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LETTER DATED 30 MAY 1979 FROM THE PERMANENT REPRESENTATIVE OF  
LEBANON TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF  
THE SECURITY COUNCIL

Following my letter of today calling for an urgent meeting of the Security Council (S/13356), I am enclosing herewith a memorandum to the President referring to the diplomatic mandate which the Security Council had given its President at its meeting of 15 May 1979 and embodied in the President's statement (see S/PV.2144).

My delegation wishes that this memorandum be integrated in the records of the Council, when it meets, and requests that it should be immediately circulated as a document of the Security Council.

We hope that you will find this memorandum useful, if you should choose, with the concurrence of the Council, to pursue diplomatic efforts with a view to renewing the mandate of UNIFIL within a framework that will lead to the total and unequivocal implementation of resolutions 425 (1978), 426 (1978) and 444 (1979).

(Signed) Ghassan TUENI  
Ambassador  
Permanent Representative

Annex

MEMORANDUM TO THE SECURITY COUNCIL

1. The delegation of Lebanon proposes that the Council should now review the question of southern Lebanon in the light of the line of action pursued since the President's Statement of 26 April 1979.

Through weeks of lengthy consultations, and in a unanimous spirit of conciliation and concern for peace and security, intensive efforts were deployed, by various parties, under the aegis of the Security Council, to secure the implementation of resolutions 425 (1978), 426 (1978) and 444 (1979).

Unlike the representative of Israel and his Prime Minister, the Lebanese Government felt very encouraged and took very seriously, to the letter, the mandate given to the President of the Security Council, on 15 May, to "proceed with his present diplomatic efforts", pursuing "with perseverance" and in the proper "atmosphere" the efforts that were undertaken "under the Council's auspices to secure a rapid improvement in the situation".

2. In this spirit, and to enable the President of the Security Council to proceed in his efforts, the Lebanese Government did not press for any debate or condemnation, though day after day, Israel was pursuing its policy of defiance and aggression, in words as well as in action: shelling was continuous, raids were carried out daily against civilian targets, territorial waters were violated, the land was raped, innocent victims - children and women, peasants and workers - were killed in large numbers, and tens of thousands were driven out of their destroyed homes, in cities and villages, seeking refuge and shelter.

Bringing such acts to the Security Council's attention, without expecting any practical results, had become an almost futile exercise. The Lebanese Government believed that the time had come for the Council to choose between allowing Israel to continue escalating the so-called "cycle of violence", or putting an end, forcefully and unhesitatingly, to a course of action that inevitably leads to a state of affairs wherein international peace and security will be most seriously imperilled, in the Middle East, and beyond - in areas for which the Middle East is today so significant, in so many respects.

3. As there are no visible signs of any Israeli compliance with the Security Council's consensus, Lebanon can only express regret that precious time was lost, and so was hope and confidence in the ability of Israel's friends to flex her determination to kill, destroy, and arrogantly disrupt every effort at establishing international law and order. Witness the Israeli representative's declaration, immediately after the Council's meeting of 15 May. Indeed, it had become an established rule, with this delegation, not to answer the all too numerous, and almost always repetitive, letters from the representative of Israel. Their logic seemed self-defeating and, in terms of international law, a very thin cover for the aggressive policy that Israel is bent on pursuing, particularly towards Lebanon.

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Yet in some of his recent correspondence, the representative of Israel, upon instructions from his Government, has contributed to the debate, now before the Security Council, some novelties that cannot be left unanswered, lest silence be construed as a sign of acquiescence, fear, or respect.

Reference is made more particularly to the letter addressed to the President of the Security Council dated 16 May 1979 (S/13331) commenting on the Statement made by the President at the meeting of 15 May 1979. Given the very serious, tragic, and persistent acts of aggression perpetrated by Israel, the Lebanese Government considers that the Council must now be called upon to take a most drastic attitude, in full cognizance of the facts.

#### ISRAEL'S ATTITUDE: THE FACTS

4. Instead of responding positively to the Council's spirit, and Lebanon's call for peace and security, the representative of Israel has come forth with the following:
  - a. That "the mandate of UNIFIL as set out in resolution 425 (1978) cannot be successfully implemented" ... and that "there can be no real prospect of restoring the authority of Lebanon over all its territory within its internationally recognized boundaries";
  - b. That "the restoration of the effective authority of Lebanon throughout its territory is severely hampered by the fact that Lebanon is occupied and controlled by the Palestine Liberation Organization and the Syrian Army";
  - c. That the Prime Minister of Israel - while declaring that "Israel has no territorial demands on Lebanon" and "supports the territorial integrity and national sovereignty of Lebanon" - invites the President of Lebanon to "discuss the signing of a peace treaty between Israel and Lebanon (...) on the basis of the Lebanese-Israeli border".

