

## AD HOC COMMITTEE ON THE PALESTINIAN QUESTION

DRAFT RESOLUTION REFERRING CERTAIN LEGAL QUESTIONS TO THE  
INTERNATIONAL COURT OF JUSTICE

Proposal Submitted by the Delegation of Syria

## THE GENERAL ASSEMBLY

1. having considered the contentions raised by several delegations against the legality and validity of the Act of Mandate on Palestine done at London on 24 July 1922, including in its preamble and articles 2, 4, 6, 7, 11, 22, provisions for the creation of a Jewish National Home in Palestine by admitting foreign immigrants into this mandated country against the consent of the indigenous population;
2. and having considered the contentions of several delegations against the competence of the General Assembly to adopt and execute by force the plan of partition proposed by the Special Committee of Enquiry dividing Palestine into three sovereign states, namely, Arab, Jewish and City of Jerusalem, against the wishes of the Arab majority, arguing that the provisions of the Charter and the mandate itself do not enable the General Assembly to adopt any plan of partition and enforce it upon the Arabs who form the majority of the population, without their consent;
3. and having considered that the legal aspects involved in these contentions make it desirable to obtain legal opinion on them;

## RESOLVES

to request the International Court of Justice to give an advisory opinion under article 96 of the Charter and Chapter IV of the Statute of the Court on the following questions:

1. Are the terms of the Act of Mandate mentioned in paragraph 1 above consistent or not consistent with the Covenant of the League of Nations,

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especially its paragraph 4, Article 22, and with the fundamental rights of peoples and their right to self-determination and International Law?

2. Is a forcible plan of partition as mentioned above consistent with the objectives of the mandate and with the principles of the Charter and with the ultimate fate of mandated territories referred to in Chapter XIII of the Charter?

3. Does the plan of partition in its adoption and forcible execution fall within the jurisdiction of the General Assembly?

The Secretary-General is requested to put at the disposal of the Court all documents and information likely to throw light upon these questions.

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