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**Letter dated 18 February 1972 from Mr. Mohammed Bedjaoui to the Chairman of the
International Law Commission**

Topic:
Succession of States in respect of matters other than treaties

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Letter dated 18 February 1972 from Mr. Mohammed Bedjaoui
to the Chairman of the International Law Commission

1. It was with deep regret that I noted the circulation, under symbol number A/CN.4/251, of a letter, enclosing a memorandum, from a member of the International Law Commission. The letter requested that arrangements should be made for it and the memorandum to be circulated as a Commission document to the same extent as my fourth report on succession of States, 1/ to which they refer, and included in the appropriate volume of the Commission's Yearbook.
2. I have searched in vain in the usage and work of the International Law Commission for a precedent to justify such a procedure, which seems to me both dangerous and useless. I fail to find, and there do not exist, any cases in which a member of the Commission could and actually did adopt a position aimed at defending the interests of his country by means of a memorandum annexed to a Special Rapporteur's work.
3. This regrettable procedure can therefore only result in my, and probably many other members, entering very explicit reservations. It also creates a right of reply which I, and other members concerned, intend to exercise fully in the circumstances. The precedent apparently being set is all the more dangerous since it may introduce a practice whose consequences would be prejudicial to the Commission's work and even wholly inconsistent with its functions.
4. It is proper for me to recall, for this principle appears in jeopardy, that members of the Commission are elected by the General Assembly to serve in their individual capacities and not as representatives of their respective countries. Their right, or even their duty, to redress errors or inaccuracies originates in their conscience and is motivated by their desire to serve truth and law, not to favour or gratify their countries.

1/ A/CN.4/247 and Add.1.

5. In any case, facts, opinions or arguments should, in accordance with unchanging Commission practice, be challenged during and at the time of the discussion of the Special Rapporteur's report, with the debates receiving all their usual publicity, particularly by their publication in the Commission's Yearbook. Thus, every member on a strictly equal footing has the right to express himself freely and, if necessary, to indicate his disagreement with the presentation of facts or of situations mentioned by the Special Rapporteur in his work.

6. In any event, I personally cannot allow the memorandum which has already been circulated to remain unanswered and I should be grateful if you would arrange for this letter and my answer to the memorandum to be circulated in the same circumstances as was the memorandum.

Memorandum by Mr. Mohammed Bedjaoui in reply to document A/CN.4/251

1. It is important to state that in my fourth report I wished to distinguish between cases of regular and irregular State succession. I had, therefore, to refer to various situations which seemed to me to belong to the second category.^{2/} Out of respect for the role and functions of the International Law Commission, I limited myself strictly to a factual account of these questions, which was very brief and made no mention of my personal political opinions.

2. With respect to the case of Palestine in particular, I feel obliged to provide clarifications which will show the extent to which the assertions made in the memorandum in document A/CN.4/251 are at variance with the truth. My clarifications will relate to (i) the Umm Reshresh case; (ii) the question of the non-signature of the cease-fire agreements by Algeria; (iii) the map on the pediment of the Knesset at Jerusalem; and, (iv) the basic Palestine question.

I. The Umm Reshresh case

3. In the historical process of the creation and extension of Israel by the gradual disappearance of the Arab territory of Palestine and the continuous annexation of other Arab territories, the conquest of Umm Reshresh might indeed seem to be a paltry and secondary episode in comparison to the scope of the other annexations. It was, however, by the irregular occupation of this small Arab fishing port that Israel was to build itself a "window" onto the Gulf of Aqaba, clear for itself the surest paths to expansionism, attempt to control this entire body of water, endeavour to gain hold of the straits and the island of Tiran which seals the Gulf, try to acquire and maintain a foothold at Sharm el Sheikh, attempt to expand throughout the Red Sea, and so on. In short, the armed annexation of Umm Reshresh in 1949 carried within it the seeds of the 1956 and 1967 Israel-Arab wars and the constant threat which Israeli expansionism creates for the States of the region.

^{2/} A/CN.4/247, paras. 18 to 36.

It is understandable, therefore, that the memorandum in document A/CN.4/251 should have made a particular, but vain, attempt to question the description of the facts relating to this case.

