

1987

Book Review of The Palestine Problem in International Law and World Order

Linda A. Malone

William & Mary Law School, lamalo@wm.edu

Repository Citation

Malone, Linda A., "Book Review of The Palestine Problem in International Law and World Order" (1987). *Faculty Publications*. 591.
<https://scholarship.law.wm.edu/facpubs/591>

Copyright c 1987 by the authors. This article is brought to you by the William & Mary Law School Scholarship Repository.
<https://scholarship.law.wm.edu/facpubs>

international law. At a time when prospects for peace in the Middle East seem most dim, the authors make a compelling argument that a solution is possible through, and perhaps only through, application of well-established principles of international law.

The foundation for the book's analysis is a legal and political examination in the first chapter of the controversial Balfour Declaration. While setting forth the ways in which the declaration has been utilized to claim a right to a Jewish homeland in Palestine, the Mallisons demonstrate both through the negotiation history of the declaration as well as its plain meaning how it in fact was drafted to avoid suggesting such a right. After defining Zionism and its political objectives, the remainder of the book is devoted to the authors' ultimate objective: establishing that a solution to the conflict exists in a two-state, Israeli-Palestinian division of Palestine with a separate international status for the city of Jerusalem.

The Mallisons argue that the potential for such a solution lies within the numerous General Assembly resolutions, Security Council resolutions, and United Nations committees' recommendations. This partition solution which seemed so unacceptable to the Arab world in 1948 would now be, the authors suggest, acceptable to the Arab states, which have not only relied on it in recent years but supported General Assembly resolutions consistent with its principles. The impediment to such a solution is not Arab but Zionist opposition to a compromise solution requiring abandonment of territories occupied in 1967.

Nowhere is Israel's territorial objective better demonstrated than in the establishment of Israeli settlements in the occupied territories. The Mallisons bring their special expertise in the humanitarian laws of war to a critique of the illegality of these settlements. Alone in its claim that the Geneva Civilians Convention of 1949 is not applicable to the occupied territories, Israel has systematically displaced the Palestinians. Point by point, the authors refute Israel's arguments of inapplicability with a logic and skill that is undeni-

The Palestine Problem in International Law and World Order, by W. Thomas Mallison and Sally V. Mallison. Essex, UK: Longman, 1986. Contemporary Issues in the Middle East. xvi + 424 pages. Appends. to p. 496. Maps to p. 505. Index to p. 557. Tables to p. 564. \$39.95.

Reviewed by Linda A. Malone

With 1987 marking the 20th year of Israeli occupation of the West Bank and Gaza Strip, this book is a much-needed, exhaustive analysis of the Palestinian-Israeli conflict under

ably convincing. Against this background, the Mallisons point out President Reagan's apparent acceptance of the Israeli position in 1981 "without any consideration of the long term prior position of the United States" (p. 267). The analysis incorporates the pivotal study in 1982 of the settlements by the West Bank and Gaza Data Base Project, sponsored by the Graduate School of the University of New York and the International Center for Peace in the Middle East, Tel Aviv. This study concluded that the result of Israeli subsidized settlements would be to create a political lobby of 100,000 Israeli settlers which would prevent any Israeli political parties from even considering return of the territories. The Mallisons point out that the United States itself, by refusing to compel the Israeli government to comply with the requirements of the Geneva Convention, has itself violated Article I of the Convention.

The final substantive chapter is a thorough examination of the illegality of the 1982 Israeli invasion of Lebanon. In conclusion, the authors evaluate proposed solutions to the Palestinian problem, demonstrating that the most acceptable solution, a return to pre-1967 borders as required by international law, is one that can only be achieved when the United States refuses to support Israeli aggression and territorial acquisition. Perhaps the ultimate merit of *The Palestine Problem* is its matter-of-fact, straightforward style and compelling logic, concluded with a passionate plea for a return to international law over violence and politics. Buttressed with maps, tables, and original documents, it provides a necessary foundation for understanding any legal solutions to be found for the conflict in the Middle East.

Linda A. Malone, associate professor of law, University of Arkansas School of Law.