sup>81</sup> Yet Egypt did not hesitate to vote for the adoption of the Declaration, after expressing the wish to make it clear that the new social and economic rights provided for would be acquired gradually, and according to the economic status and resources of the respective States. With India, Egypt asked for the socio-economic rights of the peoples to be also promoted by institutions other than the State.<sup>82</sup>

As mentioned earlier, the Cold War was beginning to divide the “United” Nations. Moreover, Egypt had sent armies to Palestine in the month of May preceding the adoption of the Declaration, prepared to engage in a war against establishing the State of Israel. But in spite of this atmosphere, Egypt and the other small nations played a considerable and influential role in framing the Universal Declaration of Human Rights.<sup>83</sup>

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<sup>81</sup> *Id.* at 913.

<sup>82</sup> *Supra* note 71, at 107-116.

<sup>83</sup> *Id.* at 225.

#### **IV. Some Issues on the Agenda of the Fourth Committee of the United Nations**

Egypt's membership in the Fourth Committee of the United Nations highlights its commitment to the self-determination of peoples. It will be recalled that the Fourth Committee (the Trusteeship Committee) was established during the first General Assembly in London, as one of the six bodies of the General Assembly. The role of the Committee was to deal with questions related to the administration of the territories under the trusteeship system. The purpose of the latter was to promote the development of the Trust Territories in every respect "towards self-government or independence."<sup>84</sup>

After its election as a member of the Fourth Committee in 1946, Egypt was re-elected in 1947. The examples given hereafter of the issues handled by the Committee, show Egypt's perseverance in defending weaker nations and advocating justice and human rights.

##### **A. The Question of South West Africa: Egypt and the African Cause**

Egypt's interest in the South West African cause reflects its concern for the self-determination of African nations. Egypt played an important role to help these nations acquire their independence as will be shown hereafter in the case of South West Africa, which is today known as Namibia.

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<sup>84</sup> Trusteeship Council, <http://www.un.org/documents/tc.htm>.

### ***1. Historical background of South West Africa***

South West Africa was a German colony until South Africa, part of the British Commonwealth, occupied it in 1915; in 1926, the League of Nations gave South Africa a Mandate over the former German South West Africa.<sup>85</sup> Although the region was prospering economically, all its wealth went to the white people, and there reigned strong racial discrimination.<sup>86</sup> When the League of Nations was dissolved, its successor, the United Nations organization, was to follow up on the Mandate system.

### ***2. Under the auspices of the Fourth Committee***

According to Article 77 (1) (a) (Chapter XII) of the U.N. Charter stipulates that territories under mandate are liable to the Trusteeship system established by the organization. Trusteeship was thus applicable to South West Africa which was under the mandatory power of South Africa. The Union of South Africa, however, refused to let the territory, which was by then considered to be South Africa's "fifth province,"<sup>87</sup> begin its process towards independence. The debates in the Trusteeship Committee started as early as 1946, during the First General Assembly. The representative of the government of South Africa claimed that the people of South West Africa desired that their territory be incorporated into the Union of South Africa, but he promised, nevertheless, that the

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<sup>85</sup> Country Info, Permanent Mission of the Republic of Namibia to the United Nations, <http://www.un.int/namibia/> See also History World, History of Namibia, <http://www.historyworld.net/wrldhis/PlainTextHistories.asp?historyid=ad32.df5>.

<sup>86</sup> History World, History of Namibia, <http://www.historyworld.net/wrldhis/PlainTextHistories.asp?historyid=ad32.df5>.

<sup>87</sup> South Africa was then divided in four provinces (Cape, Natal, Orange, Transvaal). See LAROUSSE MÉMO ENCYCLOPÉDIE EN 1 VOLUME 745-746 (2<sup>nd</sup> ed. 2002) (my translation).

incorporation would not occur, and that the territory would be administered according to the mandate system of the League of Nations (the United Nations' predecessor) until the matter was resolved. Some delegations' members questioned the possibility of knowing the opinion of the South West African people by democratic methods, and the General Assembly considered that the people of South West Africa had not yet reached the level of political development which would allow their independence. Since the idea of incorporation could not be accepted, the General Assembly recommended by resolution 65 (1) of 14 December 1946, that the territory of South West Africa be placed under the Trusteeship System.<sup>88</sup>

In 1947, the Fourth Committee resumed its activities, with the Union of South Africa maintaining its position in spite of the General Assembly's recommendations. The Union insisted that it was under no legal obligation to bring the territory in question under trusteeship, and that it would continue to administer it without incorporation, while submitting to the U.N. annual reports complying with Article 73 (e) of the Charter. Even though a group of Member States expressed relief at the Union not incorporating South West Africa, another group was not satisfied. Egypt was part of the latter group. It found that South Africa was under legal and moral obligation to propose a trusteeship agreement for this territory, and that all territories in mandate should be placed under the trusteeship system, as per Chapter XII of the Charter.

The Egyptian delegate to the Trusteeship Committee drew the attention of the members to the fact that the same issues had fully been discussed in the previous session of the General Assembly, and that the Assembly had adopted a resolution. Any further

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<sup>88</sup> G.A. Res. 65 (I) Future Status of South West Africa (Dec. 14, 1946). *See also supra* note 50, at 69-70.

arguments should therefore be seen as deflecting the attention from a core problem, which was that a Member State had ignored a resolution of the General Assembly.<sup>89</sup> The delegate further said that such behavior discredited the organization of the United Nations; he reminded the Committee that the League of Nations failed because of such attitudes.<sup>90</sup> To the Egyptian delegate, there were therefore two points to the same question; the first one being that South Africa did not abide by the General Assembly's recommendations, and the second that the Trusteeship Committee was to examine the reports submitted by South Africa regarding the territory in question.<sup>91</sup> Egypt thus wanted the United Nations to maintain a firm position that would guarantee the eventual self-determination of non-self-governed territories, from fear of letting the mandatory powers reaffirm their authority on these territories. Resolution 141 (II) of 1 November 1947 was eventually adopted, maintaining the recommendation to put South West Africa under Trusteeship, and authorizing the Trusteeship Committee to review the reports.<sup>92</sup> While the attitude of the government of South Africa remained the same through 1948, the fourth session of the General Assembly in 1949 witnessed further deterioration when the South African representative expressed his government's wish to "discontinue supplying information on the administration of the territory."<sup>93</sup>

After long debates, the Committee granted a hearing to Reverend Michael Scott as unofficial representative for South West African tribes. A subcommittee including a representative of Egypt was formed to consider the hearing. Reverend Scott spoke in the name of the tribes who had no possibility to voice their thoughts. He accused the

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<sup>89</sup> *Supra* note 58.

<sup>90</sup> *Id.*

<sup>91</sup> *Id.*

<sup>92</sup> *Id.*

<sup>93</sup> *General Assembly*, 4 INT'L ORG. 59, 101 (Feb., 1950).

government of the Union of South Africa of “oppressive policies of racial discrimination in South West Africa,” and asked the Committee to consider granting a hearing to the official representatives of the tribes who had requested their territory to be placed under the trusteeship system.<sup>94</sup> In November 1951, a joint proposal submitted by Egypt and other states to grant hearing to the representatives of the South West African Tribes was accepted.<sup>95</sup> In the following session, Egypt joined other Members in presenting two drafts condemning the Union and insisting on applying Chapter XII on the territory of South West Africa.<sup>96</sup> Both drafts were adopted as Resolution 570 (VI) of 19 January 1952.<sup>97</sup> But the representatives of the tribes who were granted the hearing were never allowed to reach France, where the General Assembly was held. They were therefore one more time represented by Reverend Scott, who “had just been notified by the Union government that he was regarded as an undesirable inhabitant and would not be allowed to reenter the country.”<sup>98</sup> The Trusteeship Committee consequently voted that it would transmit the Committee’s reports on these meetings to the tribes, since the tribes’ officials could not reach France, and Reverend Scott could not get back to them.

Regrettably, the struggle between the U.N. and South Africa lasted until 1966 when the former deprived the latter from the South West African mandate, whose name changed to Namibia. In 1990, it was proclaimed the independent “Republic of Namibia.”<sup>99</sup> Egypt was one of the first countries to recognize the new Namibia. In fact, it had supported the

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<sup>94</sup> *Id.*

<sup>95</sup> *Id.*

<sup>96</sup> *Id.*

<sup>97</sup> *Id.*

<sup>98</sup> *General Assembly*, 6 INT’L ORG. 227, 257 (May, 1952).

<sup>99</sup> See LAROUSSE MÉMO ENCYCLOPÉDIE EN 1 VOLUME 743 (2<sup>nd</sup> ed. 2002) (my translation). See also History World, History of Namibia, <http://www.historyworld.net/wrldhis/PlainTextHistories.asp?historyid=ad32.df5>.

SWAPO (South West Africa People's Organization) who struggled against South African rule, and at the United Nations, "Egypt played a pivotal role through the United Nations Council on Namibia."<sup>100</sup> In other words, Egypt did not change its policy towards South West Africa's self-determination held since 1945 until it asserted independence in 1990.

### **B. Trusteeship Agreement for Nauru: Egypt and the Independence of Nations**

Egypt worked for nations to emerge from colonialism and move towards self-determination through the trusteeship system. The case of Nauru shows that Egypt sides impartiality neither with the East nor with the West when it comes to discussing the future of a non-self-governed territory. Nauru is an island nation in the western Pacific Ocean. In 1914, it was taken by Australia, subject to British control. In the aftermath of the First World War, the League of Nations put Nauru under a mandate of triple administration by Britain, Australia and New Zealand.<sup>101</sup> The mandate was briefly interrupted – for three years – by Japanese occupation during World War II, after which it was resumed.<sup>102</sup> In September 1947, the heads of the delegations of Britain, Australia and New Zealand submitted a proposal for a trusteeship agreement for Nauru which was examined by the Trusteeship Committee in October. The delegate of the USSR contested the proposal on the basis that it was neither in conformity with Article 79 nor with

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<sup>100</sup> Egyptian-Namibian Relations, Embassy of Egypt in Windhoek-Namibia, <http://www.mfa.gov.eg/NR/exeres/EE324D3E-2D50-4613-8B8C-517ABFDFFFB3.htm>.