4. In essence, the above-mentioned memorandum's approach to the question appears to hinge on three assertions:

- (i) Umm Reshresh is a territory allocated to Israel under the United Nations plan of partition; Israel has not, therefore, annexed anything which did not already belong to it;
- (ii) Egypt made no complaint against Israel's occupation of that territory;
- (iii) Transjordan did not protest against Israel's annexation of the territory.

5. In reality, the Umm Reshresh case should be examined on the basis and within the framework of the truce ordered by the Security Council in its resolution 54 (1948) of 15 July 1948 in which the Council ordered "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 para-military forces...". The resolution added that "failure by any of the Governments or authorities concerned to comply /with those orders/ would demonstrate the existence of a breach of the peace within the meaning of Article 39 of the Charter...".

Despite the order thus issued by the Security Council, on 14 October 1948 the Israelis attacked and occupied the town of Beersheba and the region of El Auja - Palestinian territories which had, moreover, been allocated to the Arab State of Palestine under the United Nations partition resolution. On 19 October 1948, the Security Council again ordered the "withdrawal of both parties from any positions not occupied at the time of the outbreak". 3/ On 4 November 1948 it again called upon both parties "to withdraw those of their forces which have advanced beyond the positions held on 14 October". 4/

Thus, the advance of the Israeli troops in the south and the occupation of Umm Reshresh on 10 March 1949 occurred in violation of the truce ordered by the Security Council and of the latter's comminatory decisions. This is the first very clear instance of irregular Israeli action.

A

6. Moreover, one is somewhat astonished to read in the memorandum (paragraph 3 (a)) that "Israeli forces advanced south to the littoral into the area allocated to the Jewish State in General Assembly resolution 181 (II) of 29 November 1947".

3/ Official Records of the Security Council, Third Year, No. 118, 367th meeting, p. 38.

4/ Security Council resolution 61 (1948) of 4 November 1948.

It is amusing to see this military advance justified by a resolution to which Israel had, to say the least, accorded no credence or respect.

The annexation of Umm Reshresh cannot, therefore, be justified by that text. That is a second, also very clear, instance of the absence of any legal basis for the Israeli action.

B

7. But this is not all. On 24 February 1949, Egypt and the Israeli authorities concluded an armistice whereby the latter were forbidden to cross a line marking half the distance between the coasts of the Gulf of Aqaba and the zones which they occupied at that time. This is explicitly indicated by the provisions of paragraph b. of annex II of the General Armistice Agreement which specifies that the southern demarcation line shall run "from point 402 down to the southernmost tip of Palestine, by a straight line marking half the distance between the Egypt-Palestine and Transjordan-Palestine frontiers". 5/ Israel was thus formally forbidden to expand further and to have access to the Gulf of Aqaba.

The annexation of Umm Reshresh on 10 March 1949 was thus the outcome of a pure fait accompli violating a contractual commitment freely entered into by Israel and intended to freeze all military positions. This is a third example of the irregularity of the situation created by Israel at Umm Reshresh.

8. Egypt denounced this irregularity to the Egypt-Israel Mixed Armistice Commission, whose Special Committee took a decision on the case on 20 March 1950. This demolishes the assertion in the memorandum concerning the alleged absence of a complaint by Egypt. The memorandum incorrectly stated in paragraph 3 (a) that "there was no breach of the Israel-Egyptian Armistice Agreement, and /that/ no complaints of any kind were made by Egypt". In subparagraph (d) of the same paragraph, however, the memorandum itself states that "on 23 May 1949, Egypt submitted a complaint to the Israel-Egypt Mixed Armistice Commission on the occupation of Umm Reshresh and Bir Qattar".

These facts speak for themselves.

It may, admittedly seem surprising that Egypt allowed two months to elapse before protesting against violation of the armistice. It must be remembered, however, that first there had to be an inquiry by United Nations observers to verify whether, as had been reported, Israeli forces had advanced to Umm Reshresh "via a road in Egyptian territory 6/ running from Jerasa Kuntilla (MR 119 340) to Rasen (MR 136 890)". (Cablegram dated 13 March 1949 from the Acting Mediator. 7/

5/ Official Records of the Security Council, Fourth Year, Special Supplement No. 3, document S/1264/Rev.1

6/ Mr. Bedjaoui's underlining.

7/ Official Records of the Security Council, Fourth Year, Supplement for March 1949, document S/1286, p. 43.

