UNITED NATIONS

REPORT
OF THE SECURITY COUNCIL
TO
THE GENERAL ASSEMBLY

Covering the period from 16 July 1953 to 15 July 1954

GENERAL ASSEMBLY

OFFICIAL RECORDS: NINTH SESSION
SUPPLEMENT No. 2 (A/2712)

NEW YORK, 1954

(75 p.)

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NOTE

All United Nations documents are designated by symbols, i.e., capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

TABLE OF CONTENTS

Appendices

INTRODUCTION

The present report[1] is submitted to the General Assembly by the Security Council in accordance with Article 24, paragraph 3, and Article 15, paragraph 1, of the Charter.

Essentially a summary and guide reflecting the broad lines of the debates, the report is not intended as a substitute for the records of the Security Council, which constitute the only comprehensive and authoritative account of its deliberations.

With respect to the membership of the Security Council during the period covered, it will be recalled that the General Assembly, at its 450th plenary meeting on 5 October 1953, elected Brazil, New Zealand and Turkey as non-permanent members of the Council for a term of two years, beginning 1 January 1954, to replace Chile, Greece and Pakistan, the retiring members. The newly-elected members of the Security Council also replaced the retiring members of the Disarmament Commission, which was established under the Security Council by the General Assembly in accordance with its resolution 502 (VI) of 11 January 1952, to carry forward the tasks originally assigned to the Atomic Energy Commission and the Commission for Conventional Armaments.

The period covered in the present report is from 16 July 1953 to 15 July 1954. The Council held fifty-nine meetings during that period.

Part I of the report contains a summary account of the proceedings of the Security Council in connexion with its responsibility for the maintenance of international peace and security.

Part II covers other matters considered by the Security Council.

Part III deals with the work of the Military Staff Committee.

Part IV provides an account of a matter which was submitted to the Security Council but which was not admitted to its agenda.

Part V deals with matters brought to the attention of the Security Council but not discussed in the Council.

[1] This is the ninth annual report of the Security Council to the General Assembly. The previous reports were submitted under the symbols A/93, A/366, A/620, A/945, A/1361, A/1873, A/2167 and A/2437.

PART I

Questions considered by the Security Council under its responsibility for the maintenance of international peace and security

Chapter 1

APPOINTMENT OF A GOVERNOR FOR THE FREE TERRITORY OF TRIESTE

INTRODUCTORY NOTE: As indicated in previous reports, the Security Council, at its 91st meeting on 10 January 1947, adopted a resolution recording its approval of the Instrument for the Provisional Régime of the Free Territory of Trieste, the Permanent Statute for the Free Territory of Trieste and the Instrument for the Free Port of Trieste, and its acceptance of the responsibilities devolving upon it under the same (S/224/Rev.1).

In a letter dated 13 June 1947 (S/374), the representative of the United Kingdom requested that the Security Council discuss the question of the appointment of a Governor for the Free Territory of Trieste, in accordance with article 11, paragraph 1, of the Permanent Statute and with the Instrument for the Provisional Régime of Trieste. The Council discussed this question in 1947 and 1948 but no decision was reached.

Discussion was resumed at the 411th meeting on 17 February 1949, pursuant to a request received from the representative of the Union of Soviet Socialist Republics by a letter dated 8 February 1949 (S/1251). Annexed to that letter was a draft resolution to appoint Colonel Flückiger as Governor of the Free Territory of Trieste. The USSR draft resolution failed to be adopted when voted upon at the Security Council's 424th meeting on 10 May 1949.

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1. In a letter dated 12 October 1953 (S/3105) addressed to the President of the Security Council, the representative of the UNION OF SOVIET SOCIALIST REPUBLICS referred to the statement on the question of Trieste issued by the Governments of the United States of America and of the United Kingdom on 8 October 1953. In connexion with that statement, he requested the President to call a meeting of the Security Council to discuss the question of the appointment of a governor for the Free Territory of Trieste and enclosed the following draft resolution:

"*The Security Council,*

"*Considering* that the Treaty of Peace with Italy, which came into force on 15 September 1947, has not yet been implemented in so far as concerns the section relating to the establishment of the Free Territory of Trieste, and that the Trieste region, in violation of the terms of the Treaty of Peace with Italy, has been converted into an illegal foreign military and naval base;

"*Noting* that the partitioning of the Free Territory of Trieste now being effected by the Governments of the United States and the United Kingdom in violation of the Treaty of Peace with Italy is having the effect of increasing friction in relations between States, and primarily between the countries bordering on the Free Territory of Trieste, and is creating a threat to peace and security in this region of Europe;

"*Considering* that the failure to implement the Treaty of Peace with Italy with respect to the Free Territory of Trieste is preventing the population of that Territory from exercising the democratic rights provided for in the Permanent Statute of the Free Territory;

"*Having regard* to the provisions of article 11 of annex VI to the Treaty of Peace with Italy, and to the decision of the Council of Foreign Ministers of the United States, the United Kingdom, France and the USSR of 12 December 1946 concerning the appointment of a Governor for the Free Territory of Trieste;

"*Decides*

"1. To appoint Colonel Flückiger as Governor of the Free Territory of Trieste;

"2. To bring the Instrument for the Provisional Regime of the Free Territory of Trieste into effect forthwith;

"3. To establish the provisional Council of Government of the Free Territory of Trieste, in accordance with the terms of the Treaty of Peace;

"4. To bring the Permanent Statute of the Free Territory of Trieste into effect within the three months following the appointment of the Governor."

2. At the 625th meeting (15 October 1953), the Security Council began its consideration of this question.

3. The representative of the UNITED STATES OF AMERICA stated that the decision reached on 8 October 1953 by his Government and that of the United Kingdom to terminate the Allied Military Government of Zone A, to withdraw their troops and to relinquish the administration of that Zone to the Italian Government was an honest attempt, made in good faith, to increase stability in a very important part of Europe and to lead to a lasting solution of a most vexing problem. On the other hand, he felt that the USSR proposal to discuss the matter in the Security Council was only a propaganda device calculated to create trouble. It offered an interesting contrast to the attitude of the

Premier of the Soviet Union. In August, Mr. Malenkov had stated that there was no disputable or outstanding issue, including issues in dispute between the United States and the Soviet Union, that could not be settled in a peaceful way on the basis of mutual agreement, and that the Soviet Union continued to stand for a peaceful coexistence of the two systems. The United States representative announced that, in the hope that the remarks of the representative of the Soviet Union would steadily draw near to the sentiments expressed by Mr. Malenkov, he would not oppose the inclusion of the item on the agenda of the Security Council.

4. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS noted that the question of Trieste and of the appointment of a Governor for the Free Territory was on the agenda of the Security Council and that the question of whether or not to include it did not even arise. Consequently, the essential point made by the United States representative was that he did not object to the Council's discussing that question.

5. He charged that the interpretation of the decision of 8 October given by the United States representative was wholly at variance with the facts. The true purpose of that decision, as briefly indicated in the USSR draft resolution, was altogether different. The political atmosphere in that region had become so tense as to be fraught with most undesirable consequences for the cause of international peace and security. The actual situation demanded measures providing for a radical solution of the Trieste problem, towards which the appointment of a Governor would be the first step. However, the representatives of the United States and the United Kingdom had consistently sabotaged that step. The present attempt to regard the USSR proposal on the question of the appointment of a Governor as a propagandistic manoeuvre was the result of a completely arbitrary, unfounded and distorted concept of recent events and of the obligations assumed under the Treaty of Peace with Italy. It had even been asserted that the proposal of the Soviet Union was in contradiction with the statements of the Soviet Premier with regard to living peacefully side by side, whereas quite the contrary was true. Conversely, the decisions of the Western Powers, which they were attempting to pass off as measures which could reduce the tension of the situation and settle the question of Trieste, were leading in precisely the opposite direction.

6. The USSR representative then reviewed the provisions of the Treaty of Peace with Italy and of the Permanent Statute for the Free Territory of Trieste, and asserted that the decision of 8 October 1953, foreshadowed by the declaration of 20 March 1948, signified in substance the partitioning of the Free Territory of Trieste and the transfer of Zone A to Italy in direct contravention of those provisions. He also charged that the American and British troops being maintained in the Free Territory of Trieste were carrying out manœuvres and other military activities, and that Trieste had been converted into an illegal foreign naval base to serve the interests of the North Atlantic bloc. In his view, there could be no question of a Free Territory of Trieste if human rights and fundamental freedoms were not ensured and if the Territory were not demilitarized and democratized. The statement of 8 October 1953 was but the latest of the violations by the Governments of the United States and of the United Kingdom of their obligations under the Treaty of Peace with Italy.

7. Furthermore, in the Treaty of Peace with Italy, as in the Statute both of the permanent and of the temporary administration, a special place had been accorded to the question of a Governor for the Free Territory of Trieste. In addition, the Council of Foreign Ministers had decided, on 12 December 1946, to ensure the appointment of the Governor by the Security Council at the same time as the Treaty came into force, on 15 September 1947. Nonetheless, all candidates proposed by the Soviet Union had been systematically rejected. Indeed, as soon as the Soviet Union gave its assent to the appointment of any candidate, the Western Powers at once found that candidate unsuitable. Even that first step towards fulfilment of their obligations under the Treaty of Peace with Italy had thus been rendered impossible.

8. The Government of the Soviet Union, he continued, had repeatedly urged that the Treaty of Peace with Italy be unconditionally implemented and the measures relating to the Free Territory of Trieste put into effect. There were therefore no grounds for the assertion by the Governments of the United States and of the United Kingdom on 8 October that their actions were due to an impossibility of reaching agreement with other signatories of the Treaty on the creation of a permanent régime. It was clear that the Western Powers were making every effort to avoid the implementation of the provisions of that Treaty concerning the establishment of the Free Territory of Trieste and, primarily, concerning the appointment of a Governor. Their aim was to exploit the Trieste question as an instrument of pressure in order to ensure ratification by the Italian Parliament of the European Defense Community Agreement, an offspring of the aggressive North Atlantic Treaty Organization. That provided the answer to the question whether the statement of 8 October 1953 was in fact designed to serve a pacific aim.

9. The question of Trieste was reported to be a fundamental point on the agenda of the forthcoming conference in London of the Foreign Ministers of France, the United Kingdom and the United States. The Government of the Soviet Union, however, maintained its inability to accept any attempt to revise any part of the Treaty of Peace with Italy by an exchange of notes or by private conferences. The question of Trieste could not be decided otherwise than on the basis of the Treaty of Peace with Italy; it could certainly not be settled if that Treaty were by-passed or violated; neither could it be settled by unilateral agreement.

10. In conclusion, the USSR representative appealed to the Council to lay a firm foundation for the settlement of the question of Trieste, in accordance with the principles underlying the Treaty of Peace with Italy and with the obligations accepted by the signatories to that Treaty, by adopting the USSR draft resolution (S/3105) without further delay.

11. In letters dated 19 October (S/3112 and S/3115), the Secretary of State for Foreign Affairs of Yugoslavia and the Permanent Observer of Italy to the United Nations asked to participate in the discussion of this matter in the Security Council, in accordance with Article 32 of the Charter.

12. At the 628th meeting (20 October), the representative of COLOMBIA recalled the statement issued from London on 18 October 1953 by the Ministers for Foreign Affairs of the three Western Powers to the

effect that they had examined the problem of Trieste and had agreed to persevere in their joint efforts to bring about a lasting settlement in that area. In view of this fresh initiative, he did not consider it opportune for the Security Council to enter into a debate on the item proposed by the Soviet Union and moved that discussion of the item be postponed until 4 November.

13. From the circumstances cited by the representative of Colombia, the representative of the UNION OF SOVIET SOCIALIST REPUBLICS drew the conclusion that the Security Council had the duty to proceed to an immediate discussion of the question. Charging that the measures envisaged in the statement of 8 October 1953 had aggravated existing conflicts, rather than promoting a settlement of the problem of Trieste, he stated that the Council was required to remove such obstacles to the establishment of peace in that region. He charged, furthermore, that the diplomatic negotiations relating to Trieste were designed to aggravate the breach of the Treaty of Peace with Italy and to enable the three Powers to evade still further their obligations under that Treaty. In the circumstances, the Security Council must not postpone discussion which would bring about the solution of the problem in accordance with the provisions of the Treaty of Peace, towards which the appointment of a Governor was a first step.

14. The representative of COLOMBIA stated that his observations had been based on the three-Power *communiqué* of 18 October and that he had at no time referred to the declaration of 8 October. His motion for postponement had proceeded from a conviction that the Security Council had already, from June 1947 to March 1948, made every effort to achieve the solution proposed by the representative of the USSR, namely to nominate a Governor. At that time, the USSR representative had stated that discussion was useless so long as the four great Powers were not in agreement. Three of those Powers had now reached agreement in London and were considering the possibility of bringing about an agreement between Yugoslavia and Italy. The motion for a brief postponement of discussion was therefore a constructive attempt to facilitate the efforts of the three great Powers.

15. The representative of the UNITED KINGDOM agreed that it would not be desirable for the Security Council to enter into a discussion relating to the implementation of certain provisions of the Treaty of Peace with Italy, particularly as there was no reason to suppose that the Council could agree at that time on the nomination of a Governor. A solution was to be sought along other lines and the Powers principally concerned were actually engaged in seeking it. He therefore supported the Colombian motion.

16. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS noted that the Western Powers had long been in agreement among themselves. Although it was being suggested that they might reach agreement with Yugoslavia and Italy, no five States could justly deal with questions already decided by twenty-one States in the Treaty of Peace with Italy. The Security Council was bound to prevent such arbitrary conduct.

17. The representative of the UNITED STATES OF AMERICA supported the position taken by the representative of Columbia, as did the representative of GREECE who suggested, however, that discussion be postponed only until 2 November.

18. The representative of FRANCE also supported the Colombian motion. He felt sure that none of the signatories to the Treaty of Peace with Italy would block an agreement, reached among the three great Powers and between the parties to the dispute, which would provide definite assurance that threats to peace and security in the territory of Trieste would be averted.

19. The representative of France recalled that the situation which existed in the Trieste area certainly gave rise to some concern, but its source did not lie in the declaration of 8 October, which had been intended to remedy it. He added that the efforts of the three great Powers to reach a solution by negotiation came within the provisions of Article 33 of the Charter. In refraining from taking action during the course of those negotiations, the Council would merely be applying paragraph 2 of that Article.

20. Referring to certain provisions of the United Nations Charter relating to the Security Council's responsibility regarding international peace and security, the representative of the UNION OF SOVIET SOCIALIST REPUBLICS said that he could find no justification for the Council's refusal to consider the serious situation in Trieste. Such a refusal would, in his view, be a dereliction of duty and a violation of the Charter. He asserted that the Western Powers had already made a mockery of the Treaty of Peace with Italy by their declaration of 8 October, which had been confirmed by the declaration of 18 October; and that those Powers were trying to reach agreement with Italy and Yugoslavia, each of which wished in its turn to violate the Treaty of Peace. The Soviet Union could not agree to co-operate with any such efforts carried on in the absence of all the other signatories to the Treaty and involving obligations incompatible with the Treaty and with the United Nations Charter. Furthermore, the negotiations were clearly aggravating international tension. He therefore insisted that the Council give its immediate consideration to the problem of Trieste in accordance with his positive proposal to appoint a Governor for the Free Territory of Trieste.

Decision: *At the 628th meeting, on 20 October 1953, the Colombian motion, as modified by the Greek suggestion, to postpone discussion until 2 November was adopted by 9 votes to one (USSR) with one abstention (Lebanon).*

21. The representative of CHILE explained that he had voted in favour of the motion because of his delegation's belief that it would be useful to allow a reasonable period of time for the development of the current attempts at conciliation. He hoped, however, that if events should make it advisable, the President would reconvene the Council to reopen consideration of the problem.

22. The representative of PAKISTAN associated himself with the statement of the representative of Chile.

23. The President, speaking as representative of DENMARK, explained that he had voted for the postponement of the discussion because of the information received about the negotiations going on and the fear expressed by the Powers taking part in those negotiations that a discussion in the Security Council might be detrimental to a peaceful settlement.

24. The representative of CHINA explained that he had voted for the motion because postponement might be helpful in finding a solution. That vote should not

be interpreted to mean that his Government had given up its right as a co-signatory of the Treaty of Peace with Italy.

25. At the 634th meeting (2 November), the representative of GREECE noted that the time which had elapsed since the last meeting had not proved sufficient for the mainly interested parties to bring to full fruition their efforts to work out a solution through normal diplomatic channels. In the belief that other members of the Council shared his fear that protracted discussion of the USSR proposal would start a conflict in the Council which could only affect the situation in Trieste adversely, he moved that discussion of the question before the Council be postponed until 23 November.

26. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS opposed the Greek motion for postponement of the discussion. He stated that the course of events in the Trieste area only confirmed that the negotiations in progress were designed, not to secure a peaceful settlement of the problem of Trieste, but rather to discard the Treaty of Peace with Italy, to release its signatories from their obligations and, in the interests of the North Atlantic bloc, to transform the Trieste region into a springboard for aggressive attack upon the Soviet Union and the People's Democracies. The agreements relating to Trieste which, through their negotiations, the five Powers were seeking to conclude and carry into effect, could only aggravate the international situation and complicate the task of preserving peace. Similar effects were being produced by the Greco-United States Treaty calculated to enable the United States to established its military bases on Greek territory for the purpose of preparing for another war.

27. The Treaty of Peace with Italy remained the best instrument for peaceful settlement of the dispute between Yugoslavia and Italy, if such were really the wish of the Western Powers. However, those Powers appeared intent on discarding that Treaty. The Soviet Union could not permit a Treaty to which it was a party to be violated by other parties, nor to be changed in any way without the consent of all those who had signed it. Whatever the outcome of the consultations being carried on among the five Powers, the representative of the Soviet Union considered that discussion should properly continue within the United Nations. For the Security Council to defer to the convenience of any State or group of States would, in his view, mean the end of the Security Council as an independent organ. He therefore warned against any further delay in considering the question of the appointment of a Governor for the Free Territory of Trieste and protested against the attempt to consign the Treaty of Peace to oblivion under the pretext of furthering the progress of negotiations being conducted behind the back of the Council and of other parties to the Treaty.

28. The representative of GREECE stated that, in deference to the request made by the President during the remarks of the USSR representative, he would withhold any comment relating to the Greco-United States Treaty until the Council took up the substance of the question under discussion.

Decision: *At the 634th meeting, on 2 November 1953, the Greek motion to postpone discussion until 23 November was adopted by 9 votes to one (USSR), with one abstention (Lebanon).*

29. At the 641st meeting (23 November), the representative of the UNITED STATES OF AMERICA stated that consultations had been continuing. He hoped that, in the near future, definite arrangements would be concluded which might point the way to a solution. He therefore moved that the Security Council postpone consideration of the question until the week of 8 to 15 December.

30. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS was opposed to the efforts of the Western Powers to postpone consideration of the question of the appointment of a Governor for the Free Territory of Trieste. In his opinion the contention that continuing consultations might produce definite results did not change the situation as the separate agreement illegally being sought in those consultations would effect the partition of the Free Territory in contradiction of the Treaty of Peace with Italy. In his opinion, the systematic attempts by the Western Powers to defer consideration of the proposal of the Soviet Union had not contributed to any easing of tension in the Trieste region but, as proved by the outbursts of violence in recent days, had further exacerbated that tension. On the other hand, the appointment of a Governor for the Free Territory of Trieste would be a first step towards implementing the Treaty of Peace with Italy and, therefore, towards attaining a genuinely peaceful settlement of the Trieste question.

31. However, the Western Powers were actually seeking to encourage the abrogation of the relevant part of the Treaty and to convert the Free Territory of Trieste into a military base in the orbit of the North Atlantic Treaty, to present the Territory with militarism instead of democracy, to promote conflict rather than goodwill and co-operation between Yugoslavia and Italy, and to terrorize all objectors into silence.

32. If the Security Council wished to strengthen rather than to obstruct and undermine peace and international security, he would urge that it follow forthwith the only constructive and constitutional course, namely, to take measures to implement the provisions of the Treaty of Peace with Italy relating to the Free Territory of Trieste and, as the first step, to appoint a Governor for the Free Territory.

33. The representative of COLOMBIA did not believe that the difficulties confronting the Security Council in the appointment of a Governor for Trieste arose from the fact that it had postponed consideration of the question, but rather from two other factors, namely (1) that, by virtue of the Treaty of Peace with Italy, it was essential for the four permanent members of the Security Council concerned in the matter to agree on the appointment of a Governor and (2) that, under the terms of article 11 of annex VI of the Treaty of Peace with Italy, the appointment required the prior approval of Italy and Yugoslavia. In his opinion, the latter condition was still the essential prerequisite for the solution of the problem. He therefore found it logical for the Security Council to postpone consideration of the question while agreement between Italy and Yugoslavia was being sought, and accordingly supported the United States motion.

34. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS felt that the Colombian statement might lead to the conclusion that the conference of the five Powers was being organized for the specific purpose of reaching agreement on the appointment of

a Governor for the Free Territory of Trieste. However, it was his impression that the conference was being convened in order to reach agreement on how to partition the Free Territory between Italy and Yugoslavia. In other words, it was being convened in order to consolidate the violation of the Treaty of Peace which he had already described.

35. He noted that article 11 of annex VI of the Treaty of Peace provided for the appointment of a Governor by the Security Council after consultations with the Governments of Yugoslavia and Italy. However, in order to reach agreement on a candidate, it was necessary for the Security Council to discuss the matter. That was precisely what the Soviet Union was proposing. He had submitted the name of Colonel Flückiger as a candidate for the post of Governor. Other names might also be submitted. Until the Security Council had considered them and had reached agreement on a candidate, there could be no basis for consultations with the Governments of Italy and Yugoslavia. In his view, no other interpretation of article 11 could be justified.

36. In reply, the representative of COLOMBIA recalled that the Security Council had itself decided, in December 1947 (223rd meeting), that the first measure to be taken was to request Italy and Yugoslavia to consult with each other in an effort to agree on a candidate for Governor. He also noted that it had been the representative of the USSR who, at that time, had concluded that the Security Council could not appoint a Governor so long as there was no agreement between the four great Powers. The representative of Colombia considered that there might be different opinions on the order of priority of those agreements, but that it would be impossible to appoint a Governor until those agreements had been achieved. The best the Council could do was to allow Yugoslavia and Italy to consult and to await the outcome of their discussions.

37. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS believed that the representative of Colombia had placed an incorrect interpretation on article 11 of annex VI of the Treaty of Peace. Reviewing the circumstances of the decision taken by the Security Council in 1947, to which the representative of Colombia had referred, he noted that the Security Council's discussion of candidates had preceded the request it had addressed to the Governments of Italy and Yugoslavia. The then representative of the USSR had been correct in supporting the proposal to communicate to those Governments the names of candidates already considered in the Council, in accordance with the procedure laid down by article 11. The USSR representative then reiterated his proposal that the Security Council adhere to that same procedure, fixed by legal instrument, and proceed to a consideration of candidates. If some or all of them should receive the support of members of the Council, the names of those candidates could be communicated to the Governments of Italy and Yugoslavia.

Decision: *At the 641st meeting, on 23 November 1953, the United States motion to postpone consideration of the question until the week of 8 to 15 December was adopted by 9 votes to one (USSR) with one abstention (Lebanon).*

38. At the 647th meeting (14 December), the representative of the UNITED STATES OF AMERICA noted that there had been a considerable decrease in the tension which had at times characterized the relations in the Trieste area. As a peaceful solution for the difficulties with regard to the problem of Trieste was still being sought in diplomatic discussions, the United States Government believed that no useful purpose would be served by discussion of the Trieste item in the Security Council at that time. He therefore moved that further consideration of the Trieste item be postponed pending the outcome of the current efforts to find a solution.

39. The representative of the UNITED KINGDOM also noted with satisfaction the steps recently taken to ease the tension in the Trieste area and supported the United States motion.

40. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS felt it essential that the Security Council should examine the question of the appointment of a Governor for the Free Territory of Trieste, perhaps even more so than earlier. Nevertheless, the Security Council was confronted with a proposal seeking what amounted to an indefinite postponement of discussion of that question until separate negotiations between countries concerned in the matter had resulted in agreement on a question which was entirely within the competence of the Security Council. The Five Powers were, in fact, seeking agreement on the most expedient means to dispense with the Security Council and to bury the Treaty of Peace with Italy once and for all. However, the Security Council had decided to include the question in its agenda in order to discuss it, and for the Council to persist in postponing discussion was to fail in respect for the United Nations itself and to violate the Security Council's own rights and duties and the interests of all peace-loving peoples.

41. The representative of the USSR recalled that several speakers had referred to the fact that it had not as yet been possible to reach agreement in the Security Council on the appointment of a Governor, the first step towards the organization of a Free Territory of Trieste. Although no general decision had been possible earlier, he continued, it might now prove otherwise. The Soviet Union had nominated Colonel Flückiger for the post of Governor. Other candidatures could likewise be submitted. Discussion of those candidates could in no way hinder negotiations in which a peaceful settlement was truly sought. He was of the opinion, however, that events had proved the negotiations between the three Western Powers with the participation of Italy and Yugoslavia to have nothing in common with a genuine, just and peaceful decision on the question of Trieste. The measures set forth in the statements by the Western Powers on 20 March 1948 and 8 October 1953 had made a mockery of the Treaty of Peace with Italy and of the rights and interests of all the other signatory States. As had clearly been shown by the recent wave of disorders in the Trieste area, those measures had been calculated to intensify national conflicts and enmity between Yugoslavia and Italy and therefore constituted a threat to peace and international security. In no way could those measures be termed an offer of good offices for a peaceful settlement; neither could they relieve the Powers concerned of their responsibility for the possible serious consequences of their policy.

42. By their efforts to convene a five-Power conference on Trieste, the United States, the United Kingdom and France were attempting to force all the other

signatories of the Treaty of Peace with Italy to complete the conversion of Trieste into an Anglo-American military base. That was a necessary part of their plan to carry into effect the aggressive designs of the North Atlantic bloc. To that end, the three Western Powers were attempting to convene a five-Power conference at which it might be clearly pointed out to the Governments of Yugoslavia and Italy that the strategic master plan was more important than their frontier quarrel. Their goal was to strengthen the military system of the North Atlantic bloc and incorporate Trieste in it as a frontier post.

43. The representative of the USSR insisted on the need to put an end to such an arbitrary violation of international law, which had unfortunately won the support of the majority in the Security Council. He asserted that the negotiations on Trieste being conducted by the Governments of the three Western Powers, with the participation of Italy and Yugoslavia, were illegal because they were being pursued in contravention of the Treaty of Peace with Italy and for purposes which could neither promote the interests of the population of the Free Territory of Trieste nor strengthen peace and security. Emphasizing that there could be no solution to the Trieste problem other than on the basis of the principles and provisions of the Treaty of Peace with Italy and that it was the primary duty of the Security Council to ensure the implementation of that Treaty, the representative of the USSR insisted that there be no further delay in the Security Council's consideration of the question, within the framework of discussion of the question of the appointment of a Governor for the Free Territory of Trieste.

Decision: *At the 647 meeting, on 14 December 1953, the United States motion to postpone further consideration of the item pending the outcome of current efforts to find a solution was adopted by 8 votes to one (USSR) with one abstention (Lebanon). One member (Pakistan) was absent.*

Chapter 2

THE PALESTINE QUESTION

A. Compliance with and enforcement of the General Armistice Agreements, with special reference to recent acts of violence and in particular to the incident at Qibya on 14-15 October 1953: report by the Chief of Staff of the Truce Supervision Organization

1. Adoption of the agenda

44. In a letter dated 16 October 1953 (S/3113), the Minister of the Hashemite Kingdom of the Jordan to the United States of America informed the President of the Security Council that, on 14 October 1953, a battalion scale attack had been launched by Israel troops on the village of Qibya in the Hashemite Kingdom of the Jordan. The Israelis had entered the village and had systematically murdered all occupants of houses, using automatic weapons, grenades and incendiaries. The bodies of forty-two Arab civilians had been recovered; several more bodies had been still under the wreckage. Forty houses, the village school and the reservoir had been destroyed. Quantities of unused explosives, bearing Israel army markings in Hebrew, had been found in the village. To cover their withdrawal, Israel support troops had shelled the neighbouring villages of Budrus and Shuqba from positions in Israel. The letter added that, at an emergency meeting on 15 October, the Mixed Armistice Commission had condemned Israel, by a majority vote, for the attack by Israel's regular army on Qibya and Shuqba and for the shelling of Budrus by a supporting unit of the Israel attacking forces, in virtue of paragraphs 2 and 3 of article III of the Armistice Agreement. The Commission had passed a resolution calling upon the Israel Government to take immediate and most urgent steps to prevent the recurrence of such aggressions. The Jordan Government had taken appropriate measures to meet the emergency. However, it felt that that criminal Israel aggression was so serious that it might start a war in the area. It was of the view, therefore, that the situation called imperatively for immediate and effective action by the United Nations and especially by those nations parties to the Tripartite Declaration of 25 May 1950.

45. In identical letters dated 17 October 1953, the representatives of France (S/3109), the United Kingdom (S/3110) and the United States (S/3111) requested the President of the Security Council to call an urgent meeting of the Council to consider, under "the Palestine question", the matter of the tension between Israel and the neighbouring Arab States, with particular reference to recent acts of violence and to compliance with and the enforcement of the General Armistice Agreements. The above-mentioned representatives stated that their Governments believed that prompt consideration of the question by the Council was necessary to prevent a possible threat to the security of the area and, in that connexion, considered that the Council would, in the first instance, be assisted by a report in person, as soon as possible, from the Chief of Staff of the United Nations Truce Supervision Organization in Palestine.

46. At its 626th meeting (19 October 1953) the Security Council had before it, as paragraph 2 of its provisional agenda (S/Agenda 626) the following item: "The Palestine question (a) Letter dated 17 October 1953 from the representatives of France, the United Kingdom and the United States addressed to the President of the Security Council (S/3109, S/3110, S/3111)".

47. The representative of Lebanon expressed his inability to vote on the provisional agenda in its existing form contending that the Council should adopt a particular topic, rather than a letter, as its agenda. He recalled that the Palestine question had been on the agenda of the Council for almost two years in an inactive status, and he requested the representatives of France, the United Kingdom and the United States of America to explain to the Council the causes that had led them to reopen the questions. He formally proposed (S/Agenda 627/Rev.1/Add.1) that paragraph 2 of the provisional agenda should read "Recent acts of violence committed by Israel armed forces against Jordan".

48. That point of view was challenged by the representatives of FRANCE, the UNITED KINGDOM and the UNITED STATES OF AMERICA, supported in particular by the representative of CHINA. Those representatives pointed out that the text proposed was in conformity with the Council's precedents and provided a sufficient legal basis for the opening of a debate. The Lebanese proposal appeared, moreover, to prejudge the course of the debate.

49. Before adjourning, the Council decided to invite Major-General Vagn Bennike, Chief of Staff of the United Nations Truce Supervision Organization in Palestine, to appear before the Council as soon as possible.