<sup>101</sup> Background Note: Nauru, Bureau of East Asian and Pacific Affairs, U.S. Department of State, (2008), <http://www.state.gov/r/pa/ei/bgn/16447.htm>. See also Brief Historical Overview, Republic of Nauru Permanent Mission to the United Nations, <http://www.un.int/nauru/overview.html>,

<sup>102</sup> See Timeline Nauru: A Chronology of Key Events, BBC News, <http://news.bbc.co.uk/2/hi/asia-pacific/1134774.stm>

Article 83 of the Charter.<sup>103</sup> According to him, it was not clear in the wording of the proposal which states were “directly concerned.”<sup>104</sup> He meant that it was not clear to which of the three states administering trusteeship over Nauru the proposal was referring. To that the Australian representative specified that they would be the three states submitting the proposal.<sup>105</sup> As to article 83, the delegate claimed that there had been no agreement from the Security Council to take the military measures stated in the seventh article of the proposal to protect the territory of Nauru; the Australian representative’s reply was that Article 83 referred to “strategic areas” which Nauru was not.<sup>106</sup> The USSR delegate nonetheless insisted on proposing an amendment saying that military defense measures should be according to article 83, i.e. like the strategic areas.<sup>107</sup> The amendment was rejected. In the report of the Fourth Committee to the head of the Egyptian delegation, the Egyptian representative affirms that Egypt did not vote for the Russian amendment, fearing that the amendment might jeopardize the entire trusteeship agreement proposal.<sup>108</sup> Egypt found that there was no need for so many details when Nauru was one of the last mandates to be placed under the trusteeship system, a system of which Egypt always favored the expansion, in order to eliminate colonialism in “its old traditional meaning.”<sup>109</sup>

The Trusteeship Agreement for Nauru presented by Britain, Australia and New Zealand was approved by the General Assembly (Resolution 140 (II)).

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<sup>103</sup> *Supra* note 58, at 11.

<sup>104</sup> *See* U.N. Charter art. 79.

<sup>105</sup> *General Assembly*, 2 INT’L ORG. 53, 72 (Feb., 1948).

<sup>106</sup> *See id.*

<sup>107</sup> *Id.*

<sup>108</sup> *Supra* note 58, at 12.

<sup>109</sup> *Id.*



So where the USSR seemed to be raising objections against the West's proposals for the sake of opposing colonial powers, Egypt looked further at its ultimate goal: the achievement of self-determination and riddance from imperialism. Obviously, Egypt had by now drawn apart from the Cold War conflict, and it fought its own battle.

### **C. Non-Self-Governing Territories and Trusteeship Questions: Egypt's Impartiality**

Egypt played a major role in protecting the rights of non-self-governing territories placed under foreign administration. Discussions concerning the administration of countries placed under the trusteeship system, i.e. former mandates and countries progressing towards independence, and non-self-governing territories, i.e. countries that were still not decolonized, involved several debates which did not stop at the interpretation of the previously mentioned article 73 (e) of the Charter. From the moment these discussions started onwards, there was an obvious split: one camp, namely the colonial powers, tried to keep the world situation as close as possible to what it was at the time, with as much influence over the territories as they could have.<sup>110</sup> The other camp, composed of the Soviet bloc and the smaller nations, struggled to antagonize colonialism and ensure these territories a path towards independence, first by expanding the trusteeship system, and then by controlling the power of the administrative states over these territories.<sup>111</sup> The United States grew closer to the former camp.<sup>112</sup>

Accounts on the second General Assembly of the United Nations (late 1947) report that the smaller nations drafted a proposal which attempted to get the mandatory powers to

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<sup>110</sup> *Supra* note 62, at 2-3.

<sup>111</sup> *Id.* at 5.

<sup>112</sup> *See id.* at 4.

propose trusteeship agreements, for all or most of the non-self-governing territories, to promote them from colonialism to trusteeship. The reaction of the colonial powers to this proposal is described as one of “sharp criticism”, accusing those who submitted the proposal of “attempt[ing] to rewrite the Charter,” and of having no confidence in the administration of the territories. The proposal was not adopted, as the votes were too tight, 24 to 24 with one abstention,<sup>113</sup> but the evidence is that smaller nations, a group to which Egypt belonged, had started to dare the West, and the votes were close.

The opposing stands did not come any closer at the next meeting. In his report to the head of the Egyptian delegation, the Egyptian representative to the Trusteeship Committee in 1948 expressed disappointment and concern at the fact that discussions of the Member States were guided by their respective political interests rather than the general good; the colonial powers, he said, for the second consecutive year, tried to paint a beautiful image of colonialism, enhancing the advantages gained by the presence of colonialism in the non-self-governing territories, while ignoring the exploitative and inhuman aspect which imposed heavy duties and immense sacrifices on the colonized peoples. They even went as far as saying that these peoples were in a far better health, economic and educational conditions than several nations who enjoyed independence.<sup>114</sup>

On the other hand, the Soviet bloc took a totally opposite point of view, heavily attacking colonialism, and holding it responsible for all the miseries and regression afflicting the world then. The reproach the Egyptian delegate writes, however, is that the Soviet arguments were based on writings and statistics, regardless of the origins or

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<sup>113</sup> *Supra* note 105, at 72-73.

<sup>114</sup> Egyptian Delegation to the UN Fourth Committee Trusteeship Council, Report on the Third Session, 1-2 (Sept., 1948) (on file with author) (my translation).

credibility of their authors.<sup>115</sup> This is an indication that Egypt was not a pawn, and had to have scientific support to trust any analysis, even if the party submitting it shared a common goal, in this case demising colonialism. The end, for Egypt, did *not* justify the means. The Egyptian delegate went on to explain that Egypt held a moderate position, siding with neither party, in fact rejecting the Soviet attitude while at the same time rejecting the views of the colonialist bloc; like the previous year, together with Denmark, Egypt worked on mediating between the two camps, successful on several issues. Bearing in mind the interest of the peoples of the non-self-governing territories, the Egyptian and Danish delegates also drafted a number of proposals bringing the opposed opinions closer to each other, all of which were approved by the Committee, and seen as “an important step towards promoting the peoples of these territories and moving their progress towards self-determination.”<sup>116</sup>

Thus, in spite of the internal clashes, the United Nations General Assembly gradually moved, through initiatives of a country like Egypt, towards getting control over the territories which were once mandated or colonized. Resolution 325 (IV) of 15 November 1949, after a joint proposal of which Egypt was a party, significantly raised the flag of the United Nations over the Trust Territories,<sup>117</sup> and finally, Resolution 566 (VI) of 18 January 1952, also following a joint proposal involving Egypt, invited the association of the Non-Self-Governing territories (an association providing information from within the territories) to become associate members working more closely with the Fourth

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<sup>115</sup> *Id.* at 2.

<sup>116</sup> *Id.* at 2.

<sup>117</sup> G.A. Res. 325 (IV), Use of the Flag of the United Nations in Trust Territories (Nov. 15, 1949).

Committee.<sup>118</sup> Thus, in the interest of the non-self-governing territories, more control was exercised over the administrative states that would not be able to neglect the reports.

Egypt throughout the period from 1945 to 1952 acted according to its beliefs in justice and human rights without falling into the trap of the Great Powers. The Egyptian delegation to the Fourth Committee was impartial but active. The Egyptian Ministry of Foreign Affairs provided the delegation with timely information about the respective territories, thus enabling the delegates to pursue their role effectively and with full knowledge about the world situation.<sup>119</sup>

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<sup>118</sup> G.A. Res. 566 (VI), Participation of Non-Self-Governing Territories in the Work of the Committee on Information from Non-Self-Governing Territories (Jan. 18, 1952).

<sup>119</sup> *Supra* note 62, at 9.

## **V. Some Issues on the Agenda of the First Committee of the United Nations**

The First Committee, the Political and Security Committee, was one of the six committees established during the first General Assembly in London. It dealt with political and security issues.<sup>120</sup> Here below, selected international disputes between 1945 and 1952 reflect the policy of impartiality that Egypt now followed, and its continuous concern for sovereignty and self-determination.

### **A. Relations between Spain and the United Nations: Egypt and Sovereignty**

Egypt's respect for the sovereignty of nations was evident when it maintained its relationship with Spain, while the United Nations had recommended against. One of the very first issues discussed by the members of the Political and Security Committee concerned the relations with Spain. Spain was at that time governed by General Franco's pro-fascist regime. During the First General Assembly, the members of the United Nations had morally condemned the Spanish government.<sup>121</sup> Yet, some delegates from the Eastern bloc expressed further concern regarding the impact of Spain on world peace.<sup>122</sup> On 29 April, the Security Council adopted Resolution 4 establishing a sub-committee to consider Spain's danger over international peace and security.<sup>123</sup> The sub-committee confirmed the reasons for the moral condemnation of Franco's government,<sup>124</sup> and the Council's Resolution 7 of 26 June 1946 was adopted. The Security Council's

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<sup>120</sup> *Supra* note 50 at 46.

<sup>121</sup> *See* G.A. Res. 39 (1), Relations of Members of the United Nations with Spain (Dec. 14, 1946).

<sup>122</sup> *Supra* note 50 at 56-57.

<sup>123</sup> S.C. Res. 4, The Spanish Question, (Apr. 29, 1946).

