

UNITED NATIONS



GENERAL ASSEMBLY SECURITY COUNCIL

Distr.
GENERAL

A/33/488*
S/12966*
8 January 1979

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Thirty-third session
Agenda item 30
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Thirty-third year

Letter dated 12 December 1978 from the Permanent Representative of
Israel to the United Nations addressed to the Secretary-General

Recently certain quarters, including States Members of the United Nations, have attempted to invoke General Assembly resolution 181 (II) of 29 November 1947. Their aim is not only to try to justify their present-day positions, but also to make a belated claim to the legal benefits deriving from the resolution in question.

They proceed on the assumption that after 31 years memories have dimmed, both as regards the historical circumstances of the resolution and the reactions of the Arabs to the resolution after its adoption. They wilfully ignore the fact that as a result of those reactions that resolution was overtaken by the events of 1947-1948 and effectively frustrated by the Arabs at that time.

The fact is that all the States members of the Arab League in 1947 categorically rejected General Assembly resolution 181 (II). Those States formally reserved their complete freedom of action and then set out to destroy that resolution by the illegal use of force from the moment of its adoption. On 5 March 1948, on 1 April 1948 and again on 17 April 1948, the Security Council appealed for an end to the acts of violence in Palestine. The Arabs, within and without Palestine, openly defied those resolutions.

With the termination of the British Mandate over Palestine on 14 May 1948, the armies of seven Arab States illegally crossed the international boundaries of Mandated Palestine in clear violation of the Charter of the United Nations and in breach of general international law. Thereafter, the Arab States refused to comply with subsequent cease-fire resolutions and appeals of the Security Council and the United Nations Mediator. In the face of this unabating Arab defiance, the Security Council, in its resolution 54 (1948) of 15 July 1948, taking into consideration that Israel expressed its readiness to prolong the truce, and that "the States members of the Arab League have rejected successive appeals of the United Nations Mediator, and of the Security Council in its resolution 53 (1948) of 7 July 1948," determined that the situation constituted a threat to international peace within the

* Reissued for technical reasons.

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meaning of Article 39 of the Charter of the United Nations, ordered the Governments and authorities concerned to desist from further military action, and declared that failure to comply would require immediate consideration by the Security Council "with a view to such further action under Chapter VII of the Charter as may be decided upon by the Council".

None the less, Arab violence against the fledgling State of Israel persisted. While this aggression was successful in destroying General Assembly resolution 181 (II), it failed in its other avowed purpose, namely, that of crushing the Jewish State. The fact that the Arab States failed in their armed aggression aimed at destroying Israel does not legitimize their violation of international law. At the same time, that armed aggression precludes them from invoking in any form the benefits of a General Assembly resolution which they both rejected and destroyed by force of arms.

The United Nations documentation of these historical events is unequivocal. I attach a brief survey of that documentation, and have the honour to request that it, under cover of this letter, be circulated as an official document of the General Assembly, under agenda item 30, and of the Security Council.

(Signed) Yehuda Z. BLUM
Ambassador
Permanent Representative of Israel
to the United Nations

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ANNEX

Documentation on Arab rejection and defiance
of General Assembly resolution 181 (II) of
29 November 1947

1. Arab statements in rejection of General Assembly resolution 181 (II)

Saudi Arabia

"... the Government of Saudi Arabia registers, on this historic occasion, the fact that it does not consider itself bound by the resolution adopted today by the General Assembly. Furthermore, it reserves to itself the full right to act freely in whatever way it deems fit, in accordance with the principles of right and justice." (29 November 1947) a/

Iraq

"... in the name of my Government, I wish to put on record that Iraq does not recognize the validity of this decision, will reserve freedom of action towards its implementation, and holds those who are influential in passing it against the free conscience of mankind responsible for the consequences." (29 November 1947) b/

Syria

"My country will never recognize such a decision. It will never agree to be responsible for it. Let the consequences be on the heads of others, not on ours." (29 November 1947) b/

Yemen

"... the Government of Yemen does not consider itself bound by such a decision for it is contrary to the letter and spirit of the Charter. The Government of Yemen will reserve its freedom of action towards the implementation of this decision." (29 November 1947) b/

Egypt

"We do not choose to comply with the General Assembly's resolution on Palestine." (25 February 1948) c/

a/ Official Records of the General Assembly, Second Session, Plenary Meetings, vol. II, 128th meeting, p. 1425.

b/ Ibid., p. 1427.

c/ Official Records of the Security Council, Third Year, No. 41, 255th meeting, p. 299.

