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THE LEGAL STRUCTURE OF THE ARAB LEAGUE.

A DISSERTATION PRESENTED BY  
OMAR A. BAKHASHAB LL.B  
FOR THE DEGREE OF MASTER OF  
LAWS IN THE UNIVERSITY OF  
GLASGOW, MARCH 1979.

DEPARTMENT OF PUBLIC INTERNATIONAL LAW.

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TO THE MEMORY OF  
MY MOTHER.

CONTENTS:-

(1) Preface.....	
(2) Part One:-	
(1) Historical Background.....	1
(2) The objectives of the Arab League.....	7
(3) The Procedures of Membership.....	8
(4) The Conditions of Admission.....	9
(a) First condition.....	9
(b) Second condition.....	13
(5) Voting Procedures.....	16
(6) The Termination of the Membership.....	17
(7) Expulsion.....	18
(8) Suspension.....	18
(9) The Council of the League.....	20
(10) Functions and Powers of the League Council.	21
(11) The Voting Procedures in the Council.....	24
(12) The Technical Committees.....	25
(13) The Council of the Heads of Arab states....	27
(14) The Legal Implications of the Council of the Heads of Arab States.....	28
(15) The Permanent Secretariat.....	29
(16) Staff Policies.....	30
(17) Recruitment of Personnel.....	30
(18) Secretariat functions.....	31
(19) Budget and Financial contribution.....	33
(20) The Secretary-General	
(a) The Role of the Secretary-General under Specific Provisions.....	34
(b) Internal functions.....	36
(c) External functions.....	37

(3) Part two:-

(1) Economic Integration.....	39
(2) Social and Cultural Integration.....	47
(3) Scientific and Technical Integration.....	53
(4) Regional Arrangement.....	58
(5) The 1950 Arab Collective Security Pact.....	61
(6) Settlement of Disputes.....	68
(7) Mediation, Conciliation and Good Offices...	69
(8) Arbitration.....	71
(9) Fact-finding.....	72
(10) The Palestine Problem and the Arab-Israeli conflict.....	73
(11) The Lebanese Civil War.....	80
(12) The Western Sahara Problem.....	84
(13) External Policy:-	
(a) The Arab Independence Movement.....	89
(b) Co-operation with the U.N.....	91
(c) Afro-Asian Solidarity.....	92
(d) Non-Alignment Policy.....	93
(e) Arab Boycott.....	93
(14) Internal Policy:-	
(a) Rivalry for Leadership of the Arab League .....	96
(b) The Decision-Making Process.....	98
(c) The Policy-Making Process.....	99

(4) Part Three:-

(1) Co-operation with the U.N.....	101
(2) The Arab League Member States at the U.N.....	104
(3) The U.N. and the Arab League.....	108
(4) The Arab League and the U.N. Specialised Agencies.....	110
(5) Co-operation with the UNESCO.....	111
(6) Co-operation with the FAO.....	111

(4) Part three:-

(7) Co-operation with the ILO.....	113
(8) Co-operation with the WHO.....	113
(9) Co-operation with the OAU.....	116
(10) Co-operation with the EEC.....	122
(5) Conclusion.....	125
(6) Bibliography.....	132



## PREFACE:-

This research focused on the Legal Structure of the Arab League, dealt with some of the institutional aspects of this regional organisation and assessed its achievements and failures in the light of both its objectives as they are formulated in its constituent instrument and the existing reality of the divers ideological, political and economic policies of its member states.

It is profoundly hoped that this research will be of interest to international lawyers, historians and political scientists, and will generally contribute to a better understanding of the field of the Law of International Institutions. This dissertation constitutes the second requirement for the degree of LL.M. in Public International Law at the University of Glasgow. The first requirement for obtaining this degree comprises of a course in the following subjects:-

- (1) The Law of International Institutions;
- (2) The International Law or the Sea;
- (3) Maritime Law;

in all of which one must satisfy the examiners at a level, at least equivalent, to a second grade honours degree, before being allowed to proceed to submit a dissertation in satisfaction of the above mentioned second requirement.

The method adopted in dealing with this study, was divided into four main parts:-

(1) Part One dealing with the historical background to the establishment of the Arab League, provides some description and analysis for the handling of its objectives, categories, qualification, criteria, and procedures of membership as well as withdrawal, suspension, and expulsion of member states as well as its internal structure and organs.

(2) Part two is devoted to the study of the function of the Arab League in the economic, the social, the cultural, the scientific, the technical, the military, and the political spheres, as well as the machinery and procedures adopted for the settlement of disputes between its member states. The Lebanese Civil War and the Problem of the Western Sahara are considered as examples of inter-member disputes, and the Palestine Problem as well as the various aspects of the Arab-Israeli conflict are briefly analysed. New developments that have taken place, and the role of the Arab League as a regional system reaching to external threats, rather than its role as an institution for the peaceful settlement of internal disputes are discussed.

(3) Part three deals with the relationship between the Arab League and other international and regional organisation. More specifically, however, it analyses the relationship with the United Nations, the U.N. Specialised Agencies, the Organisation of African Unity, and the European Economic Community.

(4) Part four examines and assesses the success, and failure of the Arab League as well as its possible future role.

In preparation of this study, I wish to express my sincere gratitude and appreciation to my Supervisor, Mr. John P. Grant, of Glasgow University, for his helpful guidance, and inspiring suggestions throughout my course in the Law of International Institutions, and International Law of the Sea, and during my research on this subject. I also owe a debt of gratitude and appreciation to Mrs. A.M. McLean, Mr. L.W.D. Aitcheson and Mr. R. Sutherland of Glasgow University, for their assistance and guidance throughout my course in Maritime Law.

I am deeply beholden to my close friend, A. Sirton, for criticism, suggestions and patient reading of my manuscript.

He offered me innumerable valuable comments on contents, structure and style.

None of them, however, is responsible for any errors contained in this work for which I take sole responsibility.

I also owe a very special debt of gratitude to my wife Laila and my daughter Magdalene, special thanks for their patience and encouragement throughout my study.

I owe thanks to the Staff of Glasgow University Library for their assistance and co-operation. I am grateful to Mrs. A. Black who kindly typed the manuscript.

Finally, I should like to acknowledge the intellectual debt I owe to my maternal grandmother who above all, taught me at an early age to learn from my social environment.

In the conclusion of this preface, I must emphasise that the opinions and views expressed in this study are entirely my own, and should not necessarily be taken to represent the views of the Arab League or those of the persons, and institutions to whom tribute has been paid.

Glasgow - March 1979.

Omar A. Bakhashab.

## INTRODUCTION.

### HISTORICAL BACKGROUND:-

Nationalism developed rapidly in the Arab World in the 19th Century having gained its initial impact, undoubtedly, from contacts with Europe. The first movement was started by Muhammed Ali's opposition to Turkish authority, and separated Egypt from the Ottoman Empire. While Muhammed Ali's movement was more an ambitious personal dream of establishing an Arabian Empire, encompassing the whole Arab World, than a national movement, it actually met active opposition, particularly in the Levant, Iraq and Arabian Peninsula, thus stoking additional national fires.<sup>(1)</sup>

Simultaneously, the Wahhabite movement developed, spreading through the Central Arabian Peninsula, having as its aim to restore the Arabs to Islamic purity. This movement was, however, temporarily blocked by Turko-Egyptian action under Muhammed Ali's direction in 1818.

The imposition of a constitution on the Ottoman Empire in 1908 raised Arab hopes of a new era of freedom, but unfortunately, it was not long, before they realised that as long as they remained part of the Ottoman Empire they had few chances of gaining freedom and development. Due to the character of Ottoman rule, Arab nationalism had to resort to secret societies to spread its ideals throughout the Arab World. The object of these societies was to work together for Arab independence, and the liberation of the Arab countries from the Turkish, and all other kind of foreign domination.

(1) Seton - William M.V. Britain and the Arab States, Luzac and Company Ltd., London, 1948. p.16.

A Pan-Arab Congress was held in Paris in 1913, at which demands for full rights for the Arabs were voiced, but despite the obvious disintegration of the Ottoman administration, the Arab cause made no substantial progress.<sup>(2)</sup>

For the most part, the Turks ruthlessly put down any sign of incipient Arab nationalism, generally by deportations and executions. It was this harsh policy that drove the Arabs to revolt against Turkish authority. Early in 1914 Sharif Hussein of Mecca approached the British High Commissioner in Egypt to find out the British attitude toward an Arab revolt against the Turks. At that time, however, British policy was based on preserving the Ottoman Empire as a barrier against Russian expansion. This traditional British policy was subsequently abandoned in consequence of Turkey's entry into the War on the German side.<sup>(3)</sup>

Under these circumstances, the correspondence between Sharif Hussein of Mecca and Sir Henry MacMahon, the British High Commissioner in Cairo was re-opened, and the British Government promised the Arabs support in their struggle for unity and independence.<sup>(4)</sup>

By the end of the First World War, Arab aspirations for unification into one nation, were expressed in a memorandum submitted to the Peace Conference in Paris, by Amir Faisal, the Sharif's son, which defined the Arabs as those people of semitic stock, speaking Arabic.<sup>(5)</sup>

(2) Seton-William M.V. Op.cit. pp.12-15.

(3) Bullard Reader, the Middle East, Oxford University Press, London, 1958. p.12.

(4) Goma-a Ahamed M. The Foundation of the League of Arab States, Longman Groups Ltd., London 1977, p.3.

(5) Goma-a Ahamed M. Op.cit. p.5.

The Peace Conference decided that the Arab provinces of the Ottoman Empire, would be wholly separated from Turkey and temporarily placed under mandatory administration of Britain and France, entrusted to lead them toward complete independence, subject to the implementation of the Balfour Declaration.<sup>(6)</sup>

Following the War, Great Britain was confronted by its various conflicting pledges which led to confusing situations in the Arab World;

- (1) First, there was the Hussein-MacMahon agreement by which the British Government promised the Arabs to support their struggle for unity and independence;
- (2) Second, there was the Balfour Declaration by which the British Government promised the Jews to establish a National Home for them in Palestine;
- (3) Third, there was the Mandates System under which the Peace Conference decided to place the Arab countries, which was a far cry from complete independence;
- (4) Finally, there was the 1920 San Remo agreement which allocated the mandate over Syria and Lebanon to France and Palestine, Iraq and Trans-Jordan to Great Britain.<sup>(7)</sup>

As a result, the Arabs rose in revolt against Britain and France for breaking their promises to Arab nationalism whose main object was to re-unify the Arab countries under an independent political regime. In consequence of the San Remo settlement the Arab independence movement regrouped, adapting itself to the conditions prevailing in the different territories. Thus it emerged that Arabia withdrew into relative isolation and independence; Iraq found itself semi-independent under British tutelage;

(6) Bullard Reader Op.cit. pp.12-16..

(7) Khadduri M. the Arab League as a Regional Arrangement A.J.I.L. Volume 40, 1946. pp.761-766.

Syria and Lebanon were under indirect French rule and Palestine was under direct British rule, with a Jewish National Home within its frontiers. As has already been mentioned, Egypt had been detached from the Ottoman Empire in the 19th Century, and had developed first under Muhammed Ali, and subsequently under British occupation. Thus the emergence of separate Arab independence movements in the various territories accentuated the latent tendencies toward disunity.<sup>(8)</sup>

The Arab territories placed under the Mandates System were definitely dissatisfied with the political status imposed upon them, and it was natural in the circumstances, to concentrate on the immediate goal of independence as a first step toward unity.<sup>(9)</sup>

The political progress made by some mandated territories and the need to conciliate Arab opinion forced Britain to grant independence to Iraq in 1932 and to Egypt in 1936.<sup>(10)</sup>

The outbreak of the Second World War, the establishment of a British Command for the Middle East in Cairo, and the need for Britain to conciliate Arab opinion, embittered by developments in Palestine gave renewed advantages to the endeavours for Arab unity.<sup>(11)</sup>

In a speech delivered by Mr. Anthony Eden, the Foreign Secretary, in May 1941 at the House of Commons, he said that "...the British Government would give support to any scheme that commanded general approval among Arabs for strengthening the cultural, economic, and political ties between the Arab countries."<sup>(12)</sup>

(8) Latham Edward, *Crisis in the Middle East*, the A.W. Wilson Company, New York 1952, p.155.

(9) Goma-a Ahamed M. *Op.cit.* p.5.

(10) Bullard Reader *Op.cit.* p.20.

(11) Latham Edward, *Op. cit.* p.157.

(12) *Ibid Op.cit.* p.25.

Under these circumstances, Nuri-es-Said Pasha Prime Minister of Iraq put forward in 1942, a scheme for the unification of Syria, Lebanon, Trans-Jordan and Palestine, with semi-autonomy for the Jews in Palestine, which would be linked with Iraq by a federal agreement, the whole constituting a Fertile Crescent Union.<sup>(13)</sup> This plan was rejected as a matter of course, mainly because of Egyptian fears that the rise of a large, united state in Northern Arabia would threaten her position of pre-eminence, while Saudi Arabia was definitely opposed to any kind of unification under the aegis of the rival Hashemite family. Furthermore, Syria and Lebanon preferred to maintain their republican oligarchy rather than submerge themselves into a larger Kingdom.

Subsequently Mr. Eden re-iterated British support for a plan of Arab unity, but added that any initiative would have to come from the Arabs themselves.<sup>(14)</sup>

The initiative for such a scheme of Arab unity came eventually, from the Egyptians, whose Prime Minister Nahas Pasha presented tentative proposals for an organisation of Arab unity to the Egyptian Parliament in 1943.<sup>(15)</sup> It would appear that Nahas Pasha was motivated by the consideration that an Egyptian dominated kind of Arab Union might aid Egypt in achieving its national aspirations.

Subsequently, Nahas Pasha held a number of bilateral consultations with high level representatives of the governments of each of the sovereign Arab states in Cairo, to call attention to his concept of a loose League of sovereign Arab states. Nevertheless some Arab states were very reluctant to commit themselves to any scheme of Arab unity.<sup>(16)</sup> At any event, the seven sovereign Arab

(13) Bullard Reader Op.cit. p.25.

(14) Lenczowski George, The Middle East in World Affairs, Cornell University Press, New York, 1962, p.633.

(15) Khadduri M. Op.cit. pp.756-761.

(16) Lenczowski George Op.cit. pp.633-637.



States<sup>(17)</sup> signed a protocol in Alexandria on October 7th, 1944 at which they undertook to establish an Arab League in the near future.<sup>(18)</sup>

Subsequently, when the Arab League came into being on the conclusion of the Pact in Cairo, on March 22nd, 1945, it became however clear, that the League was an even looser association than had been contemplated in Alexandria. The Pact laid great stress on the sovereignty of individual member States as a direct result of their reluctance to commit themselves to any scheme of Arab unity. Nevertheless the Pact provided for machinery composed of a Council, introduced the principle of unanimity, the requirement of voluntary co-operation and consultation.<sup>(19)</sup>

(17) Egypt, Iraq, Saudi Arabia, Syria, Kingdom of Yemen, Lebanon and Trans-Jordan.

(18) The Alexandria Protocol, Published by the Arab League, Cairo N.D. p.l.

(19) Lenczowski George Op.cit. pp.637-638.

## THE OBJECTIVES OF THE ARAB LEAGUE:--

The objectives of the Arab League as stated in the preamble of the Alexandria Protocol introduced the conditions which were to bind all Arab countries and direct them to strive toward the welfare of the Arab world, to improve its conditions, ensure its future and realize its hopes and aspirations. The objectives of the Arab League were also to include the supervision of the implementation of the agreements concluded between member States, the holding of periodic meetings with the intent of strengthening the relations between those States, to co-ordinate their political plans so as to ensure their co-operation and to protect their independence and sovereignty against any aggression, with all suitable means, and to supervise in a general way the affairs and interests of the Arab countries.

The Pact of the Arab League stressed Arab unity and created a regional, political organisation aimed to foster co-operation between the member States.<sup>(1)</sup> Article 2 of the Pact defines the Arab League's purposes as the strengthening of the relation between the member States, the co-operation between them and the safeguarding of their political independence, sovereignty, territorial integrity and a general concern with the affairs and interest of the Arab countries.<sup>(2)</sup> The Pact emphasises specifically economic and financial affairs, commercial exchange, customs, currency, agricultural, industrial, communications and cultural matters, questions of nationality and social and health affairs.

- (1) Hassouna H. The League of the Arab States and Regional Disputes, Unpublished PH.D. Dissertation, Cambridge Univ. 1969 p.3.
- (2) Lenczowski G., The Middle East in World Affairs Cornell Univ. Press, third edition, New York 1962 pp.637-638.

## THE PROCEDURES OF MEMBERSHIP:-

Article 1 of the Pact provides that the League of Arab States is composed of the independent Arab States which have signed this Pact. "Any independent Arab State has the right to become a member of the Arab League if it desires to do so."<sup>(3)</sup> Thus membership in the Arab League is obviously open to independent Arab States and such States have the right to become members of the League of Arab States.<sup>(4)</sup> There are two kinds of membership, original members and admitted members. The original members, as stated in Article 1 of the Pact of the Arab League, are the signatories of the Alexandria Protocol and of the Pact.

In accordance with Article 1 subsequent members are those of the Arab States which were admitted to membership of the Arab League after obtaining their political independence and after fulfilling the requirements laid down in the Article, thus obtaining the right to become members of the Arab League.

Any independent Arab State seeking admission to membership of the League can submit a request which shall be deposited with the Permanent Secretariat General, who shall submit it to the League Council at its next meeting.<sup>(5)</sup>

In conformity with Article 1 thirteen Arab States have joined the Pact of the Arab League.<sup>(6)</sup>

(3) The Pact of the Arab League, Article 1.

(4) Hassouna H. op.cit., p.8.

(5) Moussa Ahmad, En Marge du Membership dans la Ligue Arabe (en arabe): societe Egyptienne du Droit International, Volume 11, 1970. pp.57-73 (Arabic text)

(6) Sudan 19.1.1956. Libya 28.3.1953, Tunis 1.10.1958, Morocco 1.10.1958, Kuwait 20.7.1961, Algeria 16.8.1962, Southern Yemen 12.12.1967, Oman and Mascot 29.9.1971, Bahrain 11.1.1971, Qatar 11.9.1971, United Arab Emerites 6.12.1971, Somalia 14.2.1974, Moritania 26.11.1973 and Dijabouti 1977.

## THE CONDITIONS OF ADMISSION:-

Article 1 of the Pact requires that the League of Arab States consist only of independent Arab States, the States which signed the Pact and any independent Arab State willing to join. In principle such a State has the right to become a member of the Arab League.<sup>(7)</sup>

Basically, the membership in the Arab League is subject to the simultaneous satisfaction of two conditions which shall be discussed separately, namely that:-

- (1) it must be an Arab State,
- (2) it must be an independent State.

The competence of the Council of the Arab League concerning admission is limited to the verification of the satisfaction of the two conditions whereafter it is mandatory on the Council to decide to admit such a State.

Discussion of the first condition, i.e. of what constitutes Arabism, requires a brief historical review.

The Arabian Peninsula nursed the Semitic Family, those peoples who later migrated into the Fertile Crescent and subsequently became the Babylonians, the Assyrians, the Phoenicians and the Hebrews. In medieval times Arabia gave birth to people who conquered most of the civilized world, and to the religion of Islam, which still claims, the adherence of some four hundred and thirty million people, representing nearly all the races and many different countries. Within a few centuries these people became the masters of an empire extending from the shores of the Atlantic Ocean to the borders of China. It was not only an empire that the Arabs built, but a culture as well. The Arabic language today is the medium of daily expression for some one hundred and fifty million peoples.<sup>(8)</sup>

(7) Abdul-Hamid Sami Muhammed. International Regional Organisations, Alexandria University Press, Alexandria, Egypt. 1971. p.360 (Arabic text)

(8) Hitti P.K. The History of the Arabs, MacMillan & Co., Ltd. London, 1964. p.3.

Originally the Arabs were a nomadic people inhabiting the Arabian Peninsula. The present day Saudis, Yemenis, Kuwaitis are the descendants of the original inhabitants of the Arab heartland. In its most significant and common use today the word Arab designates a culture group which encompasses all the peoples of the Arab World, and all that part of the Middle East and North Africa, in addition of course to Arabia itself, which was permanently arabized by the Muslim-Arab conquests of the seventh and eighth centuries. The process of arabization was accomplished in three principal ways:-

- (1) Racial mixing by intermarriage between the Arab Conquerors and the original occupants.
- (2) The establishment of Arabic Language in all the conquered countries.
- (3) The conversion of the vast majority of the population to Islam.

The Arab World as a bloc of Arabic speaking communities stretching continuously from the Arabian Gulf to the Atlantic in the West, from Aleppo in the North to beyond Khartoum in the South, regard themselves as Arabs. They include the inhabitants of the Arabian Gulf principalities, the Iraqi, the Yemenis, the Saudi Arabians, the Syrians, the Lebanese, the Palestinians, Jordanians, the Egyptians, the North Sudanese, the Libyans, the Tunisians, the Algerians, and the Moroccans and Moritanians.<sup>(9)</sup>

The word Arab is used here in a sense which may seem to be comprehensive since it includes regardless of different origin, colour and descent all those who choose to be or feel themselves to be Arabs.<sup>(10)</sup> The Arabic

(9) Atiyah E. The Arabs. Penguin Books Ltd., Harmondsworth London 1955. pp.7-14.

(10) Berque J. The Arabs. Faber & Faber, London, 1964. p.17.

speaking peoples have significant characteristics that express their identity, a culture drawn from the Islamic religion, a social and political system based on tolerance, freedom, democracy and the justice of Islam. Whilst we can say that there is no pure Arab race, such as existed in the pagan, pre-islamic community, but then there is no pure race on earth, due to mixing as a result of wars, invasions, immigrations, adventure and trade.

There is the Arab whose quantities form a political community as a result of his way of life, including particularly the relation between husband and wife, father and family. There is also the Arabic language as a means of communications. To be an Arab is not confined to the Bedouin who lived in the desert of the Arabian Peninsula, for the Arab went with his doctrines to the neighbouring lands and introduced himself to them through his civilization and freedom, and the peoples in the neighbouring land attached themselves to these after their years of suffering from tyranny and bondage, inflicted by the ancient empires.

The Arabic language is an efficient means of communication among Arabs, and as such it facilitates social solidarity and collaboration which can be seen in the habit of insisting on living within a community in which the citizens feel safe and peaceful.

Thus by the term Arab civilization is meant the social system in Islam and usage of the Arab language as a medium of communication in the Arab community governing it and defending its interests.

Extending beyond the Arab peoples there are the Islamic Nations which consist of a number of peoples who have adopted Islam and the Islamic social system while keeping their local folklore and language, such as the Moslems of India, China, Iran, Pakistan etc.