On the date on which the Mediator sent the cablegram, he had not "yet" any confirmation of that fact.)

Moreover, it should also be pointed out that the Special Committee of the Mixed Armistice Commission, to which, as is known, the matter was referred, condemned Israel's action, as the memorandum itself recognizes. That is a fourth aspect of this case.

9. The case was again mentioned by the Security Council, which took "note of the statement of the Government of Israel that Israel armed forces will evacuate Bir Qattar pursuant to the 20 March 1950 decision of the Special Committee provided for in... of the Egypt-Israel General Armistice Agreement, and that the Israel armed forces will withdraw to positions authorized by the Armistice Agreement. 8/

It must be realized that the reference to Bir Qattar covers Umm Reshresh and the vicinity.

C

10. And what are we to think about Transjordan's alleged failure to complain? The author of the memorandum considers that the Israeli position at Umm Reshresh "was consolidated" 9/ by the General Armistice Agreement between Israel and Jordan of 3 April 1949.

There was indeed the Israeli fait accompli in the Southern Negeb. The Transjordan delegation complained about it to the Acting Mediator while it was on the way to Rhodes to negotiate the Armistice Agreement. The Acting Mediator had sent a cablegram dated 11 March 1949 (the day after the occupation of Umm Reshresh) to the President of the Security Council reporting "several complaints from the Transjordan delegation at Rhodes alleging military operations by Israeli forces in the Southern Negeb, particularly in the north of Aqaba". 10/ In another cablegram dated 22 March 1949, transmitting a supplementary report on the situation in the Southern Negeb, he wrote: "In a note dated 28 February and delivered to me at Rhodes on 2 March, the Transjordan Minister of Defence protested 'most strongly at this Jewish attempt to achieve a fait accompli just at the moment when the Transjordan delegation is leaving for Rhodes'". 11/

The manifestly inaccurate assertion in the memorandum to the effect that Jordan did not react to the annexation of Umm Reshresh is all the more surprising

8/ Security Council resolution 89 (1950) of 17 November 1950.

9/ Para. 3 (c); Mr. Bedjaoui's underlining.

10/ Official Records of the Security Council, Fourth Year, Supplement for March 1949, document S/1285, p. 41; see also document S/1286.

11/ Ibid., document S/1295 and Corr.1, p. 45.

since the memorandum does mention the cablegram of 22 March 1949, from which it quotes at length. Nevertheless, it failed to quote information concerning the Jordanian complaints contained in the cablegram.

11. According to the memorandum, Israel "consolidated" its position at Umm Reshresh by virtue of article V of the Armistice Agreement between Israel and Jordan. That Agreement did, in fact, include some peculiarities whose causes and political consequences became apparent later. Whereas the demarcation lines for the various sectors of the front, and particularly for the Egyptian front, were determined by the positions of the opposing forces at the time of the 1948 truce, the armistice agreement between Israel and Jordan specified in article V, paragraph 1 (d), that "in the sector from a point on the Dead Sea (MR 1925-0958) to the southernmost tip of Palestine, the Armistice Demarcation Line shall be determined by existing military positions as surveyed in March 1949 by United Nations observers...". 12/

Umm Reshresh is indeed in this sector covered by article V. With the prospect of an armistice in view, the Israelis did not hesitate to break the truce ordered by the Security Council in order to achieve an excellent position which they sought to "consolidate" in the Armistice Agreement of 3 April 1949.

The profound juridical nature of any armistice agreement must, however, be borne in mind, as must the fact that it does not delimit a political or territorial frontier or prejudice the rights of the parties. Moreover, article II of the Agreement of 3 April 1949 expressly reserved the positions and claims of each party. The "consolidation" which such an agreement could legally provide is not, therefore, apparent.

12. In the abstract, it must be remembered that in any event an illegal situation remains intrinsically illegal whether or not it is the subject of a complaint.

13. The reference in the memorandum to the Acting Mediator's cablegram of 22 March 1949 is incomplete. No mention is made of the passages concerning the occupation of Umm Reshresh, which read as follows:

"6. ... A small Arab Legion force which had entered Umm Reshresh on 3 March had left on 9 March and Israeli forces arrived there the following day.

"7. ... About 200 men with several half-track vehicles were encamped at Umm Reshresh on 16 March...