Palestine Arab Higher Committee

"The representative of the Jewish Agency told us yesterday that they were not attackers, not aggressors, that the Arabs had begun the fight and that once the Arabs stopped the shooting, they would stop shooting also. As a matter of fact, we do not deny this fact." (16 April 1948) d/

2. The Arabs engage in hostilities to prevent the implementation of resolution 181 (II)

"Powerful Arab interests, both inside and outside Palestine, are defying the resolution of the General Assembly and are engaged in a deliberate effort to alter by force the settlement envisaged therein." (United Nations Palestine Commission: First Special Report to the Security Council: The problem of security in Palestine - 16 February 1948) e/

"The High Commissioner for Palestine reported on 27 January that the security position had become more serious during the preceding week with the entry into Palestine of large parties of trained guerrillas from adjacent territory. A band of some 300 men had established itself in the Safad area of Galilee, and it was probably this band or part of it which carried out an intensive attack during that week on Yechiam settlement, using mortars and heavy automatics as well as rifles.

"On the same date, the High Commissioner further reported that a second large band of some 700 Syrians had entered Palestine via Trans-Jordan during the night of 20-21 January. This band had its own mechanized transport; its members were well-equipped and provisioned, and wore battle dress. The party appears to have entered Trans-Jordan from Syria and then crossed into Palestine at a point at which the entry of Syrians was expected..." f/

"Organized efforts are being made by strong Arab elements inside and outside Palestine to prevent the implementation of the Assembly's plan of partition and to thwart its objectives by threats and acts of violence, including armed incursions into Palestinian territory." g/

"This Commission now finds itself confronted with an attempt to defeat its purposes, and to nullify the resolution of the General Assembly." h/

d/ Ibid., No. 58, p. 19.

e/ Ibid., Third Year, Special Supplement No. 2, document A/AC.21/9, p. 11.

f/ Ibid., p. 13.

g/ Ibid., p. 14.

h/ Ibid., p. 19.

3. The Arabs openly defy calls by the Security Council to cease hostilities

These calls were contained in Security Council resolution 42 (1948) of 5 March 1948, 43 (1948) of 1 April 1948, and 46 (1948) of 17 April 1948.

Arab defiance was confirmed by the representative of the Palestine Arab Higher Committee in the Security Council:

"... the Arabs did not want to submit to a truce which would have brought shame upon them as they rather preferred to abandon their homes, their belongings, and everything they possessed in this world, and leave the town /Haifa/. This is in fact what they did.

"We have never concealed the fact that we began the fighting."
(23 April 1948) i/

4. The Arab armies launch armed aggression against the State of Israel

The State of Israel was founded on 14 May 1948.

To a questionnaire addressed by the Security Council on 18 May 1948, asking Arab States whether their armies were operating in Palestine, the replies were as follows:

Egypt:

"On the termination of the British Mandate in Palestine, instructions were given to forces of the Egyptian Army to enter Palestine ... The Egyptian regular forces are proceeding with their operations ..."
(S/767 of 22 May 1948) i/

Syria: Yes. (S/768 of 22 May 1948) i/

Iraq: Yes. (S/769 of 22 May 1948) i/

Lebanon:

"Armed forces of Lebanon are operating in Palestine."
(S/770 of 22 May 1948) i/

Saudi Arabia: Yes. (S/772 of 22 May 1948) i/

Jordan: Evaded the question:

"My Government does not feel that there is room for reply to the questions addressed to it." (S/760 of 22 May 1948) i/

i/ Ibid., Third Year, No. 62, p. 14.

j/ See ibid., No. 72, 301st meeting.

/...

5. Reactions of members of the Security Council to Arab aggression

Mr. Austin (United States of America):

"Probably the most important and the best evidence we have on that subject is contained in the admissions of the countries whose five armies have invaded Palestine that they are carrying on a war.

"Their statements are the best evidence we have of the international character of this aggression. There is nothing in the resolution about aggression; it is a word which is not included in the text but which has been mentioned in the statements of these aggressors. They tell us quite frankly that their business in Palestine is political and that they are there to establish a unitary State. Of course, the statement that they are there to make peace is rather remarkable in view of the fact that they are waging war. We find that this is characterized on the part of King Abdullah by a certain contumacy towards the United Nations and the Security Council. He has sent us an answer to our questions. These were questions addressed to him, as a ruler who is occupying land outside his domain, by the Security Council, a body which is organized in the world to ask these questions of him. As will be seen from page 2 of document S/760 - the first page of which contains the actual questions - in a reply addressed to the President of the Security Council he answers the questions addressed to him by that body ...