The Arab population has constituted itself into a number of States which have their specific customs, but they all submit to one social system and have an apparent desire to co-exist with one another. This phenomenon is clear enough in the co-operation of about 150 million Arabs in initiating, the Arab League by the end of the Second World War. The League combines the Arab States and peoples who meet together to discuss their problems and to draw up optional plans for military, political, economic, cultural and social co-operation.<sup>(11)</sup>

It would appear that adherence to the Arab community depends largely on the feeling and desires of the population of a given State. Such is the case of Somalia, which considers itself an Arab State, even though its people do not speak Arabic. In a move to straighten this problem Somalia declared Arabic as one of the official languages of the State. There thus co-exists Somali using the Latin script, and Arabic with its own alphabet and it is one of the League's endeavours to foster the adaptation and adoption of the script in order to promote the intellectual unity of the various Arab countries by means of education, culture and science.

The delay in admitting Mauretania to membership of the Arab League had nothing to do with Arabism, but was caused by the Moroccan opposition to the admission, because Morocco considered Mauretania a part of the Kingdom of Morocco, whilst admitting that Mauretania is a part of the Arab World. In consequence of settling the outstanding dispute between the two neighbouring states, Morocco recognised Mauretanian sovereignty as an independent Arab State. In the light of this settlement Mauretania was admitted to membership of the Arab League on 26th November, 1973.

(11) Dr. El-Emary Ahmed Saleem, The Essence of the Arab peoples and the Arab League, The Egyptian Political Science Review, Special Issue on the Arab League, Cairo - March 1972. pp.15-22.

The Second Condition "It must be an independent Arab State". Here the operative term is 'independent'. Under International Law, the concept of independence and sovereignty is a major feature in relation to other States and to international organisations of States. The principle of independence of States includes:-

- (1) Exclusive jurisdiction over a territory and the permanent population living there.
- (2) The duty of non-intervention in the area of exclusive jurisdiction of other (sovereign and independent) States.
- (3) Compliance with obligations arising from International customary law, e.g. treaties, conventions, agreements etc.<sup>(12)</sup>

The concept of independence therefore that a State has sovereignty over its territory and sovereignty is generally taken as comprising dominium, the ownership of land and imperium, the exercise of governmental power.<sup>(13)</sup>

Article 1 of the Pact of the Arab League provides that the League of Arab States is composed of the independent Arab States which have signed this Pact. Furthermore Article 1 provides that membership is open to all independent Arab States. As was mentioned above the original signatories of the Pact constituting the Arab League were Egypt, Trans-Jordan, Syria, Lebanon, Iraq, Saudi Arabia and Yemen. Other Arab States could join it on attainment of formal independence, where they shall submit a request which shall be deposited with the Permanent Secretariat General and submitted to the Council at the first meeting held after submission of the request.

(12) Brownlie I. Principles of International Law, Clarendon Press, Oxford, 1973. pp.280-281.

(13) Grant J.P. Oil and Gas Law. University of Dundee, 1975. p. A-201.



It is to be noted, however, that some of the original members were independent in name only, and in the case of Trans-Jordan not independent at all, being legally still a Mandate. The independence of Syria and Lebanon had been recognised by the U.N. including France the former mandatory power. Moreover, Syria and Lebanon signed the U.N. Declaration of January 1st, 1942 and the U.N. Charter of June 26th, 1945 and were represented in this World Organisation.

The case of Palestine and Trans-Jordan was treated differently. Both Palestine and Trans-Jordan were considered as one territory under the Mandates System, and Great Britain the mandatory power was responsible for the administration to the League of Nations or to the U.N. in accordance with Article 77 of the U.N. Charter. ~~Both they~~ <sup>They both</sup>, therefore, lacked full independence, one of the conditions of membership in the Arab League. Palestine was not a signatory to the Arab Pact and is not a member of the Arab League. Its representatives attended the Alexandria conference only as observers, but declared that Palestine was a trust of the Arab countries. Trans-Jordan under the Mandatory System could in effect be declared a trust territory under Article 77 of the U.N. Charter, thus lacking formal independence as required by the Arab League Pact, but since the Arab countries had never recognised the Mandates System it was decided accordingly to regard Trans-Jordan as an independent Arab State.<sup>(14)</sup>

In connection with the Kuwaiti situation, the latter gained its independence in accordance with the 1961 agreement reached between Great Britain and Kuwait. Under this treaty Kuwait took over its own defence and

(14) Khadduri Majid. The Arab League as a Regional Arrangement, American Journal of International Law, Volume 40, 1946. pp.766-768.

the conduct of its foreign affairs. The agreement further stipulated British assistance to Kuwait at the request of the latter. Within a week of the declaration of independence Iraq's President Abd-Al-Karim Qasim claimed Kuwait as a part of the Province of Basrah. Qasim claimed preference for the use of peaceful means, but he threatened to use armed force to gain his ends. Kuwait called for Arab support but got cautious answers from all Arab States, except Saudi Arabia, who at once sent their Chief of Staff to Kuwait. In the light of the cautious response of all Arab States, the Ruler of Kuwait called for British assistance in accordance with the 1961 agreement of mutual co-operation and assistance. As a result British troops landed in Kuwait and deployed along the Kuwaiti-Iraqi frontier.<sup>(15)</sup>

On 5th June 1961 the League Council met to discuss Kuwait's request to adhere to the League Pact as a member of the Arab League. The Council decided to admit Kuwait in spite of Iraqi opposition.<sup>(16)</sup> In the voting on the admission of Kuwait, the Council did not count the Iraqi vote in accordance with the provisions of Article 6 (2) of the Pact which states that the Council shall by unanimous decision determine the measures necessary to repulse the aggression and if the aggressor is a member State, the vote of this member State shall not be counted in determining unanimity. The admission of a new Arab State to membership of the Arab League shall be determined in accordance with Article 7 of the Pact. That means the voting procedures for the Council makes unanimity the general rule. In connection with the League Council competence regarding admission of a newly independent Arab State, such competence is limited to the verification

(15) Monroe Elizabeth, Kuwait and Aden a contrast in British Policies, The Middle East Journal, Volume 18, 1964, pp.63-67.

(16) Moassa Ahmed, Op.cit. pp.57-73.

that the two mentioned conditions are satisfied.

It is to be noted that the Iraqi representative boycotted the meeting of the League Council. In a move to break the deadlock caused by the Iraqi boycott of the meeting of the League Council, the latter adopted a procedure similar to the procedure that was adopted by the U.N. Security Council in connection with the Korean situation.<sup>(17)</sup>

#### VOTING PROCEDURES:-

Article 1 (2) of the Pact of the Arab League provides that any independent Arab State has the right to become a member of the League. If it desires to do so, it shall submit a request which will be deposited with the Permanent Secretariat General and submitted to the Council at the first meeting held after submission of the request. The decision of the League Council regarding the admission to the membership of the League shall be taken by unanimous vote of all member States of the League of the Arab States.

The customary rule of abstention which originated in the procedure of the U.N. Security Council has been taken over in the procedure of the League Council. Thus while a decision of the League Council regarding the admission of a new independent Arab state, shall be taken by unanimous vote, abstention of a member State is considered a voluntary

(17) U.N. forces had been established in Korea by the Resolution of the Security Council of June 25th and 27th, 1950, under the Uniting for Peace Resolutions, which were adopted by the U.N. Security Council, during the absence of Mr. Malik, the Russian representative. The two resolutions were opposed by Soviet Union as being in breach of Article 27 (3) which requires the concurring votes of the Permanent Members of the Security Council.

act not constituting a ban to the adoption of the decision.<sup>(18)</sup> For instance, Saudi Arabia abstained in the voting on the admission of Southern Yemen and the latter was admitted in spite of non-recognition of this Republic by Saudi Arabia. Nonetheless, the Palestine Liberation Organisation which is not a sovereign, has full membership owing to the special situation and therefore its representatives participate in any meeting at any level. On the other hand non-independent Arab States had been admitted with observer status. Moreover, representatives of non-member Arab countries had only been allowed to take part in the work of the technical committees.

#### THE TERMINATION OF THE MEMBERSHIP:-

Article 18 of the Pact provides that if a member State intends to withdraw from the League, it shall inform the Council of its intention one year before such withdrawal shall take effect. The withdrawal from international organisation is the faculty of any sovereign State, in accordance with the customary rule of International Law relating to membership in international organisations consisting of sovereign states.

Article 18 (2) of the Pact provides further that the Council of the League may consider any State which fails to fulfil its obligations under the Pact as having become separated from the League, in conformity with the provisions of this Article. The Council shall adopt a unanimous decision of all members to this effect not counting the vote of the State concerned.

If a member State loses its international personality in consequence of incorporating into another member State

(18) Greig D.W., International Law, Butterworths, London 1976, pp.709-711.

of the Arab League, that member State shall loose its membership e.g. both Syria and Egypt, during the union from 1958 to 1961, lost their membership and the United Arab Republic took the seat of those two States.<sup>(19)</sup>

As mentioned above the withdrawal from the League of the Arab State is voluntary and takes effect one year after the notification of intent has been deposited with the Council of the League. A member State may withdraw without due notification if it objects to an amendment to the Pact passed by a two-thirds majority of the member States.<sup>(20)</sup>

#### EXPULSION:-

Article 18 (2) of the Pact provides that the League Council may consider any member State which fails to fulfil its obligations under the Pact as having broken away from the League. In conformity with the provisions of Article 18 expulsion of such a State also requires a unanimous decision of the Council of all member States of the League without counting the vote of the concerned State.<sup>(21)</sup>

#### SUSPENSION:-

There is no express provision in the Pact of the Arab League on suspension of a member State. Nevertheless it would appear implicit that the League Council may adopt measures against any member State that violates its obligations under the Pact toward the League or any member State. That may involve loss of the right to the privileges and immunities of membership. Therefore

(19) Abdul-Hamid Sami, Muhammed, Op.Cit., pp.360-362.

(20) Khadduri Majid, Op.Cit., p.767.

(21) Abdul Hamid Sami Muhammed, Op.Cit. p.361.

it will involve the deprivation of a member's representation as well as his vote in any organs of the League. The suspension shall be effected by unanimous decision of the League Council.<sup>(22)</sup>

In accordance with Article 6 (2) of the Pact the Council shall by unanimous decision determine the measures necessary to repulse the aggression and if the aggressor is a member State his vote shall not be counted in determining unanimity.

On the other hand there are recent examples showing that the lack of clear cut provisions may give rise to difficulties within the League.

On the 24th June 1978 the President of North Yemen was assassinated in his official residence in Sana'a. The government of North Yemen accused the government of Southern Yemen of having engineered the assassination and requested an emergency meeting at the League Headquarters in Cairo. Most member States acceded to the request and their Foreign Ministers met at an emergency session. The session was however, boycotted by Syria, Iraq, Libya and Algeria in addition to Southern Yemen. At the emergency meeting the representatives of North Yemen presented documentations incriminating the Aden government, and the meeting decided, on the basis of the evidence presented, to take economic and political measures against Southern Yemen. In order however to prevent a confrontation within the League, the implementation of the decision was declared discretionary and optional.<sup>(23)</sup>

(22) Alghamry Talat Muhammed, The United Nations and the Specialised Agencies, Atlas Press Cairo, Volume 2, 1974. pp.1016-1018.

(23) Saudi Gazette, No.675, Sunday July 2nd, 1978.

## THE INTERNAL STRUCTURE OF THE ARAB LEAGUE.

### THE COUNCIL OF THE LEAGUE:-

Article 3 of the Pact provides that the League shall possess a Council composed of the representatives of all member States of the League. Each State shall have a single vote, irrespective of the number of its representatives. The Pact does not specify the number of representatives that shall be sent nor does it determine the rank of their appointment in their respective countries. The Council as the supreme organ is entrusted to choose an Arab representative from Palestine having the right to attend the meeting, deliberations of the Council and to participate in the discussion without a vote. The Council meets in ordinary session twice a year, but may be convened in emergency session at the request of two members.<sup>(24)</sup>

The Council shall be convened in Cairo, where the Headquarters of the League are situated; it may, however, assemble at any other place it may designate, within its jurisdiction (Act 10).

According to Article 11 of the internal Regulations of the League, the meeting of the League Council shall be considered legal if the majority of member states of the Arab League attended such a meeting.<sup>(25)</sup>

Article 15 of the Pact provides that the first meeting shall be convened at the invitation of the Head of the Egyptian Government. Thereafter it shall be convened at the invitation of the Secretary-General. The representatives of the member States of the League shall alternately assume the Presidency of the Council at each of its ordinary sessions.

(24) Hassouna H. Op.Cit. p.6.

(25) Abdul Hamid Sami Muhammed, Op.Cit. p.369.

## FUNCTION AND POWERS OF THE LEAGUE COUNCIL:-

The purposes of the Arab League as stated in the Pact are to realize the common interests and aspirations of its member States, to promote closer collaboration among them and to safeguard their independence and sovereignty. Since at the time of the foundation of the League a number of Arab countries had not yet won their independence and were not eligible for membership, the League extended its scope of interests to consider in a general way the affairs and interest of those Arab countries. The Council shall mediate in any dispute which may lead to a war between two member States or between a member State and another State in order to conciliate them. Decisions relating to arbitration and mediation shall be taken by a majority vote.<sup>(26)</sup> In case of aggression or a threat of aggression, the member States may request an immediate meeting of the League Council, which shall decide by a unanimous vote upon the measures to be taken against the aggressor. If that aggressor were a member State of the League, the vote of such a state shall not be considered in determining the unanimity required in voting upon such a matter.<sup>(27)</sup>

The Council of the League is entrusted to carry out the objectives of the League regarding the strengthening of relations between its member States, co-ordination of their policies in order to achieve co-operation between them and to safeguard their independence and sovereignty and in a general way concern itself with the affairs and interests of the Arab countries and to promote closer co-operation on the following matters:-

(26) Khadduri Majid Op.Cit. pp.766-769.

(27) Article 6 of the Pact of the Arab League.



- (a) Economic, financial affairs, including commercial relations, customs, currency, questions of agriculture and industry.
- (b) Communications, this includes railroads, road, aviation, navigation, telegraphs and posts.
- (c) Cultural affairs.
- (d) Nationality, passport, visas.

The Council's task is also to decide upon the means through which the League is to co-operate with International Organisations to be established in future, concerned with the maintenance of International Peace and Security and economic development, in order to co-ordinate, the policies of its member States towards such International Institutions.

According to the Pact of the League the scope of competence of the League Council also includes the following matters:-

- (1) The supervision of what is achieved to carry out the League's objectives.
- (2) The implementation of any agreements concluded by the member States regarding matters within the jurisdiction of the League. Within this competence, the Council has the power to set up Special Committees for determining the extent of co-operation, and to formulate, the terms of rules of any agreement to be submitted to the Council. (28)

(28) Abul-Futuh Hamed Auda, the Arab League System Egyptian Political Science Review, Special Issue on the Arab League, Cairo, 1972, pp.111-114.

- (3) The execution of judgments and extradition of criminals.
- (4) Social affairs.
- (5) Health problems.
- (6) The Council shall mediate all differences which may threaten to lead to war between member States or a third State with a view to conciliation.<sup>(29)</sup>
- (7) The League Council shall appoint the Secretary General by a two-thirds majority of the member States of the League. The Secretary General with the approval of the Council shall appoint the Assistant Secretaries General and the high ranking officials of the League.
- (8) The Council shall approve the annual budget of the League before the beginning of each fiscal year for which the Secretary-General has to prepare the draft of each budget. The Council has the power to apportion the share of the expenses to be borne by each member State of the League.
- (9) The Council of the League has to establish administrative regulations for the functioning of the Secretariat-General, matters relating to the staff and the adjournment of sessions.

(29) Article 3 (3), 5, 6, 12, 13 and 16 of the Pact of the Arab League.

### THE VOTING PROCEDURES IN THE COUNCIL:-

The League Council is the supreme organs of the League of Arab States and is composed of representatives of all member States, each State having one vote.<sup>(30)</sup> The Council meets in ordinary session twice a year, but may be convened in extraordinary sessions at the request of two member States. Invitations to the meeting are distributed by the Secretary-General, sessions are presided over by the representatives of the member State in turn.<sup>(31)</sup>

The voting procedures for the Council makes unanimity the general rule. Decisions taken by unanimity are binding upon all member States while majority decisions are only binding upon those States which have accepted them. Decisions on measures to repel aggression are taken by unanimous vote, but the vote of the aggressor is not counted. The latter rule also applies to decisions regarding the expulsion of member State from the Arab League.<sup>(32)</sup> On the other hand decisions of the Council relating to arbitration or mediation and decisions on administrative and procedural matters require only a majority vote.

Finally, the appointment of the Secretary-General and amendments of the Pact require a two-thirds majority.

Two sessions are held annually in March and September. The Council may if necessary hold an extra-ordinary session.<sup>(33)</sup>

(30) Abdul Hamid Sami M., Op.cit. p.371.

(31) Hassouna H. Op.cit. p.6.

(32) Article 5, 7, 16 and 19 of the Pact of the Arab League.

(33) Hassouna H. Op.cit. p.11.

## THE TECHNICAL COMMITTEES:-

The Technical Committees were set up at the first meeting of the Council, for each of the functional areas mentioned in Article 2 of the Pact to assist the Council. According to Article 4 of the Pact, these Committees consist of representatives of the member States, but representatives of other Arab countries (non-members) may participate in the work of such committees. The Council shall determine the conditions under which these representatives may be permitted to participate and the rules governing such representation and voting. The Council is also competent to appoint the Presidents of these Committees for a two year term, which may be renewed for a further period. The Committees shall be convened in secret meetings which shall be held at the Headquarters of the League. Such meetings shall be considered legal if the majority of representatives of the member States have attended it. Recommendations of these Committees shall be adopted by the majority of the attendant representatives, and shall be submitted to the Council of the League.

The following Committees were set up:-

### (1) The Cultural Committee:-

In charge of following up the cultural activities within the general competence of the League, and it also co-ordinates the activities of the Secretariat-General and the various cultural organisations in the member states.

### (2) The Economic Committee:-

In charge of economic activities, but was abolished in 1953 and replaced by the Economic Council.

### (3) The Social Committee:-

In charge of organising co-operation in spheres relating to social matters, including family and child

welfare in member States.

(4) The Legal Committee:-

Responsible for studying and formulating all legal matters referred to it such as draft agreements, conventions, regulations, decisions, resolutions and recommendations.

(5) The Military Committee:-

Responsible for regulating common defence plans for the provision of defence methods and techniques and for the preparation of reports within the jurisdiction of the League to be submitted to the Common Defence Council.

(6) The Communications Committee:-

In charge of supervising and regulating sea, land, and air communications together with weather forecast and mail. Each item is dealt with by a sub-committee.

(7) The Arab Oil Exports Committee:-

In charge of studying oil affairs and to prevent smuggling of Arab Oil into Israel and for co-ordinating oil policies in general.

(8) The Arab Information Committee:-

Responsible for studying information projects for suggesting plans and putting into effect such policies as shall be laid down by the Council of Information Ministers.

(9) The Health Committee:-

In charge of co-ordinating co-operation in health matters.

(10) The Human Rights Committee:-

Responsible for studying subjects concerning humanitarian matters, particularly the violation of Human Rights in member States and in the occupied territories, under Israeli control.

In addition to the above mentioned committees a Political Committee has been established and often meets

at Foreign Minister level. The Committee adopts recommendations which are then drafted as resolutions and submitted to the League Council for approval.<sup>(34)</sup>

#### THE COUNCIL OF THE HEADS OF ARAB STATES:-

In consequence of the proposed diversion of the tributaries of the Jordan River by Israel in 1963, and moreover, the incapacity of the Arab States to take concrete military actions to prevent Israel from pursuing such diversions, the President of the United Arab Republic (Egypt) invited all the heads of Arab States to an Arab summit to discuss the situation and to adopt a unified stand against the Israeli action. The meeting was held in Cairo in January 1964 and declared that the Heads of the Arab States agreed to settle all differences between the Arab States. They also decided to hold an annual meeting at the level of Heads of States. This meeting was first held in 1964 in Alexandria and agreed to reconvene annually every September. The Council of Heads of Arab States set up two Committees:-

##### (1) The Control Committee:-

It is composed of the personal representatives of the Monarchs and Presidents of the Arab States as well as a representative of the Palestinians to the Arab League. This Committee is presided over by the Secretary-General of the Arab League. It is responsible to carry out the decisions of the Council of the Heads of Arab States and to report monthly to the Monarchs and Presidents of the Arab States in connection with the execution of such decisions. The Committee meets monthly.

##### (2) The Executive Committee:-

It is composed of the Prime Ministers or Deputy Premiers of the member States. This Committee meets annually in March. The Committee is competent to decide

(34) Abul-Futuh Hamed Anda, Op.Cit. pp.11-114.

on any matter within the competence of the Council of the Heads of Arab States during the interval between its annual sessions, to carry out the plans which were approved by the Council and to prepare proposals and recommendations to be presented to the Council of the Heads of Arab States. It has also the power to request an emergency meeting of the Council if in its opinion there is a necessity for such a meeting.

#### THE LEGAL IMPLICATION OF THE COUNCIL OF THE HEADS OF ARAB STATES:-

Undoubtedly, we are faced with a new organ of the Arab League. The meeting of this organ cannot be considered a meeting of the League Council at the level of Heads of States. This emerges clearly from the declarations of the meetings on 17th January, 1964, on 11th September 1964 and on 17th September 1965 which described them as the first, second and third meetings of the Council of the Heads of Arab States.

Obviously this newly independent organ of the Arab League has annual meetings differing from the meetings of the League Council. The meeting of the Council of the Heads of Arab States is held annually in September while the meetings of the League Council are held semi-annually in March and October. Thus the first meeting of monarchs and presidents of Arab States, which constituted itself into a permanent council of the Arab League, by this ~~may~~ act unanimously established a fait accompli which implied an amendment of the Pact reached by unanimous decision and created a new organ which <sup>was</sup> superior to the League Council in competence and imposed its authority on the above mentioned council.

Unfortunately the differences reappeared among the Arab States and that led to the suspension of the operation of the Council of the Heads of Arab States. These differences arose after the third meeting in Casablanca in September 1965, and led to the cancellation of the meeting in Algeria in September 1966.

The Council resumed its meeting after the 1967 war, the first one being held at the beginning of September 1967 in Al-Khartoum. This resulted in settling the substantial disputes of Yemen between Saudi Arabia and the United Arab Republic (Egypt), <sup>and a decision</sup> ~~decided~~ to render financial and military support to the front line states and to reconvene the Council at the beginning of April, but that meeting did not convene for reasons to be elaborated further on. (35)

#### THE PERMANENT SECRETARIAT:-

According to Article 12 this organ <sup>is</sup> charged with ~~the~~ administrative functions; it <sup>is</sup> ~~comprised~~ of the Secretary-General, Assistant-Secretaries-General and an appropriate <sup>number</sup> ~~member~~ of officials. The Headquarters are located in Cairo, the functions and procedures to be used are left to the discretion of the League Council which formulated necessary administrative regulations. (36)

The Secretariat was also designated as the depository for copies of treaties and agreements concluded between member States or member States and third States (Art. 17 of the Pact). The Secretariat consists of nine departments, various bureaux including the Boycott Office in Damascus,

(35) Abdul Hamid Sami M. Op.cit: pp.374-377.