<sup>124</sup> *See* S.C. Res. 7, The Spanish Question, (June 26, 1946).

decision stated in the resolution was “to keep the situation in Spain under continuous observation and maintain it upon the list of matters of which it is seized, in order that it will be at all times ready to take such measures as may become necessary to maintain international peace and security.”<sup>125</sup> The General Assembly endorsed these resolutions with one of its own, assuring “the Spanish people of their enduring sympathy and of the cordial welcome awaiting them when circumstances enable them to be admitted to the United Nations.”<sup>126</sup> By the same token, the General Assembly recommended that all the Members of the United Nations recall their diplomatic missions from Spain.<sup>127</sup>

The members of the General Assembly were not unanimous, however, in their votes for the resolutions; some of the delegates considered that the organization was interfering in the internal affairs of Member States by recommending such actions; a faction of the Latin American countries even stated that “the Spanish problem was not within the jurisdiction of the United Nations.”<sup>128</sup>

Egypt, maintaining its impartiality and its position towards sovereignty, refused to accept the “United Nations’ invitation to ‘boycott’ Franco.”<sup>129</sup> Adly Andraos, Egyptian representative in the Political and Security Committee in its early sessions, condemned banning Spain from the United Nations. He saw it as interference in a nation’s internal affairs that kept its people away from the international scene for many years.<sup>130</sup> Andraos

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<sup>125</sup> *Id.*

<sup>126</sup> *Supra* note 121.

<sup>127</sup> *Id.*

<sup>128</sup> *Supra* note 50, at 56.

<sup>129</sup> *Supra* note 33, at 4.

<sup>130</sup> Adly Andraos, *De l’Intervention dans les Affaires Intérieures des Etats Souverains [On the Intervention in the Internal Affairs of Foreign States]*, REVUE EGYPTIENNE DE DROIT INTERNATIONAL 1, 17 [EGYPTIAN JOURNAL OF INTERNATIONAL LAW] (Jun., 1954) (my translation).

affirmed that the principle of self-determination of peoples gave each nation the liberty to adopt the kind of government that it finds most suitable for its internal conditions.<sup>131</sup>

Andraos also explained in his article *Présence de l’Egypte* that Egypt under King Farouk was keen on keeping its place in the “Concert of Nations” and therefore broadened its diplomatic activities in the service of order and peace; it had built the first bridges with the Christian world since the Crusades by sending a permanent delegation to the Holy See, and it was that same “inspiration” which made it not only raise its delegation to Madrid to the rank of Embassy, but also agree with the Spanish government on the creation of the Institute of Islamic Studies in the Iberian Peninsula.<sup>132</sup>

So while the members of the United Nations, the Allied Powers and their partisans cut their relations with Spain, Egypt refused to follow, out of respect for the sovereignty of that state and its freedom regarding its internal affairs. One more time, Egypt’s policy was one of neutrality and impartiality, choosing not to make enemies, not only within the United Nations, but also in the broader scope, i.e. impartiality to either the bloc which formed the Allies, or the one which formed the Axis.

### **B. Treatment of People of Indian Origin in the Union of South Africa: Egypt’s Peace-Loving Diplomacy**

Egypt rejected the discrimination brought against the Indians in South Africa, yet it chose to demand for their rights without holding South Africa, the violator of these rights, as an enemy. The issue of the treatment of the Indians in South Africa was discussed during the very first meeting of the Political and Security Committee. Mrs. Pandit

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<sup>131</sup> *Id.*

<sup>132</sup> *Supra* note 33, at 4.

representing India complained that new discriminatory laws of land tenure in South Africa disfavored the interests of the Indians. Regardless of the fact that the victims were of *Indian* origin, Mrs. Pandit accused the Union of South Africa of racial discrimination, a violation to the principles of the Charter of the United Nations. The general discussions split the Committee one more time, the Western bloc favoring appealing to the Court of Justice for an opinion,<sup>133</sup> which I believe would have delayed finding solutions, and the Eastern bloc – this time including Egypt as well as India – favoring dealing with the facts as presented in the discussions.<sup>134</sup>

Subsequently, the General Assembly issued Resolution 265 (III) of 14 May 1949 inviting India and South Africa to sit for a round table discussion, with Pakistan as a third party. South Africa rejected the resolution on the grounds that the matter was an internal one, and outside the scope of the United Nations. South Africa ignored the resolutions of the General Assembly and continued applying the apartheid system, considered by the General Assembly as “necessarily based on doctrines of racial discrimination.”<sup>135</sup> Yet, believing in the diplomatic means of conflict settlement, Egypt was considering collaboration with the Union of South Africa by 1950, in spite of siding with India in the Political and Security Committee debates concerning the treatment of the people of Indian origin in the Union.<sup>136</sup> Egypt was consistent in remaining impartial and not making enemies. With Spain like with South Africa, it condemned the violations of the principles of the Charter, but it did not cut the ties with their perpetrators. In other words, I would

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<sup>133</sup> *Supra* note 50, at 58.

<sup>134</sup> *Id.*

<sup>135</sup> See G.A. Res. 395 (V), Treatment of People of Indian Origin in the Union of South Africa (Dec. 2, 1950).

<sup>136</sup> See *supra* note 33, at 4.



say it respected the internal sovereignty and policy of these governments, but it voiced its disapproval of them.

### **C. Greece and the Balkans: Egypt and its Mediterranean Neighbors**

Egypt as a peace loving neutral state, keen on territorial integrity and sovereignty of nations, tried to settle the conflict between Greece on the one hand, and Albania, Bulgaria and Yugoslavia on the other, through peaceful intervention. In fact, Greece had brought a complaint to the United Nations in 1946, accusing its Balkan neighbors of armed maneuvers on its frontiers, and of aiding the anti-government communist militias, bringing “threat to the territorial integrity of Greece.” The Yugoslav representative denied aggression and said that problems in Greece resulted from its internal policy, and questioned the legitimacy of the Greek government. Upon a proposal from the USA, the United Nations sent an investigative committee to report on the situation. The committee which had been divided into groups at the different borders reported conflicting opinions. One group shared the opinion of the Balkan “aggressors,” stating that Greece’s internal policy was the reason for the formation of revolted militias; another group confirmed Greece’s complaints. The report caused violent debates at the meeting of the First Committee in September 1947, with the USA calling upon the Security Council to immediately act on stopping the aggression, and the USSR and its “followers” accusing the government of Greece of being responsible for the situation, of having imperialistic ambitions regarding its neighbors, and of segregating against democratic minorities.

At this meeting, the Egyptian representative, Mohamed Hussein Heykel Pasha, expressed Egypt's concern regarding events in Greece, "primarily because Greece and Egypt are both Mediterranean nations, and then because peace is indivisible;"<sup>137</sup> hoping that Greece would keep its territorial integrity; he affirmed not siding with any party, but strictly observing the principles of the Charter. Consistent with Egypt's position regarding Spain and South Africa, he recalled that Article 2 (7) of the Charter does not allow making judgment on the internal affairs of Greece. Moreover, the purpose was not to blame parties for their responsibility, but to replace conflict with peace. He condemned the presence of foreign troops not only in Greece, but in the entirety of the Balkan states, describing them as a mere result of Western/Eastern conflicts; he considered them to be a violation of the independence and integrity of those states. Once more keeping a neutral/non-aligned position holding only the Charter as a guide, he added that neither the Eastern nor the Western states would be pleased with Egypt's position, but that the latter "subscribes definitely, conscious that the Charter rests on collective security, to the disarmament of nations..."<sup>138</sup> Heykel Pasha concluded by suggesting that the Committee assigned to the Balkans would be a Conciliation Committee rather than an investigative one, in order to end the conflicts at the frontiers, and re-establish normal diplomatic relations and neighborhood.<sup>139</sup>

The following year, the unresolved issue was brought up again at the First Committee. The USA, Britain, France, and China proposed a resolution that would, among other things, stop any aid to guerillas or threats to the territorial integrity of Greece. The

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<sup>137</sup> The Greek Question, Report of the Foreign Ministry 14, (1947) (on file with author) (my translation).

<sup>138</sup> *Id.*

<sup>139</sup> *Id.*

resolution was then adopted as Resolution 193 (III) of 27 November 1948 of the General Assembly,<sup>140</sup> calling, among other things, for the end of armed conflict, and peaceful settlement between Greece on one side, and Albania, Bulgaria and Yugoslavia on the other.<sup>141</sup> The Egyptian delegate to the First Committee for that year was Adly Andraos. He was supportive of the resolution, and his words confirmed his predecessor's line befriending Greece, reminding of the multi millenary ties binding Greece and Egypt, and their common interest along the coasts of a common sea; he confirmed that Egypt could not remain indifferent to Greece's fate. He stressed that Greece's problem was also one of interfering in a state's internal affairs, which could happen to any medium or small nation. Again, he said that regardless of Greece's internal politics, behind every obstacle hindering a solution laid the conflict of the interests of the great powers in the strategic areas. At that time, Egypt was at war in Palestine, as will be discussed in the coming chapter, and Andraos did not miss the opportunity to draw the attention of the states proposing the resolution for Greece that "while they are invoking the danger of a communist infiltration in the Balkans, they seem to forget that 300 kilometers away from Egypt, they are creating a dangerous hearth of infection."<sup>142</sup>

Andraos's remark is first a reminder that the sovereignty, territorial integrity, and non-intervention in states' internal affairs are rights for all nations, not only for the ones that the West is interested in. It also shows that Egypt, in voting with the West against the Eastern bloc on the Greek issue, remained impartial, holding the West responsible for the

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<sup>140</sup> *General Assembly*, 3 INT'L ORG. 46, 51-55 (Feb., 1949).

<sup>141</sup> See G.A. Res. 193 (III), Threats to the Political Independence and Territorial Integrity of Greece (Nov. 27, 1948).