50. At its 627th meeting (20 October), the Council continued its discussion concerning the drafting of the provisional agenda. The following text was adopted: "The Palestine question: Compliance with and enforcement of the General Armistice Agreements, with special reference to recent acts of violence, and in particular to the incident at Qibya on 14-15 October 1953: Report by the Chief of Staff of the Truce Supervision Organization".

2. DISCUSSION BY THE SECURITY COUNCIL

51. The representative of the UNITED KINGDOM stated that his Government was very seriously disturbed by the incidents that had recently occured at various places along the demarcation line between Israel and its neighbours. It was particularly distressed and shocked by the events culminating in the tragic acts of violence in the neighbourhood of Qibya. Leaving aside the question of responsibility, there was no doubt that incidents such as the one at Qibya represented a grave threat to the security of the area and could not be allowed to pass unnoticed by the Council. However, to deal with the matter, the Council must have before it the best available information as to precisely what had occurred; the Chief of Staff of the Truce Supervision Organization was obviously the most qualified person to provide it with the essential information. Following the report of General Bennike, the Council could go into the whole affair in detail with a view to arriving at constructive proposals. In conclusion, the representative of the United Kingdom urged that Jordan and Israel, meanwhile, take whatever steps were possible to avoid further incidents and to reduce existing tension.

52. The representative of the UNITED STATES OF AMERICA declared that his Government was concerned over the reports coming from the Near East concerning violations of the General Armistice Agreements between Israel and the Arab States. If those reports were confirmed by the official representative of the Council, General Bennike, immediate consideration by the Council would be necessary to prevent the further spread of violence and a possible threat to the security of the area. In those circumstances, his Government believed that an immediate and full report by the United Nations Chief of Staff in Palestine on the situation prevailing there was necessary to enable the Council to consider what action should be taken. Reports coming from the area disturbed the United States Government, which, as a Member of the United Nations, was concerned with the maintenance of international peace among all nations. The individual Member States had bound themselves, in signing and adhering to the Charter, to refrain in their international relations from the threat or use of force and to settle their international disputes by peaceful means in such a manner that international peace and security and justice were not endangered. Nations should not take the law into their own hands.

53. The representative of FRANCE declared that, in agreement with the United Kingdom and United States Governments, co-signatories of the Tripartite Declaration of 27 May 1950, the French Government had considered that the incidents of ever-increasing gravity which for some time had been occurring more and more frequently on the demarcation lines between Israel and the neighbouring States had been creating a situation in that area threatening not only local but even international peace and security. Although they could not, at that stage, decide upon the question of responsibility for those incidents, the French delegation, together with the United Kingdom and the United States delegations, had thought it necessary and proper to bring that situation before the Security Council so that the latter should be in a position to indicate, after due consideration, the measures it deemed most appropriate. The Council's first duty was to obtain accurate information concerning the facts through the Chief of Staff of the Truce Supervision Organization. Until such a report was in the Council's possession, it could not usefully prolong the debate.

54. The representative of LEBANON agreed that any extensive remarks should await the arrival of the Chief of Staff so that the Council might have the benefit of his observations in connexion with the recent acts of violence and with special reference to the act of aggression which had occurred at Qibya. He declared that the Arabs welcomed the shedding of the maximum possible amount of light on that situation; indeed they insisted upon it. He added that everybody knew that Israel had shot its way to self-establishment. Israel now proposed to shoot its way to survival, namely, to the establishment of normal relations with its immediate world. By attacking the Arabs with its armed forces and by killing sixty-six innocent civilians in the previous week, Israel intended to achieve three things: (1) to terrorize the Arabs at the frontiers, which were delimited by the Armistice Agreements; (2) to throw the general political situation in the Near East into a new fluid state; and (3) to attempt, through its supporters abroad, to impose upon that new fluidity a new congealment favourable to Israel. But the conditions of survival and of real peaceful relations with one's neighbours were not the methods of the gun; they were of an entirely different order.

55. At the 630th meeting (27 October), the President invited Major-General Vagn Bennike, Chief of Staff of the United Nations Truce Supervision Organization in Palestine, and the representative of Israel to take their places at the Council table.

56. Before introducing the Chief of Staff of the Council, the SECRETARY-GENERAL made a statement expressing his special concern regarding the outbreaks of violence and the recent incidents which had taken place in Palestine, creating new tensions in the Middle East. Those incidents constituted serious violations of the General Armistice Agreements concluded by the parties in 1949. He considered it his duty to recall to the parties concerned that those Agreements had included firm pledges against any acts of hostility be-

tween the parties. He also expressed the hope that the parties concerned would give full consideration to their obligations under the Armistice Agreements and that they would refrain from any action, contrary to the Agreements, prejudicial to the attainment of permanent peace in Palestine, which was the ultimate aim of the United Nations in the Middle East. He concluded by making a strong appeal to the parties concerned to refrain from spreading rumours and from provocative acts which would contribute to a widening of tension in the area, and especially to avoid any premature actions which could jeopardize the Council's current endeavours.

57. The CHIEF OF STAFF OF THE UNITED NATIONS TRUCE SUPERVISION ORGANIZATION read a detailed report concerning the activities and decisions of the Mixed Armistice Commissions, including a description of the situation along the armistice demarcation line between Israel and Jordan. Before dealing with the Qibya incident, he referred to previous incidents which, he believed, had also constituted grave violations of the cease-fire between Jordan and Israel.

58. Regarding the Qibya incident, he stated that, following the receipt of a Jordan complaint that a raid on the village of Qibya had been carried out by Israel military forces during the night of 14-15 October, a United Nations investigation team had departed from Jerusalem for Qibya in the early morning of 15 October. On reaching the village, the Acting Chairman of the Mixed Armistice Commission had found that between thirty and forty buildings had been completely demolished. By the time the Acting Chairman had left Qibya, twenty-seven bodies had been dug from the rubble. Witnesses had been uniform in describing their experience as a night of horror, during which Israel soldiers had moved about in their village blowing up buildings, firing into doorways and windows with automatic weapons and throwing hand grenades. A number of unexploded hand grenades, marked with Hebrew letters indicating recent Israel manufacture, and three bags of TNT had been found in and about the village. An emergency meeting of the Mixed Armistice Commission had been held in the afternoon of 15 October and a resolution condemning the regular Israel army for its attack on Qibya, as a breach of article III, paragraph 2 of the Israel-Jordan General Armistice Agreement, had been adopted by a majority vote. The Chief of Staff stated that he had discussed with the Acting Chairman of the Mixed Armistice Commission the reasons why the latter had supported the resolution condemning the Israel army for having carried out the attack; the technical arguments given by the Acting Chairman in his memorandum appeared to the Chief of Staff to be convincing.

59. The Chief of Staff reviewed the history of the local commanders' agreement and its implementation. He observed that since 22 January 1953, when the agreement on measures to curb infiltrations had been ended, the number of complaints reaching the Mixed Armistice Commission had steadily increased. However, efforts had been made to persuade the parties to accept again the procedure of local commanders' meetings which, in the past, had proved to be of great assistance in dealing rapidly with local incidents, including minor cases of infiltration. He concluded that, from a practical viewpoint, local commanders' meetings had continued to be more useful than formal meetings of the Mixed Armistice Commission. Despite the useful work done in local commanders' meeting, however, tension had not subsided; the situation was still dangerous and should be watched closely.

60. In commenting upon the Qibya incident, the Chief of Staff said that that incident, as well as others to which he had referred, should be considered not as isolated, but as culminating points or high-fever marks. They indicated that tension had increased to breaking point, either locally or generally between the two countries. He also said that a review of the incidents he had mentioned showed that each of them had been preceded by a period of growing tension.

61. He then described the problems besetting the three remaining Mixed Armistice Commissions. The main difficulties concerning the Egyptian-Israel Mixed Armistice Commission had arisen along the demarcation line of the "Gaza Strip" as well as in connexion with the El-Auja demilitarized zone. Most of the difficulties in the area concerned infiltration into Israel with the purpose of stealing materials, cattle and crops from the settlements in the Negev. The Egyptian authorities had taken measures to cope with the problem of infiltration but the presence of two hundred thousand Palestine refugees in the area had, rendered their task particularly difficult. The application of the Israel-Lebanese General Armistice Agreement had given rise to relatively few and minor difficulties, due to the fact that the demarcation line coincided with the Lebanese-Palestine international frontier. There had been cases of infiltration, almost all from Lebanon into Israel, but such cases were normally settled by the subcommittee on border incidents. As for the implementation of the General Armistice Agreement between Israel and Syria, the difficulties which had arisen were connected with the application of the provisions relating to the demilitarized zone. Apart from the recent difficulty concerning the Israel canal project within the demilitarized zone, the other difficulties remained still those reported upon by the previous Chief of Staff during the past two years, namely, the economic situations of the Arabs in the demilitarized zone, encroachments on Arab lands, the control exercised by the Israel police over the great part of the zone and Israel opposition to the fulfilment by the Chairman and the United Nations observers of their responsibility for ensuring the implementation of article V of the General Armistice Agreement. He indicated that those difficulties could be solved if the provisions of article V of the General Armistice Agreement were applied in the light of the Acting Mediator's authoritative comment, accepted by both parties in 1949, regarding the restrictions imposed upon civilian activities, and the total exclusion of military activities within the demilitarized zone. Total adhesion to those two principles would greatly ease the situation. It would mean, in particular, recognition of the special powers of the Chairman of the Mixed Armistice Commission and of the observers in the demilitarized zone.

62. In summing up, the Chief of Staff declared that the current situation on the Israel-Jordan demarcation line was due to a large extent to the problem of infiltration. The problem was particularly difficult because the line was about 620 kilometres long and because it divided the former mandated territory of Palestine, haphazardly separating, for instance, many Arab villages from their lands. To solve that problem, there were two methods available to the parties: the first was for both parties to take measures against

infiltration and to co-operate with each other regarding the transmittal of information. That method could be carried out by local commanders' meetings, the results of which might not be spectacular but which were effective to the extent actually possible. The second method was resort to force. It reflected impatience with the slow results of peaceful means and a preference, instinctive or deliberate, for retaliation.

63. In conclusion, the Chief of Staff said that he was aware of the existence of other problems which greately contributed to the tension. There was in Israel an impatience with the General Armistice Agreements due to the fact that they had not yet been replaced by final settlements. That impatience extended to the personnel of the Truce Supervision Organization, especially when it tried to exercise supervisory powers in the demilitarized zone. On the Arab side, the usual criticism was that the General Armistice Agreements had not given them security and that the Truce Supervision Organization was too weak to prevent what they considered to be Israel breaches of the Armistice Agreements. However, those opposite criticisms should not lead to the conclusion that the General Armistice Agreeements should be discarded before they could be replaced by peace settlements. Those agreements had lasted too long not to have lost part of their effectiveness. They still constituted, however, a barrier to breaches of the peace in the Middle East.

64. At the 632nd meeting (29 October), a number of detailed questions were asked by the representatives of the UNITED KINGDOM, FRANCE, the UNITED STATES, GREECE, LEBANON and ISRAEL concerning a variety of subjects covering the general conditions and implementation of the Armistice Agreements, the functioning and improvement of the supervision machinery operation and the efficacy of the local commanders' agreement, the causes and effects of the tension along the demarcation line as well as clarification of certain points in General Bennike's report.

65. At the 635th meeting (9 November), the Council invited the representative of Jordan to take part in the debate. It also received the answers of General Bennike and decided to annex them to its official records (S/OR.635, Annex). The following is a summary of the main answers of the Chief of Staff:

66. In answer to a question by the representative of the United States of America concerning the usefulness of the local commanders' meetings, the Chief of Staff said that he was confident that a continuation of those meetings, with the parties paying particular attention to the calibre of men appointed as local commanders, would result in better co-operation, less tension and fewer incidents along the border.

67. In answer to a question by the representative of the United Kingdom concerning the action taken with regard to the killing, allegedly by infiltrators, of a woman and two children in the village of Yahud, which incident, it had been alleged, might have provoked the retaliatory raid on Qibya, General Bennike replied that no evidence had been found to indicate who had committed the crime, and that Jordan had given full co-operation in trying to trace those responsible for the attack, who had apparently crossed the demarcation line into Jordan. Replying to another question, General Bennike believed that improved contacts between the police on either side of the frontier would improve conditions along the border. Police officers were familiar with the local situation and could co-operate professionally with success. The Jordan authorities had for several years advocated that the settlement of day-to-day incidents along the demarcation line should be decentralized to local police officers all along the border. They also felt that would-be criminals, seeing the police forces of the two countries acting in close co-operation, would be constrained greatly to reduce their activities. To further questions concerning the operation of the observer corps, General Bennike replied that he currently had nineteen military observers on his staff. Some of them were serving as Chairmen of the Mixed Armistice Commissions. He added that only five observers had been assigned to the Jordan-Israel Mixed Armistice Commission. With 620 kilometres of demarcation line to cover between Israel and Jordan and the fact that 345 complaints had been handled so far that year, it was easy to see that the task of the observers was not an easy one.

68. In answer to a question by the representative of France about the current functioning of the various organs, General Bennike stated that the operation of the Mixed Armistice Commissions would be improved if, instead of acting as lawyers defending a case in court, delegates of the parties acted in conformity with the spirit and the letter of the Armistice Agreements. Another unsatisfactory aspect of the procedure in the Commission was the fact that voting was on the basis of a draft resolution presented by either side. While in some respects the Chairman's position might be compared to that of a judge, he was at a disadvantage in that he could not formulate the verdict by submitting a draft resolution of his own, since that would be tantamount to announcing his vote in advance. He offered several suggestions which might assist in improving the operation of the Commissions.

69. In answer to a question from the representative of Greece concerning the advisability of strengthening the observer corps in such a way as to permit it to play a preventive role, particularly at psychologically dangerous points along the frontier, General Bennike said that the experience of the Truce Supervision Organization in its early years tended to support the view that the presence of observers at certain points along the cease-fire line was helpful in preventing possible incidents. His intention was to station a small number of observers along both sides of the Israel-Jordan demarcation line. But the extent to which they could assist in preventing frontier incidents would depend on the increased effectiveness of the local commanders' meetings and the co-operation extended to them by the authorities of both parties. He hoped that by such deployment of observers he could assist both parties in preventing incidents.

70. In answer to a question by the representative of Lebanon as to whether the life of the Chief of Staff or of any of his group had ever been threatened, General Bennike said that he was adhering strictly to the position that he and the personnel of the Organization were in Palestine by virtue of the Council's resolutions and that they must rely upon the Governments concerned to take the necessary measures to safeguard the lives of the agents of the United Nations. He was satisfied that those Governments were aware of their responsibilities in that respect. He added that the Israel authorities had felt recently that they must insist upon having him accompanied by a police escort in their territory and that, shortly afterwards, the Jordan au-

thorities had requested his permission to patrol the grounds of his house at night, because of its proximity to the demarcation line. He said that he had given his concurrence in both cases but that he was not inclined to be influenced either by rumours or threats or by any precautionary measures which the Governments concerned might find it necessary, in their own interest, to take. In a further reply, General Bennike agreed that his organization had sometimes been prevented from performing its functions. He cited various obstructions encountered from Israel civilians and over-zealous officials in the demilitarized zones.

71. In reply to questions by the representative of Israel concerning the types of arms used by raiders on the frontier, General Bennike said that the records of complaints and inquiries of the Israel-Jordan Mixed Armistice Commission since 1949 contained no evidence to show that border villages had ever been furnished with Bangalore torpedoes, 2-inch and 81 mm. mortars and demolition charges. Nor did the history of incidents show the necessity of border villages being furnished with such weapons. Moreover, the records showed that attacks against villages and persons in Israel took the pattern of raids carried out by small armed groups using hit-and-run tactics. For defense against that type of action, he could see the usefulness of machine guns, small automatic weapons and even hand grenades, but certainly not of mortars, Bangalore torpedoes and demolition charges. Furthermore, United Nations observers, who had visited many border villages, had never reported seeing weapons other than machine guns, grenades, rifles, automatic weapons such as Bren guns, Sten guns and Thompson submachine guns, and side arms. In answer to another question as to whether he had called the attention of the parties concerned to a paragraph in the Armistice Agreement calling for a peace settlement in Palestine, General Bennike said that he had not done so except in so far as any of those principles might have a bearing on the actual implementation of any Armistice Agreement in a concrete case.

72. Finally, in answer to questions submitted by the representative of Jordan, General Bennike said that in the light of events since the beginning of the year attacks by regular forces of Israel on Jordan territory were becoming more frequent and had had more serious results so far as loss of life was concerned.

73. The representative of the UNITED KINGDOM declared that the information made available by the Chief of Staff would enable the Council to arrive at a correct assessment of the circumstances surrounding the tragic events in Qibya. Having considered the detailed report of the Acting Chairman of the Israel-Jordan Mixed Armistice Commission, as well as the supplementary information contained in the answer of General Bennike, the United Kingdom Government, on the evidence so far submitted, was in full agreement with the view expressed by the Chief of Staff, namely, that the technical arguments tending to show that Israel military forces had been implicated in the Qibya raid were completely convincing. The statement made by the Israel Prime Minister on 19 October 1953 did not in itself preclude such a conclusion since that statement had only denied the allegation that 600 men of the Israel defence forces had taken part in the action and asserted that no unit had been absent from its base on the night of the attack on Qibya. Whether the attack had been undertaken by militia or by the regular army of Israel had no bearing on the case. In either event, it had been a disciplined, organized and well-armed Israel military force. In the view of Her Majesty's Government, therefore, it was very difficult for the Israel Government to escape responsibility for the attack; the further information that had come to hand and the increased toll of life could only confirm his Government in condemning it and reinforce its opinion that the attack had constituted a threat to the security of the entire area. Moreover, the apparent unwillingness of the Israel Government to punish those responsible could only encourage other such incidents, as well as the growth of a spirit of violence in its citizens which might bode ill for the future. It had been alleged that the Qibya incident had been due to provocation by infiltrators. While no one could deny the existence of the problem of infiltration or that the Israel Government were justified in using strong measures to check it, not everyone who crossed the armistice demarcation line did so with criminal intent. While he knew no evidence to prove the allegation that the movement across the line had been organized and encouraged by Jordan, there was ample evidence to prove that trespassers crossed the line on their own responsibility and in the full knowledge that they might pay for doing so with their lives. The trouble with a reprisal raid such as that on Qibya was that it would probably only result in a growth in the number of persons who decided to cross into Israel to take revenge. The only way to control that vicious circle was by local co-operation between the police and defence forces of the two countries. For that reason, the United Kingdom Government had always viewed with favour the existence and operation of local commanders' agreements, and had used its good offices to have them restored whenever they had been broken off.

74. Finally, his Government considered it of the highest importance that the parties to the Armistice Agreement should respect the officers of the United Nations Truce Supervision Organization and give them full facilities in the performance of their duties. Combined with the proper observance of the local commanders' agreements, that freedom of investigation might well result in a marked improvement of the general atmosphere. In conclusion, the representative of the United Kingdom said that if the small liberal democracy which the sons of Israel had been seeking to establish in Palestine was to preserve the sympathy of its friends throughout the world, then it would certainly be well advised not to try to show, as some of the Israel Press had sought to show, that the destruction of a village in Jordan territory and the slaughter of its inhabitants, most of whom had undoubtedly been quite innocent, had been thoroughly justified and indeed the logical and final result of a chain of incidents.

75. The representative of the UNITED STATES OF AMERICA declared that, as had been made clear by the United States Government shortly before the Council had decided to inscribe the item on its agenda, there appeared to be no doubt concerning the facts of the military action which had taken place in Qibya. The testimony by General Bennike confirmed the fact that that action had been a violation of the cease-fire resolution of the Security Council of 15 July 1948 and of the Jordan-Israel General Armistice Agreement. His delegation, therefore, subscribed to the statements by the representative of the United Kingdom bearing on that point.

76. The President, speaking as the representative of FRANCE, said that his delegation was in full agreement with the general lines of the statement made by the United Kingdom representative and shared his feelings about the grievous and tragic incidents which had led to the Council's meeting. If there was one nation which had less than any other the right of taking vengeance on innocent people, it was the one linked by racial and spiritual bonds to the millions of innocent victims of Nazism during recent years. It was with all the greater sorrow but with no less firmness than other delegations that the French delegation was compelled to associate itself with the condemnation already expressed in the Council for the action undertaken by the armed forces of Israel against the inhabitants of the village of Qibya. The fact that such an action could not be lifted out of its general historical context was no extenuation of it.

77. At the 637th meeting (12 November), the representative of ISRAEL, reviewing the history of the Armistice Agreements and their operation, declared that a broad and fundamental discussion on peace and security in the Middle East was long overdue. He described in detail Israel's security problems, declaring that Israel was within easy reach of its hostile neighbours, and that the Arabs refused to live at peace with Israel and to comply with the calls of the Security Council to negotiate final peace settlements. He added that the political hatred on Israel's frontiers was reinforced by a violent economic war and that upon that foundation of geographical vulnerability, political enmity and economic warfare, there was superimposed a campaign of hostile menace.

78. He then gave a detailed historical background of the tension along the armistice lines, particularly along the Israel-Jordan frontier, up to the Qibya incident. After describing the various attacks that had been condemned by the Israel-Jordan Mixed Armistice Comission, he said that all those incidents had been launched in the small sector of which Qibya was the centre, together with scores of others with less tragic results but with great effect on tension in the area. It was his duty to have the Council understand that strange, unique and tormented picture of Israel's security: geographical vulnerability, political warfare of unexampled ferocity, economic blockade, the absence of peace as an article of policy, constant threats of violent invasion; and, from across the central sector of the Jordan frontier, a campaign of organized murder affecting the whole atmosphere of Israel's national life. That was the situation and those the conditions under which the people of Israel, and especially the frontier settlers, were called upon to work and live. Because there was no parallel for that situation in the life of any other State, Israel had no means of knowing whether others would have met those fearful provocations with greater patience or success, or with fewer failures or breakdowns of restraint than the Israelis. Thus, the mood and background of the Qibya incident could only be understood in the light of that atmosphere in which Israel's hard struggle for security and peace was conducted.

79. He explained that his Government regarded the loss of innocent life at Qibya with profound and unreserved regret. The Qibya incident was an act resulting from a most unfortunate explosion of pent-up feeling and a tragic breakdown of restraint, but the circumstances of the incident were precisely those outlined in Mr. Ben Gurion's statement of 19 October 1953. He dealt extensively with the problem of infiltration and marauding and described Israel's efforts to secure a transition from the armistice stage to a permanent peace, offering Israel's ideas as to the prospect of a final solution.

80. He stated that the Israel Government had repeatedly declared its willingness to find a solution for the deteriorating security situation along the Israel-Jordan border, and for that purpose had expressed willingness on several occasions to enter into discussions with representatives of the Jordan Government. Those proposals had been made because the established channels of contact and procedure had not proved effective or sufficient in the light of the growing complexity of the situation. Consequently, his Government proposed that senior political and military representatives of Israel and Jordan should meet at United Nations Headquarters without delay to discuss armistice problems, and especially the prevention of border incidents and the co-operation of the respective authorities in maintaining border security.

81. In conclusion, he believed that the Council should take the following measures: (1) The tension should be diagnosed in truthful terms as a threat to security arising from the absence of peaceful relations between Israel and the Arab States. To that primary cause, the Council should justly ascribe the whole sequence of violence which had come to its notice and should remind the parties of their duty under the Charter to harmonize their efforts for the establishment of peace. (2) Attention should be drawn to the fact that the main objective of the Armistice Agreements, mainly the transition to permanent peace, had not been met, and that the fulfillment of that armistice provision had a clear priority and urgency over all other subsidiary provisions, which, however, should still be maintained. (3) Attention should be drawn to the fact that the Security Council's own past resolutions on peace and security, including especially the resolution on blockade and belligerency adopted on 1 September 1951, had not been implemented. The Council should also refer to the absence of any effort to implement article VIII of the Israel-Jordan General Armistice Agreement, notwithstanding the text of that Agreement itself, and of the Council's injunction of 17 November 1950. (4) The Council could take note of the only conclusion agreed to by the Israel and the Arab countries, and indicated very clearly in General Bennike's report, namely, that the most specific source of current tension was marauding and infiltration into Israel territory, especially from the Hashemite Kingdom of the Jordan. In expressing its deep concern at all acts of violence which had been committed, the Council would surely be entitled to express special concern about that movement of infiltration which was the source of the original bloodshed and of reactions which had sometimes gone beyond all due and proper limits and which were regrettable and deplorable in themselves. But it should urge special attention to article IV, paragraph 3, of the Agreement requiring the restraint of illegal border crossings. (5) The Chief of Staff and the Chairmen of the Mixed Armistice Commissions should be asked to pursue their high objectives for international peace in assisting the operation of the Armistice Agreements, devoting their special attention to those provisions of the Agreements and the Council's decisions which had not yet been implemented,

particularly the provisions for a transition to permanent peace. (6) The signatories of each Armistice Agreement should be called upon to enter into direct negotiations with a view to the replacement of the Armistice Agreements by final peace settlements.

82. The representative of LEBANON rejected the arguments adduced by the representative of Israel, especially those concerning the Israel and Jordan record of co-operation within the Mixed Armistice Commission, by quoting several excerpts from the answers given by the Chief of Staff to the various questions put to him, particularly by the representative of Israel. The following findings were fully justified by the indubitable facts found in documents written by the agent of the United Nations in Palestine: (1) that Israel military forces had planned and carried out an attack on Qibya in Jordan, on 14-15 October 1953; (2) that the attack constituted an act of aggression against Jordan; (3) that that act of aggression was not an isolated incident but the culmination of a planned and calculated policy of violation of the General Armistice Agreements carried out by the Israel armed forces; (4) that that policy and that act of aggression had disturbed the peace in the Near East; (5) that unless that policy was curbed and that act of aggression was properly punished, the maintenance of international peace and security in the Near East was likely to be endangered; and (6) that the recurrence of such an aggression by Israel would certainly lead to a breach of the peace in the Near East. In the circumstances, therefore, the Council might find it appropriate (*a*) to request Israel to take all the necessary measures to bring to justice the perpetrators of that act; (*b*) to make a general request that no military or economic assistance be given to Israel without proper guarantees that it would refrain from such acts; and (*c*) to make it clear to Israel that any repetition of such acts would lead the Council to consider the appropriate measures to be taken under Chapter VII of the Charter.

83. At the 638th meeting (16 November), the representative of JORDAN made a statement commenting briefly on the statement made at the previous meeting by the representative of Israel. He then commented upon the Qibya case and other aggressions and violations of the Armistice Agreement, which, he stated, had been committed by Israel. He also explained the difference between individual Jordanian infiltration and the aggression carried out by organized military forces of Israel against Jordan and reviewed briefly the efforts of his Government as well as the extraordinary and emergency measures already taken to prevent infiltration. As for the Israel proposal concerning the meeting at United Nations Headquarters between Israel and Jordan senior political and military representatives to discuss armistice problems, he explained that his delegation had been empowered to express its Government's views on the Qibya massacre and possessed no credentials to enter into any other discussions. Moreover, it seemed to him that if Israel had some proposals to submit to Jordan, the proper channel would be through the Chief of Staff. In the event of agreement, the most suitable place for such discussions would in all likelihood be Jerusalem because of its proximity and the facility of communication with the two Governments.

84. In conclusion, he requested the following: (1) that Israel be condemned for the Qibya massacre in the strongest of terms, which should match the atrocity and horror of that action of the Israel armed forces; (2) that Israel be asked to proceed with the trial and punishment of all Israel officials, be they military or civilians, responsible for that horrible crime; (3) that Israel be asked to prevent the repetition of any kind of aggression by its military forces or other armed forces against Jordan; (4) that no military aid or financial assistance be granted to Israel without specific guarantees that such help would not contribute to further Israel aggressions; and (5) that all other possible measures to check Israel aggressive and expansionist policy be taken without delay.

3. RESOLUTION OF 24 NOVEMBER 1953

85. At the 640th meeting (20 November), the representative of the UNITED STATES OF AMERICA introduced the following draft resolution submitted jointly by France, the United Kingdom and the United States of America (S/3139/Rev.2):

"The Security Council,

"Recalling its previous resolutions on the Palestine question, particularly those of 15 July 1948, 11 August 1949 and 18 May 1951 concerning methods for maintaining the armistice and resolving disputes through the Mixed Armistice Commissions,

"Noting the reports of 27 October 1953 and 9 November 1953 to the Security Council by the Chief of Staff of the United Nations Truce Supervision Organization and the statements to the Security Council by the representatives of Jordan and Israel,

A

"Finds that the retaliatory action at Qibya taken by the armed forces of Israel on 14-15 October 1953 and all such actions constitute a violation of the cease-fire provisions of the Security Council resolution of 15 July 1948 and are inconsistent with the parties' obligations under the General Armistice Agreement and the Charter;

"Expresses the strongest censure of that action which can only prejudice the chances of that peaceful settlement which both parties in accordance with the Charter are bound to seek, and calls upon Israel to take effective measures to prevent all such actions in the future;

B

"Takes note of the fact that there is substantial evidence of crossing of the demarcation line by unauthorized persons often resulting in acts of violence, and requests the Government of Jordan to continue and strengthen the measures which they are already taking to prevent such crossings;

"Recalls to the Governments of Israel and Jordan their obligations under Security Council resolutions and the General Armistice Agreement to prevent all acts of violence on either side of the demarcation line;

"Calls upon the Governments of Israel and Jordan to ensure the effective co-operation of local security forces;

C

"Reaffirms that it is essential in order to achieve progress by peaceful means toward a lasting settlement of the issues outstanding between them that the

parties abide by their obligations under the General Armistice Agreement and the resolutions of the Security Council;

"*Emphasizes* the obligation of the Governments of Israel and Jordan to co-operate fully with the Chief of Staff of the Truce Supervision Organization;

"*Requests* the Secretary-General to consider with the Chief of Staff the best ways of strengthening the Truce Supervision Organization and to furnish such additional personnel and assistance as the Chief of Staff of the Truce Supervision Organization may require for the performance of his duties;

"*Requests* the Chief of Staff of the Truce Supervision Organization to report within three months to the Security Council with such recommendations as he may consider appropriate in compliance with and enforcement of the General Armistice Agreements with particular reference to the provisions of this resolution, and taking into account any agreement reached in pursuance of the request by the Government of Israel for the convocation of a conference under article XII of the General Armistice Agreement between Israel and Jordan."

86. In introducing the joint draft resolution, the representatives of the UNITED STATES explained that, by joining France and the United Kingdom in sponsoring the joint draft resolution, his Government had given effect to the belief that the Council must sustain the General Armistice Agreement between Israel and Jordan. It was obvious that recent events had brought the situation in Palestine perilously close to a breach of the peace. The Security Council, as the primary body of the United Nations responsible for the maintenance of international peace and security, must, in the opinion of the United States delegation, deal effectively with that immediate and over-riding problem. He then explained in some detail the various paragraphs of the joint draft resolution, pointing out that part A recognized that the incident at Qibya was one among many which were prejudicial to the establishment of peace in the area, that part B took note of the fact that violence was a common result of failure to maintain the security of the demarcation line, and that part C expressed the views of the three sponsoring Governments that it was only by strict adherence to the obligations of the parties under the General Armistice Agreement and the resolutions of the Security Council and of the General Assembly that progress towards settlement of the outstanding issues between the parties could be made.

