

## Chapter 2: Evolution of Zionism Resolution: International Level

The paradox of the national interests had created unstable circumstances in the Palestine issue – the essence of UNGA “Zionism is racism” resolution. While pursuing peace, each nation demanded power to earn a favorable deal for the peace. In this chapter, the historical development of the “Zionism is racism” resolution and its revocation process would be discussed to determine an international key factor for Taiwan’s success to repeal the Resolution 2758.

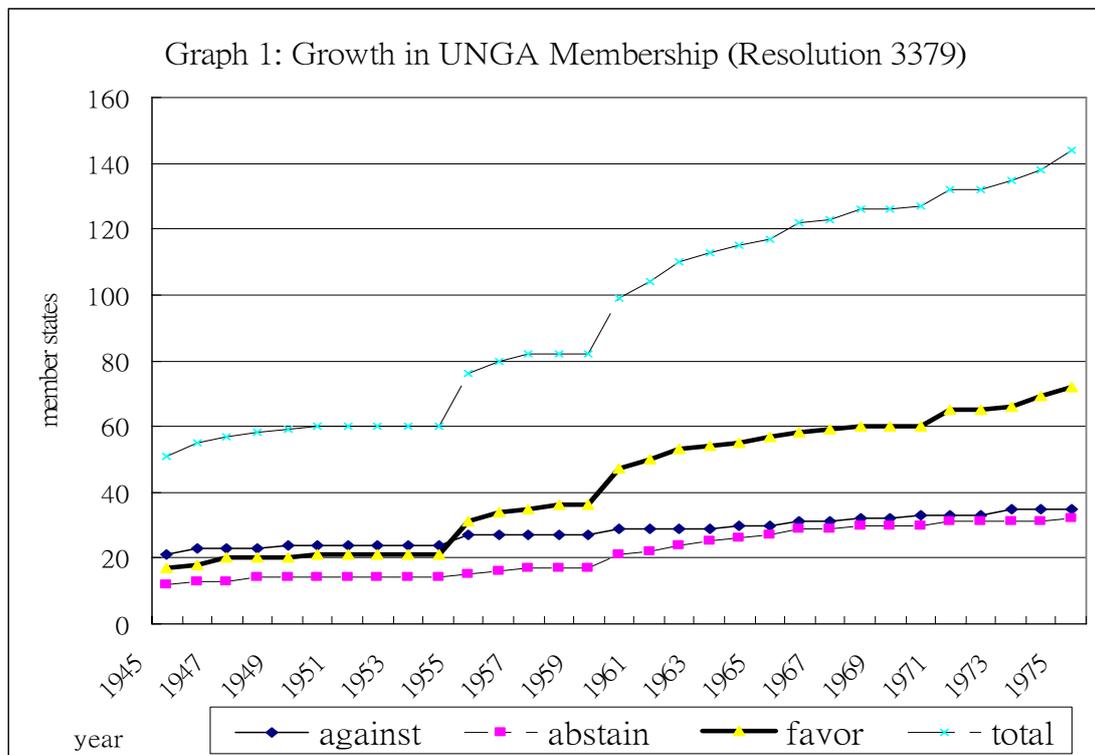
### 2.1 Resolution 3379: “Zionism is Racism” Resolution

During the Cold War, the Soviet Union competed with the United States for geo-political influence in the Middle East. While the US was tied up in the aftermath of the Vietnam War, a weak economy, and Watergate scandal, the Soviet Union, the leader of the socialist bloc, had emerged as a new majority in the UNGA in cooperation with newly admitted UNGA members.<sup>1</sup> Being aware of the America’s special relationship with Israel, the Soviet Union used the General Assembly to humiliate the US. On November 10, 1975 – four years after the first US major defeat at the UNGA expelling the Republic of China – the General Assembly passed Resolution 3379 by a vote of 72 to 35 (with 32 abstentions), stating that “Zionism is a form of racism and racial discrimination” (United Nations Information System on the Question of Palestine [UNISPAL], 1975).