<sup>142</sup> U.N. GAOR FIRST COMMITTEE, 3<sup>rd</sup> Sess., 174<sup>th</sup> plen. mtg. at 11, U.N. Doc. A/C.1/SR.174 (Oct. 27, 1948).

Palestinian problem. Finally, it reflects Egypt's involvement as the Arab Leader determined to defend the rights of an Arab nation, Palestine.

#### **D. Italian Colonies: Egypt, the Islamic Leader**

The interest in bringing the issue of the Italian colonies is in the role Egypt played as a leader. Among the papers found in Adly Andraos's files were several letters from former Italian colonies requesting that Egypt speak for their cause at the United Nations. In fact, the USA, France, Britain and the USSR had sent a communication to the Secretary-General informing him that the question of these colonies was to be referred to the General Assembly in compliance with Article 23 (3) of Annex XI of the Treaty of Peace with Italy;<sup>143</sup> the mentioned article stated that if within one year the four powers had not agreed upon the disposal of the colonies, the matter would be brought to the General Assembly for recommendation.<sup>144</sup> A special subcommittee was formed to consider which native groups should be heard in discussions on the disposal of their territories; Egypt was chosen as one of the members of that subcommittee.<sup>145</sup>

One of the letters found, dated 17 September 1948 is addressed to Khashaba Pasha, head of the Egyptian delegation to the United Nations in 1948; its sender is the owner and director of a magazine called *Al 'Alam al 'Arabi* (The Arab World). Mr. Shehata, the director, thereby forwarded to the Egyptian representative a copy of a petition submitted by the Eritrean Muslim League, requesting the Egyptian delegation to intervene on their

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<sup>143</sup> The Secretary General, *Request for the Placing of an Additional Item on the Agenda of the Third Regular Session of the General Assembly, note to the General Assembly*, U.N. Doc. A/645 (Sept. 16, 1948).

<sup>144</sup> *General Assembly*, 3 INT'L ORG. 471, 471 (Aug., 1949).

<sup>145</sup> *Id.*

behalf at the United Nations. Their plea was to give total independence to Eritrea, even if after a trusteeship period of ten years, and not to annex Eritrea to Ethiopia under any circumstances.<sup>146</sup> Another letter dated 19 September urged the Arab League headed by Egypt to convey to the four powers that annexing Eritrea to Ethiopia was of utmost danger due to the basic differences between the two peoples. Eritrea was divided in two: the Unionists, who wanted a union with Ethiopia which was a Christian State, and the Muslim League, who wanted total independence for Eritrea which was of a Muslim majority. But the British after giving the Eritreans hopes declared that they favored incorporation of Eritrea into Ethiopia. They thus jeopardized the Muslim Leagues' hopes for independence.<sup>147</sup> It was with these hopes that they had appealed to Egypt, as a Muslim state.

Egypt's leadership of the Arab League was also beneficial for other Italian colonies. Resolution 289 (IV) of 21 November 1949 of the General Assembly gave Libya independence after pressure from the League headed by Egypt. The same resolution put Somaliland under the Trusteeship system for Italian administration – although a telegram to the delegate of the Arab League indicates that the Somalis wanted their land to be united and independent, and refused the administration of the Italians;<sup>148</sup> finally it established a committee to look further into the Eritrean question.

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<sup>146</sup> Letter from the Eritrean Muslim League, to the Head of the Egyptian Delegation to the U.N. (Sept. 9, 1948) (on file with author) (my translation).

<sup>147</sup> *Aide Mémoire* on Muslims of Eritrea Turning to Reunion with Ethiopia (Oct., 1948) (on file with author). See also *supra* note 144, at 472. See also History World, History of Eritrea, <http://www.historyworld.net/wrldhis/PlainTextHistories.asp?historyid=ad18>.

<sup>148</sup> Telegram from the Chief of the Somali National Committee in Erigavo to the Delegate of the Arab League to Paris (on file with author) (my translation).

In addition to its efficiency as an Arab and Muslim leader, Egypt was appointed by the same resolution – 289 (IV) – in the council to help Libya draft its constitution as an independent state;<sup>149</sup> it was also appointed as an African state in the advisory committee in charge of helping the administration of the Italian trusteeship over Somaliland.<sup>150</sup> Eritrea was eventually united with Ethiopia as an independent country having its own constitution.<sup>151</sup>

Hence, Egypt's position in the issue of the former Italian colonies enhances a triple identity: African, Arab and Muslim. It also confirms the status of Egypt as the leader of the nations of the region, and the mediator helping to achieve the self-determination of the smaller nations, and their establishment as independent states.

### **E. Morocco and Tunisia: Egypt Takes the Initiative**

As the Cold War swept the world, smaller nations, such as Egypt and the other Arab states, had every reason to fight for their independence; on the one hand the USSR had a radically anti-imperialist attitude, and on the other the West feared the spreading of USSR's communist ideology. The Arab states headed by Egypt therefore brought up the issue of Morocco at the meeting of the First Committee in November, 1951, demanding the termination of French colonialism there. The Western states, however, evaded the debate on the issue; Canada, conscious of the danger of the Arab intervention, presented a

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<sup>149</sup> G.A. Res. 289 (IV), Question of the Disposal of the Former Italian Colonies (Nov. 21, 1949).

<sup>150</sup> *Id.*

<sup>151</sup> See *General Assembly*, 4 INT'L ORG. 428, 431-432 (Aug., 1950). See also *General Assembly*, 5 INT'L ORG. 313, 324 (May, 1951). See also History World, History of Eritrea, <http://www.historyworld.net/wrldhis/PlainTextHistories.asp?historyid=ad18>.

proposal to postpone debating the issue.<sup>152</sup> The proposal was adopted due to the support of Britain, the Dominican Republic, France, Norway, and the United States.<sup>153</sup> But Egypt offered a counter-proposal to immediately include the Moroccan issue in the agenda. The French Foreign Minister explained that France and Morocco were undergoing negotiations concerning their future relations, and that stirring the issue at that point could have negative effects on the talks. The Egyptian representative agreed to postpone the issue only for a short while longer.<sup>154</sup> The subject was brought up once again at the meeting of the General Assembly in spite of French protests. In his book *Farouk al awal al malik alladhy ghadar bih al jamy* (Farouk I The King Whom Everybody Betrayed), Adel Thabet describes the eloquent speech made by the Egyptian delegate to the General Assembly:

We heard an extremely inspiring speech when Ambassador Adly Andraos, the brilliant Egyptian Delegate who tends towards the French, challenge Monsieur Schuman the French Foreign Minister... Andraos's speech in French was marvelous... and by using a mixture of history, flattering France, its culture and its civilization, adopting the French principles and stands, Andraos destroyed the French case...<sup>155</sup>

Thabet goes on to say that the proposal to condemn French colonialism was only avoided by Mr. Schuman's intervention: "Please, do not condemn France!"<sup>156</sup>

After 1952, the Moroccan question, together with the Tunisian one,<sup>157</sup> was postponed and "placed so low on the agenda [of the General Assembly] that they were not

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<sup>152</sup> Documents on Canadian External Relations, Foreign Affairs and International Trade Canada, <http://www.international.gc.ca/departement/history-histoire/dcer/details-en.asp?intRefId=3687>.

<sup>153</sup> *General Assembly*, 6 INT'L ORG. 55, 61 (Feb., 1952).

<sup>154</sup> *Id.*

<sup>155</sup> ADEL THABET, *AL MALIK ALLADHY GHADAR BIH AL JAMY* [FAROUK I THE KING WHOM EVERYBODY BETRAYED] 229 (Al Akhbar press, 1990).

<sup>156</sup> *Id.*

<sup>157</sup> The question of the independence of Tunisia was raised by 13 Arab and Asian states, in a communication dated June 20<sup>th</sup>, 1952, only one month before the Egyptian revolution.

considered.”<sup>158</sup> Morocco eventually gained independence in 1956,<sup>159</sup> and so did Tunisia in the same year.<sup>160</sup>

Thus, Egypt moved along from the drafting of the charter as a small nation attempting to voice its revulsion against Britain, sticking to the enemy of colonialism, i.e. the USSR, to demanding self-determination for others. From a subjugated colonized country, it became a leader standing by the other nations who were not independent. If being at the United Nations was an opportunity to speak up, Egypt, to say the least, brilliantly used it as a tool to promote its status and foreign policy. It used its position as a member of the diverse committees there, and used the Charter as its primary reference to legally achieve its ultimate goal, independence. It stood on its feet, respecting the sovereignty of others in order to have its own sovereignty respected, and struggling for the self-determination of others in order to acquire its own. Egypt followed one and the same line all the way through.

From all of the above, then, one can conclude that Egypt was loyal to the principles of sovereignty and self-determination, a principle which it first wanted for itself, and which led it to adopt a policy of impartiality and support to all the nations who needed its support. It could therefore not remain indifferent when a fellow Arab nation was under the threat of having its integrity violated: Palestine is the subject of next chapter. It shows how Egypt, as an Arab leader struggled for the sovereignty of Palestine and the right to self-determination of the Palestinians.

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<sup>158</sup> J.-B. Duroselle, *France and the United Nations*, 19 INT'L ORG. 695, 703 (Summer 1965).

<sup>159</sup> See LAROUSSE MÉMO ENCYCLOPÉDIE EN 1 VOLUME 703-704 (2<sup>nd</sup> ed. 2002) (my translation). See also Arab!, Morocco – History, <http://www.arab.de/arabinfo/marochis.htm>.

<sup>160</sup> See LAROUSSE MÉMO ENCYCLOPÉDIE EN 1 VOLUME 707-708 (2<sup>nd</sup> ed. 2002) (my translation). See also Arab!, Tunisia – History, <http://www.arab.de/arabinfo/tunishis.htm>.