"It is clear on the evidence available to me as a result of the investigation by United Nations observers since 7 March that Israel forces have effectively occupied this area since that date". 13/

12/ Official Records of the Security Council, Fourth Year, Special Supplement No. 1, document S/1302/Rev.1, pp. 3-4; Mr. Bedjaoui's underlining.

13/ Official Records of the Security Council, Fourth Year, Supplement for March 1949, document S/1295 and Corr.1, p. 47.

14. The Umm Reshresh case is therefore the outcome of a situation which is irregular, but no more irregular than the creation and subsequent extension of Israel itself.

II. Non-signature of the 1967 cease-fire agreements by Algeria (?)

15. It is impossible not to smile when reading one comment in paragraph 4 of the memorandum. It says, despite the presumably intentional sibylline character of the remark, that, since Algeria is not one of the Arab States which accepted the cease-fire of 1967, I cannot as an Algerian citizen request the evacuation of the territories occupied by Israel!

Is there really any need to spend a long time rebutting this comment, which is so obviously absurd? Or is this a new way of "reasoning" in order to prevent someone and - why not? - the community of States which belong to the United Nations from demanding the evacuation of the occupied territories under the strange pretext that they are not parties to the 1967 cease-fire agreement?....

16. Quite obviously, I did not write my special report as representative of my country and I was familiar enough with the rules of the International Law Commission to know that I could not claim or be authorized to do so. The comment in paragraph 4 of the memorandum is enough to betray the author of the memorandum who, for his part, is certainly reacting as representative of his country in this particular case.

III. The question of the map on the pediment of the Knesset

17. Paragraph 2 of the memorandum peremptorily denies that there has ever been a map on the pediment of the Knesset showing Israel as extending from the Nile to the Euphrates. In reality there was a bronze plaque affixed to the entrance of the building housing the Israeli Parliament.

But the memorandum commits a serious sin of omission. It should have said that, since quite recently, there is no longer a plaque. When, after the conquest of the Negeb, part of Jerusalem was annexed in violation of the international administrative régime established by and for the United Nations, a Knesset decision of 22 December 1949 made it the Israeli capital, the Parliament having already voted to transfer itself to the Holy City 10 days earlier, on 12 December 1949.

Since that date in 1949 and until the very recent transfer of the Parliament to another new headquarters, 14/ a bronze plaque with Hebrew lettering in relief was affixed to the entrance of the Knesset building on King George Street (Rehov King George) between the Chief Rabbinate and the Menora (candlestick with seven branches) at the top of the Rehov Ben Yehouda.

^{14/} Ministry of Foreign Affairs, Facts about Israel, Jerusalem, 1970, p. 37.

This plaque at the entrance of the Parliament reproduced a biblical verse concerning Eretz Israel extending from the Nile to the Euphrates ("Unto thy seed have I given this land from the river of Egypt unto the great river, the river Euphrates").

18. In my special report, I had referred to the successive aggrandizements of Israel. More than a map necessarily comprising borders which, no matter how far they are moved, limit by definition rather than extending, the biblical verse is suggestive: the Nile, which has its source in Lake Victoria, flows into the Mediterranean after fertilizing the Sudan and Egypt; the Euphrates flows from the Persian Gulf to the Mediterranean, dividing both Iraq and Syria into two almost equal parts and cutting into part of the territory of Turkey.

19. It is easy to understand why Israel is the only State in the world to have been born without borders and to remain so voluntarily. The way has been left open to armed force and remains so, in order that the borders of the Zionist State may be constantly shifted through the progressive absorption of other States.

20. Indeed, one has only to read Israeli history and geography textbooks to become aware of the expansionist universe in which generations are being raised. While still at their mothers' breasts infants learn that Israel, which extends from the Nile to the Euphrates, actually makes the States of the region, which are all Members of the United Nations, prisoners awaiting execution.

21. The fact has been abundantly established, and is disputed by no one except the author of the memorandum, that the Zionist ideology implies and involves a necessarily expansionist policy. One need only refer to the writings of the pioneers such as Leo Pinsker and Theodor Herzl, the work of the various Zionist Congresses and the repeated official statements of the Israeli leaders.