87. In conclusion, he said that the United States realized that there were grave and difficult problems which even the strictest compliance with the Armistice Agreements might not necessarily solve. His Government felt a deep concern with respect to those basic and over-riding problems and a sincere desire to be helpful in arriving at an equitable solution. But the established machinery for the maintenance of security in the area must be upheld and strengthened if those fundamental problems were to be solved in a spirit of justice and goodwill. While adherence to the Armistice Agreement would not alone bring peace, peace was impossible without that adherence.

88. In subsequent statements, the representative of the UNITED KINGDOM and the President, speaking as the representative of FRANCE, expressed their full agreement with the reasons given by the representative of the United States for the submission of the joint draft resolution.

89. The representative of PAKISTAN analysed the statement of the representative of Israel, and then reviewed the history of the Palestine question, emphasizing the responsibility of those who had originally supported partition and consequently the present state of affairs in Palestine. He also discussed the respective responsibility of each side in connexion with the recent incidents. He then dealt with the Qibya incident, quoting extensive excerpts from the reports of the Chief of Staff which, he stated, proved the absence of any desire on the part of Israel to co-operate in the maintenance of the Armistice Agreement, as well as that the raid against Qibya had been carried out by the regular army of Israel. As for the joint draft resolution, he found the first paragraph of part A wholly inadequate, and, therefore, unacceptable. Moreover, he found no provision in the joint draft regarding compensation to those who had lost their lives and those who had been wounded at Qibya.

90. At the 642nd meeting (24 November), the representative of ISRAEL informed the Council that, on 23 November, he had addressed a letter to the Secretary-General (S/3140) declaring that, since his proposal for a meeting between senior political and military representatives of Jordan and Israel made at the 637th meeting of the Council had not been accepted by the representative of Jordan in the course of his statement made at the 638th meeting, he formally invoked article XII of the Jordan-Israel General Armistice Agreement, requesting the Secretary-General to convoke a conference of representatives of the two parties for the purpose of reviewing that Agreement as envisaged in paragraph 3 of the aforesaid article. Article XII made the parties' participation in such a conference obligatory. He explained that his Government had been led to take that action through the existence of a sense of growing concern for the future of the security of the area, a concern greatly aggravated by the negative elements found in the joint draft resolution and especially by the absence for the first time in a Security Council resolution of a direct call for peace negotiations. Apart from that immediate motive, there was the general one which was fully in accord with the consistent policies and convictions of Israel, namely, that there was no radical method of improving the situation in the Middle East except by processes of direct contact and negotiation either for the achievement of a total peace settlement or at least for a review of the system of relations between Israel and its neighbours. After commenting in detail on each section of the joint draft resolution, he concluded by stating that it was inaccurate in certain respects, notably in its finding in part A; that it was selective in other respects, notably in the omission of any special reference in its preamble to those resolutions which laid obligations upon the Arab Governments, and thus operated in a selective and unobjective spirit. Moreover, he believed that, in part A, the description of the action of Qibya fell outside the framework of Security Council practice and tradition and dealt, therefore, disproportionately with that admittedly regrettable incident, thereby depreciating all other actions, many of which, unlike Qibya, had been of a sustainedly aggressive character and had had a far greater toll of innocent life as their price. Furthermore, his delegation took

the most severe objection to what came close, in part B, to an acceptance and a condonation of existing Jordan policies in respect of those infiltrations or incursions which were the source of Israel's present security problems. Finally, his Government believed it to be an error of monumental proportions and of historic effect for the Council at that most important stage in the life of the Middle East, and at a time when the first step had been taken forward from the Armistice towards permanent peace, to abandon its invariable policy of calling upon the Governments concerned to negotiate a final settlement of all questions outstanding between them.

91. Before proceeding to a vote, the President, speaking as the representative of FRANCE, made the following observations: (1) Any act similar to that of Qibya which might be committed by other parties in the future should be condemned; (2) The armistice agreements did not authorize, justify or excuse reprisals; (3) The parties concerned should in the future comply with the obligations imposed upon them by the General Armistice Agreement and the resolutions of the Security Council; (4) The Chief of Staff of the Truce Supervision Organization should be provided with the material means enabling him to discharge his functions; (5) The Chief of Staff of the Truce Supervision Organization should be requested to report in three months' time on the observance and execution of the General Armistice Agreement.

Decision: *At the 642nd meeting, on 24 November 1953, the Council adopted the revised joint draft resolution (S/3139/Rev.2) by 9 votes in favour, none against and 2 abstentions (Lebanon and USSR).*

92. At the 643rd meeting (25 November), various representatives made statements explaining their votes. The representative of LEBANON drew attention to an analysis of the Qibya raid in a study entitled "The System of Qibya", and requested that the text be annexed to the record of the Council's proceedings. He added that an honest examination of the fourteen propositions found therein would reveal that the condemnation of Israel by the Council had been very mild and that a much stronger condemnation would be fully justified by the objective evidence. As for the larger question of peace in the Middle East, he wished to make the following observations: (1) The representative of Israel had invoked article XII of the Jordan-Israel Armistice Agreement allegedly to review the relations between the two countries; but such a review would, however, reveal the fact that the Armistice Agreement had been systematically flouted by Israel. (2) The Arab States would not talk to Israel, regardless of pressure, except after it had undergone a profound modification of spirit and outlook. (3) The representative of Israel had threatened that adoption of the three-Power draft resolution would be prejudicial to peace and would affect adversely the entire atmosphere of and effort toward peace, but the truth was the exact opposite. (4) Israel's clamour for a negotiated peace settlement was possible only if (*a*) Israel scrupulously respected the Armistice Agreements; (*b*) Israel implemented the standing decisions of the United Nations regarding boundaries, the internationalization of Jerusalem and the Arab refugees; and (*c*) the Arabs were strengthened so that they would not feel themselves at the mercy of Israel. (5) So long as boundless ambition and arrogance persisted in the policy and outlook of Israel, there were three ultimate and irreducible facts which absolutely governed the situation, namely, (*a*) the Arabs did not trespass on anybody's territory; the Jews had come and taken away a piece of Arab territory and had driven away the original Arab inhabitants of that territory; (*b*) Israel needed the Arabs, whereas the Arabs did not need Israel; and (*c*) Israel, because it was now strong, could fume and threaten, but the Arabs were not going to remain eternally weak. (6) Peace was the fruit of justice, firmness and truth with respect both to Israel and to the Arabs. Thus, peace in the Near East was a function of the moral crisis of the world.

93. Turning to the resolution, the representative of Lebanon said that it had the following deficiencies: (*a*) it did not request Israel to bring to justice those responsible for the Qibya massacre; (*b*) it did not request Israel to pay compensation for the loss of life and damage to property caused by that aggression; (*c*) it did not contain a warning to Israel that, if such attacks were repeated in the future, the Council would have to deal with the matter under Chapter VII of the Charter; (*d*) it did not refer to compliance with the General Assembly resolutions on Palestine as a condition for the peaceful and lasting settlement of the issues outstanding between the parties; (*e*) it did not emphasize the fact that it was only the Government of Israel which was not co-operating fully with the Chief of Staff of the Truce Supervision Organization. On the other hand, the adopted resolution had the following decided merits: (*a*) it condemned the Qibya incident as a violation of the cease-fire provisions of the Council's resolution of 15 July 1948, of the Armistice Agreement and of the Charter; (*b*) it called upon Israel alone to take effective measures to prevent all such actions in the future, thereby showing that only Israel was able and willing to repeat such action; (*c*) it recognized the fact that the Government of Jordan had already taken measures to prevent the border crossings; (*d*) it adopted the thesis of Jordan and General Bennike on the usefulness of the co-operation of local security forces to curb infiltration; (*e*) it emphasized the fact that respect for and compliance with the General Armistice Agreement was the only condition towards a lasting peaceful settlement of the issues outstanding between the parties; and (*f*) it provided for the strengthening of the Truce Supervision Organization.

94. The representative of GREECE said that, in presenting their joint draft resolution to the Council, the three sponsoring Powers had endeavoured to make the best of a bad situation. They had tried to be impartial and fair by adding in the second revision of their text the paragraph concerning Israel's proposal regarding the implementation of article XII of the Israel-Jordan Armistice Agreement. It was an axiom that the Security Council was an instrument for the promotion of the cause of peace, a peace not based on the prevalence of the interests of either party. To achieve that, the parties concerned should make an effort to call a halt to their dangerously recurring resentments, however right and justifiable the latter might appear in their eyes. In the hopeful expectation that a final Palestine settlement was not far off, the resolution which the Council had adopted took stock of the present situation on the strength of the existing Armistice Agreement and from the tragic angle of the Qibya incident. Finally, his delegation fervently hoped

that the resolution might bring the parties to a fuller and more far-reaching realization of their real interests.

95. The representative of COLOMBIA said that, in voting for the joint draft resolution, his delegation had wished to place on record its view that the sanguinary events which had occurred at Qibya had been deplorable and, as the reports of the Chief of Staff indicated, had constituted a gross violation of the Armistice Agreement. He added that Colombia had no particular political or economic ties with either of the countries involved and had considered the matter with complete impartiality. Finally, his delegation trusted that it would be possible in the near future for a peace treaty to be signed between Israel and Jordan in accordance with article XII of the Armistice Agreement, thereby bringing to an end the current anomalous and disturbing situation and providing a permanent solution of all the problems which impaired good relations between those two countries.

96. The representative of CHINA said that the factual information available to the Council on the Qibya incident, though incomplete, was considerable and reliable. That information justified, in his opinion, part A of the adopted resolution. Although there had been other incidents on the Israel-Jordan border, Qibya stood by itself both in its gravity and in its foolishness. The Council was fully justified in singling out that incident for special censure. Moreover, the representative of Israel had repeatedly pleaded with the Council to take some action with a view to promoting a final peace settlement. His delegation stood ready to make a contribution towards that objective. When the armistice régime was prolonged beyond a reasonable period of time, it became abnormal. However, he felt that the present moment was not opportune because the Qibya incident had damaged the prospects for a peace settlement. If the Government of Israel should itself investigate the circumstances of that incident, find out those responsible, mete out due punishment to the guilty and offer due compensation to the victims, it would, in his opinion, be a step towards creating an atmosphere conducive to a peace settlement.

97. The representative of ISRAEL did not believe it necessary for him to say anything in elaboration of the criticisms which he had submitted with respect to the adopted resolution. However, he believed it his duty to express satisfaction with the fact that the Council had introduced into its decision a reference to the invocation by his Government of article XII of its Armistice Agreement with Jordan. His Government's initiative had been taken partly to correct what it felt to be a basic defect in the current operation of international organs and, indeed, in the whole state and atmosphere of regional relationship, namely, the absence in the Middle East region of direct processes of contact and the absence from recent decisions of a clear call for the establishment of such contact.

98. The representative of PAKISTAN recalled that he had characterized the resolution as unsatisfactory in some of its features and had promised to submit his own suggestions with regard to its strengthening. Nevertheless, his delegation had voted for the resolution without putting forward any amendments. The reason was that its first objection had been met by the firm conclusion that the Qibya aggression had been undertaken by the army of Israel, presumably in pursuance of general directions based upon policy or a particular direction received from its Government. His delegation had been confirmed in that conclusion by a complete absence of any explanation by the representative of Israel, in the light of investigations by the Government of Israel, as to the identity of those who had carried out that expedition.

99. The representative of DENMARK said that the initiative taken by the three sponsoring Powers in asking for an urgent meeting of the Council as a consequence of the terrible action at Qibya had been a proper step. The adopted resolution seemed to be the logical conclusion of that initiative. Since no right of retaliation was given by virtue of the General Armistice Agreement between Jordan and Israel, the condemnation of the action had been bound to take a strong form. The resolution, while referring to Qibya, declared correctly that all such actions constituted a violation of the Council's resolution of 15 July 1948, as well as of the General Armistice Agreement. The Government of Jordan, therefore, had acted in conformity with its obligations by not reacting with retaliatory measures in its turn. In so far as part B was concerned, he found it correct for the Council to request the Government of Jordan to continue and strengthen the measures which it had already taken to prevent those crossings of the demarcation line. The dynamic part of the resolution was, however, contained in part C. He hoped that the additional personnel that would be placed at the disposal of the Chief of Staff would be sufficient and of practical importance. He also hoped that the Chief of Staff, when reporting to the Council within three months, might be able to tell the Council of improvements in the atmosphere so that the Council could regain its confidence and belief in the willingness of both parties to move towards a peace born of a vision of a future rich in possibilities for diminishing human misery and sufferings.

100. The representative of CHILE said that his delegation, in voting for the joint draft resolution, expressed its sincere desire for the earliest possible attainment of a permanent settlement of all the problems dividing Israel and the Arab States. His Government cherished sincere friendship for all those countries and earnestly desired that peace and international co-operation might prevail among them; the adopted resolution left the way open to those aims.

B. Complaint by Syria against Israel concerning work on the west bank of the River Jordan in the demilitarized zone

1. INCLUSION OF THE ITEM IN THE AGENDA

101. In a letter dated 12 October 1953 (S/3106), addressed to the Secretary-General, the Permanent Representative of Syria to the United Nations charged that, on 2 September 1953, the Israel authorities had started works to change the bed of the river Jordan in the central sector of the demilitarized zone between Syria and Israel with the purpose of diverting the river into a new channel in order to make it flow through territory controlled by the Israel authorities. Those acts had been accompanied by military operations in the central sector and by partial mobilization behind it. By acting in that manner, the Israel authorities had violated the provisions of the Israel-Syrian General Armistice Agreement, in particular article V. According to the very clear and explicit text of that

agreement, no military force might be stationed in the zone. In addition, the administration of that zone was made the responsibility of the local authorities under the Chairman of the Mixed Armistice Commission. Thus, the zone was not subject to the authority of either of the parties. Consequently, the Israel authorities had not been entitled to undertake any works in any sector of the demilitarized zone. The effect of the works was to deprive the riparian inhabitants along the Jordan of the water they needed to irrigate their land. Article V of the General Armistice Agreement explicitly provided for the exercise of normal activities by the population of the demilitarized zone. To deprive them of water, a vital necessity, was to prevent them from carrying on their normal daily occupations in peace. The letter stated that the rights of Syrian riparian landowners to the Jordan waters were of long standing and had never been disputed. However, those landowners had been deprived of the water to which they were legally entitled.

102. Furthermore, article II of the General Armistice Agreement provided that neither of the parties should gain any military advantage; by attempting to change the course of the Jordan, the Israel authorities had gained such an advantage in contravention of article II.

103. The Syrian Government had brought the above facts to the attention of the Chief of Staff of the United Nations Truce Supervision Organization in Palestine, who, in his capacity of Chairman of the Israel-Syrian Mixed Armistice Commission, and in accordance with provisions of the Armistice Agreement, had requested the Israel authorities to call a halt to the operations begun in the demilitarized zone on 2 September 1953. Despite the explicit terms of that request, the Israel authorities had refused to comply with it. Such an attitude was both arbitrary and illegal and constituted proof that the Israel authorities did not mean to respect the Armistice Agreement which they had signed on 20 July 1949.

104. In another letter dated 16 October 1953 (S/3108/Rev.1), the Permanent Representative of Syria addressed a similar complaint to the President of the Security Council, requesting him to convene a meeting of the Council so that the question might be placed on its agenda and a prompt decision taken.

105. On 23 October 1953, the Chief of Staff of the Truce Supervision Organization forwarded to the Secretary-General, for the information of the Security Council, a report (S/3122) containing the text of a decision he had taken on 23 September 1953, to the effect that the authority which had started work in the demilitarized zone on 2 September 1953 was instructed to cease working in the zone so long as an agreement was not arranged. The report also contained a letter, dated 24 September, from the Israel Foreign Minister and the comments made thereupon by the Chief of Staff. In his report, the Chief of Staff stated that it had been explained on the Israel side that the work in question, begun in the central sector of the demilitarized zone, was preliminary to the digging of a canal between the Jordan River and Lake Tiberias. By far the greater part of the canal would be to the west of the demilitarized zone. A reservoir would be constructed at a height of 40 metres above sea level. The power station would be erected about 2 kilometres west of the mouth of the Jordan at a height of 200 metres below sea level. The water drop of 240 metres from the reservoir to the power station would generate electric power of 24,000 kilowatts per hour. The project was sponsored by the Israel Government Water Planning Authority and was being carried out within the framework of the concession granted on 5 March 1926 to the Palestine Electric Corporation for the utilization of the waters of the Jordan and the Yarmuk for generating and supplying electrical energy. After conducting a general inquiry and considering the views of the parties to the Armistice Agreement, the Chief of Staff had arrived at the following conclusions:

(*a*) Work had been started on the west bank of the Jordan allegedly on no lands other than Israel lands, but that fact was being disputed;

(*b*) The allegations that Arab water mills in the area had ceased to operate, due to lack of water resulting from Israel work in the bed of the river, appeared to be plausible;

(*c*) As regards the likelihood of interference with normal civilian life in the demilitarized zone resulting from the construction of the projected canal, the lowering of the waters of the Jordan would affect the life of the Arab villages depending on the river. It would, in particular, interfere with the working of the water mills which they used;

(*d*) In that connexion the question of the irrigation of lands belonging to Syrian landowners was of particular importance. The rich lands of Buteiha Farm, with their three annual crops, depended on an elaborate irrigation system. In October 1951, during a two-day test by the Israelis of checking gates south of Lake Huleh, that irrigation system had lost 70 per cent of its water. Though the Government of Israel had stated that the full volume of Jordan water now being used by Arab landowners for irrigation purposes would be assured, the Syrians had objected to the irrigation of their lands depending in the future on Israel's good will. Irrespective of that Syrian viewpoint, it might be said that the waters in the bed of the river were already very low during the dry season, and it was likely that, unless special arrangements were made, the projected canal and power station would sometimes leave the Jordan with very little, if any, water.

(*e*) As regards the military aspect of the question, the Jordan in its deep valley was a serious obstacle for any troops, particularly motorized troops, which might attempt to cross it. A party to the General Armistice Agreement which, by means of a canal, could control the flow of the Jordan in the demilitarized zone, changing it or possibly even drying it up at will, could alter at will the value to the other party of the demilitarized zone, which had been "defined with a view toward separating the armed forces of the two parties in such manner as to minimize the possibility of friction and incidents . . ."

106. In view of the above, both on the basis of the protection of normal civilian life in the area of the demilitarized zone and of the value of the zone to both parties for the separation of their armed forces, the Chief of Staff did not consider that a party should, in the absence of an agreement, carry out in the demilitarized zone work prejudicing the objects of the zone, as stated in article V, paragraph 2, of the General Armistice Agreement.

107. In commenting (S/3122/Annex II) upon the decision of the Chief of Staff, the Minister for Foreign Affairs of Israel declared that the substance of

the Chief of Staff's views and their underlying assumption appeared to be at marked variance with the position so far maintained by the competent organs of the United Nations as regards works of that nature in the demilitarized zone. He recalled that the Acting Mediator's letter of 26 June 1949 had assured both Israel and Syria that the United Nations would ensure that the zone would not become a vacuum or wasteland. Also, the former Chief of Staff, General Riley, had declared, in the course of the discussion by the Security Council on the Huleh question in 1951, that the Mixed Armistice Commission's jurisdiction would be involved only in connexion with Arab refugee land within the demilitarized zone itself. Moreover, the present works were conducted on the basis of existing private rights, within the demilitarized zone, including the concession held by the Palestine Electric Corporation, which the United Nations Truce Supervision Organization was called upon to safeguard. Full care had been taken to ensure that the work should in no way infringe upon any private Arab land in the area, or curtail the use of water for irrigation by landowners and cultivators within the demilitarized zone. In those circumstances, it had been only natural that the Chairman of the Commission, when informed of the commencement of the project, should have expressed his concurrence with it.

108. As regards the Buteiha Farm, the decisive consideration was that the Armistice Agreement provided for the restoration of civilian life—and, by implication, for the protection of private rights—only within the demilitarized zone and not outside it, either in Syria or in Israel. The undertaking given by Israel that the volume of Jordan water used by the Buteiha Farm for irrigation purposes would be assured for the future had been an *ex gratia* act. As for the operation of the checking gates, that again had been a matter of internal administration of the demilitarized zone and not one of concern to Syria.

109. In the circumstances, the Minister for Foreign Affairs wished to offer the following observations: (1) In view of the repeated assurances given by Israel that the works had not involved, nor would they in the future involve, the use of Arab-owned land in the demilitarized zone, it was evident that that possibility conjured by Syria was purely hypothetical; that obstructive attitude provided no valid reason for discontinuing a vital scheme. (2) As for the water mills, no claims had ever been advanced, either by the United Nations or by Syria, that water from the Jordan River was required for the operation of mills on the east bank. Despite the fact that two of the mills had actually not been in operation for years, the canal leading to those mills branched off from the Jordan north of the point from which the contested new canal was being dug, so that the digging of the canal and the diversion of water into it could have no possible effect upon those mills. (3) The point concerning the likelihood of interference with normal civilian life in the demilitarized zone as a result of the construction of the projected canal was fully met by Israel's definite assurances that the volume of Jordan water now used by Arab landowners or cultivators for irrigation purposes would remain available in the future. (4) As regards the absence of military advantage to either party within the zone, the possible effect of the digging of a canal running parallel to the Jordan river bed could only facilitate the separation of the armed forces of the two parties, since a party bent upon aggression would find yet another obstacle to overcome. (5) Syria's title to raise the question of military advantage must be challenged in principle, since according to article II, paragraph 1, of the Armistice Agreement the principle that no military advantage must accrue to either party had been valid only during the truce period which had preceded the conclusion of the Armistice.

110. In the Government of Israel's interpretation of the Armistice Agreement, borne out by former United Nations practice and pronouncements, the only question of agreement that could arise was with local inhabitants of the demilitarized zone, bearing on their private rights. In the specific circumstances of the present case, no issues existed which called for such agreement, and, consequently, the continuation of the work could not be made conditional thereon. Finally, Israel believed that the functions of the Chairman of the Commission, which was an organ established as a result of the agreement of the parties, were precisely those which they had defined. Thus he could not operate by mandatory requests directed to the very Governments which had defined his functions.

111. In his comments upon the letter of the Minister for Foreign Affairs of Israel (S/3122/Annex III) the Chief of Staff said that he had studied the relevant decisions and statements by the competent organs of the United Nations since 1949 and that he thought that his position with regard to the canal project was consistent with them. After visiting the area and studying the Israel project, he had found not only that there had already been some interference with normal civilian life, but also that the completion of the project was likely to bring about greater disturbances unless definite obligations were entered into with a view to avoiding them. In the absence of such obligations, some Arab land, which for many years had depended on the water of the Jordan for irrigation, might become a vacuum or a wasteland.

112. Although he had taken into account the obligation to ensure such protection he did not agree with the contention that, under the Armistice Agreement, the sole concern of the United Nations representative throughout had been to ensure that, in the course of the execution of development projects, established private rights in the zone should be adequately protected. He recalled that the question of the military advantages which the execution of the Huleh scheme might have given to Israel had been settled in the negative, following an agreed procedure between the parties, by requesting the Chief of Staff for an opinion. However, the absence of an agreed procedure in the case of the present Israel project, which would considerably alter the flow of the Jordan in the demilitarized zone, did not, in his view, relieve the Chairman of the Mixed Armistice Commission of the responsibility for considering the military consequences of such a project in the light of the provisions of the General Armistice Agreement.

113. He believed that the question of assurance regarding the use of water was one of the questions which should have been discussed before starting work on the project. He was convinced that, unless definite obligations were entered into to protect existing water rights, the canal project would leave the present river bed with very little, if any water, during the dry season, when the lands would be most in need of irrigation.

114. The value of the demilitarized zone as a buffer zone would be different if one party controlled the flow of the Jordan in the zone by means of a canal. From a purely military viewpoint, the existence of such a canal would permit the party controlling it to economize its forces in the area and to increase them elsewhere.

115. As to the contention that the principle that no military or political advantage should be gained under the truce was no longer valid due to the signature of the Armistice Agreement, the Chief of Staff recalled that, in February 1951, both Israel and Syria had agreed to seek the opinion of the Chief of Staff on the question whether the Huleh project would give either party any military advantage. Whereas Lake Huleh and the Huleh marshes were outside the demilitarized zone, the Jordan river, between Lake Huleh and Lake Tiberias, flowed into that zone. Accordingly, the Chief of Staff had considered the military aspect of the project in accordance with his powers under article V and not in reference to paragraph 1 of article II of the Agreement. The Chief of Staff's position on established private rights remained the same as that of his predecessors, i.e., the rights involved in the concession granted by the High Commissioner for Palestine to the Palestine Electric Corporation Ltd. in 1926 did not fall within the jurisdiction of the Mixed Armistice Commission or its Chairman. He was only concerned with the implementation of article V of the General Armistice Agreement, which included the protection of the rights of Arab owners, whose lands should not be worked upon, flooded or deprived of water without their consent, and also the protection of acquired rights to the water of the River Jordan which flowed in the zone and which had been used up to then for irrigating lands, watering cattle, or operating mills.

116. There was a considerable difference between the Huleh drainage scheme and the present canal project. The execution of the former had not diminished the quantity of water flowing in the bed of the Jordan in the demilitarized zone, nor had it caused damage to irrigated land. The construction of the projected canal would, however, alter the flow of the Jordan permanently and, unless definite obligations were entered into, it would in all likelihood adversely affect the life of the people depending on the water of the river.

117. Regarding the contention that it had been natural for the Chairman of the Israel-Syrian Mixed Armistice Commission, when informed of the commencement of the project, to have expressed his concurrence with it, the Chief of Staff pointed out that the Acting Chairman of that Commission had been informed of the commencement of the project on 2 September, when the work had already started. On 3 September, the Acting Chairman had received a letter from the Israel representative requesting him to confirm, in writing, his concurrence with the project. The Acting Chairman had asked for more details about the project and had been shown, on 7 September, the proposed route of the canal. On 9 September, he had sent to the Israel representative a note informing him that due to the importance of the project, and to the fact that he was only Acting Chairman, he had put the whole matter into the hands of the Chief of Staff. It did not result from the above that the necessary concurrence had been expressed with regard to the canal project.

118. As to the contention that no Arab-owned land had been affected, it had been proved that the Arabs owned four plots of land located on the right bank of the Jordan where the Israel engineers had constructed the dyke necessary to start the canal project. Moreover, despite Israel assurance in that respect, that land had been used during construction of the dyke.

119. The Chief of Staff stated that since his inspection of the two Arab water-mills had been rapid, one of them might have been idle, but the other had been in operation that season. Actually, when he had visited it, he had found that the canal leading to it had not contained enough water for its operation; the United Nations observers had confirmed that the water level had fallen to one-third of its former level, following the destruction by Israel workmen of the dyke which had been built in the river bed to divert water into the canal prior to the construction of the new dyke across its western branch.

120. As regards the Buteiha Farm, the Syrian agreement had been based on the fact that the Franco-British agreement of 1923 had maintained the existing rights of the inhabitants of Syria over the use of the waters of the Jordan. Therefore, that right did not depend on what, in the Israel opinion, had been an *ex gratia* act.

121. Finally, as regards the Israel contention that the Chairman could not have more authority than had been given to him by the two parties to the Armistice Agreement, the Chief of Staff believed that that view could not be taken to imply that it remained for either party to decide whether the Chairman acted in conformity with the functions conferred upon him by both parties. In case there was a difference on the interpretation of the provisions of article V, or of any other article, paragraph 8 of article VII of the Agreement stated that, where interpretation of the meaning of a particular provision of the Agreement was at issue, the Commission's interpretation should prevail. Also, as regards the Israel contention that the Chairman of the Mixed Armistice Commission should not operate by mandatory requests directed to the very Governments which had defined his functions, the Chief of Staff wished to recall that, on two separate occasions, General Riley had made such requests and that they had been complied with by Israel.

2. Resolution of 27 October 1953

122. At the 629th meeting of the Security Council (27 October 1953), the representatives of Syria and Israel were invited to the Council table.

123. The representative of Pakistan stated that it would be a wise precaution if the Council were to endorse the request made by the Chairman of the Israel-Syrian Mixed Armistice Commission of 23 September 1953 so that the works might be suspended pending the consideration of the case by the Security Council. He then submitted the following draft resolution (S/3125):

"The Security Council,

"Having taken note of the report of the Chief of Staff of the Truce Supervision Organization dated 23 October 1953 (S/3122),

"Desirous of facilitating the consideration of the question, and without prejudice to its merits,

"*Requests* the State of Israel that the authority which started work in the demilitarized zone on 2 September 1953 be instructed to cease working in the zone pending the consideration of the question by the Security Council."

124. At the 631st meeting (27 October), the representative of ISRAEL informed the Council that he was empowered to state that his Government was willing to arrange such a temporary suspension of the works in the demilitarized zone for the purpose of facilitating the Council's consideration of the question, without prejudice to the merits of the case itself.

125. The representative of FRANCE declared that the statement of the representative of Israel appeared to have rendered pointless the Pakistan draft resolution. He felt that the Council should take note, in the form of a resolution, of the undertaking given by the Israel delegation, express its satisfaction with it and also request the Truce Supervision Organization to supervise its implementation during the Council's deliberations. He submitted the following draft resolution (S/3128):

"*The Security Council,*

"*Having taken note* of the report of the Chief of Staff of the Truce Supervision Organization dated 23 October 1953 (S/3122),

"*Desirous* of facilitating the consideration of the question, without however prejudicing the rights, claims or position of the parties concerned,

"*Deems* it desirable to that end that the works started in the demilitarized zone on 2 September 1953 should be suspended during the urgent examination of the question by the Security Council,

"*Notes* with satisfaction the statement made by the Israel representative at the 631st meeting regarding the undertaking given by his Government to suspend the works in question during that examination,

"*Requests* the Chief of Staff of the Truce Supervision Organization to inform it regarding the fulfilment of that undertaking."

Decision: *The draft resolution was adopted unanimously.*

126. At the 633rd meeting (30 October), the PRESIDENT informed the Council of the receipt of a letter from the Chief of Staff of the Truce Supervision Organization, pursuant to the Council's request of 27 October, informing it that the work on the project had stopped on 28 October at midnight.

3. VIEWS OF THE PARTIES AND OF THE MEMBERS OF THE COUNCIL

127. At the 633rd meeting (30 October), the representative of SYRIA explained why his Government had requested the inclusion of the item in the agenda. He gave a short history of the development of the dispute, dealing with the nature of the Armistice Agreement, and particularly article V thereof, recalled the history of the demilitarized zone, and described the military advantages to Israel accruing from the project. In conclusion, he said that: (1) The object of the works was to divert the Jordan River, draw it to Israel-held territory, and make it a military factor within Israel borders, putting its waters, an essential element of civilian life of the demilitarized zone, under Israel control. That was being done to the detriment of military and other considerations involved. (2) The works were being carried out in defiance of the Armistice Agreement and the decision of General Bennike and entailed serious consequences which had motivated the Chief of Staff's decision as explained in his report. (3) Those works manifested a policy on the part of Israel defying the United Nations machinery and disregarding the Armistice Agreements.