(36) Hassouna H. Op.cit. pp.7-8.



the Arab Narcotics Bureau, the Institute of Advanced Arab Studies and the Institute of Arab Manuscripts, all in Cairo. (37)

The Secretariat also maintains permanent offices in New York, and Geneva for liaison with the U.N. and its Specialised Agencies and operates a number of information centres in New York, Geneva, Paris, London, Bonn, Rome, Buenos Aires, Rio de Janeiro, New Delhi, Peking, Moscow and other World Capitals.

#### STAFF POLICIES:-

The professional staff members in the operating departments of the Secretariat are graded according to the system of diplomatic ranks prevailing in the Egyptian Foreign office where department heads normally hold the rank of Counsellor. Deputy department heads are initially secretaries. Staff members often start as second attaches and are usually promoted after two years in office to first attaches, subsequently promoted through the ranks of third, second secretary and eventually to counsellor.

#### RECRUITMENT OF PERSONNEL:-

Recruitment of Personnel is always by open competition held periodically in all member States and under the supervision of the Assistant Secretaries-General. Service with the League Secretariat is financially attractive since pay in the graded services is higher than the Egyptian Foreign Service.

Most of the professional personnel usually leave the Arab League Secretariat after they have attained the rank of Counsellor and normally return to their own country's

(37) Macdonald R.W., The League of Arab States, Princeton Univ. Press., Princeton, New Jersey, 1965, p.124.

Foreign Service. Furthermore, many of the staff members in the past have been seconded to the League from the Foreign Services of the member States. There is no pension system, but a fund is in effect, 7.5% of each month's pay is deducted and matched by an equal amount contributed from the Arab League Fund. The total amount is available to the staff member when he leaves the services of the Secretariat. Eventually, a severance pay has also been provided, paid at the rate of one month's pay for each year of services, based on the pay of the highest grade attained. One of the problems is that the League Secretariat personnel are predominantly Egyptian.<sup>(38)</sup>

#### SECRETARIAT FUNCTIONS:-

The Secretariat consists of the following departments:-

(1) The Secretariat Department:-

This Department is responsible for arranging and organising the meetings of the League Council and of the Political Committee, for preparing the agenda and reporting the meeting. It is also in charge of correspondence and general matters.

(2) The Finance and Personnel Department:-

Is in charge of preparing the draft budget of the League and keeps the accounts of the League.

(3) Information Department:-

Is responsible with providing information about the Arab homeland, Arab matters and the Arab League. The Department was particularly established to counteract

(38) Abdul-Fatah Hamed, The Arab League System, Egyptian Political Science Review, Special Issue on the Arab League, Cairo, March 1972, pp.114-117.

Zionist propaganda against the Arabs. The Information Department originally supervised the Arab League offices abroad. The latter are essentially concerned with receiving and supplying information activities.

(4) The Political Department:-

Is responsible for co-ordinating UN affairs, but the Department of social affairs is also competent to deal with the UN and its Specialised Agencies, such as the World Health Organisation and International Labour Organisation.

(5) The Cultural Department:-

Is in charge of co-ordinating the League's relations with UNESCO and also suggesting programmes of cultural, co-operation between the Arab States, promoting Arab Culture, unifying educational systems in the Arab States and to combatting illiteracy.<sup>(39)</sup>

(6) The Palestinian Department:-

It was established by the Resolution No.469, September 1952, to handle all matters concerning Palestine and was placed under the supervision of one of the Assistant Secretary-Generals. This department assumed the responsibility for the education of the children of Arab refugees.

(7) The Economic Department:-

Is responsible for the promotion of economic development plans for the Arab League and its member States and to support the annual meeting of the Economic Council. Within the Economic Department, the Petroleum Office, has been established since 1959 for organising the annual Arab Petroleum Conference. The Conference is attended by observers from the Non-Arab oil producing countries.

(39) Macdonald R.W. Op.cit. p.132.

(8) The Department of Communications:-

This Department primarily concerned with improving rail, road and air link between the Arab States. It is also responsible to supervise the programmes of the Arab Tele-communication Union and of the Arab Post Union, two have bureaux in Cairo.

(9) The Legal Department:-

Is concerned with studying in International Law in support of a proposal to establish an Arab Court of Arbitration and in connection with problems involving International rights. (40)

BUDGET AND FINANCIAL CONTRIBUTION:-

The annual fiscal budget of the Arab League is prepared by the Secretariat and contributions to the Arab League expenses are made up by all member States. Each member State of the Arab League is obliged to pay a pro-rate share of the annual operating budget. The respective shares are determined by the League Council on the basis of national incomes and are revised from time to time to take into account new members admitted to the membership of the League. (41)

THE SECRETARY-GENERAL:-

Article 12 of the Pact provides that the League Council shall appoint the Secretary-General by a vote of a two-third majority of the member States.

(40) Alghnami Talat Muhammed, Op.cit. pp.59-69.

(41) Macdonald R.W., Op.cit. pp.139-145.

-34-

The Pact failed to specify the duties and function of the League Secretary-General, but restricted itself to naming the first Secretary-General and to vest in him the authority to prepare the draft of the annual budget and to transmit invitations for the convocation of the League Council. According to Article 12 the Secretary-General holds the rank of Ambassador, thus confirming that he is not only the Chief administrative of the Arab League but also its principal representative at International Conferences and Organisations.

According to an Annex to the Pact the first appointment was for a period of two years, but the Council later established the term of office as five years, subject to renewal. The Administrative Regulation of the Secretariat provides for unspecified number of Assistant Secretaries General, nominated by the members States, appointed by the Secretary-General and approved by the League Council in accordance with Article 12 of the Pact. They work directly under the Secretary-General and exercise supervisory control over one or more departments of the Secretariat. They hold the rank of Minister Plenipotentiary.

The office of the Secretary-General also includes four supervisors experts in the field of cultural, economic, public health and social affairs. The Pact of the Arab League only refers to administrative and budgetary functions of the Secretary-General. Therefore an analysis of the post of Secretary-General has to be approached from its role under the specific provision and thereafter from a review of its actual function.

(a) The role of the Secretary-General under Specific Provisions:-

The Principal power conferred upon the Secretary-General in accordance with Article 20 of the League Council's Internal Regulations is to draw the attention

of the League Council to any question which might jeopardize the relations between member States or between member States and a third State. These powers were however involved in the Algerian-Morocco conflict of 1963, when the Secretary-General mediated on his personal initiative and on that occasion received the Council's acquiescence for his action. A further function is to make investigation and inquiries upon his own initiative. In due course he is obliged to inform the League Council about any matters which are entrusted to him.

In addition, the Secretary-General is authorised to attend the meeting of the League Council and to submit oral reports or statements on any question or situation under discussion by the League Council. Moreover, a practice has developed whereby the Secretary-General or his representative shall participate in the drafting of the Council's resolutions proposals or recommendations which later are to be submitted to the parties. In accordance with the provisions of the Council's Internal Regulations, which provide that the Secretary-General shall implement the Council's resolutions in the name of the Arab League. The council has relied on the Secretary-General to implement measures adopted in connection with particular dispute.

In fact that could be <sup>de</sup>~~in~~duced from the participation of the Secretary-General in various League Committees entrusted with conciliatory and fact-finding roles. It was applied for instance in the Yemen situation of 1948 and 1962, the Lebanese situation of 1958 and Moroccan Algerian dispute of 1961. In the Syrian Egyptian dispute of 1961 in connection with the Union of 1958 of United Arab Republic, the Secretary-General was specifically entrusted by the Council to use his good

office with the two governments with a view to bring about a settlement of all outstanding affairs between the concerned States.

In the Kuwait-Iraq dispute of 1961, the council entrusted the Secretary-General with the power to take the necessary measures for the implementation of the Council's resolutions which dealt with the situation.

In relation to disputes involving member States and third States the Secretary-General has frequently been entrusted with specific functions by the Council. For instance the Secretary-General was to act as a spokesman for the League policies at the General Assembly of the UN and on the Mixed Armistice Commissions.<sup>(42)</sup> The role of the Secretary has developed along with the expansion of the scope and the activities of the Arab League. The functions of the Secretary-General tend to fall into two broad categories as Internal and External functions.

**(b) Internal Function:-**

The Secretary-General as the Principal Executive Officer of the Arab League is assigned tasks by the decisions and resolutions of the League Council. These decisions may include specific instructions to prepare studies on a technical subject which shall later be considered by the Council meeting.

The Council may authorize the Secretary-General to carry out negotiations within a specific form of reference laid down by the Council. The Secretary-General is usually charged with implementing broad programmes under the general supervision of the League

(42) Hassouna H., Op.cit. pp.21028.

Council. The Secretary-General is also responsible to determine the attitude of member governments towards certain future actions that shall be carried out by the council of the League.

In 1947, for instance the Secretary-General was requested to determine the attitude of member States towards the proposed referendum in Libya to be supervised by the Arab League and to propose other steps that would ensure the independence of Libya.

The Secretary-General has played an important part in mediation either between disputing member States or between member States and an outside power. The Pact of the League initially envisaged the peaceful settlement of any kind of dispute and conciliation.

Article 5 of the League Pact provides expressly to exempt from the League Council jurisdiction of all disputes involving a member State's independence, sovereignty or territorial integrity. The Secretary-General has frequently mediated in disputes between member States. In 1958 the Secretary-General attempted to mediate a dispute between the Sudanese and Egyptians brought about by alleged Egyptian aggression against Sudan.

In the Yemen situation the Secretary-General found himself involved in the mediation between the United Arab Republic (Egypt) on one hand and Jordan and Saudi Arabia on the other hand.

#### (c) External Functions:-

In his external capacity the Secretary-General is considered the spokesman for the organisation, its principal diplomatic representative and its official observer at the UN.



In 1946 the British Foreign Office adopted a policy of dealing directly with the Arab League's Secretary-General in matters of general concern to the Arab World, and information copies of diplomatic correspondence with individual member States of the Arab League, were also to be sent to the Secretary-General. The United States normally communicates with the Secretary-General through its Ambassador in Cairo.

The Secretary-General has frequently attended International Conferences as the official diplomatic representative of the Arab League with the rank of Ambassador. He always represents the Arab League in Rome at the Vatican Ceremonies for the installation of any new Pope. He also attends as an observer at the UN General Assembly sessions and has been officially concerned with formalizing relations between the Arab League and the UN. "The capacity for diplomatic negotiations developed by the Secretary-General is perhaps less appreciated in the United States than in other countries particularly in European and Asian countries where the Secretary-General is given official recognition as the spokesman and official representative of the Arab regional activity."<sup>(43)</sup>

(43) Macdonald R.W. Op.cit. pp.146-165.

### ECONOMIC INTEGRATION:-

The most significant feature in the establishment of the Arab League was its commitment to economic development, which has always been given a high priority in the Arab League plans, despite political obstacles. The Arab League Pact stipulates close collaboration of member States in economic, commercial and financial affairs, including a common fiscal policy in trade, agriculture, industry and in other economic spheres. This is also stipulated by the common Defence Treaty as a means of promoting Arab economic unity by organising Arab economic activities, facilitating the exchange of local products, exploiting their natural resources and concluding agreements to attain these ends.

Some important steps toward the achievement of these ends have been made, starting with the conclusion of the convention facilitating trade exchange and the regulation of transit, trade between States of the Arab League, and the conclusion of the convention for the settlement of payments of current transactions and movement of capital between States of the Arab League. This convention provides for exemption from customs duties of all raw material produced in the region and a 25% reduction of customs duties for most industrial products.<sup>(1)</sup>

However, these two conventions maintain broad escape clauses which enable those States unwilling or unable to implement the provisions to maintain a common front with the rest.

Despite the limitations contained in the Trade and Payments conventions, they helped to stimulate the expansion of trade within the Arab World.<sup>(2)</sup>

(1) Sami-Abdul Hamid M. Op.cit. pp.383-385.

(2) Macdonald R.W. Op.cit. pp.197-202.

A supplementary agreement on Inter-Arab trade was discussed in Winter 1959-60 as a result of the damage caused to the Lebanese economy by regional political tension after the crisis of 1958. An agreement concluded in December 1958 between the United Arab Republic (Syria and Egypt), Lebanon, Jordan and Saudi Arabia provides for transit rights for motor trucks owned by the citizens of the signatory powers, free from damaging customs procedures on transit fees. The signatories agreed to set up a supervisory commission consisting of member States. They also agreed that they would be bound by the agreement after it had been ratified by three contracting states and reported to the Arab League Council.<sup>(3)</sup>

The idea of joint Arab development programmes was put forward at the meeting of Ministers of Finance and Economy of the Arab League States in May 1953. This proposal was submitted to the League Secretariat for further study and consideration. The League in conjunction with the World Bank studied this proposal closely. A draft project was presented to the first meeting of the League Economic Council in December 1956, the final decision by the Council, however, was reached in June 1957.

The agreement provided for the establishment of the Arab Development Bank, affiliated to the Arab League. This institution combines the functions of the World Bank, the International Finance Corporation and the International Development Association within the Arab World (all these agencies are affiliated to the U.N.). The Capital of the Bank initially mooted at 20 million Egyptian pounds and subsequently, raised to 25 million pounds as a result of the Kuwait's adherence to the agreement, was divided into 2000 shares. Member States of the Arab League may join the Bank by subscribing to share value proportionate to their percentage contribution

(3) Al Ghanami M.T. Op.cit. pp.205-214.

to the League's annual budget. The Arab Development Bank seems to play an important role in economic, financial and industrial developments within the Arab World, but it cannot be expected to solve the basic problems of the area. According to the Bank's Charter it is to support productive projects undertaken by the contracting governments as well as organisations and individuals of such countries.<sup>(4)</sup>

The Arab League project for joint Arab commercial ventures provided for transportation enterprises, including the establishment of an Arab Tanker Company, an Arab Pipeline Company, an Arab Shipping Company and an Arab Airline. Each Company is intended to be a joint stock corporation owned jointly by the Arab League governments. The Arab Potash Company is a joint enterprise of the government of Jordan, Syria, Saudi Arabia, Lebanon and the United Arab Republic with the participation of privately owned Arab banks established in 1956.<sup>(5)</sup>

The planning for future Arab integration was started with the conclusion of the 1950 Arab Collective Security Pact, for the purposes of bringing about security and prosperity in the Arab World. The Pact provides for the establishment of the Economic Council entrusted with the functions of promoting the exploitation of natural, agricultural, industrial and other resources of all contracting States in favour of Inter-Arab economic development. The Economic Council consists of the Ministers of Economy of the contracting States or their representatives.

The Economic Council is connected with security matters, which led to the limitations of its membership to those States which were signatories of the 1950 Arab Collective Security Pact. Moreover the Council has occupied itself with political matters such as economic sanctions

(4) Macdonald R.W. Op.cit. pp.202-209.

(5) Al Ghanami M.T. the UN and the Specialised Agencies Volume 2 Atlas Press, Cairo 1971 (Arabic Text) p.1060.

against France as a result of its activities in Algeria. Although it failed to convene until December 1953 and was paralyzed during 1955-58 by inter-Arab political relations caused by Iraq's adherence to the Baghdad Pact.<sup>(6)</sup>

The federation of Arab Chambers of Commerce, Industry and Agriculture is an important autonomous agency in the field of regional economic activities. It is supervised by the Economic committee which has always acted as an organ that initiates proposals before they are submitted to the Arab League. After 1957 the agency demanded the expansion of the membership of the Economic Council to include all member States of the Arab League, as a reformative movement toward Arab regional integration.

At a meeting in January 1958 of the Committee, the latter requested the League Secretariat-General to find a legal formula through which non-member States could become full members of the Economic Council. In March 1959 the Committee decided that the Economic Council would be made separated from the 1950 Arab Collective Security Pact and constituted as a semi-autonomous organ consisting of representatives of all member States of the Arab League. As a result of that<sup>(7)</sup> two Arab States joined the Council.<sup>(8)</sup>

On June 6th, 1962 at the eighth session of the Economic Council, Jordan, Kuwait, Morocco, Syria and Egypt signed an agreement providing for the establishment of a Council for Arab Economic Union. The agreement provides for freedom of travel and transfer of capital, exchange of goods, residence, work and economic activities, transit, the use of harbours and airports, right of ownership and inheritance.

(6) Lenczowski G. Op.cit. p.645.

(7) Morocco and Libya.

(8) Al-Ghanami M.T. pp.1059-1061.

Article 2 of the agreement provides for the creation of a single Arab Customs area under one administration. Legislation pertaining to tariffs and customs is to be unified as are all legislation and regulations relating to import and export procedures. Transport and transit laws are to be reviewed and unified, unified policies relating to agriculture, industry, real estate and monetary activities are envisaged and provision is made for the co-ordination of labour laws and legislation relating to social security.

The Council consists of one full-time representative from each of the member States. According to the agreement the Council would have its headquarters in Cairo, but can meet in any Arab city. It has its own budget subscribed for by member States and operates as an independent organ. The Presidency is to be held by each member in rotation for a one-year period and decisions require a two-thirds majority. In addition to special economic and administrative committees, the Council set up a technical advisory office and a statistical section.<sup>(9)</sup>

The agreement was ratified by the required three signatories by the end of January 1964 and took effect after that. Other Arab States are eligible to join the Council, their adherence becomes effective one month after their signature of the agreement.

The first meeting of the Council of Arab Economic Union convened at Arab League Headquarters in Cairo in June 1964 to put itself in operation. During that Session five Arab States joined the Council.<sup>(10)</sup>

The Council also set up three permanent committees, and approved a budget of about \$215,000 for the first year contributed to proportionately, according to member's shares in the League budget. They agreed to hold regular meetings every three months. The Presidency of the Council

(9) Al-Ghanami M.T. Op.cit. pp.1055-1058.

(10) Algeria, Morocco, Sudan, Tunisia and Arab Republic of Yemen.

for the first year went to Jordan.

Some important achievements attained under the supervision of the Council of Arab Economic Union, are the following:-

In the field of trade, the Arab Common Market programme proceeds as planned. According to reported schedules all agricultural products, mineral and animal resources are free from customs and administrative shackles and so are 80% of manufactures. The remaining 20% became effectively duty free on January 1st 1971. Thus the Council has achieved a free trade zone for its member States. The Council also approved the principle of quantitative preference in trade between member States. Statistics indicated that the general volume of trade between member States increases remarkably year after year. Technical Committees dealing with the study of tariffs are now at work to create unified customs tariffs. As regards the co-ordination of monetary policy the Council has approved a project for an Arab Union for multilateral payments and shorter term banking loan.

In the field of investment the Council approved some important principles that are to govern the transfer of capital between member States.

In the field of economic development the Council gave preference to the main industries such as sugar, paper and medical drugs etc. and also to communications in general.<sup>(11)</sup>

In the international field, the Council decided to co-operate in trade and economic relations with other blocs such as the EEC, the COMECON etc. Some international

(11) Cyclostyled Pamphlet, Issued by the Directorate of Information of the Arab League, The League of Arab States, objectives and Implementation (Arabic Text) pp.33-35.

organisations such as the International Conference, the GATT, the Industrial Development Organisation and the FAO, have given a special welcome.<sup>(12)</sup>

It is now clear that the Arab Economic Union is one of the most important organs of the Arab League.

It would appear that an integrated organisation similar to the EEC would obviate the need for the existence of the manifold separate development projects and give endeavours uniformity and added purpose. Some sort of Arab Common Market could play a role similar to that of the European Common Market. Such an agency could well devote considerable attention to the improvement of methods of technical agricultural, economic and financial development. The Council introduced a plan for an Arab Common Market, the plan apparently called for a ten-year transitional period, though it would appear that a ten-year period is a short time. Opposition to the Arab Common Market project is related to political interest. Despite the urgency of certain economic projects, decisions will continue to be made on political grounds.<sup>(13)</sup> Another difficulty encountered by the unifying endeavours of the Arab League is found in the variegated ideological and socio-economic commitments of the different member states, ranging from left-wing socialism to laissez-faire capitalism, with traditionalist trends successfully holding their own.

In the Arab socialist countries about half of the national product is under direct control of the government. The ownership of all large enterprise is in the hands of the government. Private ownership and

(12) Abdul-Monem Al-Banna, the Arab Economic Unity, Egyptian Political Science Review, Special Issue on the Arab League, Cairo, March 1972. pp.49-54.

(13) Macdonald R.W. Op.cit. pp.192-220.



enterprises are allowed mainly in agriculture, light industry, retail trade, housing and routine services. Yet even there sectors are not totally free from government regulations.

The Arab Capitalist countries maintain a policy of business freedom, low taxes, low tariffs, low national debt, relatively stable prices, stable currency and minimum restrictions on the inflow capital and the movement of emigrants and immigrants. As regards political stability, the Arab countries records shows that internal social harmony and inter-regional peace have been disrupted in most countries of the region to different degrees as a result of the Arab States, failure to substantiate either the so-called socialism on the superiority of the free market.<sup>(14)</sup>

(14) Jalangir Amuzegan, the Ideology and Economic Growth in the Middle East, the Middle East Journal Volume 28, 1974, pp.1-9.

## SOCIAL AND CULTURAL INTEGRATION: -

At the League Conference in Alexandria, the Preparatory Committee set up a sub-committee to deal with cultural affairs with the object of drafting cultural treaties and agreements to lay down the foundation of Arab cultural integration.

Article 2 of the Pact of the Arab League postulated that one of the major purposes of creation of the Arab League is to root the foundation of social and cultural integration between the Arab States. Cultural and social projects undertaken by the Arab League have been considerable and ambitious. Conferences have been held under the Arab League auspices to discuss such matters as archaeology, cultural and social relations, educational unification and the progressive unification of Arab legal codes.

The sub-committee commenced its activities in June 1945. The first result of its activities, the production of a draft treaty was submitted to the League Council at its first session. The treaty was approved by the League Council on November 11th 1945. Thus being the first treaty between the Arab States to be approved by it.<sup>(15)</sup>

The activities of the Arab League in the social and cultural fields are guided by the Arab League treaty of November 1945. National organisations have also been established in member States for the purpose of promoting and developing cultural integration between Arab States.

The League functions in the cultural field comprises of the improvement of educational facilities exchanges of teachers and students, the promotion of youth

(15) Seabury Paul, the League of Arab States, Debacle of a Regional Arrangement, International Organisation Volume No.19, p.639. 1949.

activities and sports, the preservation of the Arab social and cultural heritage, the encouragement of translations of great works of literature, science and the arts, the establishment of libraries and museums and the development of professional associations. In the social field the function of the Arab League involves the study of current social problems, seminars for the training of sociologists and social workers and work in allied fields of labour, medicine, public health and criminology.<sup>(16)</sup>

The operational technique has been used by the Arab League in carrying out its cultural and social functions involves the convocation of ad hoc conferences of professional men followed by the creation of a continuing programmes of activities. In the meantime, the staff members of the League Secretariat and the technical committees perform the preliminary staff work, support the conferences and publish the usual reports and proceedings.