When 1960 was proclaimed "Herzl Year" in Israel, during the solemn celebration of the "centenary of the founder of political zionism", whose remains were transferred to Jerusalem in 1949, I do not believe that certain passages of his work Der Judenstaat which were too specific in this regard were censored when the work was republished on this occasion in Jerusalem: 15/

22. From its beginnings, the members of the Zionist movement have set themselves territorial objectives far beyond the original borders of Israel. In the works of Herzl, as in the memorandum submitted by the World Zionist Organization to the

15/ Theodor Herzl, The Jewish State, followed by extracts from Herzl's diary, preface by David Ben-Gurion, Jerusalem, 1960, publication of the Youth and Hechalutz Department of the World Zionist Organization, translated by Elian-J. Finbert, translation of the preface by Moche Catane, Jerusalem Post Press. The many works commemorating this event in numerous countries in 1960 clearly show the philosophical basis of zionism. Cf., in France, for example, André Chouraqui, Théodore Herzl, inventeur de l'Etat d'Israël, Paris, Seuil, 1960; in the United States, Ben Halpern, The Jewish State, Boston, Harvard University Press, 1961.

Versailles Peace Conference on 3 February 1919 and in other documents, it can be seen that Zionism has admittedly been plagued by profound disagreements on this subject, but its geographic ambitions, although they may change according to the times and the speakers, did not spare south Lebanon, the Sinai, north Hejaz and the East and West Banks of the Jordan. The seventh Zionist Congress pronounced itself in favour of colonizing action "in Palestine and in the neighbouring countries".

Herzl himself explained what should be the geographic configuration of the future State. "We should have access to the sea because of the future of our foreign trade. We should also have a large area of land so that we can grow modern crops there on a large scale... Our slogan should be: the Palestine of David and Solomon... The area should extend from the river of Egypt to the Euphrates". 16/

A Zionist author who no doubt wished to be noted for his moderation was to define the borders as encompassing Judea, Samaria, Galilee and... "the country beyond the Jordan". 17/ And he added: "A Palestine extending from the Mediterranean to a point at a certain distance from the Hejaz railroad and from the Litani River to a point quite a long way south of Gaza and the Dead Sea, including the Sea, would be perfect to meet the needs of the Jewish people." 18/

23. From the exceptional wealth of literature devoted to the Zionist ideology, I shall mention only the following passage from a report written at Cairo on 5 May 1943 by General Patrick J. Hurley, President Roosevelt's personal representative in the Middle East: "The Zionist organization in Palestine has indicated its commitment to an enlarged programme for (1) a sovereign Jewish State which would embrace Palestine and probably Transjordan, (2) an eventual transfer of the Arab population from Palestine to Iraq, and (3) Jewish leadership for the whole Middle East in the fields of economic development and control". 19/

24. It would be truly tedious to cite numerous official Israeli statements in which the theme of the need for and legitimacy of Israel's aggrandizement is dominant, as required by Zionist doctrine. Suffice it to recall that Mr. David Ben-Gurion (though not the greatest extremist in Israel) said that the Jewish State had been revived only "in the western part of Israel... in a part of our small country". 20/ "I agree to form the Government", he was able to declare when he

16/ According to the Mémoires complètes de Théodore Herzl, by Raphaël Pathey (c.f. Symposium of Arab Jurists on Palestine, La question palestinienne, Algiers, 1968, p. 47).

17/ Marcel Bernfeld, Le Sionisme, Paris, published by Jouve, 1920, p. 386.

18/ Bernfeld, op. cit., p. 387.

19/ Foreign relations of the United States, Diplomatic Papers 1943, vol. IV, The Near East and Africa, United States Government Printing Office, Washington, 1964, p. 777; Mr. Bedjaoui's underlining.

20/ Israel Government Yearbook, 1951-1952 and 1953.

assumed power in 1952, "only on condition that I may use all possible means to extend Israel towards the south". This government programme contained the seeds of the Suez aggression of 1956. Referring to the island of Tiran, which closes the Gulf of Aqaba at the south, he spoke then of the "island of Yotvat, south of Elat, liberated (sic) by the Israel Army" in November 1956. 21/ The same man, retired from government, showed in a letter to General de Gaulle that he continued to claim for Eretz Israel "the land both to the west and to the east of the Jordan", because "that was Joshua's country"! 22/

25. I find it difficult to think that people in the twentieth century can believe in and evoke such distant historical "rights", especially when they are based on biblical promises! The justification of the establishment and then of the past, present and future aggrandizement of Israel continues to be found in those biblical promises. Even assuming that this is true, it will be seen that the Zionists have falsely interpreted the Holy Scriptures so that, if our twentieth century beliefs could be reconciled with the building of a State based on a biblical argument, it would, as I have written, 23/ be the Arabs who should logically be designated as those to whom God's promise concerning Palestine was addressed.