128. He then indicated that the Council might tell Israel to behave in a way which did not factually or legally influence the rights, claims or positions of the other side, safeguarded by the Armistice Agreements. The situation in the demilitarized zone in general and in particular with regard to the unwarranted works under consideration, might be brought back to its original status and condition. Moreover, the international machinery to help supervise and implement the General Armistice Agreement could be locally strengthened so as to enable it to fulfil its functions properly, promptly and effectively. One way to strengthen that machinery was for the Council to uphold the local international authority by practical, clear and unambiguous decisions; the second way was to build up that machinery in membership and means at its disposal so as to render it apt and adequate to achieve its purpose.

129. The representative of ISRAEL gave a brief history of the matter and recalled that the Security Council had already rejected the notion of a Syrian veto power over Israel's legitimate development projects in its decision in the case of the Huleh marshes in 1951. His delegation attached great importance to that rejection. The armistice system could not operate honestly or effectively if there was to be no consistency and continuity in its jurisprudence. In 1951, it had been held lawful for a concessionaire holding statutory and legal property rights in the demilitarized zone to alter the Jordan bed for drainage, provided that private land interests were respected. It was, then, equally lawful for a legitimate concessionaire now to construct a canal for electric power in the same area and under an equally valid title, provided that other private rights were not prejudiced. If Syria's objections to work in the demilitarized zone, leading to the drainage of marshes outside the zone, had been rejected in 1951, then equally they could not be accepted at the present time with regard to work in the demilitarized zone leading to power and irrigation development outside the zone. If the drainage project had been subject only to the reservations of private rights in 1951, then another project in the same area could not be subject to new and more far-reaching reservations at present. The Council could not, in all honour and justice, transform the law of yesterday into the illegality of today; it could not be selective in the application of principles. If the United Nations and the Governments concerned would show fidelity to the ideas and principles which they had enunciated in the summer of 1951, there was no insuperable obstacle to the peaceful execution of the hydroelectric project, with the full protection of other legitimate interests.

130. In conclusion, he stated that: (1) The hydroelectric project involving the construction of the Jordan canal was a legitimate civilian project which the Palestine Electric Corporation had a legal right to execute. The project itself was of vital economic

benefit, and the canal, when completed, could easily be integrated either into national or into regional water projects conducive to the general welfare. (2) The waters concerned at no point passed through Syrian territory, so that Syrian complaints were ill-founded. Moreover, the principles and practices adopted by the Security Council and General Riley in 1951 committed the United Nations firmly to the view that Syria did not have a lawful right of veto in connexion with legitimate development projects in the demilitarized zone. As a matter of general equity, Syria, which itself had no physical ability to use the Jordan and which had vast water resources, should not be encouraged to deny access to Jordan waters for Israel, in whose territory that river did flow and for whom it was the only source of water supply. (3) The powers of the Chief of Staff in the matter were defined in General Bennike's letter of 20 October in terms of protecting land and water interests in the demilitarized zone and ensuring that the zone fulfilled its role under the Armistice Agreement. That letter clearly stated that those were the only issues which determined the right to continue the project. With reference to land rights, the execution of the project did not necessitate any encroachments on Arab lands without the permission of their owners. In cases where any encroachments by passage, however slight, had been proved, the Israel Government undertook the avoidance of any such encroachment in the future. With reference to water, it was an undoubted fact that the hydroelectric project under discussion could be reconciled with the full satisfaction of all existing irrigation needs. The Government of Israel was prepared to give an undertaking to that effect and to discuss procedures whereby such an undertaking could be statutorily invoked, even in an area where Israel had no legal duty to make such provisions. With reference to the military aspects of the demilitarized zone, the Government of Israel adhered to the terms of the Armistice Agreement, according to which the consideration of military advantage was relevant only to the truce, which had been replaced by the Armistice. Subject to the reservation that no one had the right to raise that matter at all without discrediting the basic assumptions of the Armistice Agreement, his Government pointed out that the practical effect of the new canal would be to make the aggressive movement of armed forces in either direction through the demilitarized zone more difficult than it was at present, and that the maintenance of the exact topography of the zone was not something which either party was entitled to invoke.

131. At the 636th meeting (10 November), the Council invited Major General Vagn Bennike, Chief of Staff of the United Nations Truce Supervision Organization in Palestine, to take part in the Council's deliberations.

132. The representative of SYRIA emphasized the difference between the Huleh situation in 1951 and the case under discussion. He stated that the Israel thesis appeared to consist of the following: No right on the part of Syria to object or consent to Israel actions; no real authority of the United Nations Chief of Staff to make Israel abide by his decisions; no restoration of normal civilian life in the demilitarized zone except to ensure its control by Israel; no international rights of other countries on the international river; and no relevance of military considerations in an armistice. Those were a set of negations which all led to one positive result, namely, the possibility for Israel to act unilaterally in the whole matter and to proceed in the demilitarized zone to divert the Jordan river. Moreover, the representative of Israel had not based his arguments on the Armistice Agreement, to which he had hardly made any reference. Unable to find reasons in the international agreements or in the decisions of General Bennike, he had discarded them and had paid lip-service to international authority. To Israel, the project was to be considered solely on the basis of its economic and military benefits to the Israelis, to the exclusion of many other possible international economic projects which were being contemplated. The current project was relevant to the discussion only as much as its military, juridical, economic and other consequences and effects influenced the implementation of the Armistice Agreement and its provisions concerning civilian life in the demilitarized zone and rights of Syria. Had the Israel authorities been undertaking such a project by using the resources of Israel-held territory and not those of the demilitarized zone, Syria would have no reason to object.

133. He contended that Israel had sought but had not obtained the prior consent of the Chief of Staff. He emphasized that the projected canal was incompatible with the so-called Unified Project of the Tennessee Valley Authority concerning the Jordan. The representative of Syria also stressed the attempt by Israel to deform and denature the authority of the United Nations Chief of Staff, as well as the military implications of the existing situation. In conclusion, he stated that: (1) The Israel action to divert the Jordan river from its bed without any prior arrangement based on the consent of each of the two sides to the Armistice was an unwarranted, unilateral action with grave military and other consequences. Both the action and the consequences were a breach of the Armistice. (2) The current Israel project was not the only one that the Israel authorities or other authorities could embark on for utilizing the Jordan waters. There were many other projects which the current project, if executed, would thwart and render impracticable. All those projects and plans, whether emanating from Syria, the Israel authorities or the United States of America, or any other country, should be kept tentative until such time as suitable international arrangements were arrived at by the consent of the authorities legitimately concerned. Syria had no quarrel with projects as such; its opposition was only to unilateral actions which unjustly affected each and every other project under consideration as well as its wish to safeguard rights under the Armistice Agreement. (3) Once the Armistice was fully, unhesitatingly and unequivocally implemented, two fundamental results would have been obtained as a prerequisite to the maintenance of peace in the area: (*a*) The door to arrogant unilateral actions and accomplished facts would be closed. Once that door was definitely closed, then thought might really be turned to seeking arrangements which could effectively take into consideration the legitimate rights of all those concerned. (*b*) The second result would be that the full implementation of the Armistice would not only maintain peace but would also contribute confidence in international arrangements and in the authority of international institutions and law. Such confidence was badly needed and was an essential prerequisite for dealing with Near Eastern issues. (4) The Israel authorities undoubtedly sought to free themselves of the Armistice while interpreting it or modify-

ing its objects whenever it did not suit their purposes. Such a state of affairs could not continue without creating increasingly grave and nefarious results. If Israel wished properly to interpret the Agreement, then it should find remedy in article VII; if it wanted the Agreement or its objects properly modified, then it should avail itself of article VIII. Israel did neither. It took the way of unilateral interpretations and modifications of the Agreement, a way which should definitely be debarred by the Council. (5) The Council, with all its high authority, certainly would not alter the Agreement by its decisions or substitute its decisions for the consent of the parties; its decisions would naturally be intended to implement the Agreement. The various interests which Syria, the Israel authorities, the United States of America or any other country might have did not constitute the elements of the issue before the Council, except to the extent that those interests might affect the Armistice Agreement itself and the rights, claims and positions safeguarded by the Agreement until other arrangements were arrived at by the mutual and free consent of the two parties to that Agreement.

134. At the 639th meeting (18 November), the representative of LEBANON said that a thorough and objective examination of the report of the Chief of Staff, as well as of the various statements made to the Council, established the following seven indubitable facts: (1) Large-scale work had been started in the demilitarized zone created by the Israel-Syrian Armistice Agreement. That work had been sponsored, supported and defended by one party to the Agreement and the work had been started and pursued not only without the approval of the other party, but even without prior consultation with it. (2) The work had been started and prosecuted in the demilitarized zone without a prior authorization from the Chief of Staff who was responsible for the implementation of article V of the Armistice Agreement relating to the zone. (3) The work which had been started in the demilitarized zone affected the water, lands and properties of the inhabitants of the zone. However, the work had been started without any previous arrangement with them about their rights in those waters, lands and properties. (4) The work which had been started in the demilitarized zone would bring about a substantial modification of the geophysical features of the zone, as evidenced by paragraph 4 of annex III of document S/3122. (5) The work had military consequences which were all, according to the Chief of Staff, who was the only objective and neutral authority on that question, to the advantage of one party to the Agreement. (6) The work would bring about, if continued, a definite integration of the zone into the economic and hydroelectric system of one of the two parties to the Armistice Agreement, an integration which was neither stipulated in the Agreement nor permitted by it. (7) The work would produce in the demilitarized zone and elsewhere a total change in the flow of the waters of an international river, the Jordan river.

135. Those incontrovertible facts constituted in their negative aspects a violation of the Israel-Syrian Armistice Agreement; they amounted in their positive consequences to a radical alteration of the conditions in the demilitarized zone, an alteration which, according to the Armistice Agreement itself, should not take place without the mutual consent of the two parties to the Agreement. Whether the party responsible for those seven indubitable facts had been Syria or Israel, that party would have been guilty of a violation of both the spirit and the letter of the Armistice Agreement; that party should not be allowed by the Council to resume the work in the demilitarized zone before it reached an understanding with the other party to the Agreement.

136. Those views might appear to go beyond the precedent established by the Council in a similar case —the Huleh case. The reasons were the following: the difference between the two cases had been pointed out by the Chief of Staff in conformity with his rights and duties under the Armistice Agreement, which had been confirmed in the resolution of the Council on the Huleh case. The works started and completed prejudiced the ultimate settlement, a prejudice completely excluded by the terms of paragraph 2 of article V of the Armistice Agreement. They also went beyond the mere interpretation of the Agreement because they raised the problem of the objective of creating and maintaining the demilitarized zone, and affected the question of sovereignty in the zone. They consequently amounted to a unilateral alteration of some clauses of the Agreement. Moreover, the decision of the Council in the Huleh case had proved ineffective. Indeed, an objective inquiry into the manner in which Israel had implemented that decision would show that Israel had not implemented it faithfully.

137. The representative of Lebanon then dealt with the military aspects of the canal project and the relation of the project to, and effects on, the recognized legal status of the demilitarized zone. He endeavoured to prove the existence of a contradiction in Israel's position concerning the alleged principle that military occupation of an area did not give rise to legal sovereignty over that area. First, regardless of Israel or Syrian claims to sovereignty over the demilitarized zone, the interpretations given by United Nations officials and by the Council to the Armistice Agreement stipulations concerning the zone established the fact that, until a final settlement was reached between Syria and Israel, no State had sovereignty over the zone. Secondly, since no State had sovereignty over the zone, there was no single authority at that time which was entitled to consider itself heir to the British mandatory authority, and which could use its sovereign right to decide whether, under the new conditions created in Palestine, the concession of the Palestine Electric Corporation was or was not still applicable in the zone or whether it was in the interest of the inhabitants of the zone. Thirdly, the United Nations Truce Supervision Organization was not exercising in the demilitarized zone the rights of a sovereign State; it was limiting itself to the task of supervising the implementation of the clauses of the Armistice Agreement relating to the zone. Fourthly, since it was not yet decided whether the zone would become Syrian or Israel territory, a modification in its conditions as radical as that which was planned by the Palestine Electric Corporation was to the disadvantage of the State which had not given its consent to it. It established a *de facto* situation which prejudged, in favour of one of the two parties, the question of sovereignty over the zone. Therefore, the Lebanese delegation held that the work of the Corporation in the demilitarized zone should be suspended either until the question of sovereignty in the demilitarized zone was decided in a final settlement between Syria and Israel, or until Syria and Israel had agreed on the legality and the usefulness of the work.

138. To that legal approach to the problem, an extralegal, apparently dynamic, economic approach had been vigorously opposed. It had been contended that the whole economic picture of a State hung on the canal project. In that connexion, he recalled the emphasis placed on the question of principle in the discussion of the Huleh question. The respect of international obligations was as vital and as important to the survival of the State as its alleged economic dynamism.

139. The representative of ISRAEL stated that the absence of a Syrian right to affect the canal project was established by geography and history; by the texts of the Armistice Agreements and related documents; by all the international treaties and agreements which had ever affected the Middle East; and by the aims and principles of regional development. In amplification of those theses, he pointed out that the Jordan was a river which flowed through Israel and never through Syria, passing at some points through the demilitarized zone, which was itself specifically non-Syrian, and in which established civilian rights were subject to the duty of the United Nations Chief of Staff to protect other valid civilian rights. Moreover, the Armistice Agreement between Syria and Israel had required the withdrawal of Syrian troops from the demilitarized zone. The Franco-British Agreement of 1923 had completely excluded the Jordan river from any territory under Syrian control. As to the allegation that the canal was incompatible with the proposed TVA project, he stated that the Israel Government had sought the counsel of three eminent authorities on water problems, and they had declared that the projected canal was completely compatible with the TVA plan or any other plan for irrigating the Jordan valley.

140. The representative of PAKISTAN submitted a number of questions which he believed either the Chief of Staff or the Secretariat of the United Nations might find themselves in a position to answer. He requested information on the present and past uses, in respect of irrigation or any other advantage enjoyed by Syrian nationals within the boundaries of Syria, deriving from the stretch of the River Jordan which was in dispute. In particular, he wished to know the area of the Buteiha Farm receiving irrigation from the Jordan, the total area of that farm and that part of it capable of receiving irrigation if there were no interference with the flow of the river, and whether there existed other lands—not merely Arab-owned lands in the demilitarized zone, but any other lands within Syria—which received irrigation from that part of the River Jordan or derived any other advantage from the river. Assuming that the canal project was carried out, he wished to know: whether it would be possible at any later stage to convert it into an irrigation project; in that event, whether the volume of the water in Lake Tiberias would be affected to any degree, and if so, whether the degree of salinity of the waters of Lake Tiberias and of the River Jordan below that lake would in any manner be affected. Finally, if any such change were brought about, how would the current uses based on the Jordan, or any advantages currently derived from that river by the State of Jordan, be affected?

141. The representative of SYRIA said that the question before the Council was not, as the representative of Israel had contended, that of social and economic progress; it was peace as established by the Armistice Agreement. The wishes of Israel and the benefit that it might draw from any project were not at issue. There were many other constructive projects that could be of use to the area provided they were executed lawfully and in accordance with the standards of international behaviour. The issues were whether international behaviour should be subjected to international agreement, whether the Armistice Agreement should be applied, whether international treaties should be respected and whether the United Nations authority was to be respected instead of being flouted. The representative of Israel had spoken of the demilitarized zone as Israel territory. But the status of that zone had been established by the Armistice Agreement and by the Acting Mediator's letter, and that situation had to continue until such time as the parties themselves agreed to alter it.

142. As for the contention that the projected canal could be integrated into the proposed TVA plan, the difference was that, whereas the TVA plan was to be based on an international arrangement of some kind, the current Israel project was to be based on unilateral action and would leave little or no water flowing in the Jordan.

143. At the 645th meeting (3 December), the CHIEF OF STAFF OF THE TRUCE SUPERVISION ORGANIZATION replied to some of the questions submitted by the representative of Pakistan. He explained that water from that stretch of the River Jordan which would be affected by the completion of the projected canal was being used for irrigating lands, watering cattle and operating mills within the boundaries of Syria. The lands under irrigation and the water mills in operation —seven altogether—were in the area of Buteiha Farm. He had been informed that the area of that farm at present under irrigation was 18,280 dunams, or approximately 4,570 acres; the area under irrigation was only a small part of the total area of the farm. He was not in a position to state to what extent the area which was not irrigated currently was capable of receiving irrigation. To his knowledge the irrigated lands of Buteiha Farm were the only lands in Syria which received irrigation from the stretch of the River Jordan in question. With regard to the demilitarized zone, he had been informed that approximately 5,000 dunams of land—2,924 of which belonged to the owners of Buteiha Farm—received irrigation from that stretch of the river. He was not in a position to give an adequate answer to the last questions. However, under the Israel scheme which had been outlined to him, the water of the River Jordan which would be diverted into the projected canal would be returned to Lake Tiberias, so that the completion of the canal would affect only the stretch of the river north of Lake Tiberias. In such circumstances, the problem which arose was that of existing uses based on, and advantages received from, the stretch of the river north of Lake Tiberias. Another problem would arise if, following a conversion of the Israel project into an irrigation project, the volume of the waters of Lake Tiberias and of the River Jordan below that lake were reduced and their salinity consequently increased. In that event, the interests of the State of Jordan would be affected.

144. The representative of PAKISTAN observed that the basic question was not whether the project was beneficial to Israel, but whether or not the project contravened the Armistice Agreement. The question of sovereignty over the demilitarized zone, he pointed out, was in abeyance, under the Armistice Agreement, un-

less there was an agreement to the contrary between the parties. Likewise, only such an agreement could modify any of the conditions of the Armistice. The Chief of Staff had stated that the carrying out of the project within the zone would amount to a serious contravention of the Armistice Agreement and had noted that the project would give Israel military advantages by allowing it the control of the flow of the river through the use of the canal, so that the military value of the river to Syria would be destroyed. He also emphasized that the project would adversely affect the irrigation of Arab lands and water mills, and that Israel police were still exercising sovereignty in the demilitarized zone in contravention of the relevant provisions of the Armistice Agreement. He concluded that the request of General Bennike that the work on the project should be stopped until the parties could come to an agreement with respect to it was more than justified and should be confirmed by the Council.

145. At the 646th meeting (11 December), the representative of LEBANON emphasized that to allow the work on the canal project to be resumed in the demilitarized zone without a mutual agreement between Israel and Syria was to give *de facto* recognition to the annexation of the zone by one party to the Armistice Agreement. To condition the resumption of the work upon a prior agreement between Israel and Syria would not dishonour the past jurisdiction of the Council in the Huleh case, but would be consistent with that jurisdiction and with the provisions of the Armistice Agreement which were applicable to the present case. For the Council to allow the work to be resumed without the consent of the two parties to the Armistice Agreement was to further, or at least to condone, the expansionist ambitions of Israel with regard to the waters of the area. It was obvious that the canal project was a step toward the implementation of the unilateral plan of Israel for the diversion of the waters of the Jordan. Any encouragement of that project was thus an encouragement of the principle of unilateral exploitation of those waters and would undermine any possibility of eventual regional co-operation. Finally, he stated that to allow the work to be unilaterally resumed was to play into the hands of those who, for the sake of self-justification, had advanced the dangerous doctrine of progress at any price, even if that price be human rights, international order and the sanctity of international agreements.

4. DRAFT RESOLUTIONS SUBMITTED TO THE COUNCIL

146. At the 648th meeting (16 December 1953), the representative of the UNITED STATES OF AMERICA introduced, on behalf of France, the United Kingdom and the United States, the following joint draft resolution (S/3151):

"*The Security Council,*

"*Recalling* its previous resolutions on the Palestine question,

"*Taking into consideration* the statements of the representatives of Syria and Israel and the reports of the Chief of Staff of the Truce Supervision Organization on the Syrian complaint (S/3108/Rev.1),

"1. *Notes* that the Chief of Staff requested the Government of Israel on 23 September 1953 'to ensure that the authority which started work in the demilitarized zone on 2 September 1953 is instructed to cease working in the zone so long as an agreement is not arranged';

"2. *Endorses* this action of the Chief of Staff;

"3. *Recalls* its resolution of 27 October 1953, taking note of the statement by the representative of the Government of Israel that the work started by Israel in the demilitarized zone would be suspended pending urgent examination of the question by the Council;

"4. *Declares* that, in order to promote the return of permanent peace in Palestine, it is essential that the General Armistice Agreement of 20 July 1949 between Syria and Israel be strictly and faithfully observed by the parties;

"5. *Reminds* the parties that, under article VII, paragraph 8, of the Armistice Agreement, where the interpretation of the meaning of a particular provision of the Agreement other than the preamble and articles I and II is at issue, the Mixed Armistice Commission's interpretation shall prevail;

"6. *Notes* that article V of the General Armistice Agreement between Syria and Israel gives to the Chief of Staff, as Chairman of the Syrian-Israel Mixed Armistice Commission, responsibility for the general supervision of the demilitarized zone;

"7. *Calls upon* the Chief of Staff to maintain the demilitarized character of the zone as defined in paragraph 5 of article V of the Armistice Agreement;

"8. *Calls upon* the parties to comply with all his decisions and requests, in the exercise of his authority under the Armistice Agreement;

"9. *Requests and authorizes* the Chief of Staff to explore possibilities of reconciling the interests involved in this dispute including rights in the demilitarized zone and full satisfaction of existing irrigation rights at all seasons, and to take such steps as he may deem appropriate to effect a reconciliation, having in view the development of the natural resources affected in a just and orderly manner for the general welfare;

"10. *Calls upon* the Governments of Israel and Syria to co-operate with the Chief of Staff to these ends and to refrain from any unilateral action which would prejudice them;

"11. *Requests* the Secretary-General to place at the disposal of the Chief of Staff a sufficient number of experts, in particular hydraulic engineers, to supply him on the technical level with the necessary data for a complete appreciation of the project in question and of its effect upon the demilitarized zone;

"12. *Directs* the Chief of Staff to report to the Security Council within ninety days on the measures taken to give effect to this resolution."

147. The representative of the United States of America said that his delegation had followed the development of the debate on the question with intense interest. It had come to the following conclusion: first, strict compliance with the Armistice Agreement entered into between Israel and Syria was of vital importance to the peace of the area. Secondly, the primary responsibility of the Council in the matter was to uphold that Armistice Agreement, which it had endorsed in its resolution of 11 August 1949 as superseding the truce and facilitating the transition to permanent peace; the agent of the Council for those purposes was the

Chief of Staff of the Truce Supervision Organization. Thirdly, development projects which were consistent with the undertakings of the parties under the Armistice Agreement and which were in the general interest and did not infringe upon established rights and obligations should be encouraged. The decision of the Chief of Staff for continuance of the Jordan River diversion project would be subject to those considerations. The Chief of Staff, as the authority responsible for the general supervision of the demilitarized zone, was the proper authority to determine whether the project in question met those conditions. Any unilateral action, from whatever side, which was not consistent with that authority of the Chief of Staff threatened the effective operation and enforcement of the Armistice Agreement. Similarly, no Government should, in the opinion of his delegation, exercise a veto power over legitimate projects in the demilitarized zone. On the basis of those conclusions, his delegation had joined with France and the United Kingdom in submitting the above-mentioned draft resolution. His delegation believed that the joint draft made clear the following: (*a*) the Chief of Staff, as Chairman of the Israel-Syrian Mixed Armistice Commission, was the responsible authority with respect to questions affecting the demilitarized zone under article V of the Armistice Agreement; (*b*) the issues raised by the Jordan river diversion project should be decided by the Chief of Staff in accordance with his authority under the Armistice Agreement; and, (*c*) in those and other questions concerning the status of the demilitarized zone, an important consideration should be the just and orderly development of the natural resources affected, with due regard for the general welfare and the interests of the parties and individuals concerned.

148. The representative of the UNITED KINGDOM considered that the report of the Chief of Staff as well as the various statements made to the Council had established the following basic facts: (1) The Palestine Electric Corporation had begun to dig in the demilitarized zone a canal which would take water to a power station on Israel territory. (2) Having been informed of the work some time after it had started, General Bennike had asked the Government of Israel to ensure that the authority which had started work should be instructed to suspend working in the zone so long as an agreement had not been arranged. (3) After an exchange of communications with General Bennike, the Government of Israel had not complied with the request. It was unfortunate that Israel should have seen fit to ignore General Bennike's request. As a result, the Council was faced not with the question whether the canal was in itself a good and useful project, but solely with the question of the failure by one party to the Israel-Syrian Armistice Agreement to comply with a request on the part of the Chairman of the Mixed Armistice Commission—the only authority in the area which stood for some sort of order and which was probably the only barrier against complete chaos. It was his Government's view that General Bennike had been fully entitled under the Armistice Agreement to make the request that he had made to the Government of Israel and that the Council was justified in expecting that the Government of Israel would not resume work on the canal without General Bennike's authorization. His delegation had not been convinced by the argument which had endeavoured to show that the work could not proceed without the consent of the Government of Syria. The question was whether the work was admissible under the terms of the Armistice as they stood. Under the Armistice Agreement, that was a question for General Bennike to interpret. Therefore, it was important that the Council should endeavour to give General Bennike the best guidance and all the help it could for the further handling of the problem. While he believed that neither party to the Armistice Agreement could carry out any work, however beneficial they thought it to be, which was contrary to the terms of the Armistice, it seemed to him that a determined effort should be made to reconcile conflicting interests whenever that could be done without infringing those terms. Indeed, as a general proposition, he believed that the longer the temporary armistice arrangements continued, the more desirable it was that some way be found which would allow constructive projects in the area to be undertaken, provided that it could be demonstrated that no interests would suffer thereby.

149. The representative of FRANCE stated that the Council was faced with the very obvious duty of confirming the decision of the Chief of Staff. While it was gratifying that the defendant party should have announced before the Council that it would suspend the work during the discussions, it must be understood that, in the view of the Council, the suspension should not be limited in time: the work should be stopped, not only until the end of the discussion in the Council, but until the decision given by the Chief of Staff on 23 September 1953 ceased to have effect. The Council was bound to support the authority of the Chief of Staff with the full weight of its own authority. If it acted in any other way, it would seriously endanger the interests of the parties and the paramount interests of peace in the Middle East. The authority exercised by General Bennike was in fact that of the Security Council and, though under the Armistice Agreement the Council was the supreme arbiter, it could not permit the parties to call the authority of the Chief of Staff in question before it.

150. Divested of its political element, the problem to be resolved by the Chief of Staff was that of the utilization, in the best interest of each of the parties, of one of the rare sources of water in that part of Palestine. It was of course necessary that the rights of each should be respected, and those rights were intermingled in a very complex manner. Syria and Israel alike were entitled to have the Armistice Agreement strictly applied; private persons were entitled to respect for their property; riparian owners, such as the owners of Buteiha Farm, were entitled to use the water for irrigation. Finally, the discussion showed that satisfaction of the rights of one party was not necessarily opposed to satisfaction of the rights of the other. Part of the waters of the Jordan river might be diverted while at the same time the influx of water into the irrigation channels was assured by control. The water catchments might be so arranged as not to prejudice the rights of any owner without his consent. There might also be a solemn undertaking, if convenient under the guarantee of the Security Council, that no authorized installation would have the legal status of an undertaking capable of giving any of the States involved a vested interest at the time of the final territorial settlement which must one day be made between them. His delegation did not even discard the possibility of a partition of those demilitarized zones the status of which so often caused the difficulties with

which the Council was familiar; indeed, his Government viewed such partition as highly desirable. One of its consequences might be the settlement of that very case of the waters of the Jordan.

151. For all those reasons, it seemed to his delegation that an effort should be made to explore at least the possibilities of a peaceful settlement, having regard to all the interests and rights involved; the Chief of Staff alone was qualified for that task. The French delegation would be glad if experts could be placed at his disposal and if the latter could receive the co-operation of the parties concerned in the performance of their task. In selecting such experts, the Secretary-General would no doubt wish to secure the collaboration of technicians whose authority would be unquestionably recognized by both parties. There were few difficulties that could not be overcome in a spirit of genuine understanding and co-operation. Doubtless, if there were less water in the Jordan river, it would constitute a less serious military obstacle. But, after all, the experience of the last war had shown how easily a trained army could cross water lines much wider than the Jordan. In his delegation's opinion, it would be unjust and contrary to the spirit of the United Nations if the future and the economic development of a region were to be decided by theoretical military exercises carried out on maps. Surely Israel, by planning the construction close to its frontier of hydro-electric installations essential to its economy, was demonstrating its faith and confidence in the peaceable spirit of its neighbours.

152. At the 649th meeting (17 December), the representatives of ISRAEL and SYRIA stated their Governments' views on the draft resolution just submitted by the United States, United Kingdom and French delegations.

153. The representative of ISRAEL stated that his delegation regarded the joint draft resolution with mixed feelings since, despite its various imperfections, it did seem to express an intention on the part of the Council that the matter should be reopened in a constructive spirit and with emphasis not on any prospect of war but rather on the principles of progressive civilian enterprise.

154. The representative of SYRIA made a number of comments on the joint draft resolution, in the course of which he enumerated various points which his delegation had stressed in earlier statements and which should be covered by any resolution which the Security Council might adopt.

155. At the 650th meeting (18 December), the representative of CHINA, analysing the joint draft resolution, expressed his delegation's readiness to uphold the authority of the Chief of Staff. However, he was not sure that the procedure recommended in paragraph 9 of the draft was the proper one. That paragraph should be more definite in meaning and more limited in scope. The Council should specifically say that it was the duty of the Chief of Staff to seek the agreement of the two parties by way of reconciliation; if he failed to obtain the necessary agreement of the two parties, the Chief of Staff should report to the Council for a final decision. The representative of China also believed that the second part of paragraph 9, in which mention was made of the development of natural resources, might well constitute a separate paragraph using the words of the representative of the United States to the effect that development projects which were consistent with the undertaking of the parties under the Armistice Agreement and which were in the general interest and did not infringe upon established rights and obligations should be encouraged. The Chief of Staff, in making his decision of 23 September, must have thought that the objections of Syria to the development scheme were reasonable and serious, and a similar attitude was implied by the Council's resolution of 27 October. Therefore, it was only right and proper that the Council's first effort in solving the problem should be to secure the agreement of Syria, particularly since it had been stated in the Council that the objections of Syria could be met, at least to a very great extent. It would be most unfortunate and unnecessary if any resolution should contain language which might imply that the Chief of Staff could authorize the continuation of the development scheme without the agreement of Syria. The sponsors of the joint draft resolution were apparently apprehensive lest Syria might resort to tactics of sheer obstruction. He did not believe that the conduct of the Government of Syria, up to that time, could be called obstructionist. Though he agreed with the representative of Lebanon that the dangerous doctrine of progress at any price should not be accepted by the Council, it seemed to be a fact that in all modern history those nations which adopted progress inherited the earth and those which did not lost even that which they possessed. The only hope open to the Council was to see to it that such progress should be orderly and in accordance with international law and the Charter. In conclusion, he said that paragraph 9 was unsatisfactory and that, unless changed, that paragraph would affect the attitude of his delegation towards the whole draft resolution.