...

"The contumacy of that reply to the Security Council is the very best evidence of the illegal purpose of this Government in invading Palestine with armed forces and conducting the war which it is waging there. It is against the peace; it is not on behalf of the peace. It is an invasion with a definite purpose."

...

"Therefore, here we have the highest type of evidence of the international violation of the law: the admission by those who are committing the violation." (22 May 1948) k/

Mr. Parodi (France):

"... the moment the regular forces of several countries crossed their frontiers and entered a territory which, whatever its status, was not their own, the moment fighting continued in these conditions and became more serious, we clearly had to deal with the question of international peace within the meaning of the Charter." (20 May 1948) l/

k/ Ibid., 302nd meeting, pp. 41-43.

l/ Ibid., No. 70, 298th meeting, pp. 17-18.

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Mr. Gromyko (Union of Soviet Socialist Republics):

"The USSR delegation cannot but express surprise at the position adopted by the Arab States in the Palestine question, and particularly at the fact that those States - or some of them, at least - have resorted to such action as sending their troops into Palestine and carrying out military operations aimed at the suppression of the national liberation movement in Palestine."
(21 May 1948) m/

Mr. Tarasenko (Ukrainian Soviet Socialist Republic):

"We are concerned with the plain fact that a number of Palestine's neighbour States have sent their troops into Palestine. Our knowledge of that fact is not based on rumors, or on newspaper reports, but on official documents signed by the Governments of those States informing the Security Council that their troops have entered Palestine. I refer, in particular, to the documents signed and sent by the Governments of Egypt /document S/743/ and Trans-Jordan /document S/748/.

"Nor can there be any doubt of the purpose for which those forces have entered Palestine. We may be sure they have not gone there for a summer camp vacation or for exercises. Those forces have a definite military and political purpose.

...

"In these circumstances it is difficult to deny that we are faced with a situation involving a breach of the peace; ... (20 May 1948) n/

"We have recently heard one of the parties state repeatedly that it considers it has an imprescriptible right to carry out armed intervention in the internal affairs of Palestine, to destroy the State of Israel by force of arms and to bombard the peaceful cities of Israel under the pretext of restoring order."
(28 May 1948) o/

Mr. Lopez (Colombia)

"We have now what seems to me a rather extraordinary case. For some time past, nations have gone to war without previous notification to the other party. It has been claimed that it was not in conformity with international law to do

m/ Ibid., No. 71, 299th meeting, p. 7.

n/ Ibid., No. 70, 297th meeting, pp. 4-5.

o/ Ibid., No. 76, 307th meeting, p. 13.

so, but nevertheless that is the way it has been done. If previous notice was given, it was given at such a time and in such a way as not to give the other party time to make any preparations to protect itself.

"But in this case we are returning to the old practice. When Egypt decided to intervene actively in Palestine, it duly notified the Security Council /document S/743/. It cabled directly to the President of the Security Council, saying: 'We are going into Palestine with our army.' When King Abdullah decided to go into Palestine, he duly notified the Security Council that he was moving his army into Palestine /document S/748/. That has all been done in accordance with the best etiquette of war. There has been no sin of omission, nothing that is not in conformity with the niceties of international practice." (20 May 1948) p/

p/ Ibid., No. 70, 298th meeting, p. 28.

6. The Arab States refuse to comply with Security Council cease-fire resolutions and appeals issued by the United Nations Mediator

On 22 May 1948, the Security Council adopted resolution 49 (1948) calling for a cease-fire to go into effect 36 hours after midnight that day New York standard time.

The Arabs were unwilling to comply.

Iraq

"... your telegram on this resolution [49 (1948)] was delayed on reception at Baghdad through force majeure. The time left is unfortunately too short for my Government to be able to reach a decision on such an important question, and I am sure you will understand that we must consult with the Governments of the other Arab States." (24 May 1948) q/

Syria (Mr. El-Khour)

"... as the matter concerns the seven States of the Arab League, which are distant from each other, and since communication is not very easy in present circumstances, they will have to hold a meeting to discuss the question and they will submit their reply as soon as it is ready."

"Here is another cable which came from the Secretary-General of the Arab League:

"I have convoked a meeting of the Political Committee of the Arab League consisting of the Foreign Ministers of the States to consider the cease-fire resolution of the Security Council. Please inform Security Council that there will not be time for a meeting and reasonable consideration within the time limit, and that they are requesting the Security Council to give them a delay sufficient for the States to consult and exchange views at a meeting which will be held tomorrow morning at Amman." (24 May 1948) r/

The Arabs were granted their request for a grace period of 48 hours. Their reply, when it came, was a refusal to accept the Security Council's call.