21/ The New York Times, 8 November 1956; Mr. Bedjaoui's underlining.

22/ Letter from Mr. David Ben-Gurion to the President of the French Republic, Le Monde, 10 January 1968, p. 3.

23/ Symposium of Arab Jurists on Palestine, La question palestinienne, Algiers, 22-27 July 1967, published by the Ministry of Justice, Algiers, 1968. Scholarly studies by specialists of the Old and New Testaments show that:

(a) The biblical promise made 4,000 years ago ("unto thy seed have I given this land from the river of Egypt unto the great river, the river Euphrates" is addressed to all the descendants of Abraham - both the Jews (by Israel) and the Arabs (by Ismael);

(b) What is more, when Abraham made an alliance with God through circumcision (chapter XVII, verse 8) and all the country of Canaan was promised to him in perpetuity, it was Ismael, the ancestor of the Arab tribes, who was circumcised, since Isaac had not yet been born. If therefore we are to follow the Zionist reasoning, Palestine was "promised" by God to the Arabs alone;

(c) The divine promises were in any case broken by the apostasy of the Jews;

(d) The prophecy of the "return" came true when the Jews returned to Judea after their captivity and rebuilt the walls of Jerusalem and the Temple; the Bible contains no promise of a "second return", so that the creation of Israel, which has been presented as a "return after 2,000 years", contradicts the biblical promise on which it is supposed to be based. There are even Jews in Jerusalem who, for this precise reason, think that the creation of Israel runs counter to their faith.

(e) The Holy Scriptures refer to Israel not as a geographic, ethnic or political entity, but as the universal community of believers, the Israel of God.

(foot-note 23/ continued on next page)

IV. The root of the problem

26. The memorandum in question deals not only with the case of Umm Reshresh. Although he confined himself to some of my observations which he described as tendentious, the author did take care to indicate first that all the observations which he had passed over in silence were "similarly tainted". (paragraph 1)

This compels me to refer to the root of the Palestine problem; despite its gravity and consequences, the Umm Reshresh case is of quite secondary importance compared to the crux of the Palestine question. When I referred in my report to certain situations that were irregular under international law, I mentioned successive aggrandizements. In his unfortunate preoccupation with the case of Umm Reshresh, it would appear that the author of the memorandum is unable to see the wood for the trees. The chain of Israel's territorial conquests has many links such as Umm Reshresh, the only difference being that the small Arab fishing port was indeed a vital link in Zionist expansionism. However, it cannot suffice to obliterate either the links which preceded it or those which followed it.

27. The actual creation of Israel on 15 May 1948 is the result of a fait accompli born of violence and defiance of the international community of nations. The Zionists occupied 6,500 square kilometres which the General Assembly had reserved in resolution 181 (II) for the Arab State of Palestine and part of which had already been annexed through Israeli violence even before the war culminating in the proclamation of 15 May 1948. Umm Reshresh in turn became an important base of operations for new Israeli thrusts towards the Gulf of Aqaba and the Red Sea. The annexation of Umm Reshresh was a violation of the truce ordered by the Security Council on 15 July 1948, the truce agreement of 30 November 1948 and the General Armistice Agreement of 24 February 1949.

A further annexation was thereby completed, that of the Negeb. Part of Jerusalem was taken in 1949 in similar illegal conditions and, moreover, in violation of the United Nations decision to administer the Holy City itself.