## VI. Palestine: Egypt and Fellow Arabs

The issue of Palestine was and still is central for Egypt. The Palestinian question which has tormented the Arabs since the end of World War II till this day is much broader than could be stated in a few words or even a few paragraphs. For Egypt, Palestine was more than an external issue. Within Egypt, the nationalists considered going to war for Palestine a manifestation of patriotism, consequently of fighting against imperialism.<sup>161</sup> While approaching this chapter, several points must be kept in mind. First, that Egypt considered itself to be an Arab leader, and therefore could not ignore the role it had to play to safeguard the integrity of Palestine. Second, that touching upon the integrity of the Palestinian territory was another manifestation of the colonialism which had been Egypt's major problem for years. Third, that Egypt feared the Israelis' ambition to spread.<sup>162</sup> Finally and most important of all, that the Palestinians who had to flee their homes need support, food and shelter. The burden to support these refugees fell on the shoulders of their neighboring states. For all these reasons, Egypt had once again to exercise its policy of anti-colonialism, and of fighting for the Palestinian right to self determination, and the human dignity of the Palestinians. Once again, it will be shown, Egypt neither sided with the British who were responsible for the immigration of the Jews to Palestine,<sup>163</sup> nor with the Eastern bloc whom Egypt accused of "exporting" the worst

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<sup>161</sup> See *supra* note 13, at 128, 131-132.

<sup>162</sup> See Report on the Palestinian Question at the 3<sup>rd</sup> Sess. of the G.A. to the State Assembly 15-16 (on file with author) (my translation).

<sup>163</sup> See *infra* note 166.

quality of Jews to the Middle-Eastern region.<sup>164</sup> Egypt fought its own battle for Palestine and the Palestinians.

### **A. Historical Background of Palestine**

It is worthy here to introduce some background history of Palestine. In 1915, the Arabs were revolting against the Ottoman Empire, and the British, holding the Ottomans as enemies and allies of the Germans in World War I, and striving to weaken their empire, supported the Arabs; the Hussein-McMahon correspondence between the Sherif of Mecca and the British High Commissioner for Egypt offered the Arabs land which was understood by the Arabs to include Palestine.<sup>165</sup> Only two years later, in 1917, the British Foreign Secretary, Arthur James Balfour, expressed that Britain's government, holding the Mandate on Palestine, "view[s] with favour [*sic*] the establishment in Palestine of a national home for the Jewish people."<sup>166</sup> The Arab members of the United Nations reacted violently to that declaration, and rejected any proposal of partition made by the British to solve the problem. But Jewish immigration to Palestine could not be stopped; even though it was officially limited by the Mandatory power in the 1939,<sup>167</sup> illegal immigrants kept pouring in between 1939 and 1942, then between 1945 and 1948.<sup>168</sup> The

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<sup>164</sup> See *infra* note 220.

<sup>165</sup> See *supra* note 11, at 111. See generally Arnold Toynbee & Isaiah Friedman, *The McMahon-Hussein Correspondence: Comments and a Reply*, 5 J. CONTEMP. HIST. 185 (1970). See also Mitchell Bard, *The Hussein-McMahon Correspondence*, Jewish Virtual Library, <http://www.jewishvirtuallibrary.org/jsource/History/hussmac.html>.

<sup>166</sup> See *supra* note 11 at 112. See also generally Joe Stork, *Understanding the Balfour Declaration*, 13 MERIP REPORTS 9 (1972). See also *The Balfour Declaration*, MidEast Web, <http://www.mideastweb.org/mebalfour.htm>.

<sup>167</sup> See *supra* note 11, at 122.

<sup>168</sup> See *id.* at 122-125. See also *Israel and Palestine: A Brief History – Part I*, MidEast Web, <http://www.mideastweb.org/briefhistory.htm>.

frictions between the Arabs and the Jews were more than the British could handle; it was time to end the mandate over Palestine.<sup>169</sup>

## **B. World Scene and the Palestinian Question**

Egyptian involvement in the issue of Palestine at the United Nations cannot be dissociated from the evolution of Egypt's internal political scene as mentioned above,<sup>170</sup> in conjunction with the international change in the status of world powers. The Palestinian problem occurred at a time in Egypt, when nationalists targeted a total ousting of the British from their land, while the government negotiated new *ententes* with the colonial power, trying to terminate the 1936 Treaty.<sup>171</sup> Internationally, the Cold War was settling in, and the world order was taking a new shape. The United States was increasingly becoming of a global power, and on the other side, the USSR, a former ally, was becoming a potential danger to the Western States because of its opposition to colonialism. Therefore, the USA, who was initially strongly anti-imperial, started turning a blind eye to Britain's policies so that the West formed one bloc.<sup>172</sup> Britain, whose imperialistic power was severely declining after the mandates were terminated one after the other from Burma, to Ceylon, then India and Pakistan...,<sup>173</sup> sought USA's support for whatever was left to Britain – most importantly Egypt because of its geostrategic importance. Thus, in negotiating with its British occupier, Egypt used the new

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<sup>169</sup> See *supra* note 105, at 53-55. See also Israel and Palestine: A Brief History – Part I, MidEast Web, <http://www.mideastweb.org/briefhistory.htm>.

<sup>170</sup> See *supra* chapt. II § A.

<sup>171</sup> *Id.* at 8.

<sup>172</sup> See *supra* note 13, at 23-33.

<sup>173</sup> John Van Wingen & Herbert K. Tillema, *British Military Intervention after World War II: Militance in a Second-Rank Power*, 17 J. PEACE RESEARCH 291, 293 (1980).

relationship between Britain and the USA, to counter balance the fear the West had of losing Egypt to the USSR. Egypt had always had significant importance due to both its geographical position and its role as a political leader in the region. Hence, Palestine was among other things, a bargaining chip which would play one side of the world against the other. Was Egypt going to look at Palestine as a cause to defend its belief in promoting human rights and self-determination? Was Palestine a reason to ally with the Arabs and strengthen the Arab League in order to face the British with more power? In other words, was this Palestinian issue, which has remained unresolved to this very day, a means or an end for Egypt? The hypothesis which is suggested hereafter is that Palestine was both a means and an end for Egypt.

### **C. Egypt's Position Prior to UN Intervention**

Prior to the intervention of the United Nations in the Palestinian question, Egypt's position towards Palestine wavered between accepting the partition of the territory, and fighting for that land. At a certain point in time, specifically in the summer of 1946, Egypt was willing to accept a partition plan for Palestine, in spite of the revolt of other Arab states.<sup>174</sup> As a matter of fact, the Chief expert on Arab Affairs in the Jewish Agency, Eliyahu Sasson, visited Cairo in the month of August of that year. He met with Abd al-Rahman Azzam, the head of the one year old Arab League, and with Ismail Sidqi Pasha, Egypt's Prime Minister, and lobbied their support for a partition.<sup>175</sup> If Azzam was reluctant to be compromised with the other Arab states, the Prime Minister overtly

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<sup>174</sup> See *supra* note 13, at 100-103.

<sup>175</sup> *Id.* at 98.

offered cooperation in return for the British moving their bases out of Egypt and into Palestine.<sup>176</sup> Right there, it was offered to Egypt to instantly get rid of colonialism, an aim it had been seeking for years, but which would entail that Egypt renounces to the other aspects it had developed, namely its leadership of the Arab world and its struggle for the principle of self-determination for all nations, by sacrificing Palestine.

Sasson and Sidqi Pasha found a common interest in fighting a common enemy: Britain. Moreover, Sidqi found the deal advantageous, especially considering the people's revolt at the Anglo-Egyptian talks which kept Britain empowered in Egypt.<sup>177</sup> Michael Doran further explains that Sidqi's foreign policy was one of "Insular Egypt,"<sup>178</sup> and although the Sasson plan did not materialize, "it cannot be dismissed as irrelevant to the study of Egyptian foreign policy, for it betrays much regarding the intellectual framework in which the Egyptian elite approached the problem of Palestine."<sup>179</sup> Officially, however, the Egyptian position was pro-Arab and pro-self determination for Palestine.<sup>180</sup> Sidqi's government which regarded Palestine as a means to get rid of the British rather than an end in itself was replaced in December of the same year. The new government brought with it an Egyptian policy more sympathetic to the issue of Palestine, and more openly challenging to the British, in the sense that it was willing to bring its conflict with the colonial power to an international level, i.e. the United Nations. In fact, the new Prime Minister, Mahmud Fahmi al-Nuqrashi Pasha, brought the Anglo-Egyptian dispute to the Security Council calling for independence, but in vain, because the Council – including

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<sup>176</sup> *Id.*

<sup>177</sup> *Id.*

<sup>178</sup> *Id.* at 102.

<sup>179</sup> *Id.* at 102.

<sup>180</sup> *Id.* at 101.

the USA – voted for direct negotiations between the two parties.<sup>181</sup> This was when Egypt realized that the USA would not jeopardize its alliance with Britain – while the Eastern bloc strongly supported Egypt against the British.<sup>182</sup> This was one good reason for Egypt to give up on calling for the support of the USA against imperialism. It was then left with only two means to achieve its goal of independence: impartiality and the Arab bloc.<sup>183</sup>

#### **D. Intervention of the United Nations**

The Palestinian question was first brought to the General Assembly on the 2<sup>nd</sup> of April, 1947, by a request from the British, whose mandate over Palestine was to end the following year.<sup>184</sup> The first Special Session of the General Assembly took place on April 28<sup>th</sup>.<sup>185</sup> Egypt, with other Arab states, demanded that discussions also include “the termination of the Mandate over Palestine and the declaration of its independence,”<sup>186</sup> but the Arab proposal was voted against.<sup>187</sup> Subsequently, the First Committee of the General Assembly formed a Special Committee on Palestine to study and report on the situation in Palestine; the elected members of the committee excluded the big powers as well as all Arab nations, presumably in order to retrieve neutral reports.<sup>188</sup>

Seven months later, the report of the Special Committee on Palestine was ready, recommending the termination of the Mandate, and a period of transition under the

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<sup>181</sup> *Id.* at 59-60.