For the most part, the League has sponsored such conferences as for instances six Arab cultural conferences, four archaeological conferences.<sup>(17)</sup> Several Arab Writers Conferences, four Conferences for Arab teachers, a Linguistic conference, dealing with the adjustment of Arabic to contemporary developments and several conferences for Arab journalists. In the social fields the League has sponsored at least six Arab social Affair Conferences, a number of Medical and Dental Conferences, Social Arab Lawyers Conferences were sponsored by the Legal Committee of the League Council and the Legal Department of the League Secretariat.<sup>(18)</sup>

(16) Cyclostyled Pamphlet. Op.cit. pp.35-38.

(17) In 1947, 1957, 1959 and 1963.

(18) Al-Ghanami M.T. Op.cit. pp.199-204.

-15-

The reports and proceedings of the said Conferences were always published by the League Secretariat. The operational technique of such conferences has always led to the establishment of autonomous professional societies with regional scope, such as the federation of Arab Lawyers, the Arab Journalists' Union, the Federation of Arab Physicians and the Arab Teachers' Federations.

The Arab League always collaborates with the UN and its Specialised Agencies such as the UNESCO, the FAO, the WHO and ILO, in both the cultural and social fields. The Arab League's representatives and Arab experts have attended a variety of conferences sponsored by the UN and its Specialised Agencies.

Most of these conferences have been held outside the Arab World, for example, in 1950 the UN sponsored a conference for the Arab World on social welfare was held in Denmark. So far a number of conferences on social welfare have been held in various Arab countries sponsored by the UN at the request of the Arab League. The Arab League provided the technical and administrative back-up, the League's Social Affairs Department assumed the burden of administering and organising the conferences with the assistance of the Arab host government. The UN's experts and the interested Specialised Agencies involved in such matters attended with the rank of observers.

In 1953 the UN, with the collaboration of the Arab League, organised a conference on social defence dealing with crime, prison organisations etc. and in 1959 a conference concerned with co-operatives in the Middle East sponsored jointly by the ILO, the FAO and the Arab League.

A conference on the development of societies in the Arab countries held in Cairo in November 1963 was

attended by representatives from Arab States including observers from FAO, WHO, ILO and UNICEF. The joint Arab League-UNESCO conference on University education in the Arab countries took place in Beirut in September 1963 and dealt with a proposal to create a Federation of Arab Universities.<sup>(19)</sup>

The Arab League has been devoted on a large scale to the development of social and cultural activities. It established Arab Olympics and organised Pan-Arab Games in a four-year cycle, an annual training programme for athletic trainers and coaches and Arab Boy Scout Jamborees every two years.

The Arab League has always endeavoured to encourage professional writing in social and cultural activities. In that connection prizes have been offered for the production of valuable Arabic works in the social and cultural fields. For the most part the publication of significant works have been subsidized by the Arab League.

There are a number of operating agencies under the supervision of the League Secretariat, designated to implement programmes that have been adopted and to provide continuing services in the respective fields.

In the meantime a number of the Arab Specialised Agencies are directly affiliated with and under the supervision of the League Secretariat such as the Arab Narcotics Bureau, the Arab Manuscript Institute, the Cultural Museum, a number of social service centres, a co-operative Training Centre, an Institute of Advanced Arab Civilization Studies and several Residence Halls for Arab students in Egypt, Iraq, Lebanon, Yemen, Jordan and Syria.<sup>(20)</sup>

(19) Al-Ghanami M.T. Op.cit. pp.1050-1055.

(20) Sami Abdul Hamid M. Op.cit. p.387.

The tenth Arab League Medical Conference which took place in Baghdad in March 1962, it was also the first Congress of the Federation of Arab Physicians. The Conference set up technical committees to study the problem of unifying Arabic Medical terminology. Moreover the Conference decided in principle to establish an Arab Health Organisation. Such an organisation could absorb some activities of the Arab Dental Federation, the Arab Veterinary Federation and the Arab Pharmaceutical Federation and to take over such functions from the Arab League Secretariat.

The International Confederation of Arab Trade Union (ICATU) is closely associated with the Arab League Secretariat, although it was not established as a direct result of the Arab League activities. ICATU was founded at a 1956 Arab Labour Congress in Damascus, and obtained recognition of the ILO as a regional Labour Organisation. By 1964 Labour Union in a number of Arab States associated with the ICATU. The latter is primarily concerned to organise workers in the Arab World.<sup>(21)</sup>

The Arab Ministers of Education held their second Conference in Baghdad in February 1964, which focused on revising the cultural treaty of November 1945 and to discuss cultural conditions in the Arab countries in order to lay the foundations for the Arab Cultural integration. The culmination of that Conference was the production of the Arab Cultural Integrity Charter and the Statute of the Arab Organisation for Education, Culture and Science. The Charter and Statute were signed by the Arab Ministers, ratified by some Arab States and approved by the League Council. Article 31 of the Arab

(21) Macdonald R.W. Op.cit. pp.172-183.

Cultural Integrity Charter provides that the Charter be put into effect one month after the documents of ratification have been deposited with the Secretariat General of the Arab League.

Article 14 of the Statute of the Arab Organisation for Education, Culture and Science provides that the Statute be ratified together with the ratification of the Charter and become effective one month after three member States have deposited the instrumental documents of the ratification of both the Charter and Statute.

Article 3 of the Charter stipulated the development of the cultural machinery of the Arab League, namely the integration of cultural development, the Arab Manuscripts Institute, the Higher Institute for Arab Studies, into one organisation under the supervision of the Arab League, to be called the Arab Organisation for Education, Culture and Science. Its objects are to organise the common efforts made by member States to achieve the aims of the Charter.

Article 1. of this organisation stipulated that the aims in its statute are to foster the intellectual integrity of the Arab countries through education, culture and science.<sup>(22)</sup>

The long and the short, of it is however, that no enforcement authority upon member States in the functional field, of the implementation of such regional programmes, but in due course, the Departmental staffs in the League Secretariat can maintain contact with the appropriate officials of member governments and remind them to submit reports for the progress of implementing the said programmes.

(22) El-Assad Nasser-ed-Din, the Arab Cultural Integrity. Egyptian Political Science Review, Special Issue on the Arab League, Cairo, March 1973. pp.67-74.

It would appear that most of the League's social and cultural activities have either been abandoned or pigeonholed due to the rivalry and the conflicting ambitions of its member States. The League has become the scapegoat for the existing differences among Arab countries.

#### SCIENTIFIC AND TECHNICAL INTEGRATION:-

The Cultural Treaty of November 1945 provides for co-operation between the Arab Scientists, promotion of Scientific Conferences, the development of research laboratories and institutes and the publication of scientific papers and studies. The Cultural Department of the Arab League Secretariat and, since April 1969, the section of Science and Technology, has been in charge of implementing these provisions.<sup>(23)</sup>

It would appear that the approach of the Arab League in Science and Technology is concerned to exploit the scientific advances and technological know-how of the West for the purposes of military and economic advantages but at the same time to preserve the best features of the prevailing regional culture and civilization.

In principle a considerable increase in scientific activities have occurred in a number of Arab States. This is to be added to the credit-side of the Arab League. The latter has undoubtedly played a major role in stimulating scientific and technological development in the Arab World, but this credit must be shared with the interested Specialised Agencies of the UN.

The operational techniques used by the League Secretariat in order to carry out its scientific and technical functions consist in the convocation of

(23) El-Assad Nasser-ed-Din. Op.cit. pp.69-71.



conferences on Science and Technology. Several Arab Conferences on science had been held since the end of 1964 along with Nine Arab Engineering Conferences. The resolutions of such Conferences are always submitted to the League Council for approval and because of that connection they have a quasi-official status.

In 1953 the first Scientific Conference was held in Alexandria and adopted a draft proposal for the establishment of a Permanent Arab Scientific Federation. The proposal was approved by the League Council in January 1954. In the meantime, the Cultural Department of the League Secretariat set up a preparatory committee of professors of science in Cairo for the purpose of drawing up a constitution for the Permanent Arab Scientific Federation. A draft constitution was subsequently submitted to the Cultural Department, the latter approved of the said constitution and worthwhile members for the Federation were selected at a general meeting of the preparatory Committee held in Lebanon in September 1954.<sup>(24)</sup>

The Arab Scientific Federation was finally established as an independent Organisation although co-operation and co-ordination with the Arab League is constant. The constitution of the Federation provides for principal Headquarters in Cairo and affiliated national sections in each Arab country. The functions of the Federation are to arrange for periodic Scientific Conferences as well as to conduct relations with foreign Scientific Institutes and with the interested Specialised Agencies of the UN in such fields for exchange of reports, researches and scholars to publish a scientific review, including information of foreign scientific activities, to provide financial assistance to scholars for researches and publications and to encourage co-operation

(24) Abul-Futuh Hamed Auda. Op.cit. pp.142-143.

between Scientific Institutes in the Arab countries.

In 1959 the Arab Engineering Conference took place in Cairo, it was attended by 1500 participants from all over the Arab countries. The reports and proceedings of the Conference were published in both Arabic and English by the League Secretariat and were given wide publications.

Subsequently, a Conference took place in Baghdad in December 1964. The Conference discussed engineering technical education, the exploitation of mineral resources, and the engineer's role in agricultural planning and land reclamation in the Arab countries. (25)

The Arab League always collaborates with the UN and the interested Specialised Agencies such as the UNESCO, the Science co-operation office, and the IAEA regional isotope training centre (both in Cairo) in regional scientific programmes.

The Arab Tele-Communications Union and the Arab Postal Union maintain permanent bureaux in Cairo, affiliated to the League Secretariat. Both were created by International Treaties and are linked with the Arab League by formal conventions. The function of these organisations are to provide technical information and consulting services to the Arab States, to exchange technicians and to unify operating programmes between the Arab States. The bureaux are operating under the Supervision of their own Congresses. In this connection they are the Secretariat of the Congresses. The operating budget of these unions are approved by the Congresses and the contribution to the expenses of these organisations are directly provided by the member States. The Congresses as the Supreme organs elect the Directors of the bureaux.

(25) Aldul-Futuh Hamed Auda. Op.cit. pp.139-141.

The Arab Telecommunication Union in conjunction with the ITU have designed a number of telecommunication programmes of international micro-wave radio circuit, between various Arab Centres with links to Europe.

The Arab Postal Union maintains a membership of the UPU in accordance with Article 8 of the Universal Postal Convention which regulates the relationship between the UPU and other regional Postal Unions.

The APU established the Institute for Advanced Postal Training in Khartoum in 1958, operating under the supervision of the bureau of the Union. The bureau is regularly publishing a newsletter, a technical review and a directory of post offices in the Arab countries.

The Arab League's Communications Committee approved in 1955 the project of a Pan-Arab Transportation Network which included rail, highway, air and marine routes.<sup>(26)</sup>

The Council of Heads of Arab States in its second session in Alexandria in September 1964, established the Common Arab Scientific Council for utilising atomic energy for peaceful purposes within the scope of the Arab League. The Common Arab Scientific Council produced a draft agreement for the Arab co-operation in utilizing atomic energy for peaceful purposes which was subsequently approved by the Council of Arab League in March 1965.

The functions of the Council are to develop energy, to follow up the progress in science and technology in the world, to co-ordinate the requirements of unification of the Arab States policies in science and technology, to maintain relations with the UN Consultative Committee in science and technology, International Scientific and Technological Conferences, the Regional Middle East Centre and also with the Industrial Development Centre. The Council is also responsible for

(26) Macdonald R.W. Op.cit. pp.183-189.

implementing the plan for the establishment of the Supreme Council for science in the Arab countries comprising of a scientific and technological centre, documentation, information, industrial patent, translation and publishing section.<sup>(27)</sup>

In 1970 the Administrative Committee of the Common Arab Scientific Council decided, with conjunction of the Industrial Development Centre to establish an Arab firm for the manufacture and maintenance of laboratory instrument appliances and educational aids to be provided to the Arab countries.

The Council has also collaborated with the Middle East Centre to carry out laboratory studies on how to produce cotton seeds, free from poisonous material, to be used as food in the Arab countries.<sup>(28)</sup>

In April 1969 the Secretary-General of the Arab League set up a department for Science and Technology within the League Secretariat-General.

In August 1969 a Scientific and Technological Conference took place in Cairo sponsored by the Arab League, to study water wealth and oceanography in the Arab countries and to co-ordinate the Arab effort in these matters.

Subsequently another Conference was held in November 1969 (in the same place) to study hydraulics, water sources, the best way of exploiting them, method, to control water resources and to encourage studies in these fields.

(27) Abul-Futuh Hamed Auda. Op.cit. pp.133-135.

(28) Yehia Abu-Baker, the Mission of Information in Common Arab Action, Egyptian Political Science Review, Special Issue on the Arab League, Cairo - March 1972, pp.107-109.

-30-

In November 1969 the sixth Arab Scientific Conference took place in Damascus, which discussed a plan for promoting the development in science and technology and the co-operation and co-ordination in these fields in the Arab countries. (29)

The increase of technical and scientific programmes have led to the establishment of autonomous specialised Agencies of the Arab League.

In conclusion it has to be mentioned that the effectiveness of the efforts of the Arab League in the technical and scientific fields has been greatly undermined by regional rivalries. On the other hand the establishment of a technical assistance bureau of the Arab League might both overcome rivalries and succeed to co-ordinate inter-Arab endeavours without insisting on a formal uniformity of action. Despite the conflict between the national policies of member States and regional integration considerable progress has been made in the scientific, technical, economic, cultural and social field, by the Arab League but not everything proposed by the League has been accomplished.

#### REGIONAL ARRANGEMENT:-

International peace and security is the responsibility of the World Community, which shall be maintained through the authority of the World organisation in conjunction with regional organisations. The UN Charter, in this connection follows the pattern of placing regional organisations under the supervision of the Security Council in carrying out their responsibility regarding regional security. Chapter 7 of the UN Charter deals with regional organisation as agencies for the maintenance of international peace and security in cases where the UN

(29) Al-Ghanami T.M. Op.cit. pp.211-214.

cannot carry out its international responsibility.

Article 51 of the UN Charter provides that regional organisations must have some kind of effective means of sharing responsibility with the World organisation for the maintenance of international peace and security, appropriate for settling regional disputes before referring them to the UN Security Council and acting as local agencies of the UN in effecting peaceful settlements of disputes, provided that such activities of those agencies <sup>are</sup> consistent with the purposes and principles of the UN.

In any case, regional agencies must have an adequate machinery for settling regional disputes, this is the qualification for a regional arrangement within the meaning of Chapter 7 of the UN Charter.

At the UN Conference on international organisation the US delegation put forward a proposed amendment to the Dumbarton Oaks Proposals so as to give regional organisations the right of collective action to defend their respective countries within the framework of their jurisdiction which was fully supported by both the Arab and Latin American delegates. The result of the acceptance of the US amendment is that regional organisations such as the Arab League, NATO, the Warsaw Pact, the organisation of American States invoked Article 51 of the UN Charter, when they drafted their Security treaties. These regional arrangements established in accordance with Article 51 as collective defence agencies were entrusted with primary responsibility for the purpose of taking counter measures against external aggression or the threat of aggression.

The Arab League is a regional organisation, not a collective self-defence arrangement. In this connection it is important to mention here that the Arab League, therefore, conformed with the provisions of Article 52

and not of Article 51 of the UN Charter. In order to bring the Arab League under the provisions of Article 51 of the UN Charter, the 1950 Arab Collective Security Pact was concluded as a collective self-defence arrangement, entrusted with the purpose of counter measures directed against external aggression, and empowered to deal with internal disputes, and to bring about peaceful settlements.<sup>(30)</sup>

Article 53 of the UN Charter provides that the Security Council shall, <sup>where</sup> ~~where~~ appropriate, utilize such regional arrangements or agencies for enforcement actions under its authority. It is also mentioned that "no enforcement action shall be taken under regional arrangement or by regional agencies without the authorization of the Security Council. From this, it is clear that measures, that have been taken by regional organisation shall be continued for an indefinite period if the Security Council fails to carry out its primary responsibility for the maintenance of international peace and security."<sup>(31)</sup>

This is the difference between regional organisations based on Article 51 and those based on Article 53 which requires a prior authorization by the UN Security Council for the purpose of carrying out an effective action. In fact, most of the World's regional arrangements are based on Article 51 to avoid such prior authorization

(30) Macdonald R.W. Op.cit. pp.221-224.

(31) In this connection, it would appear that the Uniting for Peace Resolutions of June 25th and 27th, 1950, of the UN General Assembly modified the autonomy and independence of regional arrangements based on Article 51.

In conformity with the 1950 Resolution, the General Assembly may consider the matter immediately with a view to make appropriate recommendations to the member States for collective measures, including the use of armed force if the Security Council fails to discharge its primary responsibility in maintaining international peace and security because of lack of unanimity among its permanent members. This superseded the temporary powers of regional organisations to exercise their right of self-defence in case of the failure of the UN Security Council.

-11-

by the Security Council.(32)

In short, the Arab League is based on Article 52 as a regional organisation and on Article 51 as a collective self-defence arrangement within the framework of the UN for the settlement of regional disputes.

When the Arab League Pact was signed means were provided for integrating the work of the League with the future World organisations. This is envisaged in Article 3 of the Arab League Pact which provides that the League will collaborate with the international organisations which may be created in the future, to guarantee peace and security and organise economic and social relations.(33)

#### The 1950 ARAB COLLECTIVE SECURITY PACT:-

The Pact officially known as the Joint Defence and Economic Co-operation Treaty, was concluded in 1950 between the original seven members of the Arab League.(34) Subsequently, it was adhered to by all member States of the Arab League. The 1950 Arab Collective Security Pact was approved by the League Council on April 17, 1950, and became effective on August 23rd, 1953.

The 1950 Arab Collective Security Pact maintained no provisions for an institutionalized security organisation. The discussion of San Francisco Conference in 1945 had clearly indicated that a regional organization must provide an institutionalized mechanism for settling regional disputes in order to qualify as a regional

(32) Gerhard Bebr, Regional Organisations:- A UN Problem American Journal of International Law, Volume 49, 1955, Washington. pp.166-175.

(33) Khadduri M. Op.cit. pp.773-775.

(34) Signed by Egypt, Lebanon, Syria, Saudi Arabia and Yemen - on June 17th, 1950, by Iraq on February 2nd, 1951 and by Jordan on February 16th, 1952.



organisation under the UN Charter.

It is therefore significant that six months after the signature of the Arab League Collective Security Pact, the General Assembly of the UN invited the Arab League to attend meetings of the UN organs with the status of observer. The main aims of the Security Pact were defined as co-operation for the realization of mutual defence and the maintenance of regional security and peace, according to the principles of both the UN Charter and the Arab League Pact.

Article 4 of the Security Pact stated that the contracting States agreed to co-operate in consolidating and co-ordinating their armed forces and participate each, in accordance with its resources, and needs in the preparation of their individual and collective means of defence and the repulsion of armed aggression.

The new Arab League organs established under the terms of the 1950 Pact were the Joint Defence Council, the Economic Council and a Permanent Military Commission.

Article 6 of the Security Pact provides, that a Joint Defence Council, under the supervision of the Arab League Council, shall be formed, consisting of the foreign ministers and the defence ministers of the contracting parties or their representatives.

The task of the Council is the supervision and the implementation of the provision of the Pact, concluded by the contracting states. Article 5 of the Security Pact provides, that a Permanent Military Commission composed of representatives of the General Staffs of the armies of the contracting States shall be formed.

It is entrusted with the technical tasks of drawing up plans for collective defence and with the preparing of the means and methods of the implementations.

"A detailed definition of the functions of the Permanent

Military Commission was contained in a Military Annex which was declared to be an integral part of the Pact, Article 9, which was approved, signed and ratified at the same time as the Pact."<sup>(35)</sup>

Section 1 of the Military Annex provides that the Permanent Military Commission shall undertake the following:-

- (a) In co-operation with the Joint Defence Council, to prepare plans to deal with all anticipated dangers or armed aggression that may be launched against one or more of the contracting States or their armed forces, such plans to be based on the principles determined by the Joint Defence Council,
- (b) to submit proposals for the organisation of the forces of the contracting States, stipulating the minimum force for each, in accordance with military exigencies and the potentialities of each State,
- (c) to submit proposals for increasing the effectiveness of the forces of the contracting States in so far as their equipment, organisation and training are concerned, so that they may keep pace with modern military methods and development and for the unification and co-ordination of all such forces.
- (d) to submit proposals for the exploitation of natural agricultural, industrial and other resources of all contracting States in support of the inter-Arab military effort and joint defense.
- (e) to organise the exchange of training mission between the contracting States for the preparation of plans, participation in military exercises and manoeuvres and the study of their results, recommendations for the

(35) Sayegh Fayez A. Arab Unity, Hope and Fulfillment, the Devin-Adair Company, New York, 1958. p.146.

improvement of methods to ensure close co-operation in the field, and for the general improvement of the forces of all the contracting States.

(f) to prepare the necessary data on the resources and military potentialities of each of the contracting States and the part to be played by the forces of each in the joint military effort,

(g) to discuss the facilities and various contributions which each of the contracting States, in conformity with the provisions of this Pact, might be asked to provide during a state of war, on behalf of the armies of each other contracting States as might be operating its territory.

A collective Military Council composed of the Chiefs of Staff of the contracting States was subsequently established by a Supplementary Protocol to the Pact.

Section 5 of the Military Annex provides that in the event of war a Joint Arab Commander-in-Chief shall be appointed. Although no Permanent Military Command was envisaged in the Pact, such Joint Command was established by the First Arab Summit Conference in 1964. The latter also agreed to the appointment of UAR (Egypt) General Ali Amer as Joint Arab Commander, the formation of a Permanent Joint Military Planning Staff at the Arab League Secretariat and plans for joint manoeuvres intended to co-ordinate regional security requirements.

Section 4 of the Military Annex provides that the Commission shall establish its Headquarters in Cairo but it may hold meetings in any other place the Commission may specify. It is also mentioned that the Commission shall elect its Chairman for two years.

Article 6 of the Security Pact stipulates that decisions adopted by a two-thirds majority of the Council shall be binding upon all the contracting States.

Five years earlier the signatories had refused commitment to decisions other than those adopted unanimously.<sup>(36)</sup>

The Pact was concluded for an indefinite period, however, withdrawal from the Pact is envisaged in Article 12 of the Security Pact, which provides that after a lapse of 10 years from the date of the ratification of this Pact, any one of the contracting States may withdraw from it, providing 12 months notice is previously given to the Secretary-General of the Arab League, and the latter shall inform the other contracting States of such notice. The Pact made no provision concerning the accession of other Arab States.

