

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

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Letter dated 14 October 1951
addressed to the Chairman of the Conciliation Commission
by the Delegate of Israel

Sir,

The delegation of Israel has studied your communication of 6 October 1951 and I have the honour to submit the following observations for the consideration of the Conciliation Commission:

1. In his opening statement of 13 September 1951, the Chairman of the Conciliation Commission made the following statement :

"No constructive progress towards a solution of your problems is possible unless all the parties to the dispute, at the outset of our discussions here, express their determination to respect each other's right to security and freedom from attack, to refrain from warlike or hostile acts against one another, and to promote the return of permanent peace in Palestine."

On 17 September 1951, the Israel delegation officially made the preliminary undertaking requested by the Commission.

2. On 21 September, the Israel delegation, in reaffirming that undertaking, proposed that it be given the form of a non-aggression pact.

During this meeting the Conciliation Commission handed to the Israel delegation a document containing an introduction worded as follows :

"On the basis of the considerations set forth by the Chairman in his opening statement, the Commission desires to submit to the parties for consideration a comprehensive pattern of proposals.

"As a part of this comprehensive pattern, the Commission would emphasize the importance of a preliminary accord in re-affirmation of the undertakings of the parties as signatories to the Armistice Agreements and as United Nations Members in the form of the following preamble:

PREAMBLE

"In accordance with the obligations of States Members of the United Nations and of signatories to Armistice Agreements, the Governments of Egypt, Jordan, Lebanon and Syria and the Government of Israel solemnly affirm their intention and undertake to settle all differences, present or future, solely by resort to pacific procedures, refraining from any use of force or acts of hostility, with full respect for the right of each party to security and freedom from fear of attack, and by these means to promote the return of peace in Palestine."

3. The delegation of Israel forwarded to the Conciliation Commission a draft non-aggression pact together with an explanatory letter dated 28 September. On 3 October, I called on the Chairman and asked him to transmit this draft pact to the delegations of the four Arab States invited to the conference.

4. During the meeting held on 5 October, the Commission confirmed that, apart from the question of form, the substance and the spirit of the proposed draft pact were consistent with the substance and the spirit of the Preamble contained in the document handed to the parties by the Commission. The delegation of Israel stated on this occasion that it attached importance to the substance and the spirit of the draft pact but that it was ready to study, in a spirit of good will, any change in the form which might be suggested to it.

5. The Chairman's letter of 6 October informs us that on 3 October 1951, the Arab delegations had proposed an undertaking in the form of the following declaration :

"The delegations of Egypt, Jordan, Lebanon and Syria declare that their respective Governments, as signatories to the Armistice Agreements with the Government of Israel, desirous of promoting the establishment of the atmosphere necessary for the continuance of the work of the United Nations Conciliation Commission for Palestine, and with a view to facilitating the pacific settlement of the Palestine problem in accordance with the United Nations

resolutions, reaffirm their intention to respect their undertakings given in the said Agreements, not to resort to military force in the settlement of the Palestine question and to respect the right of each party to its security and freedom from fear of attack by the armed forces of the other."

The Israel delegation is therefore confronted with an Arab proposal which diverges, both in substance and in spirit, from the preliminary undertaking requested by the Commission. We shall analyse the real significance of this proposal later in this communication.

6. In his letter of 6 October, the Chairman draws attention to the disparity between the formulations proposed by the parties. The delegation of Israel feels that it should point out the special nature of this disparity. The disparity between the Israel formulation and the Arab formulation is in fact precisely that existing between the Arab formulation and the text proposed by the Commission as a minimum condition of any constructive progress towards a solution.

7. This disparity between the declaration put forward by the Arab Governments and the undertaking requested by the Commission is a disparity of substance and not of form.

Its seriousness can be gauged from an analysis of those points of the Commission's text which are omitted in the Arab declaration :

A) The Arab declaration is not binding on the Arab States as Member States of the United Nations, that is to say it refrains from affirming their intention of conforming, in the settlement of their differences with the State of Israel, with the obligations deriving from Article 2 of Chapter 1 of the Charter.