<sup>182</sup> *Id.* at 60.

<sup>183</sup> *See supra* chapt. II § A, at 9.

<sup>184</sup> *General Assembly*, 1 INT’L ORG. 488, 488 (Sep., 1947).

<sup>185</sup> *Id.*

<sup>186</sup> *Id.*

<sup>187</sup> *Id.*

<sup>188</sup> *Id.* at 489.

United Nations' auspices, while appealing on the Palestinians to end violence.<sup>189</sup> The committee also proposed a partition plan that would enable both Palestinians and Jews to have their respective lands, while forming an economic unity.<sup>190</sup>

While the Jews accepted the contents of the report, the Arab states vehemently opposed it. Nevertheless, Resolution 181 (II) was adopted on the 29<sup>th</sup> of November, 1947, by 33 votes to 13, with ten abstentions, dividing Palestine in one state for the Arabs and another for the Jews, while making Jerusalem international.<sup>191</sup> Saudi Arabia, Iraq, Syria and Yemen, (and Pakistan), announced that their countries would not be bound by the resolution.<sup>192</sup> Strangely enough, Egypt's reaction was not reported at this point, probably because there was internal uncertainty, and it was not sure it wanted to take radical action, as will be explained below.

The United Nations Palestine Commission, established by Resolution 181 (II) in order to implement the partition plan, reported that the situation was far from improving:

Powerful Arab forces, both inside and outside Palestine, were defying the General Assembly resolution, and the Arab Higher Committee had informed the Secretary-General that "any attempt by the Jews or any power or group of powers to establish a Jewish state in Arab territory is an act of aggression which will be resisted in self-defense by force."<sup>193</sup>

In addition to the total lack of cooperation and armed resistance of the Arabs, Britain had signified that it would not interfere or bear any responsibility, except the one of

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<sup>189</sup> *Supra* note 105, at 53.

<sup>190</sup> *Id.*

<sup>191</sup> *Id.*, at 57. *See also* The Question of Palestine before the United Nations, *available at* <http://www.un.org/Depts/dpi/palestine/ch1.pdf>.

<sup>192</sup> *Supra* note 105, at 57-58.

<sup>193</sup> *General Assembly*, 2 INT'L ORG. 283, 285 (Jun., 1948).

ending its mandate by May 15<sup>th</sup>, 1948;<sup>194</sup> all this rendered the mission of the Palestine Commission impossible. As confrontation and bloodshed continued, the economy worsened, and a food shortage threatened. The Commission warned against the disaster it anticipated after the departure of the British troops.

Attempts to bring a solution to the Palestine problem prior to the end of the mandate failed. The Jews rejected any solution but a State of Israel based on the 1947 partition plan proposal, and the Arabs qualified it as “geographically impossible.”<sup>195</sup>

On the 14<sup>th</sup> of May, a provisional government for Israel was announced at the meeting of the General Assembly, approved by the USA.<sup>196</sup> British troops withdrew from Palestine.<sup>197</sup> On the 15<sup>th</sup> of May, Arab troops spread in Palestine, with the purpose of bringing it all back to the Arabs, “the Egyptian state intervened in Palestine as the political leader of a military coalition.”<sup>198</sup>

In Cairo, al-Nuqrashi Pasha had met with some senators in a closed session, inciting them to approve sending forces for the security of Palestine.<sup>199</sup> Former Prime Minister Sidqi opposed the idea fervently, favoring negotiations with the Jews.<sup>200</sup> In addition to doubting the capacities of the Egyptian army kept weak by the British who wanted to protect themselves, Sidqi also said that Egypt did not have the same interest in Palestine as its Arab neighbors did, and that consequently it was not worth risking going to war – a

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<sup>194</sup> *Id.* at 286.

<sup>195</sup> *General Assembly*, 2 INT’L ORG. 478, 480 (Sep., 1948).

<sup>196</sup> *Id.* at 481.

<sup>197</sup> *See General Assembly*, 2 INT’L ORG. 478, 478 (Sep., 1948).

<sup>198</sup> *See supra* note 13, at 153.

<sup>199</sup> *Id.* at 129.

<sup>200</sup> *Id.*



war which he foresaw would end in a disaster for his country.<sup>201</sup> It is to be reminded that Sidqi targeted Egypt's self-determination and independence from Britain, and was less interested in the Palestinian cause as an end. Al-Nuqrashi disregarded Sidqi Pasha's opinion, and followed his own policy, intending to "honor prior commitments to the Arab League."<sup>202</sup> He chose to keep the role of the leading nation that would fight for the rights of a fellow Arab nation. Egypt, in order to honor this commitment, went to war against the Jews, achieving some success in the early stages, but ultimately defeated heavily and losing land. The war lasted till October 1949, interrupted only by two periods of truce managed by the Security Council. Egypt, who had previously strongly rebutted any concession to Zionist ambitions, was the first Arab country to consider negotiating an armistice with Israel, as the losses it incurred during the war made its loyalty to pan-Arabism waver for a little while in the balance against its own interest.<sup>203</sup>

On the 20<sup>th</sup> of May 1948, while the war was on, the United Nations appointed the Swedish diplomat, Count Folke Bernadotte, as a Mediator in Palestine.<sup>204</sup> Bernadotte wrote a report acknowledging the existence of an Israeli State, and assuring that it would continue to exist.<sup>205</sup> This means that the qualifications of the illegal Jewish immigrants who poured in had enabled a state of Israel to be established in less than one year. The Egyptian dream of setting Palestine free was thus fading away. The Mediator, however, recommended limiting that state to smaller parts of land.<sup>206</sup> He also expressed great concern for refugees who had been displaced after fleeing bloodshed, and recommended

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<sup>201</sup> *Id.*

<sup>202</sup> *Id.* at 128.

<sup>203</sup> *Id.* at 175-176.

<sup>204</sup> *Supra* note 195, at 481.

<sup>205</sup> *Supra* note 140, at 55.

<sup>206</sup> *Id.* at 56.

their repatriation under United Nations supervision.<sup>207</sup> No one was happy; the Arabs maintained that Palestine was indivisible, and the Jews insisted on keeping the boundaries of 1947.<sup>208</sup> Count Bernadotte was assassinated by Zionists in Jerusalem shortly after he submitted his report.<sup>209</sup> And the refugees were about to become the core of Egypt's activities at the United Nations as will be shown below.

The assassination of the mediator was used by Adly Andraos Bey in a meeting of the First Committee discussing the status and participation of the Arab Higher Committee in the debates related to the problem of Palestine. The Arab Higher Committee, which was a union of the Arab nationalist groups,<sup>210</sup> was to speak on behalf of the Arabs of Palestine. As the Chairman of the Committee was reluctant to recognize the Arab Higher Committee as representative of the All Palestine Government, Andraos Bey launched his attack.

He pointed out that the Provisional Government of Israel had not been recognized *de jure* by any State. It had been given *de facto* recognition by certain Member States, in spite of the fact that it did not have a defined territory, and in spite of its inability to maintain law and order within the territory which it claimed to govern, as was demonstrated by the recent assassination of the United Nations Mediator. The Arab Government, on the contrary, represented the people who had inhabited Palestine for centuries, and who, under Article 22 of the Covenant of the League of Nations, had an unequivocal right to that country.<sup>211</sup>

Andraos Bey, by this statement, at once condemned the illegal existence of the State of Israel, and explained how it violated the integrity of the Palestinian territory

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<sup>207</sup> *Id.*

<sup>208</sup> *Id.* at 57.

<sup>209</sup> See *General Assembly*, 3 INT'L ORG. 288, 290 (May, 1949). See also generally Cary David Stanger, *A Haunting Legacy: The Assassination of Count Bernadotte*, 42 MIDDLE EAST JOURNAL 260 (Spring, 1988).

<sup>210</sup> *Supra* note 11, at 119.

<sup>211</sup> U.N. GAOR, 3<sup>rd</sup> Sess., 200<sup>th</sup> plen. mtg., U.N. Doc. A/648 (Nov. 15, 1948).

which by international law was the right of the Arabs. The statement was also an accusation to both East and West who did not prevent the existence of Israel.

It is noteworthy that during this same session, the question of Korea had been put on the agenda of the committee before the issue of Palestine. In the same spirit defending the rights of the Palestinians and accusing the Great Powers, Andraos Bey refrained from voting for the Korean resolution in favor of the West, as he

considered that the urgency of the Palestine question brooked no delay. . . welcomed the consideration shown by the representatives of the USSR and of Czechoslovakia for safeguarding the rights of the Korean people to take part in a debate which so closely concerned *them* [emphasis added] and he hoped that the same consideration would be displayed in respect of the Arab population of Palestine...<sup>212</sup>

At the General Assembly, Ahmed Khashaba Pasha, head of the Egyptian delegation, did not spare the audience attacks on Israel either. In his speech, he criticized the partition plan which he saw as deviating largely from the principles of the Charter of the United Nations and which could not be implemented due to the conflicts between the Arabs and the Jews. He also blamed the late Mediator for accepting a *fait accompli*, and called upon the Member States of the General Assembly not to follow his path.<sup>213</sup> He added that the Jewish ambitions had no limits, and that they represented a threat to the peace and security in the entire region;<sup>214</sup> he referred to the massive immigration of the Jews to Palestine which jeopardized the previously good relations which existed between the Arabs and the Jews of the area. He expressed fear from the quality of Jewish people who came to the region with communist principles that would endanger the whole

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<sup>212</sup> U.N. GAOR, 3<sup>rd</sup> Sess., 200<sup>th</sup> plen. mtg., U.N. Doc. A/C.1/367 (Nov. 15, 1948).

<sup>213</sup> *Supra* note 162.