The contracting States pledged themselves to refrain from the use of force in settling their disputes and to resort to peaceful means only. They also committed themselves not to conclude agreements contrary to the provisions of the Pact in their mutual arrangements or with third powers.<sup>(37)</sup>

The 1950 Arab Collective Security Pact was criticized for the provisions that excluded non-signatory members of the Arab League from the membership of Arab League organs established as a direct result of the 1950 Pact.

The role of the supplementary organs created by the 1950 Pact had been limited, since none of the new members of the Arab League adhered to the Pact until 1961. Nevertheless non-adherents could attend meetings of these organs as observers, although they could not participate in the decision-making process.

The Pact was signed in June 1950, but it was not implemented until the middle of 1953 when the Chiefs of Staff of the signatory Arab States met in Cairo to draw up the final plans.

(36) Sayegh Fayez A. Op.cit. pp.144-149.

(37) Macdonald R.W. Op.cit. pp.48-50.

Subsequently the Permanent Military Commission met in October 1953 in Cairo. It is important to mention here that little came of that meeting except a recommendation for unifying the efforts of the Arab States in defence and the maintenance of peace and security.

At all events, Iraq adhered to the Baghdad Pact in 1955 which caused grave discussions within the Arab League, to the extent that it led to the paralysis of the 1950 Arab Collective Security Pact.

There also seemed little likelihood that any Arab member State would ever permit the establishment and stationing of a permanent Joint Arab Command force of any importance on its territory.

The Collective Security Pact demonstratively failed in its objectives in November 1956 in the aftermath of the Anglo-French attacks on the Suez Canal Zone, and the Israeli <sup>Campaign</sup> ~~Campaign~~ in the Sinai. The signatories of the Pact completely failed to carry out their obligations under Articles 2, 4 and also Section 5 of the Military Annex, because they did not take any active part, collectively to repel the external aggression against one of its contracting members Egypt. (38)

The Arab Collective Security Pact revived after the first Arab Summit Conference in 1964, with a special reference to Israel Plans to divert Jordan River waters to the parched Negev and alleged Israeli attempts to develop nuclear weapons.

One of the most significant events which helped to pave the way for the revival of the 1950 Arab Collective Security Pact was Iraq's withdrawal from the Baghdad Pact in 1959 after the military coup d'etat in 1958. Moreover, the new approach was demonstrated by the determined stand and the successful mediation of

(38) Macdonald R.W. Op.cit. pp.224-229.

the Arab League in the 1958 Lebanon crisis.

The Military Chiefs of Staff of the signatory powers of the Collective Security Pact<sup>(39)</sup> and observers from Libya, Morocco and the Sudan held a meeting in Cairo in April 1961, to discuss joint Arab defence policies, which was followed by the June 1961 Session of the Joint Defence Council. On June 13th, 1961 Morocco adhered to the Security Pact. The ~~culmination~~<sup>decision</sup> ~~of~~ the 1950 Arab Collective Security Pact was invoked for the first time in its history in the Iraqi-Kuwaiti dispute, which allowed the Arab League to intervene in this dispute. In the meantime, Kuwait adhered to the Security Pact. A formal agreement concluded between the Arab League and the government of Kuwait on August 12th, 1961 provided the legal and operational framework of the Joint Arab force.<sup>(40)</sup> In this connection Kuwait requested the British Government to evacuate its troops in preparation for the entry of the proposed Arab force that was to carry out its task in conformity with the Security Pact. On the strength of the Kuwait's request the British troops began their withdrawal upon the arrival of the Arab forces.

(39) Iraq, Jordan, Lebanon, Saudi Arabia, the UAR (Egypt) and Yemen.

(40) Initially, Kuwait requested the British to implement their defence treaty of mutual co-operation and assistance. The British Government first went to the UN Security Council and requested a special meeting on behalf of the Kuwait's Government. The meeting was held on July 2nd, 1961 but after several sessions the Security Council failed to adopt any decision as a result of the Soviet veto on July 7th, 1961, because Egypt and the Soviet Union attempted to force Great Britain to withdraw its troops from the Kuwait territory.

The troops of Arab League began to arrive in Kuwait on September 10th, 1961, the forces were drawn from the UAR (Egypt) Jordan, Tunisia, Saudi Arabia and the Sudan. The Arab force was placed under a Saudi Arabian Commander, and remained in Kuwait until February 1963.

The January 1964 Summit of the Head of Arab States, which took place in Cairo, approved the establishment of a Joint Arab Command under General Ali Amer. The remaining non-adhering Arab States joined<sup>(41)</sup> the Collective Security Pact during the Second Arab Summit meeting held in Alexandria in September 1964.<sup>(42)</sup>

Since 1962 the peace of the Arab World has been shattered by broad wrangling over the Yemen, involving Saudi Arabia, Jordan and the UAR (Egypt), the Arab Israeli conflict and the differences among the Arab States on strategic plans towards Israel. In addition disputes between Morocco and Mauritania on the one hand and Algeria on the other hand over the Western Sahara on what was called Spanish Sahara, the Lebanese Civil war and the border dispute between South and North Yemen, have further impeded closer co-operation among the Arab States.

#### SETTLEMENT OF DISPUTES:-

The Pact of the Arab League does not provide the establishment of an effective institutionalised mechanism for the peaceful settlement of disputes. The Pact prohibits the use of force for the settlement of disputes between member States of the Arab League, but dispute that involves the independence of a member

(41) Algeria, Tunisia, Libya and the Sudan.

(42) Macdonald R.W. Op.cit. pp.234-239.

State, its sovereignty, or its territorial integrity, shall not be subject to the jurisdiction of the League Council.

Article 5 of the Pact of the Arab League provides that the council shall mediate in all differences which threaten to lead to war between two member States or a member State and a third State, with a view to bringing about their reconciliation.

In practice, disputes between member States have been handled by the traditional methods of arbitration, conciliation, mediation and good office, by the Secretary-General, one of the assistant Secretary-Generals or sometimes by an ad hoc investigating commission established to undertake these tasks. These efforts however have not always been successful.

The Article further provides that decisions on arbitration, and mediation shall be taken by majority vote. In this connection the majority does not include the votes of the member States in dispute.<sup>(43)</sup>

The 1950 Arab Collective Security Pact also failed to establish any institutionalised mechanism for the peaceful settlement of disputes between member States, although it re-affirmed in Article 1 "the intention of contracting parties to settle their international disputes by peaceful means whether such disputes concern relations among themselves or with other powers."<sup>(44)</sup>

#### (1) MEDIATION, CONCILIATION AND GOOD OFFICES:-

Article 5 of the Arab League Pact mentions the mediation of the League Council in disputes which threaten

(43) Khadduri M. Op.cit. p.770.

(44) Macdonald R.W. Op.cit. p.234.



to lead to war between member States or a member State and a third State, with a view to bringing about reconciliation. The Council usually endeavours to extend its peaceful intervention beyond the limits imposed by this Article with a view to bringing about reconciliation. For instance in the Egyptian-Syrian dispute of 1961, after the dissolution of the 1958 union between them, the League Council refrained from pronouncing upon the specific claims rendered by the disputing States, but attempted to conciliate them with a view to settling the dispute. In connection with the Lebanese allegation of indirect aggression by the UAR (Syria and Egypt) in 1958, the Council followed a similar conciliatory approach, but the attempts of the Council proved unsuccessful when the Lebanese government rejected such initiative and went to the UN. In the Kuwait-Iraq dispute of 1961, the Council rejected Iraq's territorial claim upon Kuwait and affirmed Kuwait's independence as a sovereign state and provided effective measures for the preservation of Kuwait's territorial integrity.<sup>(45)</sup>

The precedents set by these examples indicate that the Council's approach to the inter-Arab disputes always favours conciliation between member States rather than adjudication of their claims. For this purpose the League's fundamental policy is seeking to preserve solidarity and unity among its member States.

In the dispute between Morocco and Algeria in 1963, the attempts of the Council proved unsuccessful when the Moroccan government rejected the initiative of the League Council. On several occasions the Council established special subsidiary commission to undertake

(45) Refa-a Muhammed Ali, the Arab League and Liberation Matters, the Egyptian Company for Pressing and Publication, Cairo, May 1971. (Arabic Text) pp. 231-266.

investigatory functions, but often entrusted these to the good offices of the Secretary General. For instance, in the border dispute of 1973 between North and South Yemen the Council established a conciliatory commission under the Chairmanship of an Assistant Secretary-General which was sent to investigate the dispute and to report to the League Council.

In disputes involving members and non-members, the Pact of the Arab League refers in Article 5 to the mediation of the Council in disputes which present a threat of war between a member State and a third State. In all disputes of such nature, the League handled the situations by providing appropriate means for the peaceful settlement, for example the dispute of Syria and Lebanon with France, Tunisia-France dispute of 1961, and the Arab-Israeli conflict.

The nature of intervention of the League in these cases that of a regional system against an external threat, rather than a regional procedure for peaceful settlement of internal disputes.<sup>(46)</sup>

## (2) ARBITRATION:-

Article 5 of the Pact of the Arab League mentions the role of the League Council as an organ of arbitration subject to limitations of jurisdiction mentioned before (p.68 and 69).

On the other hand, the parties to a dispute must agree in advance to have recourse to the League Council for arbitration, in such cases decisions of the Council will require an ordinary majority vote to be carried excluding the votes of the parties to that dispute,

(46) Hassouna H. Op.cit. pp.13-16.

-12-

and these decisions will be binding on the parties to the dispute.

The provision, making arbitration conditional on advance agreement of the member States in dispute to submit it to the League Council for arbitration, arises out of the fact that most inter-member disputes were and are of a mixed character and thus involve questions of sovereignty, independence, and territorial integrity, which could, therefore, exclude the dispute, a priori, from the jurisdiction of the League Council.

The League Council is competent to deal with legal issues as long as they fall within its broad competence under the Pact. For instance in the Jordan Case of 1950 when the latter incorporated the West Bank into the Kingdom of Jordan in trust for the Palestinians, the Council determined to expel Jordan from the League on the grounds that Jordan had contravened the provisions of the Pact and failed to fulfil its obligations under it.<sup>(47)</sup> Jordan's response was that the Council had no competence to deal with issues of purely legal character.

### (3) FACT-FINDING.

The Pact of the Arab League neither mentioned the procedures of investigation, nor the power of the League Council to establish a fact-finding body. In the absence of express provisions dealing with such techniques, the League Council assumed a power implied in its broad functions of mediation under Article 5 justifying the establishment of the necessary organs for the purpose of making provisions against potential aggression.

(47) Leneczowski George, Op.cit. p.640.

For the most part, fact finding missions established by the Council were charged with the dual function of fact-finding and conciliation. Usually the fact-finding was entrusted to the Secretary-General as in the cases of the Lebanese crisis of 1958, the Kuwait situation of 1961, Yemen situation of 1962, the Morocco Algeria dispute in 1963, and the Lebanese crisis of 1958.<sup>(48)</sup>

This procedure was also adopted in dealing with the border dispute of 1973 between North and Southern Yemen. This mission was chaired by an Assistant Secretary-General.

It would appear that such functions involved investigation of the issue in dispute between the parties with a view to bringing about an agreement<sup>on</sup> mutually acceptable terms.

#### THE PALESTINE PROBLEM AND ISRAEL:-

The establishment of Israel in 1948 was the result of a half century of vigorous Zionist activities that led to the creation of Israeli State in Palestine. The movement acquired the support of non-Zionists before and during the Second World War as a result of the infamous German atrocities against Europe's Jewish communities. It would appear that the Zionist movements attempts to take over Palestine started as early as the end of the First World War.

In 1917 the British Government declared that they had bound themselves by the Balfour Declaration to

(48) Hassouna H. Op.cit. pp.19-20.

support the movement for the establishment of a Jewish National Home in Palestine.<sup>(49)</sup> In that period the Arabs proved to be powerless and ineffectual in the face of the overwhelming pressures exerted by the victorious Allies in their attempts to implement the Balfour Declaration through the League of Nations' mandate over Palestine.

The Arab League did its utmost after the Second World War to frustrate the Zionist scheme for a Jewish National Home in Palestine. Earlier Arab efforts <sup>led</sup> ~~had~~ to Joint Arab Conferences in 1937 and 1938, which adopted resolutions protesting against accelerating Jewish immigration to Palestine.

In 1939 the British Government invited the Governments of Egypt, Saudi Arabia, Iraq, Trans-Jordan and the Kingdom of Yemen to attend the London Round Table Talks on the deteriorating situation in Palestine. The British Government confirmed that any solution to the Palestine question would require the approval of all Arab States.

The establishment of the Arab League was at least partly motivated by the necessity for a joint Arab solution to Palestine Problem.

(49) "Dear Lord Rothschild, I have much pleasure in conveying to you, on behalf of His Majesty's Government, the following declaration of sympathy with Jewish Zionist aspirations which have been submitted to and approved by the Cabinet. His Majesty's Government view with favour the establishment in Palestine of a National Home for the Jewish People, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or any other country. I shall be grateful if you would bring this declaration to the knowledge of the Zionist Federation."

Despite the failure of the Arab League's endeavours to prevent the creation of a Jewish state in Palestine, the League Council has enthusiastically continued to act as the Legal surrogate for all Palestine Arabs, maintaining a seat for them on the League Council and the Council of the Heads of Arab States. However, the League sponsors the Palestine delegation to the UN.

The Arab States refuse to recognise publicly, even the de facto existence of Israel as a sovereign State and they regard the provisional boundaries of Israel as temporary armistice lines under the terms of the 1949 UN Armistice Agreements.<sup>(50)</sup>

It would appear that the establishment of Israel has been the main impetus for the 1950 Arab Collective Security Pact, but that the Joint Arab Command was designed to be a deterrent force rather than an offensive weapon aimed at Israel.

The Arab League has endeavoured to use its argument against the recognition of Israel at Afro-Asian bloc conferences,<sup>and</sup> some success has been achieved since the 1955 Bandung Conference.

The Arab League has also exploited the cold War between the West and East in order to secure military assistance from the Communist bloc, when the West refused to supply arms on the argument that such weapons would have been used against Israel.

Hundreds of thousands of Palestinian refugees are still living in UNWRA Camps in Lebanon, Jordan, Syria and Egypt. These States refused to resettle the refugees on the grounds that their assimilation would be against their own interests, since the UN has supported the refugees' demands to return to their homes in Palestine.

(50) Moore J.N., the Arab-Israeli conflict volume III Documents, Princeton University Press, New Jersey, 1974 pp.380-407.

At the January 1964 Arab Summit Conference in Cairo the Palestine Problem was intensively discussed with a view to solving the ill-defined Palestine entity. In this connection, the Council of the Heads of Arab States entrusted this work to a committee of five Palestine experts under the chairmanship of the Secretary General.

The Committee subsequently submitted to the League Council a draft of the Palestine National Charter which was approved by common consent, in the era of good feeling that followed the January 1964 Arab Summit.

The Palestine Liberation Organisation was established on May 28th, 1964, and adopted the Palestine National Charter as a constitution for the PLO assuming the role of sole representative of the Palestinian people; as a matter of course this <sup>was</sup> approved by the Council of the Heads of Arab States at the Casablanca Summit in September 1965.

The West Bank and the Gaza Strip have been the main controversial issue since the establishment of Israel, caused by the problem of who should govern these territories. King Abdullah of Jordan had decided to enter the 1948 war of Palestine with the intention of incorporating the parts allotted to the Arabs by the 1947 UN partition plan into his Kingdom. His efforts succeeded in 1950 when he officially incorporated the West Bank into the Kingdom of Jordan, ostensibly in trust for the Palestinian people.

It is also to be noted that the final Egyptian decision to enter the 1948 war of Palestine was adopted only after the Syrians informed the Egyptians of King Abdullah's intention. Subsequently the Egyptians set up a so-called Government of all Palestine in the Gaza Strip in 1959 also in trust for the Palestinians which was approved by the Arab League then under Egyptian influence.

The Arab States publicly declared that they did not intend to attack Israel while they pledged on the other hand to recover the whole of Palestine and the establishment of a democratic secular State in it.<sup>(51)</sup> In the meantime, they were acutely aware of the military and technological superiority of Israel.<sup>(52)</sup>

For the time being, the aims of the Arab League were limited to the attainment of a sovereign independent Palestine State on the West Bank, the Gaza Strip and of course, including East Jerusalem.<sup>(53)</sup>

It must be noted that these aims implicitly accepted the fait accompli that the UN General Assembly Resolution No.181 of November 29th, 1947<sup>(54)</sup> gave the Jewish State less territory<sup>and</sup> was superseded by the settlement along the 1967 frontiers envisaged in the UN General Assembly Resolution No.242 of November 22nd, 1967.

(51) Khalidi Walid, Thinking the Unthinkable, A sovereign Palestinian State, Foreign Affairs Volume 56 No 4, 1978, New York p.698.

(52) Macdonald R.W. Op.cit. pp.85-94.

(53) A specialised route between the West Bank and the Gaza Strip would be maintained through guaranteed freedom of an access without giving extra-territorial status of the route.

(54) "The north-eastern Sector of the Jewish State (Eastern Galilee) is bounded on the north and west by the Lebanese frontier and on the east by the frontiers of Syria and Trans-Jordan. It includes the whole of the Hula Basin, Lake Tiberias, the whole of the Beisan, sub-district, the boundary line being extended to the west of the Gilboa mountains and the Wadi Malih. From there the Jewish state extends north-west following the boundary described in respect of the Arab State.

The Beersheba area comprises the whole of the Beersheba sub-district, including the Negeb and the eastern part of the Gaza sub-district, but excluding the town of Beersheba and those areas described in respect of the Arab State. It includes also a strip of land along the Dead Sea stretching from Beersheba-Hebron sub-district boundary line to Ein Geddi as described in respect of the Arab State."



Another difficulty was the presence of Israeli Settlements established in the occupied territories after 1967 war whose continued presence was undermining the stability of the overall settlement and would become a ready target for criticism by international community.<sup>(55)</sup>

The Arab League had failed to act decisively with regard to boundary disputes affecting its members and most notably in its various clashes with Israel. Indeed on three major occasions in 1948, 1956 and in June 1967 Israel had either temporarily or permanently expanded its territory at the expense of its Arab neighbours.

Under these circumstances Egypt adopted its own approach after the 1973 October War entering into peace negotiations with Israel whilst maintaining all the obligations provided for in the Security Council Resolution No.242 on November 1967.<sup>(56)</sup> Many attempts at negotiation, mediation, good office and conciliation, both within the UN and outside failed, but it would appear that the U.S. is the only major power capable of bringing peace to the Middle East.<sup>(57)</sup>

The Americans convinced the Egyptians to engage in direct negotiations with the Israelis and that led to the controversial visit of President Sadat to Jerusalem in November 1977, causing deteriorating relations between Egypt and all other Arab States. The culmination of the American efforts led to the Summit Conference between Egypt and Israel which took place at Camp David under the auspices of the U.S.<sup>(58)</sup> Israel presented a peace plan for the West Bank and the Gaza Strip proposing five

(55) Khalidi Wald Op.cit. pp.696-708.

(56) Moore J.N. Op.cit. p.1034.

(57) Rostow, Eugene, the Illegality of the Arab Attack on Israel of October 6th, 1973, A.J.I.L. Volume 69, 1975, pp.272-582.

(58) Time, September 11th, 1978 volume 112 No.11.

years of limited self-rule under Israeli occupation, together with a promise to return the whole of Sinai to Egyptian Sovereignty.

The problem is that Israel is unwilling so far to commit itself to Palestinian self-determination in the West Bank and the Gaza Strip after the proposed five years of limited self-rule under Israel occupation. Another problem is that neither a representative of the inhabitants of the territory nor the internationally recognised legitimate representative of the Palestinian people would participate at the Camp David Summit.

The U.S. favoured a Palestinian homeland, remaining part of the Kingdom of Jordan, but King Hussein declared that he would not govern the West Bank again without a mandate from the Arab League to do so.<sup>(59)</sup>

Subsequently a Summit of the Heads of Arab States was held in Baghdad in November 1978 which unanimously rejected the Camp David accords. Appealing to Egypt to renounce the <sup>a</sup>accord, the Summit also determined that Egypt would remove itself from the Arab Camp if it failed to respond.<sup>(60)</sup>

Subsequently, another conference took place in Washington, aimed at producing an Egypt-Israel Peace Treaty along the lines of the Camp David framework. This seemed close to success but was vitiated initially by Israel rejection of the treaty text. When the Israel Cabinet eventually accepted the terms on 26th November 1978 i.e. after the resolution of Baghdad Summit it was Egypt's turn to baulk.

In order not to appear to have succumbed to the pressure of the Baghdad summit, yet unable to sever her ties with the other Arab countries Egypt adopted

(59) Middle East Events, September 8th, 1978 No.51 published in London.

(60) Middle East Events, November 17th, 1978 No.56.

the face saving formula of maintaining reservation over article 4 and 6 of the Treaty<sup>(61)</sup> whilst simultaneously demanding greater precision concerning provisions for eventual Palestinian Self-rule.<sup>(62)</sup>

Thus the peace in Middle East is still at stake. Reviewing the Palestine Problem, which beset the Arab League from its very inception, it could be considered prime example of the ineffectuality of the League in the defence of Arab interests.

#### THE LEBANESE CIVIL WAR:-

The existing Lebanese State was founded on a French formula, based on a sectarian system. Since the French Mandate ended in 1943, parliamentary seats, high offices and positions in the administration were allocated to the sects in proportion to their numbers.

The system favoured the Christians slightly, in particular the Maronites who held the presidency, as against the Sunni premiership.<sup>(63)</sup>

The French formula was the basis, both for the sovereign independence of Lebanon and its special relationship with other Arab countries. The Arab League adopted a resolution at the Alexandria Conference concerning Lebanon, emphasising its respect for the

(61) Article 4 of the treaty is concerned with the Security arrangements in the Sinai Peninsula after Israeli withdrawal and the presence of the UN troops on the border between Egyptian and Israeli forces. Article 6 commits Egypt to consider its obligations under the Peace Treaty with Israel as overriding any Egyptian obligations undertaken in the 1950 Arab Collective Security Pact with other Arab Nations.

(62) Middle East Events - December 29th, 1978 No.59.

(63) Al-Tahar Hamdi, the Lebanon's Political System, the Universal Press, Cairo (Egypt) 1976 (Arabic Text) pp.157-170.

independence and sovereignty of Lebanon in its existing frontiers. (64)

The most controversial issue of the present Lebanese Civil War centres around the Palestinians. They had first entered Lebanon as refugees in 1948 and were distributed in Camps throughout the country.

The Palestine Liberation Organisation established on May 28th, 1964 under the initiative of the Arab League at the January 1964 Arab Summit Conference in Cairo, established its Headquarters in Beirut. This became a visible danger to the Lebanese authorities, particularly, the Christian Maronites.