In previous, and concurrent utterances of unique cynicism, the Prime Minister of Israel, his representative at the United Nations, and various spokesmen of their Government, had complemented this strange, complex, and defiant policy by a further expression of political arrogance when they announced that "Israel will continue to strike at PLO bases in Lebanon by land, sea and air" and will exercise a "right to hot pursuit", without limiting itself to "reprisal raids", but acting "at a time and in a manner of their own choosing".

5. If it was found necessary, and probably useful, to amply quote from such Israeli literature, it is neither in a spirit of rhetoric, nor to engage in useless polemic - but rather to confirm with the Council, that Israeli intentions were no sooner declared than translated into action: for the Israeli Army, in an unprecedented style of "State-terrorism", has been conducting acts of indiscriminate

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aggression - by land, sea and air - against UNIFIL, its area of operations, urban and rural concentrations in various parts of Lebanon, and Palestinian refugee camps where only civilian casualties have been registered.

In contrast with this policy, it had been the Lebanese Government's intention, when asking for a Security Council meeting on 25 April (S/13270) to submit a draft resolution calling, among other things, for the establishment of a "zone of peace" in southern Lebanon, in implementation of resolutions 425 (1978) and 426 (1978) and within the context of the Armistice Agreement concluded between Lebanon and Israel on 23 March 1949. Later, in the letter to the Council of 7 May 1979 (S/13301), Lebanon's position concerning this Armistice Agreement and its revival was stated in unequivocal terms. And so was Lebanon's interest in the revival not only of the Israeli-Lebanese Mixed Armistice Commission (ILMAC) but also in creating the objective conditions that would be conducive to its becoming operationally more effective in the preservation of international peace and security in the area. If Israel's Government and Army had any respect for the Charter, and if they were in the least genuine in their so-called respect for Lebanon's territorial integrity, then they would have allowed ILMAC to function normally and naturally instead of taking international law in their own hands and establishing themselves as judge and jury, victimizing Lebanon through overstretched and often fallacious principles of vicarious responsibility.

Vicarious responsibility can be only established when the facts are internationally verified. Accordingly, Lebanon's responsibility cannot be invoked by Israel for acts committed against it outside Lebanese territory, within Israel or elsewhere.

#### PEACE AND GENERAL ARMISTICE

6. It is in this perspective that one can best understand Lebanon's attitude vis-à-vis the so-called offer of peace made by Mr. Begin and echoed in his representative's letter to this Council of 19 May 1979 (S/13331). The reply had come, in the most limpid and responsible manner, from the President of the Republic of Lebanon when he rejected it in the Cabinet meeting of 9 May 1979 by saying:

"The crux of the struggle between the Arab States and Israel is an indivisible question of right and justice. Today we feel more than ever that it is impossible to reach a peace settlement in the Middle East which is not a solution to the Palestinian problem. No durable and just peace can therefore be achieved which does not respect the Palestinians' right to their land and to self-determination. As for the border between Lebanon and Israel, it has never been under dispute and cannot today become an object of debate. Our borders are internationally recognized boundaries confirmed by international law and recognized by Israel through the General Armistice Agreement of 1949 and the various official commitments of nations large and small, let alone resolutions, decisions and recommendations of the United Nations, the Security Council, and the various international bodies. They

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all have given our frontiers a sanctity and legitimacy that compels their respect as well as respect to our independence, our national sovereignty and our territorial integrity.

"If at times abnormal conditions have been created on these borders, they can only be considered as transient and temporary. They will be, and can only be dealt with at the appropriate time, within the framework of Lebanese sovereignty."

#### THE PERMANENCE OF THE ARMISTICE AGREEMENT

7. It may be relevant at this juncture, to elaborate on the General Armistice Agreement of 1949 referred to by President Sarkis, and the reasons for which Lebanon so strongly calls for its respect:

- A. It was negotiated and signed as stated by the United Nations mediator Dr. Ralph Bunche, "in pursuance of the resolution of the Security Council of 16 November 1948". It was later confirmed by resolution 73 of 11 August 1949. It was since reconfirmed and upheld by a number of other resolutions, reports of the Secretary-General, and dispositions taken by the appropriate United Nations authorities, despite Israeli attempts at making it inoperative since June 1967;
- B. The preamble of the General Armistice Agreement, its articles I, III and VIII and the prior Security Council resolutions all emphasize its character as a "general" armistice, hence imperative and permanent, since its termination is not merely contingent upon the parties' mutual agreement, but also and more specifically upon the establishment of a "permanent peace in Palestine";
- It "shall remain in force until a peaceful settlement between the Parties is achieved". (Article VIII, para. 2). The "parties" referred to obviously mean all the parties involved in the Palestine question;
- C. Article I, paragraph one, may still be more eloquent: "The injunction of the Security Council against resort to military force in the settlement of the Palestine question shall henceforth be scrupulously respected by both Parties";
- D. Article II, sheds further light on the spirit of the General Armistice:

"With a specific view to the implementation of the resolution of the Security Council of 16 November 1948, the following principles and purposes are affirmed:

