

UNITED NATIONS



GENERAL
ASSEMBLY



SECURITY
COUNCIL

Distr.
GENERAL

A/33/233
S/12844
12 September 1978
ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Thirty-third session
Item 55 of the provisional agenda*
REPORT OF THE SPECIAL COMMITTEE TO
INVESTIGATE ISRAELI PRACTICES AFFECTING
THE HUMAN RIGHTS OF THE POPULATION OF
THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Thirty-third year

Letter dated 8 September 1978 from the Permanent Representative of
Jordan to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to respond to the misleading, abusive and ominous letter addressed to the Secretary-General on 17 July 1978 (A/33/184-S/12777), in which the Israeli representative strove to reply cavalierly to a letter dated 19 June 1978 (A/33/153-S/12752), sent to Your Excellency by the Permanent Representative of Qatar, on behalf of the Arab Group at the United Nations, and circulated as a document both of the General Assembly and of the Security Council.

The Permanent Representative of Israel, in his letter of 17 July, cunningly attempts to ridicule the Arab Group's protest against Israel's annexationist designs in substituting the phrase "the Judea and Samaria districts" for the term "West Bank", which is the legal and recognized terminology used consistently by the General Assembly and the Security Council to connote the area of Arab Jerusalem and the rest of the West Bank forcibly occupied and colonized since Israel's aggression of 5 June 1967.

The Permanent Representative of Israel's refuge in historical records merely renders his note vulnerable to floodgates of corrective rehabilitation.

The Permanent Representative of Israel's ignorant and malicious references to the State of Qatar are unworthy of evoking a reply. Qatar's existence goes back to time immemorial and, besides, references to the State of Qatar are irrelevant in the context of the note sent by the Arab Group protesting Israeli annexationist policies and designs.

* A/33/150.

The Permanent Representative of Israel, in his letter dated 17 July 1978, states that the term "West Bank" had only been given currency since about 1950 when, as he alleges, "the Hashemite Kingdom of Jordan illegally annexed the districts of Judea and Samaria which it had acquired by force in the war of 1948".

The Permanent Representative of Israel seems to be callously oblivious to the following facts:

1. If the term "West Bank" were given currency only in 1950, then the term "Israel" was given currency only on 15 May 1948 - and a falsified currency for that matter.

The reason is that Israel's legal entity derives from General Assembly resolution 181 (II) of 29 November 1947.

2. Resolution 181 (II) never gave to Israel the substantial territories which it had illegally and forcibly annexed and carved out from Palestinian territories allocated for the Palestine Arab State embodied in that very same resolution.

3. Israel is the only country in the world whose admission to membership of the United Nations was conditional upon its acceptance and implementation of two United Nations resolutions:

- (a) Withdrawal from the Palestinian territories which Israeli armed forces had forcibly and illegally occupied beyond the territories earmarked for the proposed Israeli State. This was an imperative prerequisite to enable the Palestinian Arabs to set up their own viable State over their homeland from time immemorial.

- (b) Israel's admission to the United Nations was likewise conditional upon Israel's acceptance and implementation of General Assembly resolution 194 (III) of 11 December 1948, which provided for the inalienable right of all Palestinian refugees to repatriation to their homes and homeland, as a first choice, and compensation for those who might not wish to exercise the right.

The Foreign Minister of Israel gave a pledge before the General Assembly to implement the two aforementioned resolutions. But, as soon as Israel had gained admission to the United Nations, it flagrantly and unabashedly reneged on its pledge.

Clearly then, Israel's legal existence as it existed between 1948 and 1967 was illegal within the framework, the letter and the spirit of the United Nations resolutions.

4. Israel's letter of 17 July 1978 claims that the alleged annexation by Jordan was never recognized internationally, except by the United Kingdom of Great Britain and Northern Ireland and Pakistan.

/...

This is refuted by the fact that, when Jordan was admitted to the United Nations in 1955, its admission was unconditional and comprised both the East Bank and the West Bank. The admission of the Hashemite Kingdom of Jordan was adopted unanimously and without a single vote of dissent. If this is not viewed by Israel's representative as constituting universal international recognition, then what is?

5. As for the alleged forcible annexation referred to in the letter of the Permanent Representative of Israel, it is so construed to mislead as to require a reiteration of the facts as they existed in the aftermath of 1948.