156. The representative of PAKISTAN said that he was not authorized to support the joint draft resolution in its existing form. The two main reasons for his delegation's negative attitude were that, in the circumstances of the case as presented to the Council by the Government of Syria, it was evident at first glance that the draft resolution was irrelevant, and that, when examined closely, it was full of most dangerous ambiguities. It said nothing about the Syrian complaint that the Armistice Agreement had been contravened. It concentrated on an economic solution of a question which had been submitted to the Council as one relating to security. Moreover, the joint draft resolution seemed to ignore the contents and meaning of General Bennike's report and did not take into account the military aspects of the matter which had been an important element in the Chief of Staff's decision. Failure to deal with that point would scarcely uphold the military authority of the Chief of Staff.

157. Paragraph 9 was a masterpiece of obfuscation. He could not, for example, understand what were the interests referred to in that paragraph: were they the interests of the people in the demilitarized zone or the interests of Syria? If the interests in question were not those of Syria, the joint draft resolution was lamentable, for the Council was considering the complaint of Syria.

158. He did not believe that the discussion in the Council had done anything at all to guide General Bennike; on the contrary, the Council had ignored not only his advice, but also the military implications of the situation. The Security Council could not, by

stressing only the economic problem, pretend that the political difficulties did not exist. Anyone who thought of the prosperity of the region in question and who had the welfare of its people at heart should apply himself to the political difficulties involved.

159. The representative of LEBANON said that his delegation was unable to support the joint draft resolution in its existing form. He believed that at that stage of the deliberations the following three basic objectives should be safeguarded; first, the inviolability of the Armistice Agreement ought to be stressed to the utmost; secondly, as part of that inviolability, the inviolability of the status of the demilitarized zone must be emphasized because that zone was part and parcel of the Armistice Agreement; thirdly, whatever economic development was contemplated for the area, particularly the exploitation of its water resources, care should be taken not to close the door to any regional arrangements that might be developed subsequently. Consequently, he submitted the following draft resolution (S/3152):

"The Security Council,

"Recalling its previous resolutions on the Palestine question,

"Taking note of the statements of the representatives of Syria and Israel and the reports of the Chief of Staff of the United Nations Truce Supervision Organization on the Syrian complaint (S/3108/Rev.1),

"Recalling the conclusion of the Chief of Staff in paragraph 8 of his report (S/3122) that both on the basis of the protection of normal civilian life in the area of the demilitarized zone and of the value of the zone to both parties for the separation of their armed forces, he does not consider that a party should, in the absence of an agreement, carry out in the demilitarized zone work prejudicing the objects of the demilitarized zone as stated in article V, paragraph 2, of the General Armistice Agreement, as well as his request to the Israel Government to ensure that the authority which started work in the demilitarized zone on 2 September 1953 is instructed to cease working in the zone so long as an agreement is not arranged,

"1. *Endorses* that action of the Chief of Staff of the United Nations Truce Supervision Organization and calls upon the parties to comply with it;

"2. *Declares* that the non-compliance with this decision and the continuation of the unilateral action of Israel in contravention of the Armistice Agreement is likely to lead to a breach of the peace;

"3. *Requests and authorizes* the Chief of Staff to endeavour to bring about an agreement between the parties concerned and calls upon the parties to co-operate in the Mixed Armistice Commission and with the United Nations Chief of Staff in reaching that agreement."

160. At the 651st meeting (21 December), the representative of the UNITED STATES OF AMERICA submitted, on behalf of the three sponsors, the following additional paragraph to their joint draft resolution (S/3151/Rev.1):

"Nothing in this resolution shall be deemed to supersede the Armistice Agreement or to change the legal status of the demilitarized zone therein."

161. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS said that, after careful consideration of the joint draft resolution, it was impossible not to agree with the criticism which had already been levelled against it in the Council. Almost half of the preamble consisted of references to other material and, consequently, had no independent significance. The operative part contained such unsatisfactory paragraphs as paragraph 9, which could not be adopted in its existing form. He did not see how it could be improved, because the whole drafting from beginning to end was completely unsatisfactory. It ignored what, in his delegation's opinion, was an exceedingly important condition for the settlement of any question connected with the aims and purposes of the demilitarized zone, namely, that any particular measures could be carried out only with the agreement of both parties. Nowhere in the draft resolution was any reference made either to Syria or to Israel, although it was primarily the interests of those parties which were involved, or to the dispute which had caused the whole question to be considered by the Council. Paragraph 9 made a sufficiently clear reference to the need for adopting measures calculated to reconcile the interests involved in the dispute, but if the interests were those of Israel and Syria, why not say so openly? If any other interests were involved, it should be stated precisely what interests were envisaged. That it was not exactly the interests of Israel and Syria which were involved, but the interests of some other States, was emphasized further on in that paragraph, where reference was made to the necessity of the development of the natural resources for "the general welfare". No one of course would object to the promotion of the general welfare, but it was obvious that paragraph 9 completely failed to meet the problem facing the Council, which had undertaken to settle certain outstanding questions which had arisen between Israel and Syria in connexion with the construction of a canal in the demilitarized zone. His delegation considered that, in view of those serious defects in the three-Power draft resolution, its adoption, in the absence of agreement between the two sides on the disputed points, could lead only to a further deterioration in the relations between those States, and that would be contrary to the interests of the maintenance of peace in the area.

162. The representative of FRANCE pointed out that it was difficult to accept the view advanced by the representative of the USSR that the problem could be solved only by direct agreement between the parties, which could not be compelled to adopt any given solution. The French delegation pointed out that the discussions which had been in progress for two months did not give the impression that the parties were prepared to discuss the problem between themselves. There was little hope that such negotiations would be opened except at the instigation of the Security Council. The procedure laid down in the Armistice Agreement specifically applied to situations in which, since the parties were not in agreement, the need for the imposition of a solution by the Security Council and the Chief of Staff of the Truce Supervision Organization had to be recognized.

163. The representative of LEBANON, in the course of a detailed analysis of the joint draft resolution, said that he saw no reason why paragraphs 9, 10 and 11 should, at that stage, be included at all. Should the

sponsors insist on retaining paragraph 9, that paragraph must define exactly what was meant by the words "interests involved" and "the natural resources affected". In that connexion, he completely repudiated any notion that the Chief of Staff, under the joint draft resolution or any resolution pertaining to the Armistice Agreement between Syria and Israel, could extend his investigations or explorations to include any matters appertaining to Lebanon. Moreover, he insisted that the text define the words "the general welfare". Paragraph 9 seemed so general that he could not accept it because of its very dangerous implications, of which his delegation was genuinely afraid. As for paragraph 11, it should be left to the Chief of Staff to decide how to complete his report. Another objection was that paragraph 11 did not make the appointment of the proposed experts subject to the agreement of the two parties to the dispute. Finally, he pointed out that, if Syria's consent was necessary to change any provisions of the Armistice Agreement, its consent was also necessary for any contemplated change in the demilitarized zone.

164. At the 653rd meeting (22 December), the Council decided to release General Bennike from attending the meetings so as to allow him to return to his headquarters in Palestine.

165. Despite three suspensions of the meeting, no agreement could be reached on the text of a resolution acceptable to the parties. The representative of Lebanon nevertheless noted that agreement had been in sight on several occasions.

166. At the 654th meeting (29 December), the Council was informed by the representative of DENMARK that efforts made to find a text acceptable to all, or almost all, members of the Council had been in vain.

167. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS suggested that the sponsors of the joint draft resolution should withdraw their text, and endeavour to submit a new one which would answer the questions before the Council. His delegation could not support the three-Power draft resolution because it did not relate directly to the problem under discussion but rather constituted an attempt to substitute for that question the problem of how the United States monopolies could obtain mastery over the economy of the Middle East and Near East, using the opportunity provided by the dispute between Syria and Israel on the building of a canal and a hydroelectric station.

168. At the 655th meeting (21 January 1954), the PRESIDENT (Lebanon) for the month of January suggested, and the Council agreed, that, in accordance with rule 20 of the provisional rules of procedure, the representative of New Zealand should temporarily assume the chair, during the discussion of the Palestine question.

169. The representative of the UNITED KINGDOM introduced a second revision of the three-Power joint draft resolution (S/3151/Rev.2) which omitted paragraph 7 of the original draft, with paragraph 9 (paragraph 8 in the new text) being revised to read as follows:

"*Requests and authorizes* the Chief of Staff to explore possibilities of reconciling the Israel and Syrian interests involved in the dispute over the diversion of Jordan waters at Banat Ya'qub, including full satisfaction of existing irrigation rights at all seasons, while safeguarding the rights of individuals in the demilitarized zone, and to take such steps in accordance with the Armistice Agreement as he may deem appropriate to effect a reconciliation;".

170. The representative of LEBANON stated that the objections he had raised to the first revision of the three-Power draft applied equally to the second revision. Although he welcomed the omission of the former paragraph, the redraft of paragraph 9, which had become paragraph 8, was unsatisfactory, and left the matter entirely outside the Armistice Agreement. He subsequently submitted the following draft resolution (S/3166):

"*The Security Council,*

"1. *Recalling* its previous resolutions on the Palestine question;

"2. *Taking note* of the statements of the representatives of Syria and Israel and the report of the United Nations Chief of Staff of the Truce Supervision Organization on the Syrian complaint;

"3. *Endorses* the actions of the Chief of Staff as described in his report of 23 October 1953;

"4. *Requests* the Chief of Staff to explore possibilities of bringing about a reconciliation between the parties to this dispute, and to report to the Council on the results of his efforts within ninety days;

"5. *Decides* to remain seized with this item and to keep it under consideration."

171. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS declared that his delegation did not find any such radical improvements in the second revised text as would permit it to change its previous negative attitude towards the joint draft resolution. The draft ignored the condition, which was basic for the settlement of any question connected with works in the demilitarized zone, that no action could be taken without the consent of Syria and Israel. It contained no reference to the obligation to secure the agreement of both parties to the measures contemplated in the new paragraph 8. Furthermore, to entrust such wide powers to the Chief of Staff was an incorrect method of solving the problem.

172. The representative of BRAZIL reviewed the position of his delegation towards the Palestine question since 1948. As regards the Syrian complaint, he declared that it was true, as the representative of Israel had stated, that the Jordan flowed through the State of Israel alone, from the point where it entered Israel territory, north of Lake Huleh, right up to the point where it entered the Hashemite Kingdom of the Jordan, eight miles south of Lake Tiberias. It must, however, be acknowledged that, even if the French-British Agreement establishing the rights of Syria over the waters of Lakes Huleh and Tiberias and the Jordan were to be disregarded, it must not be forgotten that article V of the General Armistice Agreement between Israel and Syria provided for a demarcation line and a demilitarized zone, in respect of which the rights of the contracting parties were explicitly defined. The Chairman of the Mixed Armistice Commission and the United Nations observers attached thereto were responsible under the Agreement for ensuring the full implementation of those stipulations. General Bennike's

report convinced his delegation that the diversion of the course of the Jordan would result in a number of military advantages for Israel. The economic importance to the area likely to result from the construction of the proposed hydroelectric power station must also be borne in mind.

173. The Brazilian delegation had placed its hopes in a formula which he thought might be acceptable to the parties, inasmuch as it amended paragraphs 8 and 12 of the revised three-Power draft resolution. After meeting with some initial success, his efforts had encountered insurmountable difficulties which had prevented further progress.

174. The Chairman of the Mixed Armistice Commission, who had been able to judge the facts directly and whose exemplary attitude had earned him well-deserved prestige, would doubtless be able to induce Syria and Israel to acknowledge the advantage of reaching agreement, since the problem involved was of such importance.

175. In those circumstances, his delegation would abstain from voting on paragraph 8 of the draft resolution.

176. At the 650th meeting (22 January), the acting President, speaking as the representative of NEW ZEALAND, stated that any party to an Armistice Agreement not only had an obligation to comply with the decision of the Chairman of the Mixed Armistice Commission, but would be well advised to keep him informed before and not after the event of any significant activity which it proposed to undertake in, or encroaching on, a demilitarized zone. The Council, for its part, must, where necessary, provide the required backing for the decisions of the Chief of Staff and, where appropriate, offer guidance and direction. However, although the first duty of the Council was to uphold the authority of the United Nations in Palestine, the matter should not be left there. The dispute under consideration arose out of arrangements of an interim nature, which looked to the early conclusion of a final settlement. The unfortunate fact that there had been no such settlement and that there was no apparent progress towards that end tended to vest the interim arrangements with a permanence never intended for them. That generated points of friction which it was the responsibility of the Chief of Staff, with the support of the Council, to remove.

177. The Council should not, however, deny the possibility of development in the demilitarized zone. The provisions of the Israel-Syrian Armistice Agreement must of course be strictly applied; the interests of both parties and established rights must be respected. But, subject to those considerations, development projects which were consonant with the general advancement of the area should be encouraged rather than prevented. While such projects should be carried forward on a co-operative basis, they should not be held up altogether, if one party were to refuse, for political reasons, to agree to anything being done at all in the demilitarized zone by the other. It followed, therefore, that the Council could not accept the view that any development project encroaching on the demilitarized zone must command the agreement of both parties, desirable though that agreement would be. What was essential was that the rights and interests of both parties should be preserved and that the Armistice Agreement should not be infringed. If those questions were in dispute, it was for the Chief of Staff to determine the answers.

178. However, before the question of principles could be determined, a number of practical questions required examination. One important question was whether existing Syrian rights to Jordan water, principally for the irrigation of the Buteiha Farm, could be protected. In the course of the 633rd meeting, the representative of Israel had declared his Government's readiness to protect those rights and to embody them in a formal instrument which could be invoked internationally by the parties concerned. If the three-Power draft resolution were adopted, General Bennike would no doubt examine not only the immediate implications of the canal project, but also the ultimate effect of Israel's plans for the utilization of the diverted waters. The result of that examination and the nature of the guarantee and safeguards which might be agreed upon, would also be relevant factors in the final determination by General Bennike of the other principal issue raised by him, namely, the difficult question whether the construction of the canal would so alter the military situation as to infringe the relevant provisions of the Armistice Agreement.

179. To resolve those problems required further examination on the spot, with the aid of expert advice on the technical questions involved. In the circumstances, his delegation agreed with the view that the question should be referred to General Bennike, that the Chief of Staff should be authorized to take the steps proposed in paragraph 8 of the revised joint draft resolution and that he should be asked to report back to the Council after an appropriate interval.

180. A comparison of the successive versions of the three-Power draft resolution would show the pains which the sponsors had taken in an effort to meet, within the framework of the essential principles to which he had referred, the varying points of view expressed during the debate. No doubt the revised draft resolution did not fully satisfy either party. Substantial improvements had nevertheless been made. He believed that the latest text was well adapted to the needs of the situation.

181. The representative of LEBANON, in reply, said that the representative of New Zealand had raised the thesis which the representative of Israel, together with others, had been constantly hammering upon in the Council, namely, that it was time for Israel to pass from the present situation in which it found itself to a more permanent settlement with the Arab world among which it was situated. However, to go on merely repeating that thesis without putting forward constructive ideas as to how that transition from a temporary state of affairs to a more permanent settlement could be effected was not going to bring about a settlement. If the representative of New Zealand, as well as others, believed that Israel could get away with what it had already obtained, unconditionally and without making costly concessions to its own world with which it wanted a permanent settlement, they were mistaken.

182. Moreover, if no State had the right to veto any development project within the demilitarized zone, it was equally true that neither Israel nor Syria had any right to go ahead with any unilateral change, within the zone, which affected the treaties with respect to that zone. As far as the preservation of the rights and interests of both parties was concerned, the repre-

sentative of Lebanon contended that it was neither right nor fair to allow, at that stage, any third party, not even the Chief of Staff himself, to determine the rights and interests of both parties; he should try to bring them together, within the existing machinery, and see what could be done about reaching an agreement between them.

183. As regards the protection of existing Syrian irrigation rights, his delegation radically rejected the theory that Syria only possessed existing rights in the Jordan. If Israel had potential rights of development in the waters of the Jordan within the demilitarized zone, Syria too had potential rights of development in those waters.

184. The representative of New Zealand did not sufficiently take into account the following points: (1) that the Palestinian Arab refugees possessed the prior right to the Jordan waters within the demilitarized zone; (2) that the Israel project would effect fundamental alterations in the status of the demilitarized zone from the military point of view in respect of Syria's potential rights to the waters of the Jordan and from the point of view of the prejudice with respect to any final settlement; (3) that the present case was entirely different from that of the Huleh marshes; (4) that it was absolutely useless to hope for any kind of regional co-operative development scheme while at the same time allowing Israel to take unilateral action; and (5) that Israel possessed no sovereignty over the demilitarized zone which was not equally enjoyed by Syria.

185. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS reiterated his earlier objections to the three-Power draft resolution. He stated that the revised draft was unsatisfactory because it constituted an attempt to by-pass the question and was contrary to the fundamental principles which should guide the Security Council in settling such problems, namely, the principles of international law and the Charter. He stated that his delegation's position on the question was based on the principle of respect for the sovereign rights of States and the recognition of the need for mutual agreement on any measure which affected the interests of any other State, particularly in matters such as the demilitarized zone. The Council was confronted with a situation in which it was impossible to maintain normal conditions in the demilitarized zone or to eliminate the misunderstandings which were inevitable if those conditions were disturbed without the agreement of both sides. He then made a detailed analysis of the General Armistice Agreement pointing out that the revised three-Power draft resolution, in order to permit the Council itself to evade the settlement of the question, would delegate too much authority to the Chief of Staff in solving the dispute, an authority which was not given him even by the Armistice Agreement itself. Paragraph 8 of the revised joint draft resolution not only failed to meet his delegation's point of view on the principle of the mutual consent of both parties, but did not seek to solve the problem at all. The Lebanese draft resolution (S/3166) conformed more closely to the task confronting the Council.

186. After some discussion as to whether the joint draft resolution should be voted upon paragraph by paragraph or as a whole, the Council proceeded to vote.

Decision: *At its 656th meeting, on 22 January 1954, the Council voted upon the revised three-Power draft resolution (S/3151/Rev.2). There were 7 votes in favour, 2 against (Lebanon and USSR) and 2 abstentions (Brazil and China). As one of the negative votes was that of a permanent member of the Council, the resolution was not adopted.*

187. The representative of the UNITED KINGDOM said that the Council had witnessed once again the application by the USSR of a veto in the Security Council—now applied for the first time in connexion with the affairs of the Middle East. This was a melancholy and sinister occasion. A constructive proposal made after weeks and months of negotiations, embodying some of the ideas of the USSR representative, had failed because of that representative's own opposition. The USSR representative had failed to appreciate that the question was not capable of solution by the simple consent of both parties, but was a complicated matter arising out of the administration of the Israel-Syrian armistice in the demilitarized zone, soluble only by the Chairman of the Mixed Armistice Commission. The representative of the USSR was trying to muddy the waters and to this end any argument was good.

188. The representative of DENMARK stated that the idea underlying paragraph 8 of the joint draft resolution had his sympathy, since it was obligatory for the Security Council to take steps to facilitate conciliation in situations where Governments found difficulties in negotiating between themselves. He also particularly favoured paragraph 10. He regretted the rejection of a draft resolution containing elements so close to the spirit and the letter of the Charter.

189. The SECRETARY-GENERAL stated that time was becoming a very pressing factor and that further delay might introduce further complications. Being deeply concerned at the developments, he felt that, at that stage, it was proper for him to point out that, from the viewpoints to be represented by the Secretary-General, the whole issue called urgently for two things: a confirmation of the initial attitude taken by General Bennike in consultation with the Secretariat, and the opening of possibilities for General Bennike to try to work out an agreement by which the question could be prevented from becoming a source of continued friction between Israel and Syria. In the circumstances, he requested the Council to consider most seriously the possibility of a speedy decision giving the Chief of Staff the necessary support and authority.

C. Israel and Egyptian complaints

1. INCLUSION OF THE ITEM IN THE AGENDA

190. In a letter dated 28 January 1954 (S/3168), the Permanent Representative of Israel requested the President of the Security Council to place the following item on the Council's agenda for urgent consideration: "Complaint by Israel against Egypt concerning (*a*) Enforcement by Egypt of restrictions on the passage of ships trading with Israel through the Suez Canal; (*b*) Interference by Egypt with shipping proceeding to the Israeli port of Elath on the Gulf of Aqaba". The letter added that those acts constituted violations of the Council's resolution of 1 September 1951 and of the Egyptian-Israel General Armistice Agreement of 24 February 1949. In an explanatory memorandum dated 29 January 1954 (S/3168/Add.1), the representative of Israel, after reviewing the situation concerning shipping through the Suez Canal since

1 September 1951, stated that the practice of the Egyptian Government in regard to shipments destined for Israel had been continued despite the Council's injunction and that, recently, the list of contraband materials had been extended by Egypt so as to cover food and other commodities. By so doing, the Egyptian Government had defied the Security Council, the Charter of the United Nations and the General Armistice Agreement between Israel and Egypt, first by maintaining regulations and practices ruled illegitimate by the Council, and then by extending those regulations to the Gulf of Aqaba, with a view to preventing the passage of ships to the Israel port of Elath. The representative of Israel recalled that the Security Council had already denied Egypt its alleged right of war, thereby rendering the blockade practices illegal. In conclusion, it was stated that the continued practice of those acts of war was bound to weaken the integrity of the Armistice Agreement, to deprive the decisions of the Security Council of their due authority, and to aggravate the threat to peace and security in the Middle East.

191. In a letter dated 3 February 1954 (S/3172), addressed to the President of the Security Council, the Permanent Representative of Egypt submitted the following item for urgent consideration: "Complaint by Egypt against Israel concerning violations by Israel of the Egyptian-Israel General Armistice Agreement at the demilitarized zone of El Auja". Those violations included, among other things, (*a*) the entering of armed forces into the demilitarized zone and the attacks made by those forces on the Bedouins inhabiting the area, killing them and their livestock and preventing them from having access to the water supply in the area; and (*b*) establishment of Israel settlements in the demilitarized zone. Those acts, it was stated, constituted a flagrant violation of the General Armistice Agreement and were in defiance of the Council's resolution of 17 November 1950.

192. By a letter dated 4 February 1954 (S/3174), the Permanent Representative of Israel communicated his delegation's comments on the complaint brought by the Permanent Representative of Egypt (S/3172).

193. At the 657th meeting (4 February 1954), the Council had before it a provisional agenda containing the Israel complaint only (S/Agenda/657). After some discussion, the representative of the UNITED STATES OF AMERICA suggested that the Council's agenda should be composed of the two complaints, brought respectively by Israel and Egypt, and that the two items should be considered consecutively. That suggestion was adopted.

2. DISCUSSION IN THE COUNCIL

194. At the 658th meeting (5 February), the representative of ISRAEL, after giving a summary of the history of the question, and reviewing the discussion concerning the same complaint in 1951, which had led to the adoption by the Security Council of its resolution of 1 September 1951, stated that his Government's complaint against the restrictions imposed by Egypt concerning shipping through the Suez Canal and the Gulf of Aqaba covered the following fields: (*a*) the freedom of the seas and the sovereign rights of maritime nations to trade freely between and upon the high seas; (*b*) fidelity to international conventions, including international law and the Charter; (*c*) the legal and political integrity of the Egyptian-Israel Armistice Agreement; (*d*) the future of Israel-Egyptian relations; and (*e*) the authority of the Security Council in matters affecting international peace and security. In developing those five theses, he stated that if certain sovereign countries desired to trade with Israel and other sovereign countries made their ships available for that purpose, then Egypt had no right to impose its will upon those countries or to obstruct such legitimate commerce by exploiting its propinquity to the Suez Canal. The grave losses inflicted on the economy of Israel and of other countries through those restrictions constituted an outrageous injury by one Member State against others.

195. Beyond the special provisions of the Armistice Agreement and of the Security Council resolutions, the Egyptian practice also violated general principles of international law which protected the rights of all nations to navigate freely upon and between the high seas. Since all Members of the United Nations had permanently renounced armed force as an instrument of national policy, no single State could seek respect for belligerent rights, since belligerency was nothing but a political and legal formula for regulating the threat or use of force. There was, therefore, no room within the regime of the Charter for the classic conceptions of legitimate individual belligerency, especially in respect of hostilities not sanctioned by the United Nations, and indeed undertaken against its explicit will. Moreover, while the case against the Egyptian blockade rested primarily and directly upon the Armistice Agreement, upon the Security Council resolution and upon the United Nations Charter, that practice was also, in the view of many delegations, inconsistent with the Constantinople Convention of 1888.

196. Egypt's action constituted a hostile act inconsistent with article II, paragraph 2, of the Egyptian-Israel General Armistice Agreement which the two parties had voluntarily signed at Rhodes on 24 February 1949. There should be support for the view of Dr. Bunche and General Riley that neither party retained, if indeed it had ever possessed, the right to exercise warlike acts, such as blockades, against the other. Furthermore, Egypt's invasion of the State of Israel in 1948, against the injunction of the Security Council, did not endow Egypt with special privileges and rights of war which the Security Council should now be called upon to recognize. Egypt could not invoke the rights of "self-defence" or "self-preservation" as justification of that action under the terms of Article 51 of the Charter, since no armed attack had been made against Egypt nor had the Security Council failed to deal with the situation in question. Finally, irrespective of what armistice agreements in past or present history had allowed or forbidden, the Armistice Agreement of 1949 utterly forbade any action based on the rights of war, or any presumption of renewal of hostilities.

197. The Security Council, in its resolutions of 11 August 1949 and 17 November 1950, had correctly defined the Armistice Agreement as a permanent pledge to abstain from all hostile acts. Thus, if Egypt were deemed free to commit hostile acts of its choice against Israel, then Israel would be free to commit hostile acts of its choice against Egypt and to invoke "a state of war" as legal foundation for those actions. Accordingly, any acquiescence in the Egyptian practice or doctrine or the ground on which it was based must

inevitably lead to the collapse of peace and security in the Middle East.

198. The Israel representative stated that for all those reasons, the Security Council had both the right and the duty to require Egypt to abstain from such interference with the trade of Israel and other countries and with the rights of maritime Powers. Moreover, the Council should give a verdict not only against the Egyptian blockade obstructions as such, but also against the very concept of belligerency in which the Egyptian practice sought its sole justification. He added that the regulations originally denounced by the Council on 1 September 1951 had been retained in full force, with the result that the deterrent blockade had become increasingly tightened: there had been many active interventions against the ships of many countries. In the Suez Canal itself, new restrictions had been introduced, and wider categories of goods, including foodstuffs, had been brought under the abusive practice of visit, search and seizure. Special regulations were reported to have been instituted to interfere with shipping passing through the Suez Canal to Elath, through the Gulf of Aqaba.

199. In conclusion, he requested the Council to bring about the immediate and total cessation of all belligerent acts and restrictions both in the Canal and in the Gulf of Aqaba. He urged the Council to safeguard its own dignity by rescuing its previously adopted resolution from contempt and said that the Council could not pass, without the strongest censure, over the fact that its verdict had already been defied for so long. He believed the Council should establish machinery and procedures with a view to enabling it to follow up the course of its resolution and receive regular reports thereupon.

200. In the course of the 658th, 659th, 661st and 662nd meetings, the representative of EGYPT made several statements answering the Israel representative's arguments as well as explaining the viewpoint of his Government concerning the complaint brought against it.

201. He maintained that a state of war had existed and continued to exist between Egypt and Israel and that the Armistice Agreement had not ended that state of war. Such a situation gave belligerents certain rights, particularly the incontestable right of visit and search of ships in territorial waters, in ports, in mid-ocean and in enemy waters with a view to confiscating what was legally considered as war contraband. When dealing with the situation in 1948, the Council had always considered the situation in Palestine as an armed conflict between belligerents, and action had been taken under Chapter VII of the Charter. If there had been no state of war, there could naturally have been no armistice. Finally, the Egyptian-Israel General Armistice Agreement had not put an end to the legal state of war existing between the two parties. It was repeatedly stated in the Agreement that it was only a step from the truce to permanent peace, but that it was not peace itself. Egypt had not contravened the Armistice Agreement, nor the Charter. The final decision of the Special Committee of the Egyptian-Israel Mixed Armistice Commission, dated 12 June 1951, had stated that that Commission had no right to require the Egyptian Government to refrain from impeding the transport through the Suez Canal of goods destined for Israel. Moreover, the Armistice Agreement had not been intended to prevent one or both parties from exercising the right of visit and search; unless an armistice agreement had expressly provided for such restrictions, the right of both parties in that regard must be fully respected. Besides, search and visit had been carried out by civilian customs officials. Egypt would certainly like to be told which Articles of the Charter it was violating by exercising the powers inherent in its national sovereignty.

202. Egypt contravened neither international law, nor the Constantinople Convention of 1888. That Convention had not deprived Egypt of the rights of visit, search and confiscation of war contraband passing, in its own territory, through the Suez Canal. Moreover, articles IX and X of the Convention had reserved the full rights of Egypt *vis-à-vis* the provisions of articles IV, V, VII and VIII, concerning the measures which Egypt might find necessary to secure the defence of its territory and the maintenance of public order as well as the execution of the Convention.

203. Egypt had never decreed or applied a blockade, nor had it abused its right of visit, search and confiscation for contraband; its action had been confined to boarding and inspection by customs employees of a very small number of suspected merchant vessels. It was untrue that all ships passing through the Canal were subject to arbitrary arrest and search. Indeed, since September 1951, only 0.17 per cent of the total number of ships that had passed through the Canal had been inspected, due to suspicion, and out of 267 ships that had passed through the Gulf of Aqaba, only three had actually been visited and searched, and not a single consignment of cargo had been confiscated. Furthermore, according to modern conceptions of international law, foodstuffs were undoubtedly regarded as contraband of war and in making out the list of commodities regarded as contraband, Egypt had confined the seizures and confiscation procedures to those foodstuffs which were intended for the use of Israel armed forces, excluding foodstuffs intended for the use of the civilian population.

204. Paragraph 3 of article I of the Armistice Agreement had recognized "the right of each party to its security and freedom from fear of attack by the armed forces of the other". Due to the various acts of aggression Israel had committed, Egypt had been compelled to take the necessary measures with a view to preventing foodstuffs and other articles capable of strengthening Israel's war efforts from accruing to Israel. Until peace was established, and so long as Egypt's very existence was threatened by aggressive and hostile Zionism, his Government would use its sovereign rights with a view to ensuring its self-defence and self-preservation.

205. The representative of Egypt further stated that the Council's resolution of September 1951 had been a political one. The Council had not pronounced itself on Egypt's right to belligerency. Moreover, as the representative of Egypt had declared in the course of the 1951 debate, Egypt was convinced that that discussion had not ended, that the question had not been closed and that the decision of 1 September 1951 had rested neither on fixed or final foundations nor on exhaustive studies and clear opinions. Besides, it was not Egypt but Israel that had been reminded of the need for implementing the long-standing decisions of the Security Council and of the General Assembly.

206. In conclusion, he stated that the Council's 1951 decision had not failed to accelerate the tempo of

Israel aggression and Zionist expansion. He trusted that the Council's attitude would be determined only by the facts bearing on the issue and that it would be led to pass judgments on the right of sovereign Governments exercised within the scope of their own jurisdiction and in conformity with international law.