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<sup>1</sup> See Graph 1. The number of UNGA member nations increased from 51 in 1945 to 144 in 1975 (UN, 2008). Bertrand (1997) described it that the UN began to serve as “the interests of a new majority” (p. 52)

The Arab nations also collaborated with the Soviet Union to adopt the resolution as an old Arab adage of ‘my enemy’s enemy is my friend.’ In the early 1970s, the Arabs, capitalizing on Western dependence on Arab oil, used the oil as a weapon against the regional rival Israel. However, unlike the resolution text, the Arabs’ real intention was rather to denounce the way Palestinians were treated in the Territories occupied by Israel since 1967 and to bring the Palestine issue to world attention (Marin-Bosch, 1998).



Source: Drawn by the author based on the official UN website

## 2.2 The origin of Palestine Issue<sup>2</sup>

The essence of the Palestine issue is the conflict between Zionist Jews and

<sup>2</sup> This section is mainly based on Milton-Edwards and Hinchcliffe (2000), Gerner (1991), and Lea (2002).

Palestinian Arabs in Palestine. The superpower intervention in the Middle East had further complicated the issue. In retrospect, Jews and Arabs in Palestine struggled together against outside invaders, such as Roman, Crusades, and Ottoman, and coexisted in relative peace despite linguistic and religious differences. Since the emergence of modern nationalisms (chauvinism) in the late nineteenth century, Jews in the Diaspora had organized a Jewish nationalism movement known as Zionism for the Jewish people to return to a Jewish biblical homeland of Palestine where the Palestinian Arabs primarily inhabited at that time.

Furthermore, the Israeli-Palestinian conflict was intensified when the British government made three contradictory promises, albeit none of them defined the precise boundaries. During the First World War, the United Kingdom (UK) convinced Arab residents of the Palestine region to revolt against the Ottoman Turks, who might cut off the British access to Persian (Iran) oilfields. To ensure the Arab supports, the UK misled the Arab leadership into believing the future Arab independent state in most of the Middle East.<sup>3</sup> In the meantime, the UK needed resources the Diaspora Jew had, such as financial aids from the Rothschild banking family, a mass production of acetone – an essential ingredient of explosives, and US Jewish support.<sup>4</sup> The UK wrote a letter known as Balfour Declaration of 1917, proposing the UK would “favour the establishment *in* Palestine of a national *home* for the Jewish people [emphasis added]” (Israel Ministry of Foreign Affairs [IMFA], 2008, para. 2).<sup>5</sup> Having undertaken secret diplomacy, on the other hand, the UK also made the Sykes-Picot Agreement with France in 1916, which shared British *de facto* colony in Palestine

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<sup>3</sup> Translation of a letter from McMahon to Hussein, October 24, 1915 states that “Great Britain is prepared to recognize and support the independence of the Arabs in all the regions within the limits demanded by the Sherif of Mecca” (UNISPAL, n.d.b, para. 4).

<sup>4</sup> Zionist Chaim Weizmann had developed a process to synthesize large quantities of acetone through fermentation. Weizmann later became the first President of Israel.

<sup>5</sup> Nevertheless, the Balfour Declaration also guaranteed, “it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine” (IMFA, 2008, para. 2).

after the war.

After the dissolution of Ottoman Empire, the British Mandate for Palestine, approved by the League of Nation, came to control Palestine from 1920 to 1948. Due to the escalation of anti-Semitism throughout Europe, which subsequently led to the Holocaust, and the US lowering a quota on immigrations, a large number of European Jews immigrated into Palestine.<sup>6</sup> The Palestinian Arabs responded to the expansion of Jewish population by rising in revolt in the late 1930s. Besides, inspired by Wilsonian national self-determination, a new wave of an Arab nationalism also deepened the tension between them.

