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THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Thirty-seventh year

Letter dated 27 May 1982 from the Permanent Representative of Israel
to the United Nations addressed to the Secretary-General

I have the honour to refer to the two identical letters from the Permanent Representative of Lebanon dated 17 May 1982 and addressed to Your Excellency (A/37/228) and to the President of the Security Council (S/15087), respectively.

In those letters the Permanent Representative of Lebanon sought to disclaim "in the most unequivocal terms" the responsibility of his Government for acts of terrorism originating from Lebanese territory.

The untenability of the position adopted in those letters is only heightened by the fact that in the concluding paragraphs of his letters the Permanent Representative of Lebanon purports to rely on the Israel-Lebanon General Armistice Agreement of 23 March 1949 - defunct since 1967. It should be recalled that article III, paragraph 3, of that Agreement provided that:

"No warlike act or act of hostility shall be conducted from territory controlled by one of the Parties to this Agreement against the other Party."

In any case, Lebanon's duty to prevent its territory from being used for terrorist attacks against other States is based on general international law. As has been stated in Oppenheim-Lauterpacht's well-known treatise on International Law:

"States are under a duty to prevent and suppress such subversive activity against foreign Governments as assumes the form of armed hostile expeditions, or attempts to commit common crimes against life or property."
(8th edition, vol. I, 1955, pp. 292-293).

* A/37/50/Rev.1.

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This principle has been embraced by the General Assembly on numerous occasions, including, for example, the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty, adopted by the General Assembly on 21 December 1965 (resolution 2131(XX)); and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted by the Assembly on 24 October 1970 (resolution 2625(XXV)).

If the Permanent Representative of Lebanon wishes to disclaim his country's responsibility for terrorist activities emanating from Lebanese territory, as indeed he has attempted to do in his letters under reply, he is in fact calling into question his country's very statehood and independence. It is not open to a State to invoke in its favour benefits deriving from certain principles and rules of international law unless it is at the same time prepared to abide by the concomitant duties.

I have the honour to request that this letter be circulated as a document of the General Assembly, under item 34 of the preliminary list, and of the Security Council.

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