(foot-note 23/ (continued))

23/ Concerning all these problems, see inter alia, the works of Dr. Elmer Berger, Chief Rabbi; Dr. Alfred Guillaume, Professor of Old Testament Studies at the University of London; Dr. William H. Stinespring, Professor of New Testament and Semitic Studies at Duke University in North Carolina and Minister of the Presbyterian Church (Zionism and the Bible), Dr. Ovid R. Sellers, former Professor of Old Testament studies, Dean of the McCormick Theological Seminary and Minister of the United Presbyterian Church; the Very Reverend Jonathan G. Sherman, Suffragan Bishop of the Diocese of Long Island, New York, and particularly his work Israel according to the Holy Scriptures, Cedar Rapids, Ingram Press; all cited by Sami Hadawi: "Les revendications 'bibliques' et 'historiques' des sionistes sur la Palestine", Les Temps Modernes, Paris, 1967, No. 253 bis, pp. 91-105, op. cit. See also Samarrai: "Palestine, Arab or Jewish", Arab Journal, vol. 1, No. 2-3, spring-summer, 1964.

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28. Further equally important violations were committed. In four consecutive reports, the Chief of Staff of the Truce Supervision Organization had to draw the attention of the Security Council to:

- Israel's refusal to implement the Council resolution of 18 May 1951 (cablegram dated 26 June 1951); 24/
- The occupation and control of the Demilitarized Zone in violation of the General Armistice which provided for the establishment of a local Arab police force (report dated 16 August 1951); 25/
- Control of the movements of Arabs by the Israeli police and interference in the freedom of movement of the Chairman of the Mixed Armistice Commission and United Nations observers (report dated 6 November 1951); 26/
- Finally, the maintenance of an Israeli check-post on the main road at Mishmar-Hay-Yarden, in the Central Sector of the Demilitarized Zone, although the Chairman of the Mixed Commission had requested its removal (report dated 30 October 1952). 27/

29. At the time of the tripartite intervention of 1956 and the aggression of 1967, Israel occupied over 80,000 additional square kilometres of Arab territory. The annexation of the old city of Jerusalem was completed, several Arab towns (such as Hebron and Gaza) were taken over by the Jews and kibbutzim were established in the occupied territories (in violation of the Geneva Conventions of 12 August 1949 to which Israel acceded, and particularly of article 49 of the fourth Convention).

The establishment of about 20 fortified Jewish villages in Jordan and on the Golan Heights in Syria, the decision to launch a 10-year development plan for all the occupied territories, the building of a considerable infrastructure for accelerated pumping of Egyptian oil from Sinai; bring to mind a question: Which of Israel's rights to existence should be considered - that resulting from the conquests of 1948, or from those of 1956, or from those of 1967, or from those that the Zionist programme "from the Nile to the Euphrates" continually proposes?

24/ Official Records of the Security Council, Sixth Year, Supplement for 1 April to 30 June 1951, document S/2213, p. 177, paras. 14 and 17.

25/ Official Records of the Security Council, Sixth Year, Supplement for July, August and September 1951, document S/2300, p. 46, para. 9.

26/ Official Records of the Security Council, Sixth Year, Supplement for October, November and December 1951, document S/2389, p. 28, para. 14, and p. 29, para. 16.

27/ Official Records of the Security Council, Seventh Year, Supplement for October, November and December 1952, document S/2833, p. 22, para. 50, and p. 24, para. 58.

The total area of Palestine under the Mandate was 26,000 square kilometres; the United Nations partition plan gave the Jews 14,200 square kilometres; Israel had 20,700 square kilometres after the armistices of 1949; after the war of June 1967, it has 102,400 square kilometres.

30. As I have stated,^{28/} there is a logic of numbers. The Zionist ideology is based on the false premise that all the Jews of the world must have a national existence in the historic land of the 12 tribes. Israel, which wants to be the "sanctuary State", able to welcome the entire Jewish population at any time, intends to put an end to what it still believes to be their Diaspora, even if the majority of Jews show no desire to leave the country where they and their distant forebears were born, for an unknown land.

This premise of regrouping, which is the very essence of zionism, is exacting: it gives the framework of the implacable advance of zionism, which is bound to succumb to the temptation of expansionism. Israel, created in well-known conditions of illegality and terror, cannot, even if it should so desire, abandon the endless search for "living space". Throughout the century in which it has sought to make its mark on the international scene and to turn a people into an empire, its policy has been exemplary in its consistency. From small agrarian colonies to the Jewish national home which purported to be making a cultural and religious grouping of limited numbers of people, from the jigsaw-puzzle State conceived by the United Nations to the warrior State of 1948, from the conquering Israel of 1956 to the "Greater Israel" of 1967, each phase is indicative of this secular will to expand. Israel is blithely pursuing a scheme which simply endangers the existence of several Arab countries as independent States, and has already wiped Palestine off the world map. In the three principal armed conflicts - 1948, 1956 and 1967 - Israel was the aggressor each time and gained territorial advantages each time as a result of the hostilities.