207. In reply, the representative of ISRAEL said that the key to an understanding of the problem was to conceive it not in the strict sense as an Egyptian-Israel conflict, but as a conflict between the opinion of the Security Council and the policies of hostility towards Israel to which Egypt unhappily continued to adhere. Egypt simply came to the Council and stated that it intended to engage in active belligerency; that it would exercise the right of visit, search and seizure; and that, the opinion of the Security Council notwithstanding, it regarded itself as possessing a legitimate purpose of self-defence five years after the termination of hostilities by an agreement envisaged as a permanent end of all warlike acts and two and a half years after the Council had denied and comprehensively rejected all the legal assumptions on which those maritime restrictions rested.

208. He said that 95 per cent of the trade which would have passed through the Canal in the trade volumes to which Israel had been accustomed for the period 1945-1947 had been throttled by Egypt's legislation, which the Council had labeled an illicit injury to Israel for the last five years. Also, in the case of oil, all Israel's import trade had been completely cut off, for, if the Canal had been open and if Israel had had legitimate access to the tanker traffic through the Canal to which all other countries had access, it would have purchased millions of tons of crude oil each year for Haifa; that legitimate right of Israel had been established by the resolution of the Council.

209. At the 661st meeting (12 March), the representative of LEBANON said that the basic issues of the Palestine question were not only those relating to decisions of the Security Council but also those that had been discussed and decided upon politically in the General Assembly and in the other organs of the United Nations. The problem was a total one. The matters which the Council was dealing with, such as the Jordan River, the complaint of the Hashemite Kingdom of the Jordan or the Suez Canal, were abstract aspects of a much greater and total problem the roots of which went to fundamental decisions taken by the General Assembly time and again. The supposition that the Palestine issue could, in the future, be settled on a reasonable basis by the force and the power of the Security Council alone would never work.

210. He added that peace would never be promoted in the Near East if Israel and its friends were going to take advantage of every difficulty that arose in the territory of its Arab neighbours. If the Security Council wanted peace in the Near East, the important thing was not so much to adopt a resolution, or to please Israel or the Arabs, as to keep the deeper and larger implications of the fundamental issue in mind all the time.

3. DRAFT RESOLUTION SUBMITTED BY NEW ZEALAND

211. At the 662nd meeting (23 March), the representative of NEW ZEALAND stated that for maritime nations which, like his own country, depended on their overseas trade for their prosperity and existence, the preservation of freedom and passage on the high seas and the recognized international waterways was a matter of profound concern. He submitted to the Council the following draft resolution (S/3188/Corr.1):

"*The Security Council,*

"1. *Having considered* the complaint of Israel against Egypt concerning

"(*a*) Enforcement by Egypt of restrictions on the passage of ships trading with Israel through the Suez Canal;

"(*b*) Interference by Egypt with shipping proceeding to the Israel port of Elath on the Gulf of Aqaba (S/3168),

"2. *Noting* the statements made before the Council by the representatives of Egypt and Israel,

"3. *Recalling* its resolution of 1 September 1951 (S/2298/Rev.1),

"4. *Notes* with grave concern that Egypt has not complied with that resolution;

"5. *Calls upon* Egypt in accordance with its obligations under the Charter to comply therewith;

"6. *Considers* that, without prejudice to the provisions of the resolution of 1 September 1951, the complaint referred to in paragraph 1 (*b*) above should in the first instance be dealt with by the Mixed Armistice Commission established under the General Armistice Agreement between Egypt and Israel."

212. The representative of New Zealand pointed out that the draft resolution was directed primarily to the issue of non-compliance with the Council's resolution of 1 September 1951; that non-compliance was not nominal but substantial. The fact of non-compliance had not been disputed by the Egyptian representative. Although the latter had told the Council that his Government was not pressing the measures it had imposed to their full extent and although the Council would welcome any steps alleviating tension, it remained an incontestable fact that the clear and precise provisions of the 1951 resolution had not been complied with. The number of ships that had been interfered with was not inconsiderable and gave added force to the argument that the existence of the restrictive regulations had a deterrent effect on the shipping of all nations in both the Suez Canal and the Gulf of Aqaba. Amendments to the regulations enacted only a few months earlier had extended both the scope and the apparent geographical extent of the restrictive measures.

213. The New Zealand Government believed that it was in Egypt's interest and in the interest of the Arab world as a whole that the resolutions of the Council should be complied with. The Council was primarily responsible for seeing that peace was kept in Palestine; if peace were not kept and if a state of active belligerency were maintained, there could be no real solution of the difficult problems associated with the Palestine question, including those problems for the solution of which the Arab States regarded as essential some modifications of Israel's policy.

214. The validity of the assertion that Egypt was entitled, on the ground that a state of belligerency existed, to impose certain restrictions on shipping had been specifically denied by the Council's resolution of 1 September 1951. As for any reservations which Egypt might have had, that resolution had been legally

and properly adopted by the prescribed majority of the Council, without the dissenting vote of any permanent member. Under the Charter, it was the clear duty of all Members of the Organization to observe the Council's resolutions.

215. He recalled that, in 1951, the Chief of Staff of the Truce Supervision Organization had declared the Egyptian-Israel Mixed Armistice Commission incompetent to deal with the matter, since no Egyptian military elements had been engaged in that interference. However, if the Israel charge that the restrictions in the Gulf of Aqaba were applied by the actual use of artillery or armed naval units was well founded, the one absent element of armed force which had denied the jurisdiction of the Mixed Armistice Commission in the Suez Canal was present in regard to the Gulf of Aqaba.

216. In explaining the terms of the draft resolution, the representative of New Zealand expressed the opinion that the note of grave concern in paragraph 4 was the most moderate statement possible of the Council's attitude to the admitted fact of non-compliance with the 1951 resolution. Paragraph 5 would call upon Egypt to comply with the whole of that resolution, to terminate the restrictions and cease interference with shipping in the Suez Canal and to observe the principles of the resolution by adjuring all acts of interference with shipping anywhere based on the assertion of belligerency and self-defence. His delegation could not accept the arguments advanced by the representative of Egypt in justification of the interference with shipping in the Gulf of Aqaba. However, the machinery established under the Armistice Agreement should be used whenever possible to deal with the complaints of either party. The complaint in respect of the Gulf of Aqaba had not been submitted to the Mixed Armistice Commission but the information given to the Council suggested, *prima facie*, a case within the jurisdiction of the Commission. Paragraph 6 of the draft resolution which stated that the complaint should be dealt with in the first instance by the Commission, did not diminish the Council's authority or affect the statement of principle which it had already made and, in fact, the full and continuing validity of the statement of principle in the 1951 resolution was made clear by the reference to that resolution in paragraph 6.

217. In conclusion, he stated that any impartial survey of events since the adoption of the resolution of 1 September 1951 must record that the Egyptian Government, with every appearance of deliberation, had ignored the injunctions of the Security Council. Every member of the Council grieved over the troubles which had so long disturbed the borders of Israel and its neighbours. But neither their occurrence nor the other grievances which Egypt and its allies might have against Israel could serve to justify a continuing breach of a resolution of the Council, affirming the free right of passage for the ships of all nations on the seas and through one of the greatest waterways of the world.

218. The representative of EGYPT said that the New Zealand draft resolution, like the 1951 resolution, completely disregarded the juridical element which was at the root of the problem. He had been officially authorized by his Government to state Egypt's preparedness to reduce its restrictions in certain respects. However, he had not been encouraged in that direction but had instead been confronted with the New Zealand text. In the circumstances, he wondered if the Council's competence was in fact invoked in accordance with the terms of the Charter. The Council did not act on behalf of the Governments which sent representatives to the Council, but on behalf of the whole international community represented in the United Nations. The New Zealand draft resolution was unacceptable to Egypt, and his delegation rejected it with the utmost vigour, just as it had rejected the 1951 resolution. Moreover, it was convinced that the two resolutions did not deal with the question in the manner it should have been dealt with; the legal element, which was fundamental in that dispute, was completely ignored in the two resolutions.

219. Egypt was the object of continuous acts of aggression on the part of Israel. An expansionist attitude was at all times evident in Israel's behaviour. Israel's readiness to resort to force was at the root of the strong anxiety felt throughout the Near East. If the measures taken by Egypt were to cease, Israel's attacks and violations also had to cease, and Egypt had to have formal guarantees that such attacks and violations would not be repeated.

220. The representative of LEBANON did not doubt the good intentions of the representative of New Zealand, but the draft resolution had proved to a large extent to advocate the viewpoint of Israel. The element of impartiality and of balance was lacking. The text was constructed from beginning to end only with a view to bringing pressure upon Egypt. It would have been more balanced, impartial and palatable if it had contained a request to Israel to release the 12,000 million dollars worth of Arab properties seized by Israel and used illegally by it for the last seven years. If that were done, the Council would really be making a contribution to peace and to the adjustment of the differences in the Near East.

221. At the 663rd meeting (25 March), the representative of the UNITED STATES OF AMERICA stated that the issue before the Council was the compliance of a Member of the United Nations with a decision taken by the Council two and a half years before. The resolution of 1 September 1951 had been adopted by the Council after an examination of the facts and the arguments presented by both sides, and after the parties themselves had entered into a general armistice agreement which had as one of its principal purposes the promotion of permanent peace in Palestine. The basic issues remained the same and nothing had happened since 1949, when the Armistice Agreement had been signed, or since 1951, when the resolution had been adopted, to alter their validity or significance to the peace of the area.

222. Throughout the history of the Palestine question, the United Nations had sought a peaceful, just and equitable settlement of the many and complicated problems arising out of the conflict. While the decisions of the various organs of the United Nations had not always fully satisfied the views of the United States, it had nevertheless consistently sought to respect and to give effect to the combined judgment which those decisions represented.

223. The United States also felt that the parties concerned in those questions had an equal duty to respect and to make every reasonable effort to give effect to the combined judgment of the United Nations,

whether expressed in the Security Council, in the General Assembly or in other competent organs. It seemed to the United States delegation that the parties to the Palestine question, by disregarding the judgment of the majority of Member States, were losing sight of the immense value to themselves which this process represented. Such a disregard of the Council's views in one instance encouraged recalcitrance in another. The whole fabric of international co-operation inevitably suffered.

224. Moreover, differences arising between the parties to the Armistice Agreement should always be handled as fully as possible and in the first instance by the mixed armistice machinery. An exception to that rule could weaken the effectiveness of that machinery. His delegation believed that the Mixed Armistice Commission, in considering the specific complaint with respect to action in the Gulf of Aqaba, must be bound not only by the provisions of the General Armistice Agreement, but should also act in the light of paragraph 5 of the resolution of 1 September 1951. For all those reasons, his delegation would support the New Zealand draft resolution.

225. The representative of DENMARK stressed that smaller nations, like Denmark, Egypt or Israel, must take a particular interest in the maintenance of international law—and above all the provisions of the Charter—since they could not to the same extent as could the Great Powers rely on their military strength to safeguard their interests. Article 24 of the Charter clearly showed that the Security Council, if and when a decision was taken by it in conformity with the relevant rules of the Charter, was acting on behalf of all Members of the United Nations, even on behalf of the one against which such a decision was taken. The obligation embodied in Article 25 for the Members of the United Nations to accept and carry out the decisions of the Security Council was not limited to decisions which the Members themselves agreed with or considered legal. In ratifying the Charter all Member States had agreed to a limitation of their sovereignty. If the Council accepted the thesis that a Member State disagreeing with one of its decisions was not bound by such decision simply by calling it illegal, the work of the Council would become chaotic, since any State ready to shoulder the responsibility of aggression would surely be only too willing to accuse the Council of acting illegally. As regards other principles of international law there could hardly be any doubt that all nations must be greatly concerned in the maintenance of freedom of international shipping—not least through the Suez Canal.

226. The Council had in 1951 exhaustively discussed a similar Israel complaint and there seemed to be no reason for the Council now to modify its stand. It was most regrettable that Egypt had not complied with the Council's resolution of 1 September 1954 as every Member State is bound to do under Article 25 of the Charter. The assertion that Egypt was a belligerent and that, as such, it had a right of visit, search and seizure, could in the opinion of the Danish Government not be sustained. In this respect, the representative of Denmark would particularly refer to article II, paragraph 2, of the Armistice Agreement between Egypt and Israel and to the fact that five years had now passed since the termination of hostilities. In the view of the Danish Government, the measures decided upon by the Egyptian Government and the practice applied by it could not be reconciled with the Armistice Agreement, the general rules of international law concerning the freedom of navigation and commerce, the Convention of 1888 on the free navigation of the Suez Canal, the Security Council's resolution of 1 September 1951 or, finally, with the Charter.

227. The representative of the UNITED KINGDOM stated that conditions in the area would doubtless deteriorate, with unforeseen consequences, if the Council's authority in regard to Palestine were undermined, either by the actions of the parties, or for some other reason. Without the Council's support, for instance, the Chief of Staff of the Truce Supervision Organization could take no effective action.

228. The United Kingdom delegation wished to see a provision added to the New Zealand draft resolution which would provide for further consideration by the Council within a limited period. He believed that ninety days would be a suitable time. However, he did not wish to press his suggestion if other members of the Council believed it unnecessary. In any case, the question of compliance seemed so important that the Council should be prepared to return to the matter in reasonable time, if that proved necessary.

229. He believed that the complaint concerning interference with shipping in the Gulf of Aqaba should be examined first by the Mixed Armistice Commission. If the Council were to make a practice of dealing with such complaints in the first instance, it would undermine the whole machinery established by the parties themselves in the Armistice Agreement.

230. In conclusion, he stated that the most important feature of the New Zealand draft resolution was that part of it which upheld the earlier resolution of 1951 and enjoined compliance with it. That resolution had been well founded and he had heard no arguments to shake that opinion, or to justify Egypt's failure to comply with it.

231. The representative of FRANCE said that no new legal arguments had been adduced since the discussion of the same question by the Council in 1951. The fact still remained that a resolution adopted by the Council, in the full exercise of its jurisdiction, was not being observed. That feature alone would determine the attitude of his delegation. He recalled that during the 1951 discussion his delegation had adhered to the principles of international law, and particularly to the principle of freedom of the seas and the international shipping lanes, and to the Convention of 1888 relating to the Suez Canal. That position remained the same.

232. The French delegation still considered that the 1888 Convention was valid. Nevertheless, it did not base the Council's competence in the question on that Convention for it was hardly the special task of the Council to examine alleged violations of obligations assumed under any and all treaties. Its essential task was to avert threats to the peace; it did not exercise its jurisdiction unless such threats were noted under the conditions laid down in Article 33 and subsequent Articles of the Charter. It was on that basis that the Council was justified in intervening in the dispute between Egypt and Israel, concerning freedom of navigation in the Suez Canal and the Gulf of Aqaba.

233. That dispute related to the application of the Armistice Agreement, of which the Council was the

guardian. It was because the terms of the Agreement were not being respected and because the violation of the Armistice Agreement obviously involved a danger to peace that the matter had legitimately been brought before the Council

234. Although the Egyptian representative had affirmed that, despite the armistice, Egypt possessed general rights of belligerency in relation to Israel, there was nothing in traditional or conventional law to encourage a State to continue warlike acts. That point might perhaps have been open to discussion in 1951, but could not be in 1954. The Council should note that the 1951 resolution had not been applied and should draw the unavoidable conclusions from that fact. In conclusion, he said that the moderation of the New Zealand draft resolution must be fully appreciated and that it was the Council's duty to draw attention to its previous resolutions and to make an earnest appeal to the parties to act in the spirit of those resolutions in order to ensure that the question should not be brought before the Council for a third time.

235. The representative of LEBANON said that the real source of the trouble in Palestine was that there had been solemn decisions, taken in each instance by more than two-thirds of the United Nations, and solemnly reaffirmed, which had been flouted by one party to the dispute. The United States representative had made a real contribution in calling attention to that larger aspect and in having the courage to call attention, for the first time in the Security Council, to the decisions of the various United Nations organs.

236. The central issue of the problem of Palestine was how to make Israel acceptable to that part of the world and to introduce conditions of understanding and mutual trust among the parties to the conflict. Apart from force, the juridically given decisions of the United Nations relating to the boundaries of Israel, to the internationalization of Jerusalem and to the Arab refugees were the only available starting point.

237. At the 664th meeting (27 March), the representative of CHINA said that with reference to the general rules of international law relating to belligerency and the right of visit and search, the representative of Egypt had put before the Council some very impressive arguments by its very nature, the Council was not qualified to deal with the complicated legal issues involved in the dispute. Lacking a solid juridical basis for its actions, the Council could, as in 1951, turn to political considerations. That shift from legal to political considerations had the full support of his delegation, but he doubted whether the draft resolution had found the proper approach.

238. A draft resolution purporting to seek a political solution should take due note of the important developments in Egyptian policy. But the relaxation of restrictions at the beginning of the year, as communicated to the Council by the representative of Egypt at the meeting of 15 February, had been totally ignored and the offer to introduce further relaxations, as announced by the same representative at the meeting of 25 March, had been dropped before it had been seriously explored. Instead of simply reaffirming the existing situation, the Council should recognize the good will expressed by the representative of Egypt and explore that offer exhaustively. But the New Zealand proposal confirmed the existing deadlock and closed the door to compromise. For those reasons, his delegation found itself forced to abstain on the draft resolution.

239. The representative of BRAZIL recalled that his delegation had voted in favour of the 1951 resolution because, although in principle an armistice was a temporary suspension of hostilities, it was self-evident that, as long as it lasted, the parties to it were barred from the exercise of any acts which might bring about the resumption of the armed conflict. Also, the Council's resolution of 11 August 1949 had made the armistice permanent.

240. Egypt had not conformed to the Council's resolution of 1951, and the Egyptian representative had recently made a formal statement to that effect in the Council, invoking the sovereignty of his country. But it should be remembered that, in the exercise of that very sovereignty, Member States had decided to abide by the provisions of the Charter. Moreover, it had been after the adoption by the Council of its 1951 resolution that the Egyptian Government, in November 1953, had added foodstuffs to the list of war contraband. However, the representative of Egypt had stated before the Council that he had been officially authorized by his Government to announce its intention of easing restrictions on certain products. That gave the Brazilian delegation a hope that it would not be difficult to reach final agreement on the subject.

241. As to the complaint concerning shipping in the Gulf of Aqaba, his delegation admitted that, in view of the Chief of Staff's statement on 12 June 1951, paragraph 6 of the New Zealand draft resolution might raise some difficulties. However, it would obviously be for the Mixed Armistice Commission to find out whether the interference in the Gulf of Aqaba had consisted solely of acts committed by customs officers or whether there had been intervention by armed forces, in which case the Mixed Armistice Commission would have jurisdiction over the matter. After obtaining the Commission's views, the Council could take the final decision on the subject. For all those reasons, his delegation would support the New Zealand draft resolution.

242. The representative of COLOMBIA said that, although his country had not been a member of the Security Council when the September 1951 resolution had been adopted, Colombia was bound, in accordance with Article 25 of the Charter, to support that resolution. Moreover, owing to its special geographical situation, with coasts on both the Atlantic and Pacific Oceans and consequent dependence on the Panama Canal for its international trade, Colombia had always upheld the principle of the free navigation of international canals as part of its legal tradition. Friendship with Egypt and with all the other Arab countries was a traditional feature of his Government's foreign policy, and nothing could be more pleasing to his country than to see the dispute between Egypt and Israel settled in such a friendly manner as to bring about peace and good relations between the two countries. For those reasons, his delegation would support the New Zealand draft resolution.

243. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that the New Zealand draft resolution, though clearly purporting from its title to deal with the Palestine question, contained nothing related to the settlement of that question. The

unsettled state of the Palestine question was inevitably engendering all kinds of misunderstandings, clashes and disputes which were complicating those relations and the general situation in the Near East to the detriment of the vital interests of the peoples of the Arab countries and of the people of Israel, as well as to the detriment of the interests of all peace-loving peoples and of the cause of maintaining peace and international security. The two years that had elapsed since 1951 had proved the correctness of the USSR position that the 1951 resolution had followed a line which would not ensure a satisfactory settlement of the question.

244. The New Zealand draft resolution, though supported by various representatives, had been strongly opposed, and with sound enough arguments, by the representatives of the Arab countries. Instead of helping the Arab States and Israel to enter upon conditions of normal coexistence and to establish mutual peace and friendship, the adoption of such a resolution would only complicate the relations between Israel and Egypt. In the opinion of the USSR delegation, the New Zealand draft resolution was based on a fundamentally false premise, in that it disregarded the impossibility of settling international problems by imposing upon one of the parties a decision which had been stated by that party to be absolutely unacceptable from the outset. It would be more correct, therefore, to use the generally accepted method of international law and the Charter by appealing to both parties to take steps to settle their differences on that question by means of direct negotiations. Having adopted an unsatisfactory resolution in 1951, the Council now intended to adopt a similarly inadequate resolution modelled on its previous one.

245. The USSR representative also stated that while the principle of free navigation laid down by the Convention of Constantinople of 1888 must, of course, be respected, the adoption of measures to ensure free navigation through the Suez Canal was a matter for certain specific States that had signed that Convention and not for a chance group of States, such as those which constituted the majority of the Council. In conclusion, he said that his delegation considered the New Zealand draft resolution, like the 1951 resolution, to be unsatisfactory and saw no justification for supporting it.

246. The representative of the UNITED KINGDOM said that the question of compliance with resolutions of the Security Council was so important that the United Kingdom Government felt that the Council should keep the question under review; and that if Egypt had not within ninety days complied with the resolution, the Council should stand ready to take up the matter again.

247. The President, speaking as representative of TURKEY, stated that it was highly desirable that the parties directly concerned should agree between themselves to a conciliatory solution of their differences. The question that faced the Council was not one of seeking to place the blame on either party, for it was certainly desirable and necessary that the decisions, not only of the Security Council, but of all the different organs of the United Nations, should be complied with by those parties. In that particular case, one should try to make the principles of equity and justice prevail. Undoubtedly, it was under conditions of stability and peace that prevalence of those principles could best be achieved.

248. The continuation of that dispute and similar ones was not a healthy sign for the stability of the Middle East. In the absence of a conciliatory settlement between the parties, the Council was left with no alternative but to request compliance with its previous resolution. Accordingly, his delegation would vote in favour of the New Zealand draft resolution.

Decision: *At the 664th meeting, on 27 March 1954, the New Zealand draft resolution (S/3188 and Corr.1) received 8 votes in favour to 2 against (Lebanon and USSR), with 1 abstention (China). Since one of the negative votes was that of a permanent member of the Council, the draft resolution was not adopted.*

249. The representative of NEW ZEALAND believed that the strong support obtained by his draft resolution had shown its inherent reasonableness. At its very heart had been the reaffirmation of the 1951 resolution, and that reaffirmation obviously had required that the Council should regard the continuing breach of the 1951 resolution as a grave matter and that Egypt should be called upon to comply with the 1951 resolution. The last clause of the draft resolution had followed naturally from the terms of the Armistice Agreement. His delegation could not fail to express grave concern that a veto should again have been cast against a moderate resolution designed to reduce tension in the Middle East. Nobody who was concerned for the powers, the prestige and the future of the Security Council could regard that veto in any but the gravest light or otherwise than as a veto that did not help and must harm the future efforts of the Council.

250. The representative of the UNITED KINGDOM said that, since the USSR representative had not vetoed the 1951 resolution, it was difficult to understand why he should want to veto a draft resolution which recalled the earlier resolution, expressed the Council's grave concern at the non-compliance of Egypt therewith, and called upon Egypt in a firm but very moderate way to comply with it. Such a veto might reduce the Council to impotence on the Palestine question, as USSR vetoes had reduced it to impotence on so many other questions. Since the Council had been given no other reason for that action, he was reluctantly driven to the conclusion that that must be the wish of the USSR Government.

251. The representative of LEBANON said that it was hopeless to attempt to impose upon the Near East a solution which was at variance with the views of the overwhelming majority of the population of that part of the world. The moral to be drawn from the result of the vote was not that there should be wringing of hands as to the use or abuse of the veto, but that it was necessary that everybody concerned should try their best to bring about an agreed solution.

252. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS held that his vote had not undermined the Council's authority but, on the contrary, had safeguarded it. By adopting a worthless, inane, unsatisfactory resolution, the Council would have impaired its prestige and its international authority. The best way to solve the problem would have been to call upon the representatives of Israel and Egypt to sit down together and try to settle the questions which could not be settled by the Council.

253. The USSR delegation had the same legal right as all the other members of the Council to vote in favour of, to abstain, or to vote against a proposal, and it would continue to avail itself of that right. It had abstained on the 1951 resolution in the hope that that proposal might produce some positive results. But since no positive results had been achieved in the course of two years, and since there was no hope for such results now, his delegation could not see why it should have supported the New Zealand proposal.

254. The representative of FRANCE said that the USSR representative was certainly entitled under the Charter to cast a negative vote. But the frequent repetition of such action led to the assumption that that right was being abused to a certain extent. His delegation was alarmed by the fact that, after so much consideration and the passage of three years, the USSR had seen fit to veto a very moderate text which, in any case, could not have repealed a legally adopted resolution. Moreover, the USSR representative had contended that if a resolution had not been accepted by the parties, it should be abandoned. Such an attitude was absolutely contrary to the provisions of the Charter, particularly Article 25. The USSR representative had called for direct negotiations as a means of settling the dispute, but the Council was well aware of the difficulties encountered in that respect, particularly since the USSR representative believed that the Palestine question as a whole should have been settled. The USSR vote was imperilling the entire operation of the Mixed Armistice Commission and the Council's part in the settlement of disputes.

255. The representative of ISRAEL said that it appeared that, in any dispute between Israel and any of its Arab neighbours, the Arab objection must prevail against the views of Israel, irrespective of the objective merits of the case and the majority will of the Council.

256. With reference to the two items on the Council's agenda, he said that the law of the United Nations in the Suez Canal and in the Gulf of Aqaba was not, as it might have been, the draft resolution of New Zealand, but the valid and unrepealed resolution of 1 September 1951. That resolution denied Israel and Egypt the right of active belligerency and especially the right of visit, search and seizure, and called for the termination of all restrictions which had been applied against commerce and navigation on the grounds of belligerency. In the opinion of the Israel Government, both parties were under obligation to conform with that decision. Accordingly, his Government would not recognize, either in word or in deed, the right of Egypt to exercise control or restrictions over Israel's commerce or navigation. It was the understanding of his Government that nothing prevented any maritime Power from exercising the freedom which international law, including the 1951 resolution, conferred upon it. Certainly Israel, as a maritime Power, intended to bring cargoes into and out of its ports.

257. In conclusion, he said that the Israel Government would wish to examine with care the position created by the fact that no resolution recognizing Israel's fundamental rights under the General Armistice Agreement appeared capable of adoption by the Security Council, even when the majority supported it. Resolutions opposed strongly by Israel had, on the other hand, been allowed free passage. If the choice were between a resolution acceptable to Arab interests and no resolution at all, the question whether there existed the basic conditions of judicial equity, in which Israel should have recourse to the Security Council, was bound to arise for serious consideration in any Government's mind.

258. The representative of EGYPT reiterated that his Government was not satisfied that the 1951 resolution was in accordance with the spirit of the Charter. Had it been, Egypt would have been the first to respect the Council's decision. It was not by means such as the New Zealand draft resolution that the rift between Israel and Egypt and the other Arab countries could be healed, for the rift was too deep for that. Now that Egypt was freed from the pressure brought to bear through the New Zealand draft resolution and from the threat of the United Kingdom proposal that the item would be retained on the Council's agenda for ninety days, Egypt would, of its own free will, move towards tolerance.

D. Complaints received from Lebanon and Israel

1. COMMUNICATIONS DATED 30 MARCH AND 1 APRIL 1954

259. In a cablegram dated 30 March 1954 (S/3192), addressed to the Secretary-General, the Minister for Foreign Affairs of the Hashemite Kingdom of the Jordan charged that on 28 March large Israel military armed forces had attacked the Jordan village of Nahhalin, resulting in the killing of nine persons and wounding of fourteen civilians, including women and children. On the same date, the Israel-Jordan Mixed Armistice Commission had adopted a resolution condemning Israel in the strongest terms for that aggression as a flagrant breach of article III, paragraph 2, of the Armistice Agreement and had called upon the Israel authorities to take the most effective measures to prevent such and other aggressions against Jordan in the future and to apprehend and punish those responsible. The cablegram added that that brutal aggression coming four months after the Qibya incident was sufficient proof of Israel's aggressive intentions and was a direct challenge to the Security Council's decision of 24 November 1953 and to the authority and dignity of the United Nations. Unless drastic and efficient action was taken immediately by the United Nations, Israel would continue to defy, ignore and flout any and all such decisions.

260. In a letter dated 1 April 1954 (S/3195), the alternate representative of Lebanon on the Security Council informed the President that, upon instructions from his Government, he wished to submit, on behalf of the Hashemite Kingdom of the Jordan, the following complaint for urgent consideration by the Council: "Flagrant breach of article III, paragraph 2 of the General Armistice Agreement between Israel and the Hashemite Kingdom of the Jordan by the crossing of the demarcation line by a large group of militarily trained Israelis who planned and carried out the attack on Nahhalin village on 28-29 March 1954".

261. In a letter dated 5 April 1954 (S/3196), the representative of Israel requested the President to place on the Council's agenda for urgent consideration four complaints by Israel against Jordan concerning what it considered to be Jordan's repudiation of its obligations under the Israel-Jordan Armistice Agreement, par-

ticularly by violation of articles I, III, IV, VIII and XII of that Agreement, and by an alleged armed attack on a bus near Scorpion Pass on 17 March 1954. In an explanatory memorandum (S/3196/Add.1), the representative of Israel explained that Jordan had violated its obligations under article XII of the Armistice Agreement by its refusal to attend the conference convoked by the Secretary-General under the aforesaid article. Moreover, Israel charged that the tracks made by the attackers, together with the general circumstances accompanying the attack at Scorpion Pass, proved that its perpetrators had emerged from and returned to Jordan. Jordan was responsible for violating articles I, III, and IV of the Armistice Agreement by committing various hostile acts, particularly in the neighbourhood of Kissalon, which had resulted in loss of lives and constant threats against Israel's security. Finally, Jordan was guilty of violating article VIII of the Agreement by its refusal to carry out its obligations under that article.

262. Subsequently, the representatives of Egypt, Iraq, Saudi Arabia, Syria and Yemen (S/3198) and the representative of Pakistan (S/3204) associated themselves with the complaint submitted by Lebanon on behalf of the Government of Jordan.

2. Inclusion of the items in the agenda

263. At its 665th meeting (8 April 1954), the Council had before it a provisional agenda containing the complaint received from Lebanon as sub-item (*a*), and the complaints received from Israel as sub-item (*b*).

264. The representative of Lebanon inquired from the President whether it was the Council's intention to deal with the sub-items separately, as in the case of the Suez Canal question.

265. The President replied that all items were normally discussed in the order in which they appeared on the agenda and that, accordingly, the point raised by the representative of Lebanon appeared to be unnecessary for the moment since it was clear that, in the absence of any proposal to the contrary, the items should be discussed in the order in which they appeared in the provisional agenda.

266. The representative of the United Kingdom said that he had been prepared to agree to the adoption of the provisional agenda on the assumption that, since the two sub-items were inter-related, the Council would consider them as a whole.