It will be recalled that, even before the British Mandate over Palestine came to an end on 15 May 1948, the Israeli forces had forcibly and by terror occupied a substantial portion of Palestine territories earmarked for the establishment of the proposed Palestine Arab State under resolution 181 (II). The Israeli plan and operations were targeted to achieve the conquest of the whole of Palestine, including the whole of Jerusalem. But for the heroic resistance of the largely unarmed population and the intervention, after 15 May 1948, of contingents of Arab troops to stave off an unspeakable massacre of the civilian population, in the pattern of the Deir Yassin massacre, the Israelis might well have achieved then their avowed objective.

It was within those sordid and tragic conditions that contingents from the Jordan Army re-entered what had remained of truncated Arab Palestine, having withdrawn from the whole of Palestine, in which they had been stationed through the Second World War to assist the Allied war effort. The withdrawal of the Jordan Army from Palestine was completed by 15 May 1948, in deference to United Nations resolutions.

Its return at the urgent pleadings of the beleaguered civilian people and their representatives - the various national committees - was an act of human and national deliverance and not, as the Israeli Representative claimed, "forcible and illegal occupation".

6. With a truncated remnant of the Palestinian Arab homeland, cut off from the outside world, save to the east, and fortified by the Palestinian people's faith and penchant for Arab unification, a movement gathered momentum in the eastern portions of Arab Palestine for unity with their brethren in the Hashemite Kingdom of Jordan. The movement culminated in the holding of one of the freest elections of modern times. The duly elected Parliament adopted an historic decision of unification between the West and East Banks of the River Jordan on 24 April 1950.

7. It should be emphasized that the act of unity stipulated specifically that the said act of unity would in no way prejudice the restoration of all Arab rights in Palestine, nor would it prejudice the final settlement of their just cause. This was categorically spelled out in article 2 of the Act of Unification, which stated the following:

/...

"Confirms the safeguarding of all the Arab rights (in Palestine) and to defend all those rights by all legitimate means, and with full faith in right, and without prejudice to the final settlement of their just cause within the context of national aspirations, Arab co-operation and international justice."

8. Thus came about the unity of the West and East Banks of the River Jordan, without prejudice to a just and final settlement of the Palestine problem.

9. Within this unity, what the Permanent Representative of Israel calls "Judea and Samaria" were legally known as the Governorate of Jerusalem, the Governorate of Nablus and the Governorate of Hebron.

These are the United Nations legally recognized names, and Israel, under the Geneva Convention of 1949, would be committing a gross violation of the said Convention, if it altered their names and status under its present régime of military occupation.

10. The Permanent Representative of Israel has hardly added to anyone's knowledge by stating that in Jewish history the districts were known by the names Judea and Samaria. What he deliberately overlooks is that, if that terminology had been in currency for a short span of time some 3,000 years ago, an iota in the grandiose panorama of history, they were known by many other names over the past 7,000 to 8,000 years. How would the Permanent Representative of Israel answer if he were reminded that the whole area was 4,000 years ago known and even named by the Israeli invaders as the "Land of Canaan"?

And the Israel of 1948-1967 was over thousands of years known and acknowledged by the Israelis as the Land of the Philistines, into which the Israeli tribes never succeeded in making any inroads or seizing an inch of territory.

If the United Nations Special Committee on Palestine or Lord Caradon had used the term Judea and Samaria, it was in the context of a united, mandated Palestine and before the status of the country had been altered by the General Assembly resolution of partition of 29 November 1947.

What focal point of history should we follow? A parochial, self-centred, subjective and cloistered period, as the Permanent Representative of Israel suggests, or the internationally recognized and legal terminology until such time as its status may be altered by an alternative and internationally recognized legal status.

11. The Arab Group's protest over Israel's illegal and unilateral alteration of the status and names of the occupied West Bank is consonant with United Nations resolutions and the Geneva Convention of 1949. It is a defence of legality against usurpation, a duty which must be firmly borne by every dedicated Member State in the United Nations and, by corollary, its organs and executive machinery.

/...

A/33/233
S/12844
English
Page 5

The Permanent Representative of Jordan has the honour to request that this letter be circulated as a document of the General Assembly, under item 55 of the provisional agenda, and of the Security Council.

(Signed) Hazem NUSEIBEH
Ambassador
Permanent Representative of
Jordan to the United Nations