<sup>214</sup> *Id.*

Middle-East.<sup>215</sup> Finally, he exposed concern over the resources of the region which would now not suffice considering the increase in the number of inhabitants, and the economic problems it would entail.<sup>216</sup> At his inaugural speech, Khashaba Pasha had not missed to condemn the negative behavior of the United Nations which led to more than half a million Arab Palestinians to become homeless and hungry, their basic rights violated.<sup>217</sup>

Khashaba Pasha, it should be remarked, once again made reference to the Charter in order to make his point irrefutable while rejecting the partition plan. He also used the language of a peace loving nation when he accused the Jews of endangering the security of the region. Moreover, he confirmed Egypt's impartiality by attacking "communist principles," when at the same time his country was struggling against British colonialism.

Nonetheless, the USA supported Moshe Shertok, the Foreign Minister of Israel when he addressed the Security Council, saying that the State of Israel was already established, and that it was not human to take the land away from the people after they had settled, as Count Bernadotte had proposed.<sup>218</sup> He added that it would be unnatural for Arabs to make a life amongst the Jews, and that they would be better off in their neighboring sister Arab countries. Shertok concluded his speech with the following words:

We appeal to the States Members of the Security Council to accept our application for membership when it is submitted. We appeal to the States Members of the Assembly to approve it. Israel has waited long and patiently

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<sup>215</sup> *Id.*

<sup>216</sup> *Id.*

<sup>217</sup> Ahmed Khashaba, Head of the Egyptian Delegation to the U.N. G.A. 3<sup>rd</sup> Sess., Address to the G.A. (1948) (on file with author) (my translation).

<sup>218</sup> Moshe Shertok, Foreign Minister of Israel, Address to the Political Committee of the G.A. (1948) (on file with author).

for her seat in the Community of Nations. We believe that our time has come.<sup>219</sup>

In a rough draft of a project, Adly Andraos scribbled that Israel's admission to the United Nations would constitute a violation to Article 4 of the Charter, because it lacked the qualifications implied in the article, namely that it be a sovereign, peace loving state, accepting and capable of assuming the obligations of the Charter.<sup>220</sup> Israel, to him, was not even a state because it was not recognized *de jure*, it was certainly not peace-loving, and it was the perpetrator of violations of the Charter.<sup>221</sup> In spite of these objections, Israel was admitted to the United Nations on May 11<sup>th</sup>, 1949.<sup>222</sup>

The situation between the Arabs and the Jews never improved. The Palestine Conciliation Commission attempted for a long time to bring the two parties together, but they would each stick to their respective points of view, and none was ready for any concession. But the Arabs' focus had by then shifted to the issue of the Palestinian refugees, first and foremost.<sup>223</sup> By December 1951, the Conciliation Commission reported a three year failure in trying to "conciliate" between the Arabs and the Jews, and was ready to renounce its mission.<sup>224</sup>

From the writer's point of view, Egypt's reaction towards the Palestinian issue was at first one of outrage and defiance. But if Sidqi Pasha's cabinet favored to focus on asserting self-determination and independence far from Arabism and far from war, nationalists surely held Palestine as an end in itself. It is my personal conclusion as well,

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<sup>219</sup> *Id.*

<sup>220</sup> Adly Andraos, *Projet* (1948) (draft, on file with author) (my translation).

<sup>221</sup> *Id.*

<sup>222</sup> *Supra* note 144, at 483.

<sup>223</sup> *General Assembly*, 4 INT'L ORG. 614, 617 (Nov., 1950).

<sup>224</sup> *Supra* note 153, at 67.

that this was an opportunity for the Egyptian al-Nuqrashi Pasha's cabinet in power at the time to have the support of its people in order to be able to maintain its place at a time when internal turmoil was at its peak. Thus, Egypt could assert itself both as an Arab leader struggling for Palestine's rights, and a supporter of sovereignty and territorial integrity. Palestine, then, was both a means for Egypt to reaffirm its status of leadership and act as a power rather than a submitted nation, and an end, as Egypt had adopted the principle of self-determination inherent in the Charter, and hence rejected the violations against Palestine... and with time, it became a habit.

Humanly, however, the question of the Palestinian people remains a genuine concern.

#### **E. Refugees and Displaced Persons**

Refugees and displaced persons soon became an issue that challenged Egypt to find means to aid these people. Count Bernadotte, as previously mentioned, had expressed concern about displaced persons. The number of Palestinian refugees at the time of the report was approximately 500,000.<sup>225</sup> The size of the problem was such that it took priority over the Arab-Israeli conflict. The issue was referred to the Third Committee, the Social, Humanitarian and Cultural Committee, which established Sub-Committee 2 to draw up plans for the future of Palestinian refugees and displaced persons. Egypt was the only member of the Arab League to be appointed to this subcommittee.<sup>226</sup>

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<sup>225</sup> *Supra* note 151, at 323.

<sup>226</sup> Report on the Work of the Special Committee on the Palestinian Refugees Question 1 (1948) (on file with author) (my translation).

The discussions which took place during the meetings of Sub-Committee 2 indicate that the humanitarian question of the refugees did not temper political interests. Egypt's representative in the talks for the refugees in 1948 was Adly Andraos. His report on the activities of Sub-Committee 2 reflects his struggle to neutralize "destructive" [*sic*] proposals and acquire the most for the Palestinians in the quickest time possible, in order to rescue the refugees before winter which was at the doors.<sup>227</sup> Once more, Egypt was not there to applaud the Great Powers, but to establish its own opinion.

In response to a Bolivian proposal to gather money from all over the world, Andraos Bey objected first because it would take too long, and the help was needed urgently and second because this would only be a temporary solution. He stressed that a large share of the responsibility fell on the shoulders of the United Nations, because the status of the Palestinian refugees would not have reached that low of a level had the organization considered them earlier.<sup>228</sup> Andraos Bey was probably alluding to the meeting when the Korean issue was placed before Palestine, and when Egypt abstained from voting pro-West.

At another instance, Andraos Bey responded violently when the Polish representative – supported by his Russian colleague – suggested that the humanitarian issue of the refugees did not end at giving them food and help, but that they should be given their homes back; this, he said, could only be solved if the "states responsible for the displacement" of these people would accept the partition which came in the General Assembly's resolution, in other words, the issue should be solved politically at the

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<sup>227</sup> *Id.* at 2.

<sup>228</sup> *Id.*

Political Committee. The Egyptian delegate agreed with the necessity to find a solution for the displaced persons; he confirmed that the Palestinian refugees could not live homeless forever relying on exterior help, that they had to regain their human dignity by being repatriated. But he wondered at the intervention of a representative from the Eastern bloc, reminding that it was European Jews who came from Central Europe who had arrived to the region using terrorist means, disrupting the peaceful coexistence which once existed between the Arabs and the Jews. Andraos Bey further insisted on differentiating between the humanitarian issue and politics, and requested the committee to study the question of repatriation of the refugees.<sup>229</sup>

The core of this message is that if the Palestinian self-determination and territorial integrity are questions of political disputes between nations, humanitarian issues exclude all conflicts. If Egypt, Israel and others quarrel about land property and the self determination of Palestine at the Political Committee, there was no room for quarrel at a committee finding humanitarian solutions, and solutions had to be found immediately. This political capacity of differentiating between the types of relations brings to the mind Egypt's policy regarding the questions of Spain and South Africa mentioned above.

A third proposal to which the Egyptian representative objected came from the French delegate, supported by the representative of New Zealand (who Andraos describes as having well known Zionist tendencies). The proposal was that the General Assembly add to any resolution a sentence of gratitude towards the states who participated in rescuing the refugees, in order to encourage them to keep doing so. But Adly Andraos's reaction was that this would turn the issue into a "family matter" concerning the Arabs, and only

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<sup>229</sup> *Id.* at 3-4.



aided by the others, while actually the matter concerned all of the United Nations. No reward, he said, was required for a humanitarian deed.<sup>230</sup> In other words, he told the Assembly that they should regard Palestine as an Arab question which does not concern them, that actually, the Palestinian issue was a humanitarian one, and a responsibility of all the Member States.

But Egypt did not only object to proposals, it also had its own. Andraos Bey first proposed that assistance offered to the refugees and displaced persons be distributed proportionate to the numbers in the respective camps; he explained that there were about seven thousand displaced Jews, while the Palestinians amounted to more than 700,000. It would thus be unfair to give both groups equal amounts of aid. Justice, he said, had it that no group lives under better circumstances than the other, and that there be no discrimination.<sup>231</sup>

The representative of New Zealand objected to the discrimination issue, as justice and equality are inherent in the Charter. After long debates (some of which took place outside the conference room) a compromise was reached: the Secretary-General would just have to give a written guarantee that there would be equality and justice in the distribution, without wording being added to the resolution. At this point, the delegate of the USSR strongly attacked the Egyptian proposal, saying that it reflected the greed and materialistic penchant of the Arab states, and accusing the Arabs of exaggerating the

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<sup>230</sup> *Id.* at 4.

<sup>231</sup> *Id.* at 5-6.

numbers, the Mediator's report having stated that there were 500,000 refugees, and Andraos saying they were more than 700,000.<sup>232</sup>

To this, Adly Andraos expressed his surprise at Egypt being accused of greed and materialism when it was a nation which had sacrificed for Palestine with nothing in return. He accused the USSR of adding to the dissension in Palestine in order to renew the ambitions of the Russian Tsars to reach the Mediterranean, and hence control the Middle-East. As to the number of the refugees, Andraos explained, it had increased since the report was written, and it would keep increasing by the hour, due to the terrorism and destruction perpetrated by the Zionists who were encouraged by Russia and Poland.<sup>233</sup>

Small-nation-Egypt was not there anymore, only the leader bearing the responsibility of the Palestinian refugees was. Egypt was now accusing the principal enemy of imperialism of having imperialistic ambitions itself, which might explain why Egypt chose to keep the distance with the USSR: it was a threat to its independence. In any case, Egypt succeeded, and the proposal in its compromised form was adopted. Britain, France, and the USA offered financial donations right away.<sup>234</sup>

The second proposal made by Egypt concerned the headquarters of the Director of the Palestine Refugee Relief. It had been suggested by the Secretary-General that the director would choose the place which would be most convenient for him to have his headquarters. Andraos Bey, however, felt that the headquarters would best be in a place near the region in trouble, for the director to have easier access. Although the

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<sup>232</sup> Report on the Work of the Special Committee on the Palestinian Refugees Question 6 (1948) (on file with author) (my translation).