267. He recalled that, during the previous autumn, the Council had had a very full discussion of the situation on the borders of Israel and Jordan and had adopted a resolution in the hope that it would lead to an improvement in the area. However, many deplorable things had taken place. On the one hand, the efforts of the Government of Israel to secure a conference with the Government of Jordan under article XII of the General Armistice Agreement had not been successful, in spite of the patient efforts of the Secretary-General to ensure that the conference would take place under conditions acceptable to both sides. On the other hand, some very serious acts of violence had continued and had had alarming repercussions. Two of those incidents were of an exceptionally serious nature. On 17 March, a bus in a lonely part of the Negeb had been waylaid and eleven Israelis had been murdered. That had been a horrible crime, and the Council would understand that it had aroused a wave of emotion in Israel. The Mixed Armistice Commission had conducted an urgent inquiry in which the Jordan authorities had co-operated fully. However, for lack of conclusive evidence, the Mixed Armistice Commission had been unable to establish who the perpetrators of that outrage had been. Another organized attack had taken place on 28-29 March against the village of Nahhalin, with considerable loss of life. The Mixed Armistice Commission had found Israel guilty and one well understood the indignation caused in Jordan by the attack. The United Kingdom Government considered that Jordan had acted with due sense of its international responsibilities in bringing that attack to the notice of the Council. It hoped that no further incidents or attacks would occur while the Council was considering the problem; the situation was grave enough without that. But her Majesty's Government, which had a treaty of alliance with Jordan and which desired to preserve good relations with Israel, was very seriously concerned with the situation which had developed on the borders between them. That was why the United Kingdom Government attached such importance to a general consideration of the two items. In fact, as announced by Mr. Eden in the House of Commons, it had itself been considering, in conjunction with the French and the United States Governments, the desirability of an early meeting of the Security Council to discuss the situation. However, in view of the two sets of complaints before the Council, the initiative of the three Governments in the matter had proved unnecessary.

268. The representative of Lebanon disagreed with the thesis put forward by the representative of the United Kingdom, stating that if any representative had other complaints which he wished to bring before the Council, he could do so by inscribing them in the order in which they would properly come. He believed that sub-item (*a*) should be discussed first and alone and should be disposed of on its own merits. He recalled that when Israel had brought its complaint against Egypt concerning navigation in the Suez Canal, the United Kingdom representative had insisted that that item should be debated on its own merits without any reference to the larger issues, although that item had not entailed loss of life and there had been no aggression. The representative of the United Kingdom had been so insistent on that point that he had been able to get a ruling from the President to the effect that if any representative went beyond the limits of the first item, he would be called to order by the President.

269. The representative of France said that his delegation concurred with the views expressed by the United Kingdom representative. Sub-items (*a*) and (*b*) were part of the more general item, namely, the Palestine question, and it would be wrong to prevent any delegation from dealing with either of those two items in whatever order it considered appropriate in the context of the general theme of the discussion. In that connexion, he wished to recall that, in the course of the discussion on navigation in the Suez Canal, the representatives of Lebanon and of the USSR had both insisted on the desirability of simultaneous discussion of both the Egyptian and the Israel complaints.

270. The representative of the United States of America said that any one who had been following

recent events in Palestine would be immediately aware that the problem did not consist of mere findings by the Armistice Commissions under individual complaints of violations of the Armistice Agreements. The complaints listed on the agenda could not, therefore, be separated into air-tight compartments. He wished to make it clear that his Government was seriously concerned when any State, especially any Member of the United Nations bound by agreements approved by the Security Council and its obligations under the Charter, presumed to take the law into its own hands in a policy of reprisal and retaliation. That principle had been made perfectly clear when the Council had discussed the Qibya incident and the United States Government continued to hold the view that the repeated resort to the policy of reprisal and retaliation must stop.

271. Reference had been made by several representatives to the findings of the Mixed Armistice Commission concerning the attack on the village of Nahhalin, which was, in the opinion of the United States delegation, a matter of the utmost gravity and of a type clearly deserving condemnation. But it was not enough to have discussions in an affair of that kind or to make findings and to issue condemnations. The situation along the Israel-Jordan border since the passage of the resolution on Qibya on 24 November 1953 had not improved. At that time, the Council had recognized the obligations of both Israel and Jordan, under the resolutions of the Security Council and the General Armistice Agreement, to prevent all acts of violence on either side of the demarcation line and had reaffirmed that it was essential, in order to achieve progress by peaceful means towards a lasting settlement of the issues outstanding, that the parties abide by their obligations. It was in that connexion that the Council had recognized the necessity of strengthening the Truce Supervision Organization and of considering such additional measures as might be necessary to carry out the objectives of the Qibya resolution.

272. In the opinion of the United States delegation it had become abundantly clear that complaints such as those included in the provisional agenda were interrelated. If constructive action were to be taken which would be helpful to the parties themselves and conducive to peace in the area, the Council must treat the two sub-items as interrelated. While the Council need not be bound by precedents in such matters, a sound precedent was provided by the fact that, at its 514th meeting (20 October 1950), the Council had decided that reference could be made to each of the six sub-items, involving alleged violations of two different armistice agreements, then on its agenda.

273. The representative of CHINA suggested that, with the adoption of the agenda, the Council should begin the discussion of sub-item (*a*). As the discussion proceeded, resolutions covering either sub-item might be submitted and it was open to any representative to propose the postponement of the consideration and of the voting upon those resolutions to a later date. He believed that the Council should start discussing sub-item (*a*) and suggested that the various practical needs that might arise could be resolved by recourse to the rules of procedure.

274. The representative of BRAZIL said that his delegation's attitude regarding the question was based on a desire to be as impartial as possible. If an agreement could not be reached on the way in which the discussion should proceed, and if, indeed, the incompatibility between the views of the representative of Lebanon and those of other representatives persisted, perhaps another approach could be tried on the lines suggested by the representative of China. Although it seemed to the Brazilian delegation that the matters on the provisional agenda were closely related, the frontier incidents could perhaps be dealt with jointly and, thereafter, the Council could simultaneously discuss the other two points which concerned the implementation of the armistice machinery and were broader in scope. If the Council were to group subjects for discussion, it would perhaps be desirable that no member of the Council or representative of the parties involved be precluded from referring in their explanations to some aspects of the whole Palestine question.

275. The representative of NEW ZEALAND said that his delegation favoured the United Kingdom proposal for the simultaneous discussion of sub-items (*a*) and (*b*), since that procedure would provide the opportunity for a timely examination of the functioning of the machinery established under the General Armistice Agreement between Israel and Jordan. His delegation believed that the two complaints submitted reflected problems which had arisen in the day-to-day enforcement of the Armistice Agreement. It was common knowledge that a state of tension existed along the demarcation line between Israel and Jordan, and the complaints before the Council reflected that state of affairs. The situation called for a careful and balanced study by the Council and joint discussion of the two complaints would permit such discussion. His views on the matter should not be interpreted as implying a lack of concern over the issues raised in the complaint submitted by Lebanon. On the contrary, the position taken by the New Zealand delegation on the question of procedure reflected its very genuine concern over the occurrence of the events which formed the basis of the complaint on the provisional agenda. The objective of the Council was to seek to avoid a recurrence of such events. The Council was no longer dealing with a single, isolated incident, or for that matter, with two or three incidents, but rather with a state of affairs holding the possibility of serious developments.

276. The representative of TURKEY said that the Council's past experience during the discussion of the Palestine question had clearly shown that it was not always possible for a speaker to remain within the narrow limits of an agenda sub-item.

277. The representative of LEBANON pointed out that the Council was dealing with the Nahhalin incident, which had been acted upon by the competent organ of the United Nations. The complaint had been presented in due order and in the proper form. But every one knew that the complaints which Israel had submitted five days later were aimed at drowning the Nahhalin incident, and it would not be fair for the Council to condone that attempt.

278. The representative of DENMARK said that the deterioration of relations between Israel and the Hashemite Kingdom of the Jordan was such that the Council should not confine itself to the very regrettable cases brought before it, but should have the possibility of examining the problem in its wider aspects. Accordingly, he favoured the approach suggested by the representative of the United Kingdom.

279. At the 666th meeting (12 April), the representative of BRAZIL said that he did not insist on his earlier proposal. He believed that the Council should not, at that early stage, prejudge the substance, terms and character of its decisions. In other words, the comprehensive nature of the discussion could not prejudge the separate or general character of the action to be taken eventually by the Council. At the close of the general debate, the Council might be inclined to consider a general resolution concerning all the matters on the agenda; it might decide to adopt separate resolutions on the individual complaints; again, it might decide to group the resolutions according to the two sets of complaints concerning frontier incidents and armed conflicts on the one hand, and functioning of the machinery of the Armistice Agreements on the other. Accordingly, he proposed, on behalf of his delegation and of that of Colombia, first, that the provisional agenda should be adopted; secondly, that a general discussion should be held in which reference might be made to any or all of the items on the agenda; and thirdly, that the Security Council should not commit itself at that stage to the separate or joint character of its eventual resolution or resolutions.

280. The representative of COLOMBIA associated himself with the views expressed by the representative of Brazil.

281. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS agreed that, in the course of the 657th meeting, he had advocated that the two items brought respectively by Israel and Egypt should be considered simultaneously. However he had adopted that position because both complaints had charged violations of the Egyptian-Israel General Armistice Agreement of 24 February 1949. In the present case, the centre of gravity was shifted to the alleged repudiation by Jordan of its obligations under the General Armistice Agreement, since the Israel complaint stated that Jordan was conducting a general policy of hostility against Israel, maintained and aggravated by a campaign of hate and incitement to war. That position did not mean that all complaints which might at any time arise concerning relations between Israel and the Arab States should, without exception, be considered together irrespective of their substance. Accordingly, he considered it more correct to discuss separately the two items on the provisional agenda, since they related to different matters of substance: Whereas the crux of Israel's complaint had to do with Jordan's general attitude towards its obligations under the Armistice Agreement, the Lebanese complaint, on behalf of Jordan, stated that a flagrant breach of a particular article of the Israel-Jordan General Armistice Agreement had been committed and that a particular incident had occurred. There was no mention of Israel's policy towards Jordan or any other State and there was no mention of any general review, or of any wider or more general question.

282. Referring to the statement made by the United Kingdom representative to the effect that the United Kingdom Government had intended to propose a meeting of the Council for special consideration of the Palestine question as a whole, the representative of the USSR asked what logical ground there could then be for discussion of the question as a whole in connexion with separate incidents. He believed that, after preliminary consideration of the concrete facts, it might be possible to draw certain general conclusions, at which time the consideration of the general question of policy might be discussed by the Council. If the Council agreed to discuss each individual item in turn, that did not mean that in discussing one item representatives could not say a single word about the other item. In discussing the items separately, it was essential for the Council to have an opportunity to refer, in reasonable measure and within certain reasonable limits so as not to substitute one question for another, to more general and comprehensive political issues.

283. The representative of the UNITED KINGDOM found himself in agreement with the analysis made by the USSR representative, but was surprised by the conclusions arrived at by that representative. The representative of the USSR, in his analysis, had laid stress, and rightly so, on the contention that the Council must not bind itself rigidly to follow precedent in deciding to take related items separately or together. He had then proceeded to give instances of other cases in the past when members of the Council had argued against combining related items, while they now urged their combination, contending that that showed inconsistency. But there was no lack of logic in the United Kingdom position, because his delegation believed that the circumstances surrounding the troubled borders of Israel and Jordan demanded a general treatment of the complaints before the Council.

284. It had not been the intention of the United Kingdom delegation to ask the Council to embark on any discussion which might be regarded as an attempt to work out a final solution of the Palestine question. That goal, unfortunately, seemed a long way off, and a greater degree of confidence than existed between the parties concerned must first be established; nor had he suggested a special meeting of the Council. He believed that a piecemeal discussion of individual incidents was not the best procedure for the Council to follow. He wished to make it clear to the representative of Lebanon that the Nahhalin item, which stood first on the provisional agenda, should neither be smothered, nor in any way obstructed, by a general debate on the whole border problem. An incident such as the Nahhalin attack, for which the Mixed Armistice Commission had found Israel guilty, and which appeared on the face of it to have the closest resemblance to the Qibya incident, was certainly a matter for the consideration of the Council. The two complaints before the Council provided it with an adequate starting point for a full review of the situation. It was because he hoped and believed that such a review would enable the Council to reach helpful and practical conclusions, and thus to open a way for an improvement of the border situation, that he supported the suggestion of Brazil and Colombia.

285. The representative of FRANCE believed that the Brazilian-Colombian proposal would meet all the legitimate demands of the Arab States, as explained by the representative of Lebanon. He wished to join with the representative of the United Kingdom in assuring the Lebanese representative that it had not been the intention of his delegation to lose sight of such incidents as that of Nahhalin in a general debate. His delegation's intention was certainly not to connive at a procedure which would mean that that reprisal incident would be censured less severely by the Council than that of Qibya.

286. The representative of the UNITED STATES OF AMERICA welcomed the proposal which had been made

by the representatives of Brazil and Colombia. The representative of the USSR had endeavoured to show that the United States representative, in the course of the 657th meeting (4 February 1954), had taken a position inconsistent with the position taken by the United States concerning the provisional agenda. But the USSR representative, in the course of the 657th meeting, had himself advocated the necessity for the combined discussion of the two items then under discussion. The United States representative observed that there was nothing wrong in people or Governments changing their minds and he was frank to admit that the thinking of the United States Government on that matter had indeed evolved. When the Council had been confronted with the first violent incidents, such as the Qibya incident, it had seemed proper and desirable to take up each incident separately. But when a whole rash of incidents had broken out all over the body politic in the Near East, it had become obvious that such an attempt could not cure the affliction. The position of the United States Government had changed because the situation itself had changed.

287. The representative of LEBANON stated that his delegation had presented an orderly complaint and wished it debated in an orderly manner; it did not want the basis of the debate to be enlarged because that would smother the acuteness and horror of what had happened at Nahhalin. In the second place, concerning the precedent cited by the representative of the United States, six distinct items had been lumped together at the 514th meeting and no objection had been raised by any member of the Council against having such a general debate. That was not true in the present case where the strongest objection against that procedure had been raised. Thirdly, he wished to remind the members of the Council that they had been elected by the General Assembly for the purpose of representing the interests of the United Nations as a whole. It was not becoming for the members of the Council to try to impose any solution without thorough debate characterized by flexibility and understanding. Fourthly, as regards the assurances given by the representatives of the United Kingdom and France concerning the attempt to efface the incident at Nahhalin, that incident was a *sui generis* case; it had nothing to do, in itself, with all the other matters to which the representative of the United States had referred when he had said that there had been a rash of incidents. Nahhalin had been a calculated, militarily executed and centrally directed incident, which must be faced by the Council on its own merits. The representatives of the United Kingdom and France had declared that it was not their intention to obscure the Nahhalin incident. In that connexion, he noted that the similarity between the policy which the United Kingdom and French representatives were attempting to follow as regards the question of procedure and Israel's policy in that respect was very strange.

288. Finally, he believed that there were people who were of the opinion that the Arab States would yield only to force and that in order to bring them to the conference table one must execute another Qibya. That belief was a complete fallacy. The United States representative had told the Council that the conditions had changed. The representative of Lebanon wished that that statement might have been made before the Nahhalin incident had occurred. To make that statement after Nahhalin was precisely to confirm the opinion of some persons that the Arabs would come to the conference table only if force were used against them.

289. As to the proposal of Brazil and Colombia, although the initiative was welcome, he wondered whether it would not be possible for the Council either to hold a general debate first and then discuss sub-items (*a*) and (*b*) separately, or to discuss sub-item (*a*) first and hold the general debate afterwards.

290. At the 667th, 668th and 669th meetings (22 and 29 April and 3 May), the Council continued its discussion as to the advisability of considering sub-items (*a*) and (*b*) simultaneously or consecutively.

291. At the 670th meeting (4 May), the representative of LEBANON submitted some amendments to the joint Brazilian-Colombian proposal.

292. The representative of CHINA declared that if the Brazilian-Colombian proposal was put to the vote paragraph by paragraph, his delegation would vote in favour of paragraphs 1 and 3 and would abstain on paragraph 2. However, he would abstain on the proposal as a whole.

293. The representative of COLOMBIA said that the proposal submitted by his delegation and that of Brazil was very different from the proposal of the United Kingdom representative. The Colombian and Brazilian delegations had been trying to make an intermediate proposal which would seek to reconcile the different points of view or combine the different opinions maintained by the representatives of Lebanon and the United Kingdom. Their delegations disagreed entirely with the Lebanese amendments, since those amendments would fundamentally change their proposal. However, they agreed to have the vote on their proposal taken paragraph by paragraph.

Decision: *At the 670th meeting, on 4 May 1954, the first paragraph 1 of the Brazilian-Colombian proposal was adopted unanimously. The Lebanese amendment to add a new paragraph after the first paragraph and to modify the second paragraph was rejected by 4 votes (Brazil, Colombia, Denmark, New Zealand) to 2 (Lebanon, USSR), with 5 abstentions. The third paragraph of the Brazilian-Colombian proposal was adopted by 9 votes to none, with 1 abstention (USSR). Finally, the proposal as a whole was adopted by 8 votes to 2 (Lebanon, USSR), with 1 abstention (China).*

294. Following the adoption of the agenda, the President invited the representatives of Israel and Jordan to take part in the discussion.

295. The representative of LEBANON observed that little attention had been given to a number of important questions which he had raised in the course of the debate. After six meetings on a purely procedural matter, the Council had adopted a formal agenda which could have been adopted by those who had sponsored it at the very beginning of the debate. He also recalled that his delegation had endeavoured to make some concessions and had made them in a spirit of compromise and *rapprochement*. Nevertheless, those concessions had not been taken up by any member of the Council. His delegation regretted that fact because, if the consideration of the complicated matter before the Council were begun in a spirit of discord and unnecessary mis-

understanding, it might not proceed in the proper spirit later on. It was absolutely useless to hope that the Arabs would come to terms with Israel at the point of a gun and it was hopeless for Israel or for any of its advisers to expect that Israel could shoot its way to a final settlement in the Near East; the only road to a real and final settlement in the Near East was the road of peace and good will. There was in the Arab world a new will with which the world must reckon. It was a will to independence, to dignity and self-respect, and to an absolute refusal to be lorded over by anybody. That independent will required further that the Middle Eastern States should be regarded as equals, politically and morally. Thus, any expectation that the political climate of 1947, in which the Powers could manipulate Governments and peoples as they pleased, could still exist, would be dashed. New, youthful leaders had arisen, leaders who had a fundamental jealousy of their rights and the rights of their people, worthy of all respect. In the Arab world, there was a massive, general and fundamental awakening of the people who were determined to rule themselves; to secure their economic and social rights; to establish as close a natural unity among themselves as possible and to defend their rights in Palestine.

296. Now that the Security Council had adopted its agenda, Lebanon reserved complete freedom of action, its attitude depending upon whether real and demonstrable justice or injustice should finally prevail.

297. The representative of the HASHEMITE KINGDOM OF THE JORDAN stated that his Government had submitted its complaint against Israel in regard to an open aggression and a warlike attack on Jordanian territory, which had resulted in death, bloodshed and destruction in the village of Nahhalin. It was of vital importance to his Government to see that the Council gave its complaint full consideration and separate discussion in the general debate, terminating in an independent resolution on the Nahhalin incident. He described in some detail the attack on Nahhalin and said that the setting of the ambush, the approach to the village and the organized withdrawal pointed to a well-prepared military plan; pools of blood along the route of withdrawal indicated that the invaders had suffered casualties.

298. On 30 March 1954, the Mixed Armistice Commission had adopted a resolution condemning Israel in the strongest terms for the crossing of the demarcation line by a large group of militarily trained Israelis who had planned and carried out the attack. The resolution had also called on the Israel authorities to take the most effective measures to prevent such and other aggressions against Jordan in the future and to apprehend and punish those responsible.

299. Certain representatives apparently believed that acts of violence on the Israel-Jordan frontiers were symptoms, and not causes, of the existing tension. But had it not been for those grave incidents, there would have been no problem of tension. It was the incidents that were creating the tension and not the tension which was causing the incidents. Therefore, when the Council dealt with those incidents, it was treating not symptoms but the causes of the disease.

300. Why had Israel initiated that aggression and carried out that attack? The truce supervision machinery, established by the United Nations, was a workable arrangement which had more or less satisfactorily governed the frontier disputes between Israel and Jordan. It had worked as long as Jordan and Israel had abided by it. However, since Israel had adopted new intentions and introduced new aims, that arrangement had been subjected to severe shocks designed to nullify it. Israel, in the words of its Prime Minister, considered the Armistice Agreements a success in so far as they had established clear demarcation lines which assumed the character of international frontiers. Whether that Israel aim was consistent with the United Nations resolutions or not was not a crucial issue for Israel. Israel had with profit defied the United Nations on the other aspects of the Palestine problem such as refugees and nobody had brought it to task.

301. Israel considered the frontier question as the last aspect of the Palestine question to be frozen on the basis not of the United Nations resolutions but of the *status quo*. Thus, the 800,000 Arab refugees had more or less been forgotten; Israel had declared Jerusalem its capital; the Palestine Conciliation Commission was paralyzed; contributions, compensations and financial aid were continuing to pour into Israel; water projects to satisfy Israel's needs were being planned. Only the United Nations Truce Supervision Organization had remained a sore point as far as Israel policy was concerned. Therefore, why not get rid of it at once and for all, even if that meant many condemnations from the Security Council? Israel had actually started executing that plan: on 31 March 1954, it had announced its boycott of the Israel-Jordan Mixed Armistice Commission in connexion with an unidentified attack on an Israel bus within Israel. A few days later, Israel had made the predetermined attack on Nahhalin.

302. An objective analysis of border problems between Jordan and Israel clearly revealed that Israel tended to justify its own armistice violations or ignore them, and exaggerate the military nature of the Arab infiltration. But how could an individual act of a borderland Palestinian refugee in crossing the demarcation line to his own farm or house be compared to an organized violation of an official or semi-official character? Nevertheless, the Jordanian Government, for its part, had not failed to take effective measures to prevent its own citizens from crossing the demarcation line. Indeed, General Bennike had stated so in his report of 24 February 1954.

303. Nahhalin and similar past and future attacks were shaping into a venture of greater political magnitude. Whatever the paradox in the use of force, the attack on Nahhalin had been meant to drive the Arabs towards the acceptance of a new formula for a joint solution with Israel. But no Arab country would accept direct or indirect agreements with Israel either at the point of a gun or at the expense of legitimate Arab rights and Arab interests. If no separate and independent resolution was to be adopted on the Nahhalin attack, then Israel would take advantage of that development by creating future incidents and planning further attacks in order to ensure a general discussion and to secure general resolutions on any subject it wished to see considered. Such tactics would set a serious precedent in other world disputes and would diminish the power to subdue aggression.

304. The representative of ISRAEL said that the statement of the representative of Jordan illustrated

the comprehensive and the intense hostility within which the State of Israel struggled for security and peace. In the future, his delegation would have much to say about the events of Nahhalin in the context of preceding events. However, at that stage, it wished simply to say that it regarded the picture as fantastic and grotesque to the extent that it isolated Nahhalin from the long and sombre succession of Jordan aggressions and violations which had preceded it and, above all, to the extent that it attempted to obscure the central theme of the existing situation in the Middle East, namely, the refusal of one of the signatories of the Armistice Agreement either to implement that agreement in its full integrity or to embark upon the transition to permanent peace. Nobody who had listened to the Jordanian speech would have imagined that since the signing by Israel of the Armistice Agreement with Jordan, the people of Israel had suffered 218 killed and 300 wounded, and that out of the 977 armed clashes which had been organized by Jordan against Israel territory during the armistice, 118 had taken place during the period of four months since the Council had previously discussed the Palestine question.

305. The problem of the Israel-Jordan frontier was primarily a problem of a purposeful hostility waged against a small State by a powerful coalition which was thirty times the size of Israel in population and three hundred times its size in area. The spearhead of that attack was the constant murderous harassment of the Jordan frontier, which had had somber consequences in terms of loss of life. The Israel delegation expressed its deep concern at the increase of tension on the Jordan frontier since the massacre of Israel citizens at Scorpion Pass and Kissalon, and the repudiation by Jordan of article XII of its Armistice Agreement with Israel. Those two events, the one an attack on Israel's physical security and the other an assault upon its juridical rights, had brought the peace of that frontier to a state of danger and had illustrated the precarious balance on which the security of the Middle East rested. World opinion looked expectantly to the Council both for a review of past events and above all, for the initiation of measures to improve the whole system and atmosphere of relations between Israel and Jordan under the Armistice Treaty. Accordingly, his delegation would make specific proposals for eliminating tension on the Israel-Jordan frontier by restoring the integrity of the Armistice Agreement, which had been concluded by the parties five years before as a provisional measure designed as a transition to permanent peace.

306. He wished to invite the Council's attention to a preliminary matter of great political and juridical importance which should be clarified at an early stage. Since the Charter laid down precise conditions for the discussion in the Security Council of disputes between Member and non-Member States, he wished formally and officially to inquire whether, in inviting a Jordan representative to the Council for the purpose of presenting a complaint against Israel, the Council had satisfied itself that Article 35, paragraph 2, had been complied with, namely, whether the Government of Jordan had given notice, or would give notice, that it accepted in advance the obligation of pacific settlement provided in the Charter. In that connexion, he recalled that at the 511th meeting of the Council (16 October 1950), when Jordan had brought a complaint against Israel concerning the alleged occupation of Naharayim, the then President of the Council had stated that an appropriate document had been filed by the representative of Jordan in conformity with Article 2 and Article 35, paragraph 2, of the Charter, wherein Jordan had undertaken the obligations for pacific settlement provided in the Charter.

307. The representative of LEBANON stated that the figures quoted by the representative of Israel did not correspond to those mentioned by General Bennike in his report (630th meeting). That report stated that, from June 1949 to 15 October 1953, a period of four years and several months, Israel had alleged that, as a result of Jordanian attacks, 89 Israelis and 68 Jordanians had been killed inside Israel, and that 110 Israelis and 18 Jordanians had been wounded inside Israel. But the report of General Bennike had stated that the Mixed Armistice Commission had verified that only twenty-four Israelis and two Jordanians had been killed inside Israel and only thirty Israelis and one Jordanian wounded inside Israel.

308. The representative of Israel had spoken about negotiation, review and modification which were likely to emerge from the debate, but did he really think that Jordan, or any Arab State, in the shadow of Nahhalin and Qibya, was going to move toward any negotiation, review or modification? In view of what the Council had heard from the representative of Jordan and of the possibility of future misunderstanding, the representative of Lebanon submitted the following draft resolution (S/3209):

"The Security Council,

"*Recalling* its previous resolutions on the Palestine question, concerning methods for maintaining the armistice and resolving disputes through the Mixed Armistice Commissions,

"*Recalling*, in particular, its resolution of 24 November 1953 finding that the retaliatory action at Qibya taken by armed forces of Israel and all such actions constituted a violation of the cease-fire provisions of the Security Council resolution of 15 July 1948, expressing the strongest censure of that action and calling upon Israel to take effective measures to prevent all such actions in the future,

"*Noting* the reports of 27 October 1953, 9 November 1953 and particularly of 24 February 1954, to the Security Council by the Chief of Staff of the United Nations Truce Supervision Organization and the statements to the Security Council by the representatives of Jordan and Israel,

"*Taking note* of the resolution adopted on 30 March 1954 by the Jordan-Israel Mixed Armistice Commission,

"*Noting* further that Jordan has abided by the provisions of the Security Council resolution of 24 November 1953 and has taken adequate measures to implement them;

"*Finds* that the military action taken by the armed forces of Israel on 28-29 March 1954 constitutes a flagrant breach of the cease-fire provisions of the Security Council resolution of 15 July 1948, of article III, paragraph 2, of the General Armistice Agreement between Israel and the Hashemite Kingdom of the Jordan, of Israel's obligations under the Charter, and of the Security Council resolution of 24 November 1953;

"*Expresses* the strongest censure and condemnation of that action;

"*Calls upon* Israel to take effective measures to apprehend and punish the perpetrators of that action and to prevent such actions in the future;

"*Requests* Israel to pay compensation for the loss of life and damage to property sustained in Nahhalin as a result of that action;

"*Calls upon* the Members of the United Nations to apply, in accordance with Article 41 of the Charter, such measures against Israel as they deem necessary to prevent the repetition of such actions and the aggravation of the situation."

309. At the outset of the 671st meeting (12 May), the PRESIDENT said that the Council should take up the request made by the representative of Israel at the previous meeting and repeated in a letter dated 5 May (S/3210) before proceeding to invite the representatives of Jordan and Israel to the table.

310. He believed that it might be helpful if he were to report to the Council on the precedents relating to the assumption of obligations by non-Member States invited to the Council table, indicating some of the legal arguments which arose in that context. So far as he had been able to determine, the Council had not previously had to deal with a complaint brought to its attention by a Member State on behalf of a Government which was not a Member of the United Nations. There had been a number of cases where non-Member States had either volunteered or had been invited to assume obligations under the Charter, either because they themselves had brought the disputes to the attention of the Council or because they had been parties to disputes under consideration by the Council.

311. It could be argued, on the one hand, that none of those cases should be regarded as a precedent in respect of the matter to which the representative of Israel had drawn attention, since it had been the representative of Lebanon, and not the representative of Jordan, who had brought the complaint to the Council's attention, and consequently that paragraph 1 and not paragraph 2 of Article 35 was applicable. If the Council were to hold that paragraph 1 of Article 35 applied in the present case, it might wish to consider whether or not conditions should be laid down for the participation of the representative of Jordan in the discussion. On the other hand, it could be argued that paragraph 2 of Article 35 applied, since a complaint could hardly be brought on behalf of a sovereign State, whether or not it was a Member of the United Nations, without the authority and consent of that State. That line of argument would lead to the conclusion that the particular complaint on the Council's agenda was, in substance, a Jordan complaint, and therefore, that the Council should have regard to the provisions of paragraph 2 of Article 35.

312. The Council has not held any further meetings on this subject.

313. Subsequently, in a letter dated 17 May 1954 (S/3215), the representative of Israel submitted certain observations concerning the status of the items on the Council's agenda. The letter contained the following two conclusions: (1) As long as the conditions laid down in Article 35, paragraph 2, were not complied with, sub-item (*a*) could not legally figure on the Council's agenda. (2) Until Jordan complied with conditions to be laid down by the Council in accordance with Article 32, and Article 35, paragraph 2, of the Charter, there was no legal basis for Jordan's participation in the Council's discussion.

314. In a letter dated 26 May 1954 (S/3219), the Ambassador of the Hashemite Kingdom of the Jordan to the United States of America informed the President of the Council that, upon instructions from his Government, he was not empowered to represent his Government before the Council or to take part in the current discussion.

315. On 19 June, the Chief of Staff of the Truce Supervision Organization in Palestine transmitted to the Secretary-General two reports on the Scorpion Pass (S/3252) and Nahhalin incidents (S/3251).