1. The principle that no military or political advantage should be gained under the truce ordered by the Security Council is recognized;

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2. It is also recognized that no provision of this Agreement shall in any way prejudice the rights, claims and positions of either Party hereto in the ultimate peaceful settlement of the Palestine Question, the provisions of this Agreement being dictated exclusively by military considerations";

E. Article VIII further provides that no revision of the Agreement, even by mutual consent, could suspend articles I and III "at any time", as these refer to "the injunction of the Security Council", and the objective of the Agreement, which is defined as "promoting the return of permanent peace in Palestine";

F. Article VIII finally stipulates that the Security Council is alone empowered to act on both interpretation and revision of the Agreement "on the grounds that this Agreement has been concluded in pursuance of Security Council action towards the end of achieving peace in Palestine".

8. Such are some aspects of the Armistice Agreement which President Sarkis and his Government - and consistently all previous Governments - have considered to be a sufficient and binding framework for the restoration of peace on the Lebanese-Israeli border.

It follows naturally, therefore, in our view, that Mr. Begin's offer was objectless and only destined to disguise the real issue. Indeed, a state of peace in Palestine, involving all the parties concerned in the "Palestine question", is what Israel must accept, and what we must all aim at. Only within the framework of such a comprehensive settlement will the present Lebanese-Israeli Armistice Agreement be dissolved.

To reject the General Armistice Agreement, or to challenge resolutions 425 (1978) and 426 (1978) because of Palestinian presence in Lebanon is therefore to ignore totally the organic realities of the question, both in its historic origin and developments, as well as its evolution within the United Nations framework.

Hence, the criminal fallacy of Mr. Begin's attitude vis-à-vis the Palestinians in Lebanon and the Palestine Liberation Organization. Not only have the Palestinians been driven into Lebanon by Israel, against their own free will, as well as that of Lebanon's but their association to a peace settlement is made compulsory by the Security Council resolutions, particularly those that have established the Armistice Agreement of 1949, such as resolution 62 (1948).

#### THE RESTORATION OF LEBANESE SOVEREIGNTY

9. The objective conditions for the restoration of Lebanese sovereignty and the creation of a "zone of peace" in UNIFIL's area of operation, by virtue of resolutions 425 and 426 (1978), have been amply dealt with in the letter by the delegation of Lebanon to the Security Council of 7 May 1979 (S/13301).

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Paragraphs 11 and 13 of the aforementioned letter - concerning particularly the Palestinians and the Lebanese citizens of the so-called "enclave" - restate integral and fundamental components of Lebanon's national policy. The points raised subsequently by the Israeli representative, in this context, fail to take this matter into consideration, for reasons convenient to him that are beyond the scope of this discussion.

It may be pertinent to add, at this stage in the debate, that it is very strange indeed that the representative of a Member State, and the least qualified for that, should arrogate to himself and his Government a right of tutelage over the sovereignty of others. This in itself would have warranted action by the Security Council and the General Assembly under the appropriate Articles of the Charter.

Whilst the Council should refuse to be distracted from the issue at stake, note must be taken of the answer of the representative of the Syrian Arab Republic when he stated in his letter of 5 May 1979 (S/13298):

"Syria is committed to one Lebanon, to the Lebanon that has always played and can indeed continue to play a significant role in the Arab world, the role of the cradle of Arab civilization and its openness to the world at large ... The Syrian forces in Lebanon are part of the Arab Deterrent Force under the direct command of the Lebanese Government. The Lebanese Government has the full right to decide over the duration of the mission of the Arab Deterrent Force in Lebanon including the Syrian Forces".

#### THE ROLE AND RESPONSIBILITIES OF UNIFIL

10. As has been brought to the attention of this Council, the Government of Lebanon is now actively engaged in restoring its Army so as to be able, at the earliest possible date, to assume alone the full responsibility of pacifying and reconstructing a country which resisted, through five years of untold tragedies, destruction, war and a near to total disruption of all the instruments of power and constitutional authority.

Conscious of these realities, the Council had already, when passing resolutions 425 and 426 in March 1978, assigned to UNIFIL a task that would have otherwise been unnecessary: "restoring international peace and security and assisting the Government of Lebanon in ensuring the return of its effective authority ...".

In the light of recent developments in southern Lebanon, the Government of Lebanon now feels that it has become imperative to properly redefine the mandate and prerogatives of UNIFIL so as to assure the Force's freedom of deployment and secure the total and unconditional withdrawal of Israel. Only in so doing can the Council compel Israel to respect the territorial integrity of Lebanon and

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the unchallenged sovereignty of the legitimate authorities of the land, in practical and unequivocal compliance with international law and United Nations resolutions.

The position of Israel vis-à-vis UNIFIL and resolutions 425 and 426 (1978) must be reconsidered and ascertained beyond ambiguity. A persistent negative attitude will in itself then warrant a condemnation by the Council and resort to other avenues of action opened by the Charter of the United Nations.