Since coexistence of two groups appeared to be irreconcilable, a two-state solution was proposed by the newly established UN in 1947. However, the UN Partition Plan, influenced by Zionist lobby and Holocaust sympathy, was inequitable. Although Jewish represented about 33 percent of total population in Palestine and owned only 7 percent of the land at that time, the plan gave the Zionists 57 percent of Palestine, including coastal region and economic advantages (three times as much as those of what Arab received) (Gerner, 1991). The confrontation was inevitable.

On May 14, 1948, as the British Mandate expired, the Zionist leadership declared the independence of the State of Israel in Palestine based on the border drawn by the UN Partition Plan. Shortly afterwards, the US, the Soviet Union, and the UN recognized Israel. Arab neighbors, on the other hand, sent their troops to newly independent Israel. The 1948 war ended with Israel's considerable territorial gains – 77 percent of what was Palestine in 1947 (the armistice line was called the Green Line), while the Arabs barely managed to control the rest of territories in Palestine: the Gaza Strip by Egypt and the West Bank by Jordan. The 1948 War produced a large

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<sup>6</sup> According to a Survey of Palestine (2007), 367,845 Jews and 33,304 non-Jews immigrated legally between 1920 and 1945. Gerner (1991) indicated that Jewish population of Palestine increased from less than 10 percent in 1919 to 31 percent in 1931.

number of Palestine refugees, who fled to Jordan, Egypt, Syria, and Lebanon.<sup>7</sup>

In 1967, Israel launched a preemptive attack against its Arab neighbors and expanded its control over the Sinai Peninsula, the Gaza Strip, the Golan Heights, and the West Bank, including East Jerusalem within six days. In the aftermath of the 1967 war, the UNSC adopted Resolution 242: a cease-fire based on the 'land for peace' formula, which affirming Israel to return to the Green Line (pre-1967 border) in exchange for peace with the Arab neighbors and the settlement of Palestine refugee issue. This resolution could have been a first catalyst toward Arab-Israeli peace negotiation; however, some of Zionists had no intention to return all the Occupied Territories to their neighboring states rather encouraging Jewish settlement throughout the Territories to "create facts" (Smith, 1988, p. 208).<sup>8</sup> The Arabs regarded this kind of Zionism behavior as colonialism and racism, the superiority of one people over another (El-Messiri, 1975-1976).

On October 6, 1973, the Jewish holiday of Yom Kippur, in order to recover their lost territories during the 1967 war, the troops of Egypt and Syria launched a surprise attack against Israeli forces in the Sinai Peninsula and the Golan Heights. In the midst of the war, Arab members of the Organization of the Petroleum Exporting Countries (OPEC) used oil prices and embargo as an effective weapon against the West.<sup>9</sup> Zionists became isolated internationally, except for the American, whose military equipments barely turned the war in Israeli favor. On October 22, the UNSC passed UN Resolution 338, which called for a cease-fire and the implementation of UN Resolution 242. Although the Arab nations suffered another military loss, the 1973

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<sup>7</sup> According to the United Nations Conciliation Commission (an organ of UNRWA), the number of Palestine refugees was estimated at 711,000 in 1950 (as of 2005, the number has grown to 4.25 million) (UNISPAL, n.d.a; UNRWA, 2008)

<sup>8</sup> As a matter of fact, in 1971 the President Anwar Sadat of Egypt, shifting from the Soviet sphere of influence to the US for its economic prosperity, offered a peace agreement on the basis of the Resolution 242 as well as their respect for Israel's independence, yet Israel rejected Sadat's offer.

<sup>9</sup> Ironically it was the beginning of OPEC's political and economical decline.

war altered the balance of the power structure between the Arabs and the West.<sup>10</sup>

In the meantime, the Soviet economic assistance to the Arab nations shrank due to its own economic decline. To compensate for their losing influence, the Soviet Union proposed a number of UNGA resolutions regarding the Palestine issue. For example, on November 22, 1974 the UNGA passed Resolution 3236, which reaffirmed the Palestinian rights for self-determination, national independence and sovereignty, and return to their homes. On the same day, the UNGA granted the Palestine Liberation Organization (PLO) permanent observer status as a representative of the Palestine people. A year later Zionism was condemned as racism at the UNGA as a byproduct of the complex Palestine issue.