B) The declaration of the Arab States does not express the intention of settling the differences outstanding between the parties and does not contain the undertaking to resort to pacific procedures specified by the Commission.

C) In the declaration which they put forward, the Arab States have omitted the undertaking to refrain from any acts of hostility against the State of Israel.

This refusal to comply with the Commission's request to undertake to refrain from any acts of hostility must be examined in connection with the insertion, in the Arab proposal, of the restrictive expression "military force". The intention revealed by the choice of this expression is obvious in the light of the Egyptian argument developed during the recent debates in the Security Council concerning the Suez Canal blockade.

The Egyptian Government had maintained that although the Armistice Agreement of 1949 prohibited Egypt from resorting to military force against Israel, there was, on the other hand, nothing to prevent her from engaging in any other acts of hostility against Israel.

This point of view was considered by the Security Council as incompatible with the Israel-Arab Armistice Agreements and as constituting a threat to the peace.

The Council's decision of 1 September 1951 contains, in particular, the following provisions :

"The Security Council,

"1. Recalling that in its resolution of 11 August 1949 relating to the conclusion of Armistice Agreements between Israel and the neighbouring Arab States it drew attention to the pledges in these Agreements against further acts of hostility between the parties;

.....

"6. Finds that the maintenance of the practice mentioned in paragraph 4 above [the Suez Canal blockade] is inconsistent with the objectives of a peaceful settlement between the parties and the establishment of a permanent peace in Palestine set forth in the Armistice Agreement;".*

The formulation submitted to the Commission by the Arab States therefore represents an attempt to make the Commission accept, as a basis for the work of this conference, an interpretation of the 1949 Armistice Agreements which the Security Council has just rejected on the grounds that it undermines the foundations of the security system based on those Agreements.

* English text taken from official United Nations press release.

8. The Arab States are openly pursuing a policy hostile to the State of Israel. They are maintaining an economic blockade of Israel by methods which go so far as to defy international law and the interests of third parties.

Their statements and hostile acts are a concrete expression of the interpretation which they give to the 1949 Armistice Agreements, in violation of their obligations as signatories to those Agreements and as Members of the United Nations.

The refusal of the Arab States to subscribe to the undertaking requested by the Conciliation Commission, and the very terms of the declaration which they wish to substitute, indicate without any possible doubt that they have no intention of promoting the achievement of peace but that, on the contrary, their intention is to continue all activities which a war entails, short of the use of military force.

The acceptance by the Conciliation Commission of this refusal and of the proposed Arab text would have the effect of meeting the wishes of the Arab States : that a United Nations body has sanctioned an interpretation of the 1949 Armistice Agreements which has just been rejected by the Security Council, and that a situation further removed from peace than that resulting from the observance of the letter and the spirit of the Agreements themselves has thus been legitimized.

The delegation of Israel is unable to agree that this attitude on the part of the Arab States can constitute a basis for negotiations. Therefore it is still necessary to seek those foundations which have been acknowledged as indispensable for the initiation of discussions.

9. The Israel delegation hopes that the Conciliation Commission will succeed in obtaining from the Arab delegations the assurances which it has so rightly requested.

The Israel delegation has submitted to the Conciliation Commission a draft non-aggression pact, the substance and spirit of which, directly inspired by the United Nations Charter and the Armistice Agreements, comprise the sufficient and necessary conditions for the initiation of negotiations between parties which are determined to settle their differences peacefully.

In asking the Arab delegations to make clear their position with regard to this draft, the Commission would undoubtedly obtain a valuable indication of the real intentions of those delegations.

For its part, the Israel delegation is ready to study, with an open mind, any suggestions which may be submitted concerning its draft. To that end, it would be glad to be informed of the specific points of the Israel proposal which might appear to be justifiably unacceptable to the Arab delegations.

10. The Israel delegation would be glad to meet with the Commission in order to discuss the whole situation which forms the subject of the present letter.

Please accept, Sir, the assurances of my high consideration.

(signed) Maurice Fischer