The first major clash between the Lebanese authorities and the PLO occurred on April 14th, 1969 in southern Lebanon, when<sup>en</sup> the Lebanese army endeavoured to assert Lebanon's sovereignty in that area, with a view to removing any pretext for Israeli incursions into Lebanon. Meanwhile the PLO was gaining wide support from the Arab League. In these circumstances, the famous Cairo Agreement was concluded between the Lebanese Government and the PLO on November 3rd, 1969 on the initiative of the Arab League, regulating the presence of the PLO in Lebanon and allowing the PLO autonomy in the Camps and in the southern border regions. (65)

The Arab League failure to impose a solution on the Civil War in Jordan, in September 1970, intensified the Christian Maronites fears of the Palestinians, at the very time when the PLO were losing their confrontation with King Hussein and were falling back into Lebanon. In the meantime the Christians began to arm themselves for what they perceived as an inevitable conflict in which they could not depend on the Arab League.

(64) The Alexandria Protocol, Pact of the League of Arab States, Published by the Arab League, Cairo N.D. p.6.

(65) Hudson Michael C. The Palestinian Factor in the Lebanese Civil War, Middle East Journal, Summer 1973, Volume 32 Washington pp.261-278.

The Lebanese army made great efforts to break the power of the PLO in the Palestinian Camps and in the southern region, but the fighting led to defeat for the army.<sup>(66)</sup>

Under these circumstances the Arab League initiated the conclusion of a new agreement between the Lebanese Government and the PLO on May 17th, 1973. This imposed restrictions upon the movements of the PLO, but like the Cairo agreement before it, it did not bring about a final solution of the Lebanese civil war. Despite Palestinian declaration of non-intervention in the internal affairs of Lebanon, their involvement in the Civil War became unavoidable because of the total collapse of central authority.

The blockade of the Palestinian Camps in January 1976 by Christian rightists brought about a major change in the overall Palestinian position and set the stage for full Palestinian involvement. The PLO were finally brought directly in the Lebanese conflict.<sup>(67)</sup> This led to a formidable coalition with the Lebanese Sunnis and even since there has been significant Palestinian support for the Lebanese leftist organisations. The rightist Leader declared that the struggle was now one between the Lebanese Christians, particularly the Maronites and the Palestinians. They also stated that they would take all the necessary steps to defend Lebanon's sovereignty against the Palestinian threat.

Initially Syria ignored the Arab League and adopted its own approach attempting mediation between the PLO and the Christian Maronites, with a view to bringing about reconciliation based on an agreement on mutually acceptable terms. The Syrian proposal of February 1976,

(66) The Middle East, September 1978 No.47.

(67) Middle East, September 1978 No.47.

endorsed by President Franjijah in principle, provided for a return to the 1943 formula laid down by the Mandatory Power, but with some modification in favour of the Muslims. The Lebanese leftist organisations however, maintained that the Syrian proposal did not bring about any significant change in the Lebanese situation. It was inadequate because it did not contain economic reforms.<sup>(68)</sup>

Subsequently, the Arab League also assumed a mediatory role, and the Secretary-General was shuttling between Beirut, Damascus and various Arab capitals, with a view to persuading the involved parties to call a ceasefire and bring about a peaceful settlement. It would appear that his role intended to be investigatory with a view to bringing about an agreement between the concerned parties upon mutually acceptable terms.

The Secretary-General's mediatory role failed as a result of the existing differences among the Arab League member States. Since 1973 the stability of the Arab World has been shattered by broad wrangling over the first disengagement agreement on the Egyptian front.

Relations between Cairo and Damascus became strained, and there were also differences between Egypt and Iraq, Egypt and Libya, Egypt and Algeria and Egypt and Saudi Arabia.

All these circumstances did not help the Secretary-General in pursuing his initiative to bring about adequate solutions to Lebanese Civil War.<sup>(69)</sup>

In the final stage the entry of regular Syrian troops on June 1976 also brought about a major change in the overall Lebanese Civil War, in general reducing the

(68) Stoakes Frank, the Civil War in Lebanon, the World Today, volume 32, 1976, the Broadwater Press, Welwyn Garden City, Hertfordshire, pp.8-17.

(69) Al-Tahar Hamdi, Op.cit. pp.485-490.

autonomy of the PLO, followed by Syrian tilting in favour of the Christian rightists.

The Syrian troops directly clashed with the PLO and Lebanese leftist organisations and the Muslim Sunnis, and Palestinian administered areas came gradually under Syrian control. By September 1976 Syrian troops were pushing the PLO and the Lebanese leftists organisations out of their positions in the Lebanese mountains and also in the south.<sup>(70)</sup>

In October 1976 a mini Arab Summit Conference of the Heads of Saudi Arabia, Egypt, Kuwait, Lebanon, Syria and the PLO was held in Riyadh, Saudi Arabia. It produced a peace formula and the decision to send an Arab League peace-keeping force to Lebanon, drawing personnel from Saudi Arabia, Sudan and from the Syrian troops which were already stationed there. The function of these troops is to maintain peace and security until the legitimate national force will be able to take over this task.<sup>(71)</sup>

Despite all this the peace in Lebanon is still at stake. Renewed fighting flared up over the presence of the Syrian dominated Arab League peace-keeping forces, this time leading to the 1978 clashes between Syrian troops and the Christian rightists militias.<sup>(72)</sup>

#### THE SAHARA PROBLEM:-

The disposition of the Western Sahara has already had dramatic effects on World order. Some sixty thousand Sahrawis have become refugees, adding additional strain onto the facilities and the budget of the UN High

(70) Middle East Events, September 1978 No.51.

(71) Turner Louis and Bedore James, Saudi Arabia:- The Power of the Purse-string, International Affairs Volume No.54, Oxford University Press, London, 1978. p.410.

(72) The Guardian Tuesday January 9th, 1979.

Commissioner for refugees.

The Western Sahara is situated along the Atlantic coast of northwest Africa, is a part of the Arab world. It was a Spanish colony handed over under the Madrid Agreement to be partitioned by Morocco<sup>(73)</sup> and Mauritania.

The Madrid Agreement illegally ignored the UN General Assembly Resolutions, calling on Spain to implement the Sahara's right to self-determination. From the beginning, the question of the Spanish Sahara had been exhaustively discussed in the Special Committee of the UN General Assembly since September 1963 and in the General Assembly plenary session since December of that year.

The twenty-first Session of the General Assembly in 1966 re-affirmed the right of the people of the Spanish Sahara to self-determination and in the meantime, asked the Secretary-General to appoint and send to the Sahara a special mission for the purpose of recommending practical steps for the implementation of the UN General Assembly's Resolutions. Indeed all six Resolutions adopted by the UN General Assembly between 1967 and 1973 echo the prescriptions of the 1966 Resolution.

On the other hand the OAU strongly emphasised the rule, that territories must exercise their right to self-determination within established colonial boundaries.<sup>(74)</sup> It is for these reasons that African states have observed that each colony in the final stage of decolonization must exercise its rights of self-determination within the confines of established boundaries.

(73) Moroccan authorities claimed to see injustice in restricting such vast resources to a tiny population and privately said that one Kuwait in the Arab World was enough.

(74) Thomas M. Franck, *The Stealing of the Sahara*, A.J.I.L. volume 70, 1976, pp.696-717.



-30-

This concept had already been applied in the Arab World after the collapse of the Ottoman Empire when the Arab World was partitioned into British and French zones. In due course each zone in the final stage of the Mandates exercised its right of self-determination within the confines of established boundaries.<sup>(75)</sup>

From the beginning, Morocco actually took the initiative in proposing that the Sahara and other Spanish Colonies should as soon as possible, be granted their independence, but subsequently Morocco privately indicated that the Sahrawis were limited to a choice between union with Morocco or remaining a Spanish colony, thus excluding the option of independence.

On July 8th, 1976 King Hassan publicly asserted Morocco's historic claim to the Sahara and threatened to use armed force to gain these territories. Morocco suddenly proposed that the issue be referred to the ICJ to examine the validity of Morocco's claim to historic title. Mauritania did not join the call for submitting the case to the ICJ re-iterating its intent to respect the freely expressed will of the Sahrawis.

Subsequently King Hassan and President Ould Daddah held a summit meeting in Rabat, where Mauritania eventually agreed to go to the ICJ. It would however, appear that they also produced a partition plan of the Sahara, regardless of the outcome of the Court's advisory opinion.<sup>(76)</sup>

(75) Khadduri M. Op.cit. p.758.

(76) Middle East Events, January 12th, 1979 No.60.

The General Assembly's Fourth Committee adopted a Resolution on December 11th, 1975, requesting an advisory opinion of the ICJ which the General Assembly approved.<sup>(77)</sup>

The Court concluded that the rules applicable to decolonization require respect for the rights of the population of Western Sahara to determine their future political status by their own freely expressed will. The Court definitely ruled that neither Morocco nor Mauritania have a valid claim to the Sahara based on historic title.<sup>(78)</sup>

Subsequently after the ICJ published its advisory opinion the Moroccan Government announced that there would be a massive march of unarmed civilians from Morocco into the Sahara to gain recognition of Morocco's right to the Western Sahara.

On November 1st, 1976, Spain requested a meeting of the Security Council and ultimately declared that it would defend Sahara territory with military force, if necessary.

Unfortunately, the U.S. and France, however, prevented the UN Security Council from reaching decision ordering King Hassan to call off the march and to reaffirm the right of the people of the Western Sahara to self-determination.

(77) The Special Committee of the General Assembly appointed representatives from Cuba, Iran and Ivory Coast to constitute the mission of the UN to be despatched to the Sahara in accordance with the UN General Assembly's Resolution of 13th December, 1975. The mission was charged with responsibility for securing information on the situation prevailing in the Sahara. The mission concluded after visiting the territory that the majority of the population within the Spanish Sahara were in favour of independence.

(78) Report of ICJ, Report No.2, 1975, pp.166-174, 39-42, 9 and 12.

The handover of the Sahara was a wrong committed in a hurry while General Franco was dying and under pressure from the U.S.A. Spain agreed under the Madrid Agreement of November 14th, 1976 to allow the Sahara to be partitioned between Morocco and Mauritania. Ever since, there has been fighting in the Sahara between both Morocco and Mauritania on the one hand and the POLISARIO which <sup>is</sup> internationally recognised as the Legitimate representative of the Sahara people on the other hand. During the 3 years which Morocco and Mauritania have been fighting the POLISARIO, Mauritania have been defeated and since the coup d'etat in July 1978 the new regime have been trying to negotiate a settlement directly with the POLISARIO. Morocco are neither losing nor winning. They can move about in the Sahara and operate the phosphate mines only under heavy military protection, whilst POLISARIO have recently been penetrating farther into southern Morocco itself which is suffering grave economic hardship as a result of the war. (79)

The Spanish policy has also been changed since the Madrid Agreement. The most important switch is that the ruling Centre Democratic Union has formally recognised POLISARIO as the only legitimate representative of the struggling Sahara people.

In a speech to the UN General Assembly on October 2nd, 1978 the Spanish Foreign Minister urged a rapid negotiation settlement of the three-year old Sahara war and said that this should be based on the right of the Sahara people to free self-determination. (80)

In this case the Arab League merely addressed a conciliatory plea to restore peace, to the parties in the dispute, leaving it to them to negotiate a peaceful

(79) The Observer 24th December 1978.

(80) Middle East Events December 15th, 1978 No.8.

settlement, while in the Kuwait-Iraq dispute of 1961 the Arab League rejected Iraq's territorial claim upon Kuwait and adopted effective measures for the preservation of Kuwait's independence.

The Arab League failed to preserve the independence of the Western Sahara as a result of the differences among the Arab States.

Since 1973 the Arab World has been shattered by ~~spread~~ <sup>wide-</sup> ~~broad~~ wrangling over the Arab-Israeli conflict and the Lebanese Civil war. Nonetheless, it would appear ~~implicit~~ that Morocco and Mauritania have violated their obligations under the Pact of the Arab League, when they on purpose violated the territorial integrity of Western Sahara. In accordance with Article 18 of the Pact, the League Council ~~must~~ <sup>should</sup> adopt appropriate measures against Morocco and Mauritania because they failed to fulfil their obligations under the Pact.

Such measures ~~must~~ <sup>may</sup> involve loss of the right to the privileges and immunities of membership; moreover, it will involve the deprivation of a member's representation as well as their votes in any organs of the Arab League. (vide Article 5, 8 and 18 of the Pact of the Arab League.)

#### EXTERNAL POLICY:-

##### THE ARAB INDEPENDENCE MOVEMENT:-

The Arab League has been promoting independence for all Arab peoples acting as a forum in which common policies were being formulated. "The area in which the co-operation has been most effective is that of co-ordinating policies in relation to third States, on issues such as the complaints against France over the Tunisian, Moroccan and Algerian

questions, or against the U.K. over the Southern Yemen and Oman or in relation to the blockade against Israel." (81)

In its policy of promoting political independence for dependent Arab countries, the Arab League co-operates with Afro-Asian bloc in the UN. From the beginning, representatives of the North African dependencies were allowed to participate at Alexandria Conference with observer status. They also attended the ceremonies of the League's establishment in March 1945.

The Pact of the Arab League furthermore provides for co-operation with and assistance to Arab countries which are not members of the League.

The Arab League made direct contact with Mandatory Powers such as Great Britain and France, in its role, in some instance, as trustee for the dependent Arab territories.

Member States of the Arab League acted through established diplomatic channels to gain sympathy for the Arab cause as for example when, the Arab League requested the Western Powers in 1959 at the NATO Summit not to support France in her military campaign in Algeria.

The representatives of the League member States at the UN always endeavour to gain the support of the Afro-Asian bloc and other powers in favour of establishing investigating commissions by the UN Security Council or the General Assembly to be sent to dependent Arab territories. (82)

Since 1945 the number of independent Arab States has risen from seven to twenty. There is still the problem of the setting up of an independent Western Sahara State, and the Palestinian state in the West Bank and the Gaza Strip, both of whom, it is hoped will take their seats in the Arab League in the nearest future.

(81) Bowett D.W., the Law of International Institutions, Stevens & Sons, London 1976, p.205.

(82) Macdonald R.W. Op.cit. pp.94-96.

## CO-OPERATION WITH THE UN:-

Co-operation with the UN started with the League's approach, referring the open conflict with France the former Mandatory Power of Syria and Lebanon, to the UN Security Council, when a peaceful settlement in favour of the independence of Syria and Lebanon was achieved in April 1946.

The Political Department of the League Secretariat was made responsible for the co-operation and unification of the policies of the Arab States in advance of UN meetings. The effectiveness of this can be seen at all the UN meetings, where the Arab States act as an influential bloc.<sup>(83)</sup>

The first opportunity the Arab States had to show their unity was at the UN Conference at San Francisco in April 1945, and since 1951 the Secretary-General of the Arab League has been a regular and official observer at the UN General Assembly Sessions.<sup>(84)</sup>

The Arab League has actively supported and encouraged the development of the Afro-Asian bloc at the UN which now dominates the General Assembly.

The Arab League states have enthusiastically sought to enlarge the operational scope of the Economic and Social Council (ECOSOC) and of other UN Specialised Agencies dealing with the acceleration of developments in the developing countries.

Formal instruments of co-operation have been concluded with various specialised Agencies such as the WHO, FAO, ILO and UNESCO.<sup>(85)</sup>

(83) Bowett D.W. Op.cit. p.205.

(84) Seton-Williams M.V. Britain and the Arab States  
Luzac & Co. Ltd., London 1948, p.233.

(85) Macdonald R.W. Op.cit. pp.102-105.

## AFRO-ASIAN SOLDARITY:-

The Arab League has been promoting diplomatic co-operation with Afro-Asian countries since its establishment. The major result of this is the existence of a voting bloc in the UN General Assembly.

The Arab League has supported the Afro-Asian countries on various occasions starting with active support for the Indonesian independence movement in 1946.<sup>(86)</sup> It attempted to mediate the Kashmir dispute between India and Pakistan, constantly supported Vietnam's independence movement and independence for Cyprus.<sup>(87)</sup>

The Secretary-General of the Arab League participated in the New Delhi Conference of Afro-Asian nations in January 1949, where agreement upon a common Afro-Asian policy to be co-ordinated in advance of UN General Assembly sessions was reached.

In December 1952 a special Afro-Asian bloc meeting was held in Cairo under Arab League auspices to co-ordinate and unify a common Afro-Asian policy on the situation in North Africa.

At the Bandung Conference in December 1954 the Arab League played a significant role to place the Palestine question on the conference agenda along with other World problems such as racial discrimination, the fight against colonization, human rights, the regulations of armaments and the use of atomic energy.<sup>(88)</sup>

The Arab League always recommends to the Arab states to strengthen their diplomatic representations in the Afro-Asian countries.<sup>(89)</sup>

(86) Rafai Muhammed Ali Op.cit. pp.307-309.

(87) Ibid pp.315-317.

(88) Rafai Muhammed Ali Op.cit. pp.310-313.

(89) Macdonald R.W. op.cit. pp.96-98.

### NON-ALIGNMENT POLICY:-

The Arab League rejected the American initiative for a regional security pact in the Middle East that would represent an extension of NATO.<sup>(90)</sup> It had been advocating a policy of neutralism during the Cold War between the East and West, thus for instance, the Arab delegates at the UN abstained from voting on the Uniting for Peace Resolutions of 1950 concerning the Korean War.

The Arab League non-alignment policy has been successful in that it permits greater freedom of action and also greater influence in the UN.<sup>(91)</sup>

### ARAB BOYCOTT:-

Members of the Arab League have been engaged in a boycott against Israel since the establishment of the Arab League in 1945. Under the terms of Resolution 16 of the League Council in December 1945, all members of the Arab League agreed to boycott goods produced by Zionist firms in Palestine. The purposes of the boycott are intended to prevent Arab States and non Arab States from making direct or indirect contribution to Israel's economic and military strength.

The Arab States ban their own citizens and foreign companies situated in their territories from exporting to Israel products manufactured in an Arab country or of transshipping products to Israel via an Arab country, and also to foreign companies who established factories or branches in Israel are banned from selling or operating in the Arab States.

(90) Al-Ghanami M.T. the UN and the Specialised Agencies, Atlas Press, Cairo 1971 (Arabic Text) p.1037.

(91) Macdonald R.W. Op.cit. pp.105-118.



It was not until 1950, two years after Israel became independent that the boycott was extended to involve the refusal of Arab States to trade with third parties which were considered by the boycott committee of the Arab League as significantly contributing to Israel's economic and military strength.

For these purposes, the Arab League established a Central Boycott Office in Damascus in 1951 which operates as a Secretariat-General for the local boycott offices set up in the Arab countries and for the Semi-annual Regional Conferences which pass recommendations to the Arab Governments.

The blacklist is the principal instrument for the enforcement of the boycott<sup>(92)</sup> but recommendations of the CBO are not binding on any Arab League member, although it is generally agreed that no Arab country has seriously proposed discontinuing the boycott even when the internal relations between the Arab States are at their worst.<sup>(93)</sup>

There are exceptions made in order to avoid harming Arab economies in the name of the boycott. Over the years the CBO has established such exceptions to the basic principles such as that the boycott does not apply to governmental sales through which Arab countries can

(92) Since 1951 a various American and Western European Companies have been blacklisted by the Arab League, because of business relations with Israel: e.g. Coca-cola was blacklisted in 1966, six months after licensing a bottling plant in Israel, Ford Motor Company which licenses a truck and tractor assembly plant in Israel was also blacklisted in the same year. In 1957 the Arab League announced a political important boycott against France as a result of her military campaign in North Africa. This involved banning Air France from overflight and landing rights within the territories of Arab League members. In 1959 a similar case against Renault the French automobile company led to the cancellation of Renault's plan to establish an assembly plant in Israel.

(93) Al-Ghanami M.T. Op.cit. pp.1039-1043.

purchase military equipment from the same companies that supply Israel.<sup>(94)</sup>

The boycott was also applied at the political level. In 1957 attempts were made to dissuade Czechoslovakia, Hungary and Bulgaria from trading with Israel. Relations with Turkey have been strained over her commercial ties with Israel. As a result of the League's co-operative policy with Afro-Asian countries some Asian States refuse even to recognise Israel e.g. India, Pakistan, Indonesia and Afghanistan. On the other hand it had been unsuccessful in persuading newly established African States to call off Israeli technical assistance and commercial ties.

Despite that failure the Arab League can be given credit for the cancellation of joint ventures in the shipping field between Israel and Sierra Leone and Ghana.

The Arab boycott is not an act of revenge or aggression but a defensive protective one. It is applied by many States e.g. by the U.S. banning trade with Cuba and Vietnam, Great Britain <sup>with</sup> ~~against~~ Rhodesia. It is an international custom. The Arab boycott is not based on any racial or religious discrimination. The Arab States have dealings with companies owned by Jews who do not support Israel. The Arab States are careful not to harm the interests of foreign companies and for this reason the CBO contacts the companies which have relations with Israel to discover the nature of these relations. No action is taken against the Company unless these relations prove to strengthen Israel's economic and military capability, if that seems to be the case the company is asked to choose between the Arabs and Israel.<sup>(95)</sup>

(94) Turck Nancy; the Arab Boycott of Israel foreign affairs, An American Quarterly Review, October 1976 volume 55 No.1 Washington pp.472-478.

(95) Macdonald Op.cit. pp.118-123.

INTERNAL POLICY:-

RIVALRY FOR LEADERSHIP OF THE ARAB LEAGUE:-

The rivalry between Iraq and Egypt over leadership of the Arab League has been demonstrated on a number of occasions. Iraq's adherence to the Baghdad Pact in 1955 was a major controversial issue demonstrating the differences between the two countries which weakened the Arab League. On the other hand, Iraq generally alleged Egyptian domination of the Arab League and its use of the League as an instrument of Egyptian policy.

The basic conflict between the Hashemites and Egypt stemmed from the differences over action in Palestine. It should be noted that the disputes between Iraq and Egypt did not cease with the overthrow the Hashemite monarchy in Iraq in 1958.<sup>(96)</sup>

Jordanian complaints in 1950 of Egyptian domination of the Arab League stemmed from the Egyptian Campaign to expel Jordan from the Arab League when King Abdullah incorporated the West Bank into his domain.

The North African members of the Arab League have had their own grudges against Egypt. For instance Tunisia in 1958 complained of Egyptian domination of the League by modelling its policies on those of Egypt without consulting member States.

The breakdown of the 1958 union between Syria and Egypt in 1962 led to a major dispute between the two countries, indeed at the meeting of the League Council to hear the Syrian complaints, the Egyptian delegation threatened withdrawal from the Arab League if the Council pursued its hearing of complaints against Egypt.<sup>(97)</sup>

(96) Lenczowski George Op.cit. pp.638-639.

(97) Bowett D.W. Op.cit. p.204.

The rivalry between the Saudi and the Hashemite royal houses influenced the League Council proceedings until 1956, when the two sides agreed to settle their differences in accordance with the same terms as the Saudi-Iraqi treaty of Arab Brotherhood and Alliance of 1936.<sup>(98)</sup>

During the early years of the Arab League and whilst the Saudi/Hashemite rift persisted, close co-operation existed between Saudi Arabia and Egypt in all Arab League institutions.