### 2.3 From Confrontation to Negotiation<sup>11</sup>

During the Yom Kippur war of 1973, Secretary of State Henry Kissinger, a proponent of *realpolitik* and a Zionist, saw an opportunity to enhance the American political power in the Middle East. Kissinger's shuttle diplomacy urges Egypt to conclude a peace agreement with Israel at Camp David in 1978. In return, Egypt would acquire American military and economic assistance (1.5 billion annually) and Israeli withdrawal from the oil producing Sinai (Quandt, 1993). However, in the peace process, Egypt disregarded the Palestine issue, failing to make any clear provision for Palestinian self-determination in the rest of the Territories. Indeed, Sadat's first priority was its own national interests rather than Pan-Arabism (Nye, 2000). Consequently, it resulted in Egypt's isolation among the Arabs and Sadat's assassination.<sup>12</sup> Despite its significant achievement of the first bilateral peace

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<sup>10</sup> Israelis' psychological damage was severe.

<sup>11</sup> This section was mainly based on Quandt (1993), Flamhaft (1996), and Lea (2002).

<sup>12</sup> "The Arab league imposed a political and economic boycott on Egypt, and moved its headquarters

between Israel and an Arab nation, the complexity of the Palestine issue was revealed. Without the collective peace efforts from all the neighbor states, there would be no real peace.

The Europeans, who had relatively been sympathetic to the Palestinians, began to involve in the Middle East peace process. The nine-member European Community (EC) announced the Venice Declaration of 1980, calling for Palestinian self-determination and the direct association of the PLO in future peace negotiation. Since then, the EC had maintained a supportive role of the Palestinian, promoted Palestinian human rights, and provided financial aid to the Palestinians in the Territories.

Little progress was made on the Israeli-Palestinian peace process. The outbreak of the 1982 War between Israel and the PLO in Lebanon urged Washington to play an active leadership role and to come up with a specific peace plan. In 1982, Reagan plan was released based on “self-government by the Palestinians of the West Bank and Gaza in association with Jordan” instead of the creation of an independent Palestinian state (Lea, 2002, p. 300).

An Arab summit conference in Fez, Morocco, Arab leaders proposed their own peace plan – Fez plan – on the basis of UN Resolution 242 and the Saudi’s Fahd plan, including an independent Palestine state, the PLO as the legitimate representative of the Palestinian people, and implicit recognition of Israel. It was the first time that the Arabs showed signs of a willingness to talk to Israel since the Khartoum summit of 1967 – no recognition, no negotiation, and no peace with Israel. In fact, the US Secretary of State George Shultz considered the Fez plan as a “breakthrough” (Flamhaft, 1996, p. 33). However, Israel immediately rejected the Reagan and Fez

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from Cairo to Tunis. Egypt’s membership in the Arab League was suspended,” said Schulze (1999, p. 59).

plans but continued to promote settlement activities in the Territories.<sup>13</sup>

*Intifada*, the Palestinian uprising against Israel's military occupation of the West Bank and the Gaza Strip, began in December 1987 (Peretz, 1992; Brynen, 1990). As Israel's harsh treatments to unarmed civilians appeared on international media reports, the *intifada* received a significant attention from international community, and subsequently led to the establishment of a Palestinian State and the US recognition of the PLO (Peretz, 1992). The *intifada* brought out that the status quo was no longer acceptable to all parties (Aras, 1998).

Followed by the outbreak of the *intifada*, Shultz proposed his 1988 plan in the framework of UN resolutions 242 and 338, calling for autonomy for the Palestinians and an international conference. However, Shultz plan failed to respond the demands of the *intifada*: immediate termination of Israel's occupation and the recognition of the PLO as the representative of Palestinian. In addition, the Arabs were skeptical about Reagan administration's ability to enforce Israel. In fact, Reagan and Shultz repeatedly pledged Shamir, Prime Minister of Israel, that they "would not apply any pressures to change his views" (Khouri, 1990, p. 227).