31. It seems ridiculous to recall this logic of numbers and theory of "the potential sanctuary State" for all. If all Jews are to be brought together, Israel must expand and this involves driving the Arabs back, which is why they must be attacked. Politics abound in sources of pretexts for expansion which will deceive public opinion. In 1965, Mr. Abba Eban said that the Arabs, who first wanted Palestine to be returned to the Arabs and then modestly wanted Israel to return to the 1948 frontiers, would eventually have to ask no more than recognition of the frontiers to be acquired by Israel in 1966 or 1967.^{29/} This is an unconcerned admission of the fact that the expansionist aims are permanent, and that the 1967 attack was pre-meditated; it is also a display of untroubled confidence in the strength of arms; in short, alas, it is an expression of contempt for the Arabs.

32. By hypothesis and by extension, the zionists have made the return of all Jews their premise and act on all occasions as if all the Jews in the world should settle in Eretz Israel one day. They ask for land to accommodate immigrants and then demand immigrants to occupy the lands acquired; they claim the waters of the

^{28/} "La question palestinienne", op. cit., pp. 203-214.

^{29/} Abba Eban: in Foreign Affairs, July 1965.

Jordan because of an increase in the population and they solicit such immigration by their wishes, even their decrees; they conquer new territories to provide for the hypothetical influx of people to Israel and then issue a pressing invitation to the Jews of the world to people the vast Arab territories annexed in June 1967. This is a vicious circle based on the vicious logic which is a part of the expansionist designs of Israel. 30/

33. With Jerusalem annexed, the West Bank considered as "liberated", the frontiers of Israel extended to the Suez Canal and the Golan Heights in Syria incorporated, the "grand design" is being achieved. This will be no surprise to any but those who mistakenly consider that Israel is a peaceful country. However, the implacable logic of numbers and expansionism is the only real explanation for this phenomenon which is outside the law and against the law. Israel embarked upon aggression for the purpose of annexation and aggrandizement. Once it had succeeded, the aggression would be pointless if it did not bring about this result.

34. There is also a kind of logic of the absurd whereby, in response to the progressive aggrandizements of Israel, the Arabs are invited to reduce the Israeli problem to the dimensions of its latest conquests. Since they are Semites, the Arabs are supposed to bury among the family quarrels the matter of what their Israeli cousins took from them during the first two Israeli aggressions and argue only about what they lost after 5 June 1967. Since they are realists, they are supposed to know that they have no alternative after their crushing defeat.

35. This invitation to the Arabs to resign themselves to old or recent territorial acquisitions, which are becoming a habit and will certainly engender others, implies abandonment of the over-all view of the Palestine problem, in order to trap the Arabs into a discussion limited to the latest, but certainly not the last, of Israel's territorial advances. Perhaps there would be some slight advantage in being "realistic" in this way, if this shelving of the entire problem would at least ensure once and for all that the Arabs would be safe from Israeli expansionism. But in fact, it is an "escalating realism" that is being advocated to the Arabs. It means that they must assent to the previous incident each time they wish to discuss any new incident that Israel is always free to provoke. Such realism is an ostrich policy, and it will result in the progressive engulfment of the Arab States, which did not begin on 5 June 1967 and did not end on that date. Step by step, we shall witness the progressive Anschluss of various Arab States, which are all Members of the United Nations and whose integrity is guaranteed by international law.

The problem is not what to do with regard to the territories occupied by Israel after its third aggression, any more than the problem will tomorrow be reduced to a discussion of the fate of other territories that Israel may take over after a fourth aggression launched in order to make the old dream of "Greater Israel" come true at last.

That is the tragedy of the situation. Israel, exalted by its Zionist philosophy contains in itself all the seeds of an explosion in the Arab Middle East.

30/ The Israeli leaders, who have always claimed that the Jews of the world have the right to settle in Palestine after 2,000 years of "exile", have always denied the Arabs the right to return to the homes which they left a few years previously.