

SECURITY  
COUNCILCONSEIL  
DE SECURITE

S/1056

27 October 1948

ORIGINAL: ENGLISH

Dual Distribution

LETTER DATED 27 OCTOBER 1948 FROM THE REPRESENTATIVE OF THE PROVISIONAL  
GOVERNMENT OF ISRAEL TO THE PRESIDENT OF THE SECURITY COUNCIL  
TRANSMITTING A COMMUNICATION ADDRESSED TO THE ACTING MEDIATOR  
CONCERNING CEASE-FIRE IN THE NEGEV

I have the honour to enclose for the information of the Security  
Council the copy of a letter which I have addressed on behalf of the  
Provisional Government of Israel to the Acting Mediator for Palestine.

I would appreciate it if this document could be circulated at the  
earliest possible moment to the members of the Council.

(Signed) Aubrey S. Eban  
Representative of the  
Provisional Government  
of Israel at the United  
Nations

The Communication to Dr. Ralph Bunche, Acting Mediator for Palestine

The Foreign Minister of Israel has cabled to me the text of a letter which he has received from Dr. Mohn, acting on your behalf. In this letter Dr. Mohn writes:

"I accordingly have the honour to draw your attention to the following conclusions to be implemented after the cease-fire:

"(a) Withdrawal of both parties from positions not occupied at the time of the outbreak..."

Dr. Mohn's letter goes on to request the withdrawal of both parties to the truce lines existing on 14 October.

2. The Provisional Government of Israel observes that Dr. Mohn's letter is inconsistent with the terms of the resolution adopted by the Security Council at its 367th meeting on Tuesday, 19 October. The resolution then adopted by the Council reads as follows:

"After the cease-fire, the following conditions might well be considered as a basis for further negotiations, looking towards insurance that similar outbreaks will not occur, and that the truce will be fully observed in this area:

"(a) The withdrawal of both parties from any positions not occupied at the time of the outbreak..."

3. Speaking on behalf of the Provisional Government of Israel at the 367th meeting of the Council, I suggested the following interpretation of that resolution:

"My understanding is that sub-paragraphs (a), (b) and (c) are all and each to be the subject of negotiation, and that the Security Council is not prejudicing the outcome of that negotiation in any one of the matters raised in those sub-paragraphs; for example, (a)

'Withdrawal of both parties from any positions not occupied at the time of the outbreak...'

"Now the object of these negotiations is stated to be 'insurance that similar outbreaks will not again occur', and it may well be that the complete repetition of the situation existing before the outbreaks might lead to the very same consequences as before, and that new positions or adjustments of positions, on the other hand, might make new outbreaks much less likely.

"All that, it seems to me, is a subject for negotiation under the terms of this paragraph, for the Security Council is not committing itself to any solution of any of the problems involved in these three sub-paragraphs."

The Security Council, through its President, fully and repeatedly upheld this interpretation.

4. This is also borne out by the following extract from the proceedings of the same meeting of the Security Council:

"Mr. Malik (Union of Soviet Socialist Republics): ...Let us, therefore, decide first of all the question of the immediate cease-fire in the Negeb upon which we are absolutely unanimous. As for the secondary problems, let us ask the Mediator, in accordance with the line of action outlined in paragraph 18, to negotiate these questions with the parties, thereby settling all outstanding items in the Negeb, including the matter of free access for United Nations observers throughout the area.

"I think that such a decision would be more logical and, perhaps, more authoritative, since if the Security Council prejudged all the secondary problems which have not yet been discussed, this might give the impression that its decision was a little premature, and had been taken without due consideration

"The President: I agree entirely with what the representative of the USSR says concerning a premature decision, but we are not taking a decision on these subsidiary points. What we are doing, if we adopt the Syrian proposal as amended, is to take a substantive decision on the cease-fire. As for the rest, we are providing that:

"after the cease-fire, the following conditions might well be considered as the basis for future negotiations."

5. We notice that, instead of instituting negotiations on this matter in compliance with the Security Council's resolution, your representative has proposed a certain solution of this question before any such negotiations have taken place. Accordingly, it is clear that Dr. Mohn's reference to "conclusions to be implemented after the cease-fire" does not accurately represent, either in substance or in wording, the resolution adopted by the Security Council.

6. The Foreign Minister of Israel will reply formally to the suggestion contained in Dr. Mohn's letter. In the meantime, however, I am instructed to bring to your attention this misinterpretation of the Council's resolution.

dd

/I am addressing

I am addressing copies of this letter to the Secretary-General, and to the members of the Security Council.

(Signed) Aubrey S. Eban,  
Representative of the  
Provisional Government of  
Israel at the United Nations

-----