This changed drastically after Egyptian intervention in the internal affairs of the Yemen. Strained relations continued until after the death of Nasser, when Egypt adopted a new policy and ceased its intervention.

The new members of the Arab League have tended to form a neutralist bloc between Egypt and Iraq. The polarization of power seems to narrow the range of action of the Arab League, but there have been agreements on some fundamental Arab League issues e.g. Egypt's nationalization of the Suez Canal in 1956 was supported by Iraq.<sup>(99)</sup>

There has been a long record of competition among rival Arab States to use the Palestine issue against each other and for their own advantages, beginning with the disastrous military campaign in Palestine in 1948. This competition was mainly between Egypt on the one hand and the two Hashemite Kingdoms of Jordan and Iraq on the other hand, in order to win general influence in the Arab world. The final Egyptian decision to invade Palestine came only in 1948, only after the Syrians informed the Egyptians that King Abdullah of Jordan had decided to enter and occupy the Arab part of Palestine.

(98) Seton-Williams Op.cit. p.218.

(99) Macdonald R.W. Op.cit. pp.73-82.

The recent approach of the Egyptian Government which seems to have secured Israel's withdrawal from Egyptian territory occupied after the 1967 war, stemmed from discovering the extent of Egypt's own importance and led them to offer significant concessions and guarantee to Israel that would have been unthinkable at any previous time since the establishment of Israel.<sup>(100)</sup>

#### THE DECISION-MAKING PROCESS:-

According to the Pact of the Arab League the decision making process and policy making are exercised by the League Council. The Council consists of the representatives of all member States of the League and a representative from Palestine.

The Council meets in ordinary sessions twice a year, but may be convened in emergency session at the request of two members. The Council sessions are usually held in Cairo, where the Headquarters of the League are situated. It may however, assemble at any place it may designate within its jurisdiction. Chairmanship of the League Council is held in rotation by the member states in alphabetical order.

Voting procedures for the League Council are established by the Pact of the Arab League. Substantial matters must be approved by unanimous vote, in order that the decision may bind all members while majority decisions bind only those members which accept them.

Procedural and administrative matters require only a majority vote of the League Council and are generally specified by the Pact of the Arab League. Amendment of the League Pact requires a two-thirds majority.<sup>(101)</sup>

(100) Hammond Y.P. & Alexander S.S. Political Dynamic in the Middle East, American Elsevier Publishing Co., New York 1972, pp.63-66.

(101) Macdonald R.W. Op.cit. pp.56-61.

Outside the League Council voting procedures in other organs of the Arab League are normally by simple majority with the exception of the Joint Defense Council which requires the two-third majority.

The Economic Council and the Technical Committees except the Political Committee are consultative bodies and usually serve to recommend actions to the League Council for making decisions.<sup>(102)</sup>

According to the Pact of the Arab League, disputes which may arise between member States shall be referred to the League Council. The decision of the Council in these instances is enforceable upon the disputing member States.

The Council shall mediate in any dispute which may lead to a war between two member States or between a member State or a non-member State. Decisions relating to arbitration and mediation shall be taken by a majority. In case of aggression or a threat of aggression the member States may request an immediate meeting of the League Council, which shall decide by an unanimous vote upon the measures to be taken against the aggressor. If that aggressor were a member State of the League, the vote of such State shall not be considered in determining the unanimity required in voting upon such a matter. The 1950 Arab Collective Security Pact provides for a Joint Defense Council and appropriate military agencies to deal with aggression from inside and outside the region. The 1950 Pact, however, affirms that the contracting States shall consider an attack against one member as an attack against all.

#### THE POLICY-MAKING PROCESS:-

The League Secretariat-General is only given administrative and executive functions as stipulated

(102) Al-Ghanami T.M. Op.cit. pp.1029-1031.

by the Pact of the Arab League. It plays, however, an important role in the policy-making process since it is entrusted with long range studies for ultimate consideration by the League Council and with preparing the Agendas for the League Council and the Council of the Heads of Arab States. There are also expert advisors who deal with technical matters and reports directly to the Secretariat-General.

The Political Committee in practice fulfils the functions of the League Council under the actual operating condition. It consists of foreign ministers of the member States, but sometimes is made up of Arab diplomatic representatives to the Arab League. It is charged with drawing up recommendations for the League Council. It meets usually before League Council Sessions and in the meantime it is entrusted to debate the recommendations of the Technical Committees before these are being submitted to the League Council. Voting in the Political Committee is by simple majority, decisions are then drafted as resolutions and are then submitted to the League Council for approval.<sup>(103)</sup> The Political Committee usually acts as the principal body in the policy-making process of the Arab League, while the League Council is a decision-making body.<sup>(104)</sup>

It must be understood, however, that the representatives of member States on the League Council, do not wield individual authority to make decisions. This is retained by the member governments whom the representatives must refer back to before casting a vote or entering into a binding obligation. Similarly, Council decisions affect citizens of member States only through the medium of their own governments, never directly.

(103) Al-Ghanami T.M. Op.cit. pp.1031-1033.

(104) Macdonald R.W. Op.cit. pp.61-67.

CO-OPERATION WITH THE UN:-

One of the major tasks entrusted to the Arab League Council was to collaborate "with the international organisations which might be created in the future to guarantee peace and security and organise economic and social relations."<sup>(1)</sup> Under these circumstances, the Arab League member States at the UN Conference of International Organisation submitted a copy of the Arab League Pact to the Secretariat of the Conference, which was subsequently distributed to the delegates of the participant States as an official document. The Arab and Latin American delegations, at San Francisco Conference, worked closely together in an effort to attain de jure recognition of both the Arab League and the organisation of American States as regional agencies, and proposed to have them named in the text of the UN Charter.

Nevertheless neither the Arab League nor the organisation of American States were recognised by the UN Charter, nor did the UN specify policies or procedures with which to integrate the activities of the regional organisations with the UN. Subsequently the Arab League and the organisation of American States attained de facto acceptance by the UN as regional organisations within the meaning of Chapter VIII of the UN Charter.

In 1950 the Syrian delegate to the UN requested the UN Secretary-General to place on the agenda of the UN General Assembly the matter of a permanent invitation to the Arab League Secretary-General to attend sessions of the General Assembly. The UN Secretary-General submitted the Syrian request to the legal Committee of the General

(1) Article 3 of the Pact of the Arab League.



Assembly. It was fully discussed by the Committee, which prepared a draft resolution calling for the invitation, and the matter was referred to the General Assembly.

The General Assembly approved the recommendation of the Legal Committee and requested the UN Secretary-General to invite the Arab League Secretary-General to attend the Sixth UN General Assembly Session. "Since then, the invitation has been extended for each session, upon which the Secretary-General attends the meeting in his capacity of observer."<sup>(2)</sup> The League Secretary-General informed the General Assembly at its Sixth Session that the Arab League looked forward to closer collaboration with the UN and its specialised Agencies, especially in the social, economic and cultural fields.

In practice, relations between the UN and the Arab League have gradually been developed over the years. Since 1950 the UN Secretary-General and the Arab League Secretary-General have been engaged in negotiations on several occasions in efforts to establish the basic principles for a formal agreement between the UN and the Arab League.

On December 21st, 1960, the UN Secretary-General transmitted to the Arab League Secretary-General a "Memorandum" meant to serve as a guide for future co-operation and liaison between the UN and the Arab League.<sup>(3)</sup> The memorandum contains principles on such matters as mutual consultation for the co-ordination of common activities, joint actions, particularly projects of an economic, social or humanitarian characters.

(2) Hussouna Hussein A. The League of Arab States and Regional Disputes, Ocean Publication Inc. New York 1975 p.12.

(3) Letter of the UN Secretary-General to the League Secretary-General on December 1960, Hussouna Hussein Op.cit. p.441 (Appendix F).

It also set forth procedures on mutual exchanges of information and documentation and representation and liaison, in accordance with the terms of Resolution 477 of November 1st, 1950 of the UN General Assembly.<sup>(4)</sup>

It should be noted here, that the memorandum of the UN Secretary-General is not an agreement between the two organisations, because the UN has no agreements on co-operation with inter-governmental organisations such as the Arab League. There is, however, no doubt that the memorandum does constitute de facto recognition of the Arab League as a regional agency within the meaning of the UN Charter.<sup>(5)</sup>

From the beginning, the League Secretary-General decided to designate the Political Department of the League Secretariat as the principal organs of the Arab League to deal with matters concerning the UN. Other departments of the League Secretariat have assumed responsibilities for co-ordinating common activities with the UN, particularly the departments of Palestine, Economic and Cultural and Social affairs.

Subsequently, the League Secretary-General decided to establish a liaison staff with the UN under the chairmanship of Assistant Secretary-General for Political Affairs.<sup>(6)</sup>

The Arab League has endeavoured to co-ordinate its activities within the framework of the UN to accomplish the introduction of Arabic as an official language of the UN and a number of its Specialised Agencies.<sup>(7)</sup> of the UN and a number of its Specialised Agencies.<sup>(7)</sup>

(4) Memorandum on co-operation and liaison between the UN and the Arab League of December 21st, 1950, Hussouna Hussein Op.cit. p.443 (Appendix F).

(5) Akehurst Michael, Enforcement Action by Regional Agencies with Special Reference to the Organisation of American states. The British Year Book of International Law, volume 42, Oxford University Press, London 1967 p.179.

(6) Abu-Baker Yehia Op.cit. p.90.

(7) Hassouna Hussein Op.cit. p.11.

For the most part, contacts between the UN and the Arab League have been on an ad hoc basis. In this connection, contacts between the two Secretaries-General have been usually unofficial. The League Secretary-General sometimes transmits to the UN Secretary-General copies of certain League Council resolutions, however, the League Secretariat has not, frequently, received acknowledgement of the receipt of such resolution.<sup>(8)</sup>

#### THE ARAB LEAGUE MEMBER STATES AT THE UN:-

In principle, during the past years, the Arab League has been active in the diplomatic field, particularly in the UN, where a united front was presented by the Arab League member States.<sup>(9)</sup> This could be attributed to the official resolutions of the League Council. Once a decision has been made in the proper organ of the UN, the permanent representatives of the League member States to the UN are informed and in due course appropriate actions are taken. In the event of the permanent representatives of the League member States having different views on a certain matter, the Arab League Liaison staff may direct each member State to make representatives <sup>or</sup> to appropriate diplomatic missions visiting the appropriate authorities in the various Arab capitals in an effort to gain support for a united Arab front.

In the meantime, Arab diplomatic missions abroad endeavour to secure support in the foreign ministries of the world. The permanent representatives of the Arab

(8) Macdonald R.W. Op.cit. pp.244-249.

(9) International Organisations, Volume 1 Boston 1947 p.155.

League member States engage in canvassing before important issues that come before the General Assembly's sessions, concentrating particularly on the Afro-Asian bloc to secure votes.<sup>(10)</sup> The last resort has been the convocation of an extra-ordinary session of the League Council at the Foreign Ministers level in New York during the General Assembly session.

The Arab League Secretary-General is often present for at least part of each General Assembly session. After his departure Arab League permanent observer at the UN takes his place.

In any case, the Arab League permanent observer to the UN has no voting right in any organ, but he is entrusted with the task of seeing that the Arab League policies are implemented. This could be demonstrated by means of weekly or occasional meetings between the representatives of the Arab League member States and the permanent observer at the UN, particularly during the annual sessions of the General Assembly in which decisions on current problems are made.

It should be mentioned here that it is most significant that internal differences among Arab League member States do not affect voting in the UN General Assembly. Dis-agreement among these States appears to be indicated more by abstention rather than casting votes against the Arab bloc.

This is due to the policy of the Arab League to endeavour to increase the power of the General Assembly at the expense of the Security Council.<sup>(11)</sup> This policy could be attributed to the external influence which lead the Arab States to follow a common policy on issues regarded as vital to the group, particularly opposition

(10) Ball Margaret M., Bloc voting in the General Assembly International Organisations volume 5, 1951, p.26.

(11) Ball Margaret M. Op.cit. p.27.

100

to Israel and the colonial powers. Under these circumstances, the Arab League member States have actively supported and encouraged the development of the Afro-Asian bloc at the UN which now dominates the General Assembly.<sup>(12)</sup>

The Arab League member States introduced a technique used in both the Security Council and the General Assembly which made it incumbent for any Arab delegate to act as temporary spokesman for the rest of the Arab States on issues regarded as vital to the group. The Arab League member States also participate as a sub bloc at the regular meetings of the Afro-Asian bloc which are usually held during General Assembly sessions.

The Arab League intensified its interest in the various non-political UN organs such as the Economic and Social Council (ECOSOC) and the various ECOSOC agencies, and the Trusteeship Council.

It nominates qualified Arab candidates to fill the vacant seat of the ICJ allocated to the M.E. in accordance with Article 9 of the statute which stipulates that the body of judges as a whole should represent the main forms of civilization and the principal legal systems of the World.<sup>(13)</sup>

The same procedures apply also to the seat of the Security Council allocated to the M.E. In this connection, the Arab League had attempted, during the first four sessions of the Security Council, to reserve the M.E. seat in the said organ for itself.<sup>(14)</sup> The Arab League member States also seek election to the General Assembly's Committee and the ECOSOC and usually succeed in their attempts.

(12) Rafa-a Muhammed Ali Op.cit. pp.310-313.

(13) Bowett D.W. Op.cit. p.239.

(14) Ball Margaret Op.cit. p.27.

National representation on the staff of the UN Secretariat has also been a matter of interest to the Arab League.<sup>(15)</sup> According to Article 101 (3) of the UN Charter which provides that consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.<sup>(16)</sup>

It would appear that these requirements are not always to be realized in practice, because well-qualified personnel are sometimes not available from all countries. On account of this the Arab League adopted a policy that every Arab State has an equal right to representation on the UN Secretariat. In the meantime, Arab states which are unable to exercise their right may relinquish it in favour of another Arab State.

In 1955 the Arab League Political Committee reviewed the representation of the Arab States at the UN Secretariat. This review showed that the Arab share of posts was inadequate. In the meantime, the Committee requested the Arab States to make attempts to secure posts in the UN Secretariat offices, compatible with the Arab commitments to the UN. Because of these endeavours the Arab share of posts has been increased over the years. For instance in 1963 an Arab achieved the rank of assistant Secretary General for the first time.

It should be noted that neither the Arab League nor its member States transmitted to the UN Secretariat copies of treaties and agreements concluded between its member States.

(15) Macdonald R.W. Op.cit. p.260.

(16) Brownlie Ian, Basic Documents in International Law, The Clarendon Press, 1972 p.28.

According to Article 102 of the UN Charter which provides that every treaty and every international agreement entered into by any member of the UN after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.<sup>(17)</sup> It would appear that the UN Treaty series contains only the Pact of the Arab League and a convention concluded between the Arab League and the ILO, submitted by the latter.<sup>(18)</sup>

#### THE UN AND THE ARAB LEAGUE:-

The UN maintains offices in Cairo for four UN agencies, an information Center and the UN Emergency Force (UNEF). The Arab League has transmitted notices to the UN agencies from time to time, particularly during and after the Arab-Israeli Wars. In 1948 the Arab League transmitted a joint declaration to the UN Special Commission on Palestine (UNSCOP) at Beirut, in which the concerned Arab States agreed to a joint representation of the Arab League on the commission.

Under these circumstances, the commission invited the Arab League to send a liaison officer to Geneva for the final session of the commission.

The Commanders of the UNEF realised during the Arab-Israeli Wars that it was expedient to include the Arab League in the discussion concerning the tasks of the UNEF, upon which they held frequent conferences with the League Secretary-General and other League officials.

For instance, after the Arab-Israeli War of 1948, the Arab League Secretary-General was in direct contact with the UN on the problems of the Palestinian refugees relief, and also succeeded to co-ordinate the activities

(17) Brownlie Ian Op.cit. p.29.

(18) Macdonald R.W. Op.cit. pp.250-263.

of the Arab delegations to the Mixed Armistice Commissions through which the UN is supervising the truce between Israel and the adjoining Arab States.<sup>(19)</sup>

Negotiations have taken place between the UN Relief and Works Agency for Palestine Refugees (UNRWA) and the Arab League under the programme approved by the UN General Assembly in which the League has co-operated with the Agency since it started functioning in May 1950.<sup>(20)</sup> Under these circumstances, the Secretary-General decided to designate the Palestine Department of the League Secretariat as the principal organ of the Arab League to deal with matters concerning the joint Arab-UNRWA programmes.

In 1959 the UN Secretary-General transmitted a proposal for settlement of the refugees problem to the Arab League Secretary General but after careful consideration the proposal was rejected by the Arab League. The Arab League maintained that the refugees's assimilation in certain Arab countries would be against their own interests since the UN supported the refugees' demands to return to their homes in Palestine with compensation for damages and loss of property. This right was incorporated in the UN General Assembly Resolution No.194 adopted in 1948 and subsequently re-affirmed in a number of the UN Security Council and the General Assembly resolutions.<sup>(21)</sup>

The recent approach of the UN ECOSOC to decentralized the activities of the UN Technical Assistance Board (UNTAB) along with the UN Special Fund, and to put them under the supervision of the Secretariat of the Regional Economic Commission, made it clear that there is no Economic

(19) Farajallah Samaan Boutros, UN Peace-keeping operation, Societe Egyptienne De Droit International, Etudes en Droit International, Volume II Ligue des Etats Arabes et Sujets, Divers, Le Caire 1970 pp.36-37.

(20) Middle Eastern Affairs, Volume 4, 1953, p.15.

(21) Tomeh George, Legal State of Arab Refugees, The Middle East Crisis, Ocean Publication Inc. New York 1969 pp.110-124.



Commission for the M.E. The last resort was to expand the activities of the economic and social programmes of the UN office in Beirut.<sup>(22)</sup>

In 1947, the Lebanese representative proposed at the fifth session of the ECOSOC to establish an economic commission for the M.E. The ECOSOC set up an ad hoc committee to study the proposal, but the outbreak of the Palestine War in 1948 disrupted the establishment of an economic commission for the M.E.<sup>(23)</sup>

#### THE ARAB LEAGUE AND THE SPECIALISED AGENCIES:\*

From the beginning the Arab League continually endeavoured to establish close relations with the UN and its Specialised Agencies. Close relations are maintained with several Specialised Agencies such as UNESCO, WHO, FAO and ILO with which formal agreements have been concluded on regional co-ordination of programmes of mutual interest. "In general terms of these agreements are similar to those between the Specialised Agencies and the Organisation of American States, the Council of Europe and other inter-governmental Organisations".<sup>(24)</sup>

These agreements contain principles on such matters as mutual consultation for the co-ordination of common activities, they also set forth rules on mutual exchanges of information and documentation, representation, and co-operation in planning and implementing regional programmes.<sup>(25)</sup>

(22) Al-Ghanami M.T. Op.cit. pp.96-104.

(23) Macdonald R.W. Op.cit. pp.264-270.

(24) Macdonald R.W. Op.cit. p.271.

(25) Yehia Abu-Baker Op.cit. pp.89-90.

Furthermore, these agreements, normally provide for direct contact between the Arab League Secretary-General and the Directors-General of the Specialised Agencies. In this connection, the WHO and FAO maintain regional offices in Egypt while the League's communication with the ILO goes through the regional office in Istanbul and with the UNESCO through its headquarters in Paris. It would appear that co-operation between the Arab League and the Specialised Agencies existed before the conclusion of the formal agreements.

#### CO-OPERATION WITH THE UNESCO:-

In the case of UNESCO this started in 1946 and the agreement of November 26th, 1957 merely formalised already existing relations.<sup>(26)</sup> "The Arab League maintains a permanent representative in Paris at the UNESCO Headquarters and consultation between the Arab League Secretariat and the UNESCO Director General's Office are frequent."<sup>(27)</sup> UNESCO has been implemented regional activities which include purely Arab regional programmes in order to satisfy some Arab League requirements. In this connection, the Arab League refused any regional activity which might include Israel, thus the Arab States Fundamental Education Center near Cairo is limited to Arab League member States. In the meantime, UNESCO co-ordinate the UNRWA educational programmes among the Palestinian refugees.

#### CO-OPERATION WITH THE FAO:-

The relationship between the Arab League and the Food and Agriculture Organisation have been developed

(26) Abu-Baker Yehia Op.cit. p.90.

(27) Macdonald R.W. Op.cit. p.273.

on a practical basis since the two organisations collaborate on sponsoring regional technical conferences. The culmination of these relations culminated in the conclusion of an agreement on co-operation on May 30th, 1960.<sup>(28)</sup>

The FAO has frequently used Arab League expert on a loan basis. For instance, the FAO used an Arab League desert-locust expert to supervise the anti-locust programme of the FAO in Saudi Arabia.<sup>(29)</sup> Reciprocally, the League provided the FAO with the facilities of its social service center in Yemen in carrying out its agricultural programme.

The Arab League FAO agreement contains provisions on such matters as mutual consultation for the co-ordination of common activities. It also sets forth rules for joint activities to be reached in the near future, such as improvement in nutrition, conservation of plants and animal resources, increasing agricultural facilities and improved marketing and distribution networks for agricultural products. The argument also provides for mutual exchanges of information, documentation and representation.

The FAO maintains a regional office in Cairo through which the Arab League communicates with the FAO on co-ordination of joint activities. For instance, the FAO's regional office in Cairo, sponsored a training seminar on agricultural planting at Cairo, a seminar on food consumption in the Arab World at Beirut and convened a committee on agricultural statistics for the region at Amman.<sup>(30)</sup>

(28) Abu-Baker Yehia Op.cit. p.90.

(29) Middle Eastern Affairs Volume , 1953 p.104.

(30) Macdonald R.W. Op.cit. pp.274-275.

#### CO-OPERATION WITH ILO:-

The relationship between the Arab League and the International Labour Organisation has also been developed at a working level. The agreement of May 26th 1958 between the two organisations merely formalised already existing relations.<sup>(31)</sup> The Arab League - ILO agreement provides for mutual consultations for the co-ordination of joint activities. In addition it sets forth rules on mutual exchanges of information, documentation and representation.

The ILO maintains a branch office in Cairo through which the League Secretariat communicates with the Geneva office on co-ordination of joint activities. For example, the ILO provided half of the fund for the Arab League projects of translating all International conventions into Arabic concluded within the framework of the ILO. It also provides technical assistance for the Arab League member States, particularly in labour problems.<sup>(32)</sup> In this connection, the ILO recognised the International Confederation of Arab Trade Union as a regional Labour Organisation.<sup>(33)</sup>

#### CO-OPERATION WITH THE WHO:-

The relationship between the World Health Organisation and the Arab League has also been developed on a practical foundation. Since 1950 annual health conference for the Eastern Mediterranean area are organised jointly. The Agreement of August 22nd, 1961

(31) Abu-Baker Yehia Op.cit. p.90.