316. In the first report, the Chief of Staff stated that, on 17 March, the Israel representatives on the Israel-Jordan Mixed Armistice Commission had complained that an attack by a Jordanian unit on an Israel passenger bus had taken place at the Scorpion Pass, in Israel territory, on the highway from Elath to Beersheba. The results of the investigations made by the United Nations observers, with the help of Israel and Jordanian authorities, as well as the testimony of the survivors, had proved inconclusive. At an emergency meeting of the Commission on 22 March, the representatives of Israel had laid stress on evidence which, in their opinion, argued the military character of the attack and had submitted a draft resolution charging that the attack had been carried out by an armed and organized Jordanian gang and constituted a violation of article III, paragraph 2, of the Israel-Jordan Armistice Agreement. The draft resolution had not been adopted due to the abstention of the Chairman, who had expressed his regret that it had not proved possible, as had been his wish, to complete the investigations and added that the Commission would always avoid condemning any Government on inconclusive evidence. Following the Chairman's statement, the Israel delegation had announced that it was not in a position, under present circumstances, to continue its participation in the Israel-Jordan Mixed Armistice Commission.

317. In his second report, the Chief of Staff stated that, on 29 March, the Jordan delegation to the Mixed Armistice Commission had complained of an attack on the village of Nahhalin where nine persons had been killed and fourteen wounded. An immediate investigation had been carried out and had been followed by an emergency meeting held on 30 March after having been temporarily delayed in the hope that representatives of Israel might attend it. A resolution had eventually been adopted charging that the attack on Nahhalin had been carried out by a large group of militarily trained Israelis. After the vote, the Chairman had declared that the evidence found established guilt without question and that there had seemed to be little effort on the part of the attackers to conceal their identity. He had stated his belief that the Israeli officials would not encounter much difficulty in apprehending the perpetrators of the crime and bringing them to justice.

E. Communications received by the Security Council

318. During the period covered by the present report, various communications relating to the Palestine question were received by the Council and circulated

as Council documents. Among the questions dealt with in those communications were the following: The invocation by Israel of article XII of the Israel-Jordan General Armistice Agreement and the action relating thereto taken by the Secretary-General; the report by the United Nations Chief of Staff pursuant to the Council's decision of 24 November 1953 on Qibya; Israel charges concerning alleged Jordan attacks, particularly at Khirbet Illin; Syrian comments concerning the meeting on 30 April 1954 of the Israel-Syrian Mixed Armistice Commission, as well as the respective views of the Chief of Staff of the Truce Supervision Organization and the Syrian Government concerning the jurisdiction of that Commission; and the exchange of fire in early July in the city of Jerusalem between elements of the armed forces of Israel and Jordan.

Chapter 3

LETTER DATED 29 MAY 1954 FROM THE ACTING PERMANENT REPRESENTATIVE OF THAILAND TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

319. By a letter dated 29 May 1954 (S/3220), addressed to the President of the Security Council, the Acting Permanent Representative of Thailand brought to the attention of the Security Council, in conformity with Articles 34 and 35, paragraph 1, of the Charter, a situation which, in the view of his Government, represented a threat to the security of Thailand the continuance of which was likely to endanger the maintenance of international peace and security. Large-scale fighting had repeatedly taken place in the immediate vicinity of Thai territory and there was a possibility of direct incursions of foreign troops. He was bringing that situation to the attention of the Security Council so that the Council might provide for observation under the Peace Observation Commission.

320. At the 672nd meeting of the Security Council (3 June 1954), the representative of the UNION OF SOVIET SOCIALIST REPUBLICS protested against the inclusion in the agenda of the letter from the representative of Thailand. Although Indo-China was not specifically mentioned in the letter, it was clear to everybody that it was Indo-China to which the letter referred. However, the question of the restoration of peace in Indo-China was being considered by the Conference of Foreign Ministers at Geneva, where all the permanent members of the Security Council and the other states concerned were represented. Consideration of the letter submitted by Thailand not only would not contribute to the restoration of peace in Indo-China, but might impede a successful solution at Geneva. It was a strange coincidence that Thailand had appealed to the Security Council precisely at a time when a number of encouraging factors had emerged at the Geneva Conference. It was common knowledge that aggressive circles, particularly in the United States of America, had recently redoubled their efforts to undermine the Geneva Conference. The "appeal" could be interpreted only as an attempt to hinder the negotiations at Geneva. In view of the extraordinary concern shown by the United States to complicate the situation in Indo-China, there would be little doubt who was the real instigator of the Thai request.

321. The representative of FRANCE stated that the misgivings of the USSR representative were unfounded. Thailand had certain perfectly legitimate apprehensions and it was in no way intended, as he understood the matter, to place the Indo-Chinese problem as a whole before the Security Council. The sole object was as a precautionary measure to secure the despatch to Thailand of a mission of the Peace Observation Commission. Within those strict limits the request of Thailand was completely natural and proper, and it should be possible in the course of the discussion to avoid embarrassing or interfering with the negotiations at Geneva.

Decision: *The agenda was adopted by 10 votes to 1 (USSR).*

322. The representative of CHINA, explaining his vote, stated that, since the Security Council had the primary responsibility for the maintenance of peace and security, the Council was the proper place for the Thai Government to send its appeal. Its anxieties were reasonable and natural. He added that the USSR representative was mistaken in stating that all five permanent members of the Security Council were participating in the Conference at Geneva. His delegation was not participating. The Chinese Communists were there as a source of trouble and of aggression, but not as a permanent member of the Security Council.

323. The representative of THAILAND, who was invited to participate in accordance with rule 37 of the provisional rules of procedure, explained that, although his country had so far not been directly attacked, the situation in the neighbouring territories had become so explosive that there was very real danger that fighting would spread to Thailand. War had been going on in Viet-Nam for nearly eight years but, up to April 1953, it had only had indirect effect on Thailand's immediate neighbours, Laos and Cambodia, where bands of Viet-Minh guerrillas had operated in remote regions, while the Viet-Minh rebels in Viet-Nam had attempted to propagate the illusion that those bands were allies of so-called indigenous national resistance movements in Laos and Cambodia. In early 1953, however, over a division of the regular Viet-Minh forces had crossed the northern border of Laos. On account of the rainy season, they had fallen short of their apparent objective of reaching the Thai border at Paksan. The withdrawal, however, had proved to be only temporary and, in December 1953, regular Viet-Minh forces had again launched a drive into central Laos. French Union forces had eventually thrown them back but a situation of great danger to Thailand had been created, aggravated by the fact that 60,000 persons of Vietnamese race lived in Thailand along the Laotian-Thai frontier, in the area next to the scene of that military operation.

324. In late January 1954, regular Viet-Minh troops had undertaken a new operation in northern Laos. While the bulk of those foreign forces had been forced to retreat, the Viet-Minh troops in the centre of Laos had continued southwards and had moved against

the kingdom of Cambodia. The Viet-Minh forces remaining in Laos and Cambodia were large, powerful and well organized and there was considerable evidence that they had received material and political support from outside Indo-China. It was clear that the situation was becoming worse, and that the Viet-Minh forces intended the overthrow of the legal Governments of Cambodia and Laos.

325. It should be noted that the Viet-Minh were racially Vietnamese and of different ethnic origin from Cambodians and Laotians; their language and cultural and political institutions were completely separate. It should also be noted that the propaganda of the Viet-Minh and the foreign governments with which it was associated had made serious and false charges against Thailand. Within Thailand, alien elements obedient to the political philosophy of the Viet-Minh and its masters had maintained a disquieting activity directly related to the war. Thailand considered itself to be directly threatened by recent military and political developments, which had brought it to a realization of the clear danger of a further extension of the war. The Thai Government had taken what measures it could against the increasingly serious situation, but felt that it was its duty also to address itself to the United Nations, since the primary objective of the United Nations was to preserve peace, and not to delay united efforts until the peace had been actually breached.

326. In voting for part B of the "Uniting for peace" resolution (General Assembly resolution 377 (V)), all the great Powers had accepted the general proposition that the United Nations required an adequate system of observation if it was to function most effectively to prevent outbreaks of violence. Under that concept, a request for observation should really be a more or less routine matter and could not be taken as an unfriendly gesture against any other State. Recalling the successful efforts of the Peace Observation Commission in the Balkans, the representative of Thailand suggested that a sub-commission of the Peace Observation Commission be established to despatch observers to any part of the general area of Thailand on the request of any State or any States concerned, but only to the territory of States consenting thereto. That request could under no circumstances have any detrimental effects upon the efforts at Geneva, but could, in the event of a failure of those efforts, serve to prevent further deterioration of the situation and the extension of conflict and bloodshed.

327. The representative of LEBANON declared that, in the view of his Government, whenever a Member or any sovereign State decided to bring a complaint to the United Nations the matter ought immediately to be put on the agenda. He had therefore voted in favour of the adoption of the agenda. However, he was also mindful of the considerations advanced by the USSR representative, and felt that the Council, after having become seized of the matter and having listened to the statement of the representative of Thailand, should adjourn to ponder the question and for consultation. The time for the next meeting should be left to the President, to be considered in accordance with developments at Geneva.

Decision: *The Lebanese motion to adjourn the meeting was adopted by 10 votes to none, with no abstentions.*

328. At the request of the representative of Thailand, (S/3228), the Council considered the item again at its 673rd meeting (16 June). The representative of THAILAND stated that his Government thought that there had been ample time to study the matter and to allow developments in Geneva and elsewhere to take place. Unfortunately, there had as yet been no hopeful signs; the "encouraging factors" that were supposed to have emerged seemed so far to have taken the form of increased military activities. His country was only asking for the simple and normal benefit from existing machinery which could help prevent outbreaks of violence, in submitting, under rule 38 of the provisional rules of procedure the following draft resolution (S/3229):

"*The Security Council*

"*Noting* the request of Thailand,

"*Recalling* General Assembly Resolution 377 (V) (Uniting for Peace), part A, section B establishing a Peace Observation Commission which could observe and report on the situation in any area where there exists international tension, the continuance of which is likely to endanger the maintenance of international peace and security,

"*Taking* into consideration the legitimate apprehensions entertained by the Government of Thailand in regard to its own security, caused by a condition of international tension in the general region in which Thailand is located, the continuance of which is likely to endanger international peace and security,

"*Requests* the Peace Observation Commission to establish a Sub-Commission composed of not less than three nor more than five Members, with authority,

"(*a*) To despatch as soon as possible, in accordance with the invitation of the Thai Government, such observers as it may deem necessary to Thailand;

"(*b*) To visit Thailand if it deems it necessary;

"(*c*) To consider such data as may be submitted to it by its Members or observers and to make such reports and recommendations as it deems necessary to the Peace Observation Commission and to the Security Council. If the Sub-Commission is of the opinion that it cannot adequately accomplish its mission without observation or visit also in States contiguous to Thailand, it shall report to the Peace Observation Commission or to the Security Council for the necessary instructions."

329. The representative of Thailand noted that, while he had originally suggested that a sub-commission should have authority to despatch observers to any part of the general area of Thailand on the request of any State concerned, the draft resolution stipulated that such observers could only be sent to areas outside Thailand if the Peace Observation Commission or the Security Council should so decide and upon the invitation or with the consent of the State concerned. That change was not the choice of his Government but was the result of a compromise. His Government could not exclude the possibility for the sub-commission to go to the place where the trouble was centred in order that its observation could reflect the true facts and realities.

330. The representative of NEW ZEALAND stated that an appeal by a Member State for precautionary measures was not something which could be ignored

or put aside. The Council had not been asked to take up any of the questions currently being discussed in Geneva. In that connexion, his delegation repudiated the allegation that the matter was a diversionary manoeuvre instigated by the United States. The situation disclosed by the representative of Thailand amply warranted United Nations observation. United Nations observers had performed useful functions in Greece, Palestine and Kashmir. Even if observation could not prevent aggression, it was of importance in determining the measures to be taken. The existence of a state of tension in the general area of Thailand was a matter of great concern to his Government and to all the peoples of the Pacific. New Zealand attached the highest importance to the right of other small countries to invoke the support and assistance of the international community when they believed their security was threatened.

331. The representative of TURKEY likewise thought that the events of past months fully justified the apprehension felt by Thailand, and that observers should be despatched to furnish the United Nations with continuous first-hand information as to the real nature of the threat. It would also be wise for the Council to authorize the sub-commission to carry out its observation duties in territories contiguous to Thailand, should circumstances necessitate it, subject of course to the consent of the countries concerned.

332. The representative of BRAZIL said that a single glance at the map would reveal that the apprehensions of Thailand deserved due consideration. Thailand had approached the problem in a cautious manner and the measure requested was of a moderate nature and was in no way in conflict with the general purpose of the Geneva Conference. None of the measures asked for could be construed as antagonistic to any country.

333. The representative of CHINA declared that the Thai resolution was in line with the tradition of moderation and reasonableness of that country. He doubted, however, the wisdom of the compromise regarding the sending of observers to the neighbouring countries. The shadow of ghost-governments in Laos and Cambodia were dark factors at Geneva. He wondered whether it was sufficiently known that the Chinese Communists had already set up a so-called Free Thai Government in the region bordering on Thailand.

334. The representative of the UNITED KINGDOM stated that it was not only proper but commendable that Thailand should see fit to bring its anxieties to the attention of the Security Council. Under the "Uniting for peace" resolution, the Peace Observation Commission could be utilized to observe and report on a situation in any area where there existed international tension, the continuance of which was likely to endanger the maintenance of international peace and security. Such a condition certainly did exist in the general region in which Thailand was located.

335. The President, speaking as representative of the UNITED STATES OF AMERICA, felt that it would be prudent and highly desirable to authorize the Peace Observation Commission to observe developments in the area of Thailand. Now that the Viet-Minh forces had been equipped with foreign arms of the most modern kind and had greater capability for heavy assault and rapid movement, the danger of incursion into Thailand by foreign military forces had increased. Communist propaganda had been utilized to promote anti-Thai activities among the refugees in the border regions of Thailand. Altogether, it was precisely for that kind of situation that the Peace Observation Commission was created. He would request under rule 38 that the draft resolution be put to the vote at the appropriate time. The Council should not attempt to do anything which could, even remotely, adversely affect the negotiations in Geneva, but all the Council was asked to do was to send a fact-finding body to the area of tension. The urgency of the appeal was manifest.

336. At the 674th meeting (18 June) the representative of DENMARK supported the Thai draft resolution as being both moderate and perfectly legitimate. In announcing that he would vote for the draft resolution, the representaitve of Denmark associated himself with the statement made by the representative of New Zealand at the preceding meeting to the effect that his country, as a small country itself, attached the highest importance to the right of other small countries to invoke the support and assistance of the international community as a whole when they believed their security to be threatened.

337. The representative of COLOMBIA expressed the view that the statement of the representative of China regarding the so-called Free Thai Government was one of extreme gravity and offered further justification for the request of Thailand.

338. The representative of FRANCE congratulated the delegation of Thailand on the example of wisdom and the lesson in diplomacy it had given by accepting the compromise with regard to the terms of reference of the observers. The explanatory information given by the Thailand representative on the purpose and the scope of his appeal encouraged the French delegation in its support. In his opinion, the Council was not even called upon to determine whether an actual threat did exist. That could only be decided after the observers had expressed their views. Without prejudging the question of the justification of Thailand's fears, the Council could not refuse to accord Thailand the precautionary measure it desired. The encouraging turn taken by the negotiations at Geneva made it possible to hope that the frontier of Thailand would cease to be threatened. In that case, the Thailand Government would no doubt be the first to draw the conclusions from that fact.

339. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS reiterated that the proposal of Thailand clearly had a direct connexion with the Indo-Chinese question being discussed in Geneva, and represented a camouflaged attempt by the United States to deepen the conflict. No one was threatening Thailand; if anything, the fact that the United States had thus raised the matter represented a threat to the peoples of Indo-China who had long been the victims of a colonial war, which the United States was trying to spread in order to stamp out the Indo-Chinese national liberation movement.

340. Aggressive groups of American leaders had long been demanding military intervention in the affairs of Indo-China. American troops and technical personnel had been sent there in American military and air transport. A year before, the representative of Thailand had publicly stated that he would address a special request to the Security Council as soon as

he had received instructions. However, his instructions had not arrived until a year later, at a time when progress was being made in the Geneva negotiations. The USSR representative quoted a number of articles in the American Press which, he stated, proved that the United States was trying to engineer a new military intervention under cover of the United Nations flag and on the model of the Korean adventure. The requested observers were to send a report to the Security Council that Thailand had been invaded, whereupon the Council or a special session of the General Assembly would decide to launch an armed invasion against Indo-China.

341. The falsity of the alarm of Thailand was proved by the fact that absolutely no evidence had been brought forward to justify it. The assertion that a free Thai Government had been formed was a complete falsehood and a Kuomintang invention. To send observers to Thailand would be particularly strange in the light of the statement of the new Prime Minister of France, Mr. Mendes-France, that negotiations on the Indo-Chinese question must be completed within one month.

342. The representative of the UNITED KINGDOM felt that the USSR representative was contradicting himself in arguing that the question discussed in Geneva should not be discussed in New York at the same time, and then proceeding to discuss the very subject, the Indo-China question, which nobody else had brought up in the Security Council. The violent and unjustifiable USSR attack on United States policy, an attack which could hardly be regarded as refraining from prejudicing the negotiations at Geneva, was yet another contradiction in the USSR position. The proposal of Thailand — a sovereign State — was a distinct and eminently moderate one and could in no way interfere with the negotiations in Geneva. The view of the USSR was the more difficult to understand since the USSR was a member of the Peace Observation Commission, and should presumably wish to see that Commission perform the function for which it had been established.

Decision: *The Thai draft resolution (S/3229) received 9 votes in favour to 1 against (USSR), with 1 abstention (Lebanon). Since the vote against was that of a permanent member, the draft resolution was not adopted.*

343. The representative of CHINA made a statement regarding the so-called Free Thai Government, consisting of people of Thai race from Indo-China, Burma and Thailand. Its existence pointed to a plan to create some kind of Thai federation in South-East Asia, a federation which, according to the hopes and plans of the Communists, would some day join the Chinese Communist Union as a component part.

344. The representative of THAILAND, replying to the charges of the USSR representative, stated that his country alone was the best judge of whether or not its security was threatened.

345. The President, speaking as the representative of the UNITED STATES OF AMERICA, said that the accusations made by the USSR representative were particularly ludicrous in view of the communist activities in aiding the aggressors in south-east Asia. The United States had tried to respond to requests for aid by those peoples and their Governments who were attempting to defend their independence against the twentieth-century colonialism which imperialistic communism represented. In doing so, the United States acted wholly within the spirit and the principles of the United Nations Charter. The latest "veto" directed against the interests of the Asian peoples could, if it were left unchallenged, make it easier for aggression to strike across the borders of Thailand, which would undoubtedly seek a remedy elsewhere in the United Nations and would have United States support when it did so.

346. The representative of NEW ZEALAND observed that the insincerity of the USSR position was proved by the fact that the USSR representative both accused the United States of intervention in Indo-China and at the same time objected to the despatch of observers who could establish the real facts and investigate the USSR accusations. The gravely disturbing intervention of the USSR representative had served notice that the USSR had nothing but contempt for the rights of a small Asian State, or for the rights which any small State had under the Charter.

347. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS, in reply, stated that a decision to send observers to the area of Indo-China would be completely incongruous at a time when, after seven years of warfare, negotiations on the Indo-China question had been started with a view to a peaceful settlement. He expressed his satisfaction that he had been able by his vote to prevent the Council from taking an evil decision.

Chapter 4

CABLEGRAM DATED 19 JUNE 1954 FROM THE MINISTER FOR EXTERNAL RELATIONS OF GUATEMALA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

348. In a cablegram dated 19 June 1954 (S/3232), the Minister for External Relations of Guatemala requested the President of the Security Council to convene a meeting urgently in order that the Council, in accordance with Articles 34, 35 and 39 of the Charter, might take the measures necessary to prevent the disruption of peace and international security in that part of Central America and also to put a stop to the aggression in progress against Guatemala. The cablegram stated that Guatemala had made representations to the Government of Honduras, requesting it to restrain and control expeditionary forces which had been preparing to invade Guatemalan territory from Honduras. Notwithstanding those requests, the expeditionary forces had captured various Guatemalan frontier posts on 17 June and had advanced about fifteen kilometres inside Guatemalan territory. On 19 June, aircraft coming from the direction of Honduras and Nicaragua had been dropping bombs on fuel stocks in the port of San José and had also attacked Guatemala City and other towns, machine-gunning Government and private buildings and bombing military bases.

349. The cablegram was placed on the provisional agenda of the 675th meeting of the Council (20 June 1954). After the adoption of the agenda, the President, under Article 32 of the Charter, invited the representatives of Guatemala, Honduras and Nicaragua to take part in the discussion.

350. The representative of GUATEMALA declared that Guatemala had been invaded by expeditionary forces, forming a part of an unlawful international aggression which was the outcome of a vast international conspiracy and was masked as a rising of exiles. The Guatemalan army had decided not to take decisive action to halt the aggression at points near the Republic of Honduras in order to avoid useless bloodshed and the accusation of provoking frontier incidents. A campaign initiated by the United Fruit Company and other monopolies, encouraged by the United States State Department, and based on completely false and tendentious reports, had long been under way to prepare the way for open intervention in the domestic affairs of Guatemala. Guatemala had been depicted as an outpost of Soviet Communism on the American continent and a spearhead of the USSR against the United States. The Guatemalan representative called attention to the statement his Government had submitted to the Security Council on 1 April 1953 (S/2988) which had shown how certain international groups were preparing to intervene in his country. In February 1954, the Guatemalan Government had learned of a conspiracy in capitals outside Guatemala, concerning which he gave various details. The Guatemalan army had long been practically disarmed, and repeated requests to the United States Government for arms had been refused, in spite of the imminent danger of invasion. The United States Secretary of State had made strong efforts to interfere in Guatemala's affairs at the Tenth Inter-American Conference.

351. The Guatemalan Government had two requests: first, that an observation commission should be sent to Guatemala to ask questions, to investigate and to listen to the diplomatic corps. On the basis of this report, the Council should send a warning to Honduras and Nicaragua, calling upon them to apprehend the exiles and the mercenaries who were invading Guatemala and whose bases were in Nicaragua and Honduras. Secondly, the Guatemalan Government requested that an observation commission of the Council should be constituted in Guatemala, and in other countries if necessary, to verify the fact that the countries accused by Guatemala had connived at the invasion. He added that the Peace Committee of the Organization of American States had met the previous day, but the Guatemalan Government had exercised its option and officially declined to allow the Organization of American States and the Peace Committee to concern themselves with the situation.

352. The representative of HONDURAS stated that the case beyond any doubt was a matter which should be dealt with by the Organization of American States.

353. The representative of NICARAGUA likewise believed that the matter should be settled in the Organization of American States, where his Government could be heard and could defend itself.

354. The representative of BRAZIL declared that it had long been a tradition among the American States that all disputes between them should be dealt with by the Organization that had been set up for that purpose. Chapter VIII of the Charter acknowledged that principle in Article 52, and particularly in paragraph 3 of that Article. He introduced a Brazilian-Colombian draft resolution (S/3236) reading as follows:

"*The Security Council,*

"*Having considered* on an urgent basis the communication of the Government of Guatemala to the President of the Security Council (S/3232),

"*Noting* that the Government of Guatemala has despatched a similar communication to the Inter-American Peace Committee, an agency of the Organization of American States,

"*Having in mind* the provisions of Chapter VIII of the Charter of the United Nations,

"*Conscious* of the availability of Inter-American machinery which can deal effectively with problems concerning the maintenance of peace and security in the Americas,

"*Refers* the complaint of the Government of Guatemala to the Organization of American States for urgent consideration;

"*Requests* the Organization of American States to inform the Security Council as soon as possible, as appropriate, on the measures it has been able to take on the matter."

355. The representative of COLOMBIA, in supporting the draft resolution, called attention to the provisions of Article 33 which mentioned resort to regional agencies or arrangements, and of Article 52. Paragraph 2 of the latter Article imposed on all Members the duty to apply first to the regional organization, which of necessity was the first court of appeal.

356. The representative of FRANCE felt that it could justly be claimed that the Inter-American Peace Committee was qualified to report to the Security Council on the subject and that in referring Guatemala's request to that Committee, the Council would in no way be unloading its responsibilities. After having received the report of the Committee, it would rest with the Council to take the final decision. However, the Council could not evade one immediate responsibility: to decide in favour of the immediate cessation of bloodshed. He therefore proposed that the following final paragraph should be added to the Brazilian-Colombian draft resolution.

"Without prejudice to such measures as the Organization of American States may take, the Council *calls for* the immediate termination of any action likely to cause further bloodshed and requests all Members of the United Nations to abstain, in the spirit of the Charter, from giving assistance to any such action."

357. The representatives of BRAZIL and COLOMBIA accepted this proposal and their draft resolution was revised accordingly (S/3236/Rev.1).

358. The representative of the UNITED KINGDOM thought that the Security Council certainly could not remain indifferent in the matter. The Charter laid down various lines of action which the Council could follow. Chapter VIII provided for the employment of regional arrangements to deal with matters relating to the maintenance of international peace and security. The Organization of American States was such an arrangement, and the joint draft resolution proposed following

that part of the Charter. He noted that the interest of the Council in the maintenance of peace and security was made plain in the draft resolution by the fact that the Organization of American States was requested to inform it as soon as possible on the measures which it had been able to take.

359. The representative of NEW ZEALAND considered, without pre-judging the merits of the case, that Guatemala was entitled to have recourse to the Council. However, his delegation was not in a position at short notice to pass judgment on the facts. He thought that it was true to say that the authors of the Charter, in writing Chapter VIII, had had the regional arrangements in the Western hemisphere especially in mind. Furthermore, in such a case a regional organization might well be in the best position to ascertain the facts and recommend appropriate measures. It might properly be considered fully consistent with the Council's responsibilities to refer the problem to the Organization of American States and request it to report to the Council at an early date.

360. The representative of GUATEMALA declared that he had in no way sought to impute connivance either on the part of the people or on the part of the Government of the United States. He had only referred to the United Fruit Company and certain official groups in the United States who were interested in supporting the Company.

361. He added that Article 33 was completely inapplicable since it was not a case of a dispute, but one of aggression. Article 52 was inoperative for the same reason. The Guatemalan request was based on Articles 34, 35 and 39 which gave his Government an unchallenged right to appeal to the Security Council.

362. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that the Council had before it a clear and obvious case of aggression, committed by neighbouring States. Guatemala, which could be crossed in one day's march, might well be overcome while the question was referred to the Organization of American States for discussion. Anyhow, that was the very Organization, dominated by the United States, which that country had been planning to use in settling its account with Guatemala. Guatemala's sin was merely to try to set a limit to the appetites of an American fruit company. The case was a typical example of United States policy towards smaller countries. It would be Guatemala today, Costa Rica or some other Latin American country tomorrow. The Council itself should take an immediate decision to end the aggression in Guatemala.

363. The representative of LEBANON, referring to the veto, expressed the hope that the members of the Council would be able to agree so that something would emerge from its deliberations. He thought that the Organization of American States and the Council could be seized with the matter simultaneously.

364. The representative of TURKEY believed that the members of the Council should not constantly try to change their attitude in order to find a way of avoiding the veto. The responsibility for a veto should be placed squarely on the shoulders of those who brought it about.

365. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS declared that Article 52, paragraph 2, envisaged a situation in which no aggression had taken place. Article 24 gave the Council the responsibility to act on behalf of all Members, including the Latin American States. He expressed the view that a resolution along the lines of the French amendment would be advisable.

366. The President, speaking as representative of the UNITED STATES OF AMERICA, stated that the United States believed in the basic proposition that any Member had the right to have an urgent meeting of the Security Council called whenever it felt itself in danger, even though the Security Council might not itself be in the best position to deal directly with the situation. In the present case Guatemala's allegations involved Honduras and Nicaragua, and the situation posed precisely the kind of problem which, in the first instance, should be dealt with on an urgent basis by an appropriate agency of the Organization of American States, action which had already been requested by Guatemala. The information available to the United States strongly suggested that the situation did not involve aggression, but a revolt of Guatemalans against Guatemalans.

367. The Guatemalan representative had made it crystal clear that he made no charges whatever against the United States Government. The Guatemalan representative did cite unfavourable comments on certain American officials. More time in his speech was given to citing statements made in newspaper articles and hearsay than to the actual charge. The Guatemalan representative had never produced names or dates or other specifications that the State Department had ever acted in an improper manner.

368. The United States representative further stated that the Guatemalan speech, which was correct in tone, was followed by the unspeakable libels against the United States by the representative of the USSR who had stated that the United States had prepared armed intervention, a statement which was flatly untrue.

369. The United States representative pointed out that the USSR had vetoed a move to ask the Organization of American States to try to solve the problem and report back to the Security Council. The draft resolution did not seek to relieve the Security Council of responsibility; it was in strict conformity with paragraph 2 of Article 52 of the Charter. The USSR veto on a move of this kind could not fail to make unbiased observers come to the conclusion that the USSR had designs on the American hemisphere.

370. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS called attention to the last paragraph of Article 52 of the Charter, which stated that that Article in no way impaired the application of Articles 34 and 35. Whenever aggression occurred, in any hemisphere, it was still aggression and the Council had no right to wash its hands of the matter.

371. The representative of GUATEMALA declared that his people, who were undergoing bombardment and machine-gunning, maintained that an invasion had taken place. What could be better than that an observation commission should go to Guatemala and find out whether that assertion was true? He also called attention to Article 103 providing that, in the event of a conflict, the obligations of Member States under the Charter prevailed over obligations under any other international agreement.

372. The representative of HONDURAS thought that the French amendment could leave an air of suspicion against his country. He would therefore like to repudiate immediately all such implications.

Decision: *The joint draft resolution of Brazil and Colombia, as modified, (S/3236/Rev.1) was put to the vote and received 10 votes in favour and 1 vote against (USSR). Since the vote against was that of a permanent member, the draft resolution was not adopted.*

373. The representative of FRANCE introduced his amendment as a separate draft resolution (S/3237) reading:

"*The Security Council,*

"*Having considered* on an urgent basis the communication of the Government of Guatemala to the President of the Security Council (S/3232),

"*Calls for* the immediate termination of any action likely to cause bloodshed and requests all Members of the United Nations to abstain, in the spirit of the Charter, from giving assistance to any such action."

374. That draft resolution, the French representative stated, could in no way be construed as casting doubt on the Inter-American Peace Committee or to mean that Honduras, Nicaragua, or any other countries, had any direct or indirect responsibility for the events taking place in Guatemala.

Decision: *The French draft resolution was adopted unanimously.*

375. At its 676th meeting (25 June), convened at the request of the representative of Guatemala (S/3241 and S/3244) and of the representative of the Union of Soviet Socialist Republics (S/3247), the Security Council had before it, amongst other documents, a cablegram dated 23 June 1954 (S/3245) from the Inter-American Peace Committee informing it that the representative of Nicaragua, supported by the representative of Honduras, had proposed that a committee of inquiry of the Inter-American Peace Committee should be set up and immediately proceed to Guatemala, Honduras and Nicaragua and that the Committee had unanimously decided to inform the Guatemalan Government of the decision, expressing the hope that it would agree to that procedure.

376. The representative of BRAZIL, speaking on the adoption of the agenda, again called attention to Article 52 of the Charