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Letter dated 22 November 1978 from the Permanent Representative of
Israel to the United Nations addressed to the Secretary-General

I have the honour to refer to the letter dated 8 September 1978 addressed to you by the Permanent Representative of Jordan (A/33/233-S/12844).

In that letter the representative of Jordan again reverted to the time-worn clichés of Arab propaganda in his attempt to rewrite the well-known historical facts of the Arab-Israeli conflict and to distort both the pertinent facts and the applicable law.

The Jordanian representative's letter boldly invokes General Assembly resolution 181 (II) of 29 November 1947. In so doing, he has overlooked the fact that all the States members of the Arab League (including his own country which in those days called itself Transjordan) categorically rejected that resolution. The Arab States formally announced on the record (128th plenary meeting of the General Assembly) that they reserved to themselves complete freedom of action and then set out to thwart the resolution of the General Assembly by the illegal use of force from the moment of its adoption. Thus, at a meeting of the Premiers and Foreign Ministers of Arab League States held at Cairo between 8 and 17 December 1947, it was decided that the Arabs were "determined to enter battle against the United Nations decision" and to take "decisive measures" to prevent the implementation of the General Assembly's resolution.

The acts of violence perpetrated in Palestine with the active assistance of the neighbouring Arab States reached such proportions that on 16 February 1948 the United Nations Commission on Palestine, in its first special report to the Security Council, bluntly notified the Council that:

"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 there." (S/676, sect. I, para. 3 C)

Similarly, in its report dated 10 April 1948 to the General Assembly at its second special session, the same Commission advised the Assembly that:

"Arab opposition to the Plan of the Assembly has taken the form of organized efforts by strong Arab elements, both inside and outside of Palestine, to prevent its implementation and to thwart its objectives by threats and acts of violence, including repeated armed incursions into Palestinian territory." (A/532, p. 10)

With the termination of the Mandate over Palestine on 14 May 1948, the armies of seven Arab States, including the Transjordan Arab Legion, illegally crossed the international boundaries in clear violation of the Charter of the United Nations. The Arab Governments which dispatched them had the effrontery to make formal announcements of their illegal action to the Security Council. Their armed aggression was aimed at crushing the newly-established State of Israel. The fact that they failed in their armed aggression does not legitimize their violation of international law. At the same time, that armed aggression also precludes them from invoking in any form the benefits of a General Assembly resolution which they both rejected and set out to destroy.

When, in a letter dated 20 May 1948 addressed to the Security Council (S/760), Transjordan sought to evade a discussion of the illegal military intervention of its army beyond its borders, the representative of the United States stated that the position of the King of Transjordan was characterized:

"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 ...

"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 this violation." 1/

This view was also supported by the majority of the members of the Security Council.

1/ Official Records of the Security Council, Third Year, No. 72, 302nd meeting, pp. 41-43.

The violation of the international boundaries of Palestine by the Arab armies constituted an act of aggression in breach of the Charter of the United Nations and of general international law. The consequent illegal occupation of any territory previously forming part of the mandated territory of Palestine by any of the invading Arab armies, including that of Transjordan, cannot give rise to any legitimate claim. The purported "annexation" of Judea and Samaria by Jordan in 1950 was in violation both of general international law and of the Israel-Jordan General Armistice Agreement of 1949. It is therefore not surprising that the outside world refused to recognize the validity of this illegal act based exclusively on Jordan's unlawful invasion of Judea and Samaria, and that even the Arab League threatened Jordan with expulsion from its ranks because of it.

The Jordanian representative attempted in his letter to conceal these fundamental flaws inherent in the Jordanian claims by relying on the "unopposed" admission of Jordan to the United Nations in 1955, despite the fact that Jordan at that time illegally occupied territories beyond its borders. As is well known, the admission of a State into the United Nations does not in itself imply a recognition of its boundaries. In fact, there exist numerous instances of territorial disputes in which both parties to the dispute are Members of the United Nations.

At best, the Jordanian representative's reliance on the circumstances of his country's admission to the United Nations would seem to be a rather belated and oblique acknowledgement of the fact that Israel did not vote against it, notwithstanding the fact that Jordan was occupying territories beyond its boundaries.

In his letter, the Jordanian representative also introduced the curious argument of "conditional membership" in the United Nations. As the Jordanian representative is undoubtedly aware, there is nothing in the Charter about "conditional membership", and his contentions on this point do not merit serious consideration.

I have the honour to request that 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