(32) Macdonald R.W. Op.cit. pp.275-276.

(33) El-Ashmawy Abdul Wahab, the Arab Labour Organisation Initiation, Aims, Machinery, Egyptian Political Science Review, Special Issue on the Arab League, Cairo, March 1972. pp.60-61.

between the two organisations merely sets forth already existing relations. (34)

The WHO and the Arab League agreement sets forth principles on matters such as consultations for the co-ordination of common activities. The agreements also provides for co-operation in all matters that arise in the field of health. In addition it sets forth procedures on mutual exchanges of non-voting representatives on health conferences organised by either organisations and of documentation and information.

The WHO maintains a regional office in Alexandria through which the Arab League has been communicating with the Headquarters of the WHO since 1950, co-ordinating programmes on health and on technical co-operation and dealing with problems of mutual interest. (35)

In addition to these UN Specialised Agencies, there are several UN Agencies with which the Arab League has no formal agreements, although they are carrying out regional programmes.

The World Bank extended valuable assistance to the Arab League in drawing up the Charter for the Arab Development Bank in 1956.

The World Meteorological organisation (WMO) organised a comprehensive study of climatology in the Near East in 1962.

International Civil Aviation Organisation (ICAO) has organised a number of regional seminars in the Arab World on matters such as air traffic, control, aeronautical communications and weather forecasting. The ICAO established in 1965 a Civil Aviation Flight Safety Center in Beirut as a training Center for students from the Near East and Africa. The project was funded

(34) Abu-Baker Yehia Op.cit. p.90.

(35) Macdonald R.W. Op.cit. p.276.

by the ICAO, the UN Special Fund and the Arab League.

The International Atomic Energy Agency established in 1962 a Regional Isotope Training Center in Cairo as a training Center for students from the Arab World. The project was financed jointly by the IAEA the Arab League and the UN technical Assistance programmes. (36)

The Arab League has maintained close co-operation with the UN and its Specialised Agencies to co-ordinate its activities within the framework of the World Organisation to accomplish its objectives. That goes far beyond the agreements with the above-mentioned agencies in which the Arab League Secretary General recommended the Arab League member States to adopt a common policy on representation to all the UN Specialised Agencies, and the establishment of joint Arab Offices at the Headquarters of these Agencies.

The Arab League member States who seek nomination for executive posts in the governing bodies of most of the UN Specialised Agencies usually succeeded in their attempts. In recent years, the Arab League convened special conferences of Arab experts in order to unify the Arab policy in advance of important conferences of the UN Specialised Agencies. (37)

The Arab League has been successful in its relations with the UN Specialised Agencies, but much remains to be done to ensure Arab co-operations for the achievement of freedom, security and progress.

(36) Al-Ghanami M.T. Op.cit. pp.1072-1074.

(37) Macdonald R.J. Op.cit. pp.277-278.

## CO-OPERATION WITH THE OAU:-

"The Arab League in its struggles against Zionism and the Organisation of African Unity in its struggle against the remnants of white power in Rhodesia and South Africa have never justified their acts by references to their status as regional agencies. They have argued in terms of self-defence and the right to use force to protect their kith and kin and to eliminate colonialism". (37)

Nearly half of the members of the Arab League are also at the same time members of the OAU in which the Afro-Arab relationship are expressed in both the charter of the OAU and the Pact of the Arab League. The strongest voices for black African interests within the Arab League are those member States who are also members of the OAU e.g. Somalia, Sudan and Algeria which long ago proposed to establish special links between the Arab League and the Organisation of African Unity.

In practice, relations between the Arab League and the OAU have been developed at a working level over the years since the establishment of the OAU in May 1963. Under these circumstances, the Arab League extended an invitation to the Secretary-General of the OAU from its earlier days to attend the meeting of the League Council. (38)

From the beginning, the League Secretary-General decided to designate the African Department of the League Secretariat as the principal organ of the Arab League to deal with matters concerning African States. Subsequently the League Secretary-General decided to establish a liaison staff at the Headquarters of the OAU in Addis Ababa to be supervised by the African Department of the League Secretariat.

(37) Akehurst Michael Op.cit. p.182.

(38) Mazrui Ali A. Black Africa and the Arabs, foreign Affairs, volume 53 No.4 July 1975, p.740.

One of the major tasks of the Arab League is to collaborate with international organisations which may be established in the future to guarantee peace and security and organise economic and social relations. The Arab League has endeavoured since its establishment to promote close co-operation with the African countries and has supported the African independence movement.

Further co-operation between the OAU and the Arab League is covered by resolutions of the two organisations for joint action at the UN. The major result of this is the existence of a voting bloc in the UN General Assembly.

On the other hand, the African countries have supported the Arab countries on various occasions, starting with the African states' initiative in breaking off relations with Israel after the War of 1973, and recognising and supporting the Arabs in their struggles to regain their occupied territories and restore the rights of the Palestinian peoples.

Under these circumstances, the Sixth Arab Summit Conference in Algeria in November 1973 decided to extend immediate assistance to the African countries to alleviate the economic difficulties resulting from the oil embargo imposed by the Arab League on all exports of oil to South Africa, Rhodesia and Portugal.

The OAU established a committee to study and assess the unintended consequences of the Arab oil embargo and of the new oil prices on the economies of the African States. The Committee met in 1974 with the Arab League representatives at which it was assumed of unlimited supplies of oil to the African States, but it did not obtain special concessions on prices.

In principle, the Arabs planned to extend assistance to the African States initially by establishing a special



Arab Bank with an initial capital of \$200 million for African development to be used for development projects. (39)

At the Seventh Arab Summit Conference in Rabat in October 1974, Somalia forwarded the idea of preparing the first Arab-African Summit Conference of the heads of States. The proposal was approved by the Council of the Heads of Arab States at its seventh meeting in Rabat in October 1974, and preparations are under way to bring together more than 60 Heads of States. The Council also adopted the resolution of October 1974 which laid down the basic principles for unlimited co-operation between the Arab World and the African countries. The first Arab-African summit conference of the Heads of State was not called for a specific issue but uniquely for laying down a pattern of long term co-operation on substantial matters.

The OAU Ministerial Council held a meeting in February 1975 which decided to set up a committee of twelve members, three of whom are Afro-Arab countries, Egypt, Sudan and Algeria. The committee is entrusted with a task to prepare for the Arab-African summit conference in conjunction with a similar committee of twelve members of the Arab League established by the League Council for the same purpose.

The OAU Committee and the Arab League Committee held a number of meetings throughout 1975 at both Ambassadorial and Ministerial levels in order to draw up a mutual programme of action for Afro-Arab co-operation. The Afro-Arab committees held a meeting in Dakar Senegal in April 1976 at Foreign Ministerial level at which they approved a declaration of principles and a working programme for the Afro-Arab Co-operation which should be submitted to the first joint summit conference.

(39) Mazrui Ali A. Op.cit. pp.740-741.

"...The two sides pledged themselves to respect the sovereignty territorial integrity and political independence of all States re-affirmed their adherence to the non-aligned policy and condemned Imperialism and Zionism and all forms of racism and religious discrimination, especially in Africa, Palestine and the occupied territories." (40)

In the field of economics the Arab-African Foreign Ministers pledged themselves to pursue further co-operation in trade, mining, communication, telecommunications and the establishment of direct trade relations to meet the needs of Arab African markets and the preferential treatment of each other. The two sides also undertook to co-operate in exploiting the huge natural resources of the Arab-African countries, encouraging investment projects, promoting technical, financial co-operation, and laying down conditions for the establishment of joint ventures and the provisions of loans. The Secretariat General of the OAU and the Arab League were entrusted with preparing a detailed study for the implementation of the above-mentioned programmes. The said study was to be submitted to the next meeting of the Arab-African committees at their Foreign Ministerial level Conference. (41)

It would appear that the real challenge is represented by the fact that both the Arab and African countries are belonging to the newly independent Third World States which lack technological knowhow.

The Arab League called for the Arab States to extend urgent and immediate assistance to African countries without waiting for the establishment of the Arab development bank for Africa with an initial capital of \$200 million.

(40) Pamphlet "The Arab League in Today's World" prepared for the Arab League by "The Middle East" 63 Long Acre, London, 1976, p.4.

(41) Pamphlet Op.cit. p.4.

An urgent meeting of the Arab Oil Ministers with the OAU Committee took place at the Headquarters of the Arab League in Cairo in January 1974 on how to expedite aids to the African countries. It was agreed to organise the Arab Development Bank for Africa on the basis of making loans at a nominal one per cent interest rate with a ten year period of grace available. The Bank was due to be operating in the second half of 1976, once the African countries begin to receive the aid allotted to them in two equal installments, and by the end of 1976 more than \$185 million were distributed.<sup>(42)</sup>

At the Summit Conference of the Heads of States of the Organisation of African Unity, which took place in Khartoum in July 1978, several Heads of States expressed satisfaction at the improved relations between the Arab League and the OAU since 1973. The representatives of the Arab League, the PLO and the Arab Development Bank for Africa attended the summit conference with non-voting representation.

The current OAU Chairman was the Sudan's President who was also the current Chairman of the Arab League. Sudan is always seen as the link between the Arab World and the Black African countries.

The Summit Conference of the Heads of States of the OAU adopted six resolutions directly concerning the Arab-Israeli conflict and furthering Arab-African co-operation. A resolution was unanimously adopted, supporting the Arab confrontation States in their peaceful efforts to regain the occupied territories, and the Palestinian people in their legitimate struggle to restore their rights and condemning the unholy alliance between the Zionist and South African regimes. "A separate resolution requested the Arab League to grant observer status to African Liberation Movements, such as, the African National Council

(42) Pamphlet Op.cit. p.3.

(ANC), the Pan-African Congress (PAC) and the South-West African People's Organisation (SWAPO)."(43)

The problem of Western Sahara remains a sensitive issue for the OAU and the Arab League in which previous Arab League attempts to settle the conflict were unsuccessful to persuade Morocco to drop objections to the issue being discussed.

The Summit Conference of the Heads of State of the OAU decided to establish an ad hoc committee of five Heads of State which was assigned to study the situation of the Western Sahara on the spot, with a view to bringing about a peaceful settlement based on the right of the Saharawi people to self-determination.

The situation in the Horn of Africa is of importance to the Arab League and the OAU, Somalia being a member of both organisations, while Ethiopia is only a member of the OAU. However, the efforts of the Heads of State of the OAU at the Summit failed to draw the parties even a little closer to a mutually acceptable solution. There are a number of basic differences between Somalia and Ethiopia in addition to the implication over the foreign intervention in the area. Despite that the Summit decided to continue the work of the OAU mediation Committee. The President of Guinea proposing the establishment a peace-keeping force of the OAU to be stationed on the borders between Somalia and Ethiopia to which the former agreed, whilst the latter did not.(44)

The Arab League approach of co-operation with the OAU is a step forward towards further collaboration with the existing international organisations aimed at the achievement of the objectives of the League. The Arab League can be given credit for the realisation of the importance of economic and political co-operation with the African countries.

(43) The Middle East, September No. , 1978 p.12.

(44) The Middle East No.47, September 1978.

## CO-OPERATION WITH THE EEC:-

A declaration was made by the European Economic Community member states in November 1973, shortly after the October war, on the inadmissibility of acquiring territory by force, calling for Israel to withdraw from the Arab occupied territories, recognising the right of all States in the region, including Israel to live in peace within secure and recognised borders and the right of Palestinian people to determine their national identity. This initiative encouraged the Arabs to call for a dialogue between the EEC member States and the Arab League member States with the objective to prepare the way for political, economic, industrial, agricultural and cultural co-operation. (45)

The first dialogue conference between the EEC and the Arab League member States, took place in Cairo in 1975. At this conference it was agreed in principle to co-operate on economic, financial and technical matters. The second Conference took place in Rome, and the third in Abu-Dhabi. The agenda of these conferences were confined to matters mentioned at the first conference in Cairo, but the conference in Abu-Dhabi and Rome emphasised co-operation in scientific, technical, vocational training, marketing, agricultural matters in addition to the transfer the Western technology and equipment to the Arab World.

The fourth dialogue conference between the Arab League and the EEC member States took place in Luxembourg. Here the dialogue focussed on political matters, but it deadlocked over EEC recognition of the PLO as a legitimate and sole representative of the Palestinian people and the putting of pressure on Israel to withdraw from the occupied Arab territories.

(45) Pamphlet Op.cit. p.1.

The joint communique after the fourth Conference called for a peaceful settlement to the Arab Israeli conflict based on the recognition of the right of the Palestinian people to determine their national identity as essential for a lasting peaceful settlement.

It was agreed at the Luxembourg dialogue to establish a General Commission at Ambassadorial level to meet twice a year in Arab and European Capitals alternately.

It was also agreed that the two sides would be represented by a single delegation each. It was agreed that the Commission would be the supreme organ of the European Economic Community and the Arab League dialogue, dealing with political issues.

The Conference also set up a General Committee consisting of Foreign Ministers of the two sides, and at the meeting of this Committee countries were to be named and thus the EEC members would deal with the PLO as a political body representing a people.<sup>(46)</sup>

It would appear that the EEC member States hesitated to co-operate over the Foreign Ministerial meetings. This is one of the many difficulties to be overcome before the next round of scheduled meeting is resumed, planned to take place in Tunisia. It would appear that the EEC members are still not prepared to recognise the Palestine Liberation Organisation as the legitimate and sole representative of the Palestinian people because they are concerned about their relations with Israel.

A preparatory meeting for the fifth dialogue Conference scheduled to take place in Tunisia, was held in Damascus between EEC and Arab League senior officials to find an acceptable compromise to the PLO's representation in the dialogue. It was however, a step forward that the

(46) Pamphlet Op.cit. pp.5-6.

EEC member States spelled out in more specific terms than before that a peaceful settlement to the Arab-Israeli conflict can be achieved only once a solution to the Palestinian question has been found. They also made it clear that Israeli settlements on the occupied Arab territories constitute an obstacle to any move toward lasting peaceful settlement.

The main achievement of the Damascus meeting was to attain some progress on economic and commercial issues and the decision to establish the Euro-Arab Centre for the transfer of technology which would be set in an Arab Capital. It was also agreed to co-operate in all matters that arise in the field of agricultural, agro-industrial and financial investment, including measures to protect foreign investments.<sup>(47)</sup>

This is also a step forward towards closer co-operation with the EEC, and will have great impact in the near future. The new approach of the Arab League of co-operation with the existing international organisations seems to have proved to be very successful.

(47) Middle East Events No.60, January 1979.

## CONCLUSION:-

The most significant feature in the establishment of the Arab League was the attempt to bind all Arab countries and direct them to strive toward the welfare of the Arab World, to improve its conditions, ensure its future, and realize its hopes and aspirations.

The Arab League is composed of the independent Arab States, and the Palestine Liberation Organisation, which though not a sovereign State has full membership owing to the special situation and therefore its representative participates in all meetings at any level.

Despite good intentions, some members abused their rights by raising obstacles to the admission of new members. Actions consequent upon the apparently expansionist policy of Morocco towards its neighbours could probably be cited as instances of such obstructionist attitude and disregard of the spirit and the letter of the Pact of the Arab League. The delay in the admission of Mauretania to membership was due to Moroccan objections, the failure of the inhabitants of the Western Sahara to exercise their right to self-determination could possibly be traced to Morocco-Mauretanian occupation of that territory.

Another instance of breach of the provisions of the Pact of the Arab League could probably be perceived in the handling of the incident of June 1978 between North and Southern Yemen. Here the Government of North Yemen requested an emergency meeting of the League Council but according to Article 11 of the Pact of the Arab League, the Council meets in ordinary session twice a year, and may only be convened in extra-ordinary session at the request of two member States.

In the above mentioned incident the extra-ordinary session convened at the request of one member State only,



(the Government of North Yemen) and not as provided by the Pact at the request of two member States. It is, however, clear that in order to prevent a confrontation within the League the implementation of the decision arrived at that session was declared discretionary and optional.

Another case for legitimate criticism is the requirement of unanimity. It could be argued that a two-thirds majority requirement for making decisions binding on the members would make for greater efficiency of the League. A shift from the requirement of an unanimous vote to the requirement of a two-thirds majority vote will strengthen the organisation although, it would appear that the real problem is the reluctance of member States to carry out any decisions that impinge on their sovereignty. An Amendment to the Pact would be required, particularly, Article 5, which limits the jurisdiction of the League Council to disputes which do not concern a State's independence, sovereignty and territorial integrity. Conceivably, the Pact would be strengthened by the inclusion of supra-national compulsory arbitration of disputes between member States, the establishment of an Arab Court of Justice, supra-national sovereign assembly and a peace-keeping force based on the same principle. One could argue that the League does not suffer from structure weakness, but from the inability and perhaps unwillingness of its member States to co-operate consistently putting common interests before apparently national ones.

In consequence of the proposed diversion of the tributaries of the Jordan River by Israel in 1963, the Heads of Arab States held their first meeting in 1964 in Alexandria and agreed to reconvene annually every September. This decision faced the observer with a

new quasi-organ of the League whose meetings cannot be considered a meeting of the League Council at the level of Heads of State within the terms of the Pact. This new organ of the Arab League has annual meetings distinct from the meetings of the League Council. They are held annually in September, while the meetings of the League Council are held bi-annually in March and October. One could assert with some justification that this constitutes a unanimously established fait accompli implying an amendment of the Pact and the establishment of a new organ superior to the League Council in competence and authority.

Another criticism, frequently voiced deals with the fact that most institutions and agencies are situated in Cairo, instead of being distributed equitably in the Capitals of the member States.

A current complaint by the other Arab countries is that the Egyptian staff is out of proportion to the numerical and political importance of Egypt and its commitments to the Arab League. It would appear that the posts of the Secretary-General and the Assistant Secretary-General for military affairs are reserved from the early days of the Arab League for the Egyptians. Three successive Secretaries-General were Egyptian, and it is now demanded that nomination for these posts should be open to all member States. In the early days of the Arab League the Egyptians paid the largest share of the contribution to the League and the reservation of the above mentioned posts to Egyptians was a direct result. By now, however, many member States pay larger contributions than the Egyptians.

The Arab League is recognised by the UN as a regional organisation and as a collective self-defence arrangement, under Articles 51 and 52 of the UN Charter. The Arab Collective Security Pact was concluded in 1950 between the original members of the League.

Its provisions excluded non-signatories from participation in the running of all those institutions which arose as a direct consequence of the conclusion of the Pact, thus limiting the efficacy of the Pact, as the new members of the League only adhered to it in 1961.

As a possible result the Pact failed in its objectives during the Anglo-France attacks on the Suez Canal zone, and the Israeli campaign in the Sinai. As is well known the signatories of the Pact completely failed to carry out their obligations under Article 2, 4 and Section 5 of the Military Annex, refraining from any collective action to repel the aggression against one of its contracting members Egypt.

In all subsequent armed hostilities between the Arab Front States and Israel, participation of the League member States was each time on an individual basis and not due to the invocation of the collective Self-defence Pact.

The Pact was invoked for the first time in its history in the Iraqi-Kuwaiti dispute which allowed the League to intervene in this dispute.

While the January 1964 Summit of the Heads of Arab States, approved of the establishment of a Joint Arab Command under an Egyptian General, there also seemed little likelihood that any member State would ever permit the establishment, and stationing of a permanent Joint Arab Command force of any importance on its territory. The Pact did not establish any institutionalised mechanism for the peaceful settlement of disputes.

In practice, disputes between member States have been handled by the traditional methods of arbitration, conciliation, mediation and good office by the Secretary-General. The League's approach to inter-Arab disputes always favours conciliation between member States rather than adjudication which could be considered a possible weakness. A case in point is the League's mediatory role in the Lebanese Civil war which failed as a result of the existing differences among Arab League member States. In another case the League failed to preserve the independence and the territorial integrity of the Western Sahara and even its attempts to persuade Morocco to drop objections to the issue being discussed were unsuccessful. In the Kuwait-Iraq dispute of 1961 the Arab League scored a success rejecting Iraq's territorial claims upon Kuwait and adopting effective measures for the preservation of Kuwait's independence and territorial integrity.

In all disputes involving member and non-members the League's intervention was always based on procedures of a regional system reaching against an external threat rather than a regional procedures for the peaceful settlement of internal disputes. As has been mentioned before the League's endeavours to prevent the establishment of a Jewish State in Palestine failed. It also failed subsequently to act decisively with regard to boundary disputes affecting its members in their various clashes with Israel. Indeed on almost all occasions, e.g. 1948, 1956, 1967 and 1973 Israel either temporarily or permanently expanded its territory at the expense of its Arab neighbours.

As has been mentioned above the economic activities of the Arab League would appear to have created unnecessary duplication of competence of various institutions and

authorities, thus disrupting economic development programmes. It is probable that modelling of the economic activities of the Arab League on integrative institutes similar to those of the European Economic Community would obviate the need for the existence of the manifold separate development projects.

Some sort of Arab Common Market could play a role similar to that of the European Economic Community, and could well devote the necessary attention to the improvement of methods of technical, agricultural, economic and financial development.

Arab League activities in the social and cultural fields are ruled by the November 1945 Treaty. But subsequent Charter and Statute detailing these activities were only ratified by a limited number of Arab States. Therefore it would seem most social and cultural activities have been either abandoned or pigeonholed for lack of co-operation between member States, who on the other hand have accused the League of inadequacy in the implementation of these activities.

It would also be fair to describe the efforts in the technical and scientific as hampered by inter-state rivalry. Nevertheless, some notable achievements were gained in these fields despite conflicts and rivalry, for which the Arab League can claim full credit.

Much more success has been gained in the field of promoting Arab independence. Since 1945 the number of independent Arab States has risen from seven to twenty one. There is still the problem of the setting up of an independent Western Sahara State and of a Palestine State in the West Bank and the Gaza Strip, both of which it is hoped will take their seats in the Arab League Council in the near future.

The Arab League's co-operation with the UN started with the League's approach at the UN Conference at San Francisco in 1945 and since 1951, the Secretary-General of the Arab League has been a regular and official observer at the UN General Assembly sessions.

The Arab League has endeavoured to co-ordinate its activities with the framework of the UN to accomplish its activities. These endeavours culminated in the successful introduction of Arabic as an official language of the UN and a number of its Specialised Agencies. In the meantime, the Arab League continuously endeavours to establish close relations with the UN Specialised Agencies.

The same approach is exercised in attempting to establish co-operation with the Organisation of African Unity and European Economic Community as an integral part of the policy toward further co-operation with existing international organisations.

The Pact of the Arab League was drafted more than thirty years ago, and has never been amended officially, since then with the exception of a minor amendment relating to the dates of meeting of the League Council. Under the circumstances mentioned above a revision of the Pact of the Arab League and the 1950 Arab Collective Security Pact would appear timely in order to reflect the many changes that have taken place over the years within the League's system as well as in the international system as a whole.

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