With the *intifada* still continuing, the Diaspora Palestinians and Palestinians in the Territories had achieved their own political cohesion. The Palestinian National Council (PNC), the legislative body of the PLO, unilaterally declared the independence of State of Palestine in November 1988 in Algiers without defining its borders, in accordance with UN Resolution 181 – the two-state solution – which facilitated the Israel declaration of independence nearly forty years ago. Over sixty international states recognized the independence within two weeks unlike the US government that persisted with the 1975 US policy of no negotiation with the PLO

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<sup>13</sup> Menachem Begin Prime Minister of Israel said to his Israeli colleagues about the Regan plan that "We have been betrayed by the Americans, the biggest betrayal since the state was established" (as cited in Quandt, 1993, p. 568).

until the PLO recognizes Israel's right to exist, accepts UN Resolutions 242 and 338, and renounces the use of terrorism.

In retrospect, however, Arafat, being eager for a direct talk with the US, had endorsed the 1982 Fez plan, which implicitly recognized Israel in the basis of UN Resolution 242. Besides, in 1988 the PLO also declared "its rejection of terrorism in all its forms" (IMFA, 1989a, p. 987).<sup>14</sup> In Stockholm declaration of 1988, furthermore, Arafat announced "a two-state solution of Israel and Palestine" and "the existence of Israel as a state in the region," but the remark still did not satisfy the US (IMFA, 1989a, p. 1028; Gerner, 1991, p. 143). The US was not willing to recognize the PLO unless Arafat would use explicit phrases that the US demanded to hear.

When the UNGA invited Arafat to address the Palestine issue in New York, Shultz instructed to deny Arafat's US entry visa (Lea, 2002). In response, the UNGA adopted UNGA Resolution 43/49 by a vote of 154 in favor, 2 against (US and Israel) to arrange a special session in Geneva just to hear Arafat. Being aware of the international trend, the US finally prepared an indirect talk with the PLO on the condition of his speech in the Assembly on December 13, 1988. Nonetheless, Arafat's Assembly statement was not what the US wanted to hear. A State Department official said that "we thought he [Arafat] was really going to recognize Israel's right to exist... He didn't" (as cited in Rubin and Rubin, 2005, p. 115). Shamir criticized Arafat, saying, "A monumental act of deception" (IMFA, 1989a, p. 1041).

However, on the next day, at the press conference, Arafat finally agreed to use the precise phrases that the US was insisting on. Arafat declared in English, "the right of all parties concerned in the Middle East conflict to exist in peace and security... including the state of Palestine and Israel and other neighbours according to the

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<sup>14</sup> The PLO also claimed "the right of peoples to resist foreign occupation...to fight for their independence," and Israel responded "ambiguity and double talk." (as cited in IMFA, 1989a, p. 988)

Resolutions 242 and 338” (IMFA, 1989a, p. 1041). Moreover, Arafat “renounced” terrorism, instead of rejecting or condemning it (IMFA, 1989a, p. 1041). A few hours later, Reagan announced that the PLO had met the American conditions and that the US would begin a dialogue with the PLO.

In contrast to the PLO’s considerable diplomatic progress, Israel faced international isolation.<sup>15</sup> Due to the matter of concern for security and resources (especially water), it was not easy for Israel to give up all the Territories.<sup>16</sup> In order to “put the ball in the opponents’ court,” Shamir offered a new peace plan based on the Camp David accords (Arens, 1995, p. 65). The plan called for “free election in Judea, Samaria [the West Bank] and Gaza,” but not Palestinian self-determination (IMFA, 1993b, p. 100). In fact, Schoenbaum (1993) said that the Shamir Plan was “little more than an expression of willingness to talk about talks” (p. 326).