Syria (Mr. El-Khour)

"If the new resolution of the General Assembly in regard to the cease-fire order is meant to imply an unconditional cease-fire, certainly the Arabs could not accept it ..." (28 May 1948) s/

q/ Ibid., No. 73, 303rd meeting, p. 37.

r/ Ibid., p. 38.

s/ Ibid., No. 75, 306th meeting, p. 6.

Palestine Arab Higher Committee (Mr. Husseini)

"This discrepancy in the position of the two sides under the cease-fire makes it mere nonsense for any Arab to accept it unconditionally ... The Arabs would not betray themselves, and so they refused to accept it." (27 May 1948) t/

The Arabs asked for another 48 hours grace, and elicited the following comment from the representative of the Ukrainian Soviet Socialist Republic (Mr. Tarasenko).

"We are faced with a very peculiar situation: it is not the Security Council which dictates a line of conduct to the States which have unlawfully invaded the territory of another State with their armed forces, nor is it the Security Council which dictates the terms with regard to the time of the cease-fire, but it is the invading States which impose that line of conduct and those terms upon us. First they demanded a time-limit of forty-eight hours. Yesterday we received another note asking for another forty-eight hours. In all probability, these requests for forty-eight hours will be repeated time after time.

"Obviously there is a game going on. Concealed behind this striving for delays, which are invariably obtained with success, there are military and political schemes which are using the time factor as a screen in order to achieve certain military and political aims. ..." (27 May 1948) u/

Meanwhile, the Arabs' attempts to crush Israel persisted, but without success. Only then did they accept Security Council resolution 50 (1948) of 29 May 1948, calling for a four weeks' truce, and explicitly mentioning possible action under Chapter VII of the Charter.

Towards the end of the period, the United Nations Mediator tried to gain agreement to prolong the truce. The Arab League's reply was a rejection of the proposal.

"Unfortunately, solution proposed by Mediator based as it is on continuation of status quo aiming at partition and creating of Jewish state has been most disappointing to Arabs."

"... The Mediator fully realizes that partition and establishment of Jewish State in country lies at root of present dispute."

t/ Ibid., p. 13.

u/ Ibid., pp. 7-8.

"... His Excellency /the Mediator/ therein declares he is fully convinced there is no possibility of persuading Jews give up present separate cultural, political existence and accept merging in unitary State. It is not reasonable, therefore, particularly after expression of such conviction to expect that prolongation of Truce would lead to desire peaceful settlement."

"Nothing is more welcome to Arabs who are staunch supporters of peace than avoidance of bloodshed and solution of problems by peaceful means but impossibility of persuading Jewish minority to abandon political ambitions ... make it imperative for Arab States not to agree to prolongation of Truce under present conditions and to take all measures necessary to bring these conditions to end." (see S/876 of 9 July 1948)

7. The Security Council determines that the armed aggression by the Arab States is a threat to international peace and security

The United Nations Mediator made another appeal (S/878 of 9 July 1948) which the Arabs ignored, preferring to continue with their attempts to crush Israel by the illegal use of force.

Faced with this situation, the Security Council adopted resolution 54 (1948) of 15 July 1948. Its preamble and first three paragraphs were as follows:

"The Security Council,

"Taking into consideration that the Provisional Government of Israel has indicated its acceptance in principle of a prolongation of the truce in Palestine; that the States members of the Arab League have rejected successive appeals of the United Nations Mediator, and of the Security Council in its resolution 53 (1948) of 7 July 1948, for the prolongation of the truce in Palestine; and that there has consequently developed a renewal of hostilities in Palestine,

"1. Determines that the situation in Palestine constitutes a threat to the peace within the meaning of Article 39 of the Charter of the United Nations;

"2. Orders the Governments and authorities concerned, pursuant to Article 40 of the Charter, to desist from further military action and to this end to issue cease-fire orders to their military and paramilitary forces, to take effect at a time to be determined by the Mediator, but in any event not later than three days from the date of the adoption of this resolution;

"3. Declares that failure by any of the Governments or authorities concerned to comply with the preceding paragraph of this resolution would demonstrate the existence of a breach of the peace within the meaning of Article 39 of the Charter requiring immediate consideration by the Security Council with a view to such further action under Chapter VII of the Charter as may be decided upon by the Council;"