<sup>233</sup> *Id.* at 6-7.

<sup>234</sup> *Id.* at 8-9.

representatives of the Arabs and some Latin American states supported Egypt affirming that “modern means such as the radio and airplanes do not compensate for direct contact between the doctor and his patient,”<sup>235</sup> as astonishing as it might seem, there were objections to this proposal as well. When the Greek representative offered Rhodes to be the headquarters, the delegate of the Secretary-General strongly objected, saying that it was not the director’s duty to personally handle relief; his job was to collect donations and coordinate among the volunteer organizations, and this did not require his presence in the Middle-East. The Committee was divided, the USA and Britain siding with the Secretary-General’s delegate and Belgium siding with Egypt.<sup>236</sup>

The Egyptian delegate wrote that the representative of New Zealand had asked Adly Andraos privately to withdraw his proposal in consideration of the Secretary-General’s opinion, for better cooperation in the humanitarian rescue mission. Andraos was outraged that the Secretary-General’s opinion would weigh so much at a time when relief for the Palestinians was so urgent, and he expressed his annoyance at the objections of the Secretary-General and his men to any proposal made by him or any other Arab delegate; he maintained his position and on roll call, his proposal was adopted by 20 votes to 9 with 17 abstentions.<sup>237</sup> At this point, the Secretary-General questioned the feasibility of moving the headquarters of the Director of Relief to the Middle-East for financial reasons. The issue had to be put before the General Assembly.<sup>238</sup>

Prior to the General Assembly, Mr. Trygve Lie, the Secretary-General, called on Adly Andraos and his colleague, together with the Saudi Arabian representative and the head of

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<sup>235</sup> *Id.*, at 7.

<sup>236</sup> *Id.*

<sup>237</sup> *Id.* at 7-8

<sup>238</sup> *Id.*

the Third Committee, Charles Malik. On the occasion, Adly Andraos writes, he could only say openly to Mr. Trygve Lie that the attitude of the United Nations put doubt in the minds of the Arabs, who needed to have more confidence in the organization. He insisted that the Director of Relief needed to be closer to the region in order for him to get a feel for what was happening, and for them to feel that the civilized world cared for them. The following day, delegates of some Member States offered compromised wording which was compatible with the Egyptian proposal, but which appeared to be a step coming from the Secretary-General, not imposed on him; it suggested that the Director have two headquarters, one in the region, the other where it was convenient for him, and that there would be an important official to replace him in his absence.<sup>239</sup>

The purpose of bringing all the previous discussion here is to show that Egypt had reached a point when it could intervene with enough influence to provoke unfounded objections from some members of the Assembly when its proposals conflicted with their interests. Egypt was now a *strong small nation*.

The issue of the refugees is still major until this very day. But this does not mean that Egypt failed. As a matter of fact, it is the whole world that has failed with regard to the Palestinian issue. As for Egypt, in spite of Palestine being a central question in its foreign policy, it evolved and matured, as it was repeatedly said here, from a subjected nation to one with power. It set a goal of acquiring self-determination, and held to the principle of supporting all non-self-governing nations in their struggle for independence. Again, it managed to remain impartial throughout its history at the United Nations between 1945 and 1952.

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<sup>239</sup> *Id.* at 8.

## **VII. Conclusion**

Human rights issues are many; and the self-determination of nations is far from being the least important. Egypt had a taste of being ruled by foreign powers, and the United Nations and its Charter have enabled this country to voice its opposition to colonialism, to affirm its political existence, and to stand by smaller nations to help them acquire independence and self-determination. Independence that is, from East and from West, as Egypt was sure not to side with the Eastern bloc to destabilize imperialist powers. Rather, its message was very clear that nations have the liberty to have their own policies, a sense of the sovereignty and dignity that the Charter of the United Nations offered to all the people. From drafting the Charter to going to war, Egypt did not falter: riddance from colonialist imposition it will be, and with that, the freedom to be impartial and the right to have sovereignty and self-determination not only for Egypt, but also for all the other states fallen under colonialism, like Morocco, Tunisia and so many others; or those banned from the good graces of the Great Powers, like Spain; or even nations whose territorial sovereignty was under threat, like Greece. This stand that Egypt took in support of these nations has consolidated its affiliations with the Mediterranean states, with the African states, and most of all with the Arab states, still holding Palestine at the centre of their common concerns.

It is noticeable that Egypt was rarely found discussing issues outside the scope it seems to have set for itself, namely the Arab World, Africa, and the Mediterranean. There are hardly any references to Egypt's intervention in issues concerning the territorial integrity of, for example, China or Indonesia, although Adly Andraos wrote that Egypt was among

the first nations to lend a friendly hand to Indonesia in its struggle towards independence, and recognize it as a State.<sup>240</sup>

On the other hand, it is significant that Egypt abstained from voting for the USA proposal regarding China's intervention in Korea.<sup>241</sup> This omission was Egypt's message of non-partisanship with the West, or, in other words, its neutrality – the embryo of non-alignment.<sup>242</sup> All these facts can only confirm that Egypt's main concern was to fight imperialism in order to assert independence for itself, as well as for all those who also needed it.

The fruits of Egypt's antagonism against imperialism only showed after the demise of the King; but one cannot deny that the seeds were sown several years before 1952, particularly expressed in the struggle at the meetings of the different committees as well as the General Assemblies of the United Nations, of men such as Adly Andraos and his fellow delegates. Freedom, justice, peace, neutrality, and Arab nationalism have colored Egypt's flag at the United Nations from 1945 to 1952.

And as the world order keeps evolving, the non-aligned movement was launched in 1955. African and Asian states held a conference in Bandung, Indonesia, which was attended by the Egyptian president. There, "[t]hird World leaders shared their similar problems of resisting the pressures of the major powers, maintaining their independence and opposing colonialism and neo-colonialism, specially [*sic*] western domination."<sup>243</sup> Their policy was to form a stronger resistance against the West, while keeping the

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<sup>240</sup> *Supra* note 33, at 5.

<sup>241</sup> See G.A. Res. 498 (V), Intervention of the Central People's Government of the People's Republic of China in Korea (Feb. 1, 1951). See also *General Assembly*, 5 INT'L ORG. 313, 319 (May 1951).

<sup>242</sup> *Supra* note 11, at 96. See also *supra* note 19, at 6.

<sup>243</sup> The Non-Aligned Movement: Description and History, <http://www.nam.gov.za/background/history.htm>.

distance from the Soviet bloc.<sup>244</sup> A reminder of the pre-1952 policy repeatedly emphasized in this paper.

Egypt's participation in the Bandung Conference is significant. It shows that the Revolution did not antagonize the foreign policy which was followed by the King's government. The "neutrality" started by the nationalists in the 1940's merely evolved in a new word, "non-alignment," because the non-aligned states wanted to convey the message that they were not indifferent to world affairs: they were *impartial*.<sup>245</sup>

There are two faces to Egypt, then. There is the Egypt that is constantly changing internally, from feudalism, to socialism, to capitalism... that oscillates between autocracy and democracy, the symbol of human rights. And then there is the Egypt that teases the West by winking to the East and then distances itself from the East to stay in the middle. This is also the Egypt that maintains a consistent line to preserve the principles of the Charter of the United Nations, and respect the sovereignty and self-determination of all peoples.

However, it is noteworthy that Egypt is always an important party in, and often the leader of, a bloc such as the Arab League or the non-aligned states. One cannot help wondering whether Egypt can pursue its foreign policy on its own, or whether it depends on certain coalitions to be able to pursue it. In other words how independent Egypt truly is, and whether independence from East and from West did not throw Egypt in another kind of dependence: group dependence.

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<sup>244</sup> Matthew Quest, The Lessons of the Bandung Conference, <http://www.spunk.org/texts/pubs/lr/sp001716/bandung.html>.

<sup>245</sup> Nazli Choucri, *Nonalignment of Afro-Asian States: Policy, Perception, and Behaviour*, 2 CANADIAN JOURNAL OF POLITICAL SCIENCE 1, 5 (Mar., 1969).

One also wonders whether impartiality was always the correct approach for Egypt to achieve its goals. After all, today in 2008, when many nations have acquired official independence, and human rights are knocking at all doors, one of the issues for which Egypt struggled most since the 1940's is still not resolved. For more than sixty years, the United Nations organization, and all the well-intentioned states have failed to put an end to the Palestinian problem, and to secure the rights of Palestinian people. A Kingdom was demised, four Presidents ruled the country, through war and peace, and Egypt still fights for the right to self-determination of an Arab nation.

*Today, we are far from those happy times when, at the San Francisco Conference, to cherish the Small Powers with hope, Senator Vandenberg promised them that they would be able to bring all their grievances to the General Assembly; and that the latter would be 'the town hall of the World'.<sup>246</sup>*

*Adly Andraos*

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<sup>246</sup> Adly Andraos, *De l'Intervention dans les Affaires Intérieures des Etats Souverains [On the Intervention in the Internal Affairs of Foreign States]*, REVUE EGYPTIENNE DE DROIT INTERNATIONAL 1, 21 [EGYPTIAN JOURNAL OF INTERNATIONAL LAW] (Jun., 1954) (my translation).