When President George H. W. Bush and the Secretary of State James Baker came to office in January 1989, the US was becoming the only superpower in the world. In pursue of the policy of Détente, Soviet Foreign Minister Eduard Shevardnadze announced an end to superpower rivalry in the Middle East in February 1989 (Cowell, 1989). Baker demonstrated a new administration’s strong determination toward the Middle East peace in a speech delivered to American Israel Public Affairs Committee (AIPAC), warning Israel to renounce the control over the Territories albeit his moral support for repealing the UN ‘Zionism is racism’ resolution. Shortly after Egyptian President Mubarak’s peace initiative, Baker’s peace plan came out.

The debate over the Baker plan caused a domestic political crisis in Israel. The Labor Party, favoring Baker plan, left the National Unity government in attempt to

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<sup>15</sup> For example, UNGA Resolution 43/176 of 1988 was adopted by 138 to 2 (the US and Israel) speaking of “the withdrawal of Israel from the Palestinian territory occupied since 1967” (UN, 1988, para. 12)

<sup>16</sup> Shamir once said, “The issue is not territory, but our existence” (IMFA, 1993b, p. 600).

form a new government, but they failed. As a result, Shamir remained as Prime Minister in a new Likud-dominated coalition government with small, right-wing religious parties. Without the Labor, there was little hope in peace. The new hawkish government completely rejected the idea of eventual independent state for the Palestinians.<sup>17</sup> Moreover, Shamir claimed that Israel would need the Territories to accommodate mass Jewish immigration from the Soviet Union. Apparently, what Shamir wanted was peace without compromise. The number of immigrants increased from 25,000 in 1989 to 200,000 in 1990 (IMFA, 1989b). Bush administration criticized Shamir's decision. On June 14, Bush sent a letter to Shamir, writing that "we [Baker and Bush] no longer have any chance of implementing your initiative" (as cited in Baker, 1995, p. 132). The US-Israel relationship was in considerable disrepair.

Meanwhile, the PLO was getting out of Egyptians' control. Abu Abbas, leader of the PLF (a member of the PLO), claimed responsibility for an unsuccessful raid against Israeli civilians on May 30. Arafat denied the PLO connection with the raid but refused to condemn the PLF action. When Arafat's silence continued, the Bush administration suspended its dialogue with the PLO on June 20, 1990. The peace process in the Middle East seemed to end in deadlock.

## 2.4 After the Gulf War

Disappointing the anticipations of Mubarak or Arafat, Saddam Hussein invaded Kuwait in August 1990. With the collapse of the Soviet Union, the US led international coalition force against Hussein's regional threat and displayed her predominant role in the Middle East. The US, concerning Israeli participation

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<sup>17</sup> Shamir said, "there's nothing to discuss with those among the Palestinian-Arabs who are opposed to autonomy... Immigration will strengthen Israel, and a strong Israel will bring greater stability and security to the region. They [the Arabs] have nothing to fear" (as cited in IMFA, 1989a, p. 351).

potentially caused the Arabs' withdrawal from the coalition, asked Israel to stay away from the war. Despite being the only world superpower, the US realized she could not stand alone. Therefore, in exchange for the result of Israeli patience, the US rewarded Israel with the \$400 million loan guarantee in February 1991 without solving the issue of new settlements in the Territories.<sup>18</sup> The PLO position on the Gulf War, on the other hand, was not entirely clear but in dilemma.<sup>19</sup> Since the PLO failed to support an international coalition forces, the PLO's role in the peace process had been diminished significantly.

With the end of the Gulf War, a resolution of the Arab-Israeli conflict became the Bush administration's primary focus. From Bush's perspective, self-determination of the Palestinians was a key to solve the Arab-Israeli conflict.<sup>20</sup> On March 6, 1991, Bush announced in the US Congress:

A comprehensive peace must be grounded in United Nations Security Council resolutions 242 and 338 and the principle of territories for peace. This principle must be elaborated to provide for Israel's security and recognition, and at the same time for legitimate Palestinian political rights... The time has come to put an end to Arab-Israeli conflict (UNSPAL, 1991, para 3).

Since then, Baker had made eight trips to the Middle East in attempt to convene an international peace conference.

Meanwhile, continuing the settlements in the Territories created tension between Israel and the US. Unlike his predecessors, Baker adopted even-handed approach to gain his credibility within the Arabs. After Israel requested for \$10 billion housing loan for settlements of Soviet Jewish immigrants in the West Bank, Baker criticized that the settlements was "obstacle to peace" (as cited in Lea, 2002, p. 123). Furthermore, at the beginning of September 1991, Bush administration asked

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<sup>18</sup> Baker (1995) told Shamir by phone that "We are *very* appreciative of the approach of the government of Israel throughout this crisis. We will remember it. This is *very* important to us" (p. 387).

<sup>19</sup> There were conflicting reports about the PLO's position during the Gulf War.

<sup>20</sup> On the other hand, Shamir regarded the Arab-Israel conflict as "the distortion of history" (as cited in Slonim, 1998, p. 272).

Congress to delay any consideration on loan guarantee for four months. Baker even persuaded Germany to freeze \$1 billion loan guarantee, which Shamir was counting on (Shindler, 2002).

On June 1, 1991, Bush sent letters to Shamir, Syrian President Assad, Mubarak, King Fahd of Saudi Arabia, and King Hussein of Jordan to share the idea of an international peace conference in the fall. Israel initially rejected it, but Arabs' collective weight had pressed Shamir, who had "no choice but to agree" (Arens, 1995, p. 240). On August, 1, during Baker's visit in Israel, Shamir announced on Israel television that Israel had conditionally accepted to participate in the conference. Shamir asked the US effort to repeal UNGA "Zionism is racism" resolution as a precondition for Israeli participation.

On October 18, the US and the Soviet Union, the co-chairmen of the conference, invited Israel, Egypt, Lebanon, Syria, Jordan, and Palestinian representatives to attend the Madrid peace conference on October 30. For Shamir, the conference was indeed little more than media performance, and it would give time to continue more settlements in the Territories until reaching a bilateral agreement (Shindler, 2002). After the Gulf War, international circumstances were in favor of Israel. As Israel "badly" needed international supports for unknown number of immigrants from the Soviet Union, it was the best opportunity to get a better deal ever (Arens, 1995, p. 244).

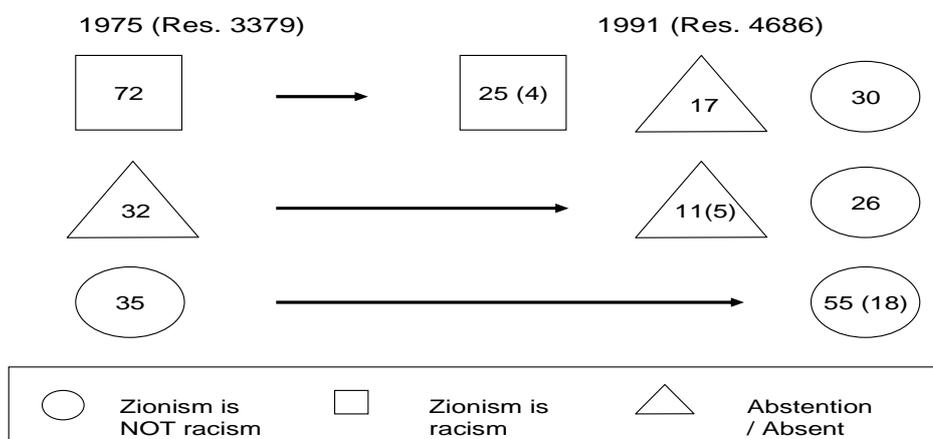
For the Soviet Union, the Middle East peace process was no longer their main concern. Rather, Moscow expected to receive more economic aid from the US and Western Europe by supporting the peace process and restoring full diplomatic relations with Israel. For Gorbachev who barely survived the August coup, it was merely a domestic demonstration of his international value (Freedman, 1996). In fact, Gorbachev showed no interest during the conference (Beschloss and Talbott, 1993).

## 2.5 Resolution 4686: Repealing “Zionism is Racism” Resolution

On December 16, 1991, The UNGA passed Resolution 4686 with a vote of 111 to 25 (with 13 abstentions and 15 absents), revoking the “Zionism is racism” Resolution in 1975. Prior to the vote, Yemeni representative requested an important question. However, Uruguay argued that because the resolution was adapted by a simple majority in 1975, its revocation should pursue the same procedure. The Yemeni motion was rejected by 96 votes to 24, with 13 abstentions (UN, 1992).

Only twenty three of 72 nations that supported the 1975 resolution remained to oppose the revocation in 1991, whereas other 17 and 30 nations of the 72 nations shifted toward abstain/absent and in favor of the revocation, respectively. Once Western overcame their vulnerability to the threat of Arab oil embargo, 26 of 32 nations that abstained from the 1975 resolution changed their position to support the revocation. All 35 nations that opposed the 1975 resolution maintained in favor of the revocation. Indeed, 91 nations have changed their position since 1975.<sup>21</sup>

Figure 3: A Diagram of Switching Votes



Source: Drawn by the Author

<sup>21</sup> See Table 1 (Source: Drawn by the author).

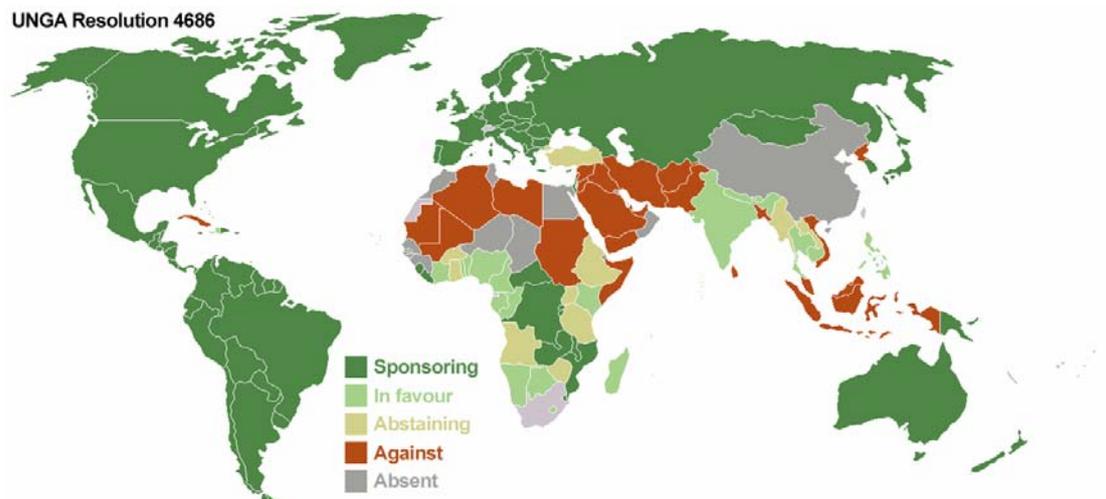


Map 1:



Source: Adopted from “United Nations General Assembly Resolution 3379,” n.d.

Map 2:



Source: Adopted from “United Nations General Assembly Resolution 46/86,” n.d.

## 2.6 Summary

The UNGA adopted the “Zionism is racism” resolution in 1975 due to unsolved issues of the Israeli-Palestinian conflict and the tyranny of the majority in the UNGA. Sixteen years later, the global events had altered international community’s political positions. Despite the fact that the US and Israel were isolated in the UNGA

concerning Israeli settlement in the Territories, many UNGA members supported them to repeal “Zionism is racism” resolution in 1991 because of its possible contribution to resolving the Palestinian issue after the end of the Gulf and Cold War. Thus, the reason that international community changed their position for repeal was not legal or moral decision, but rather mutual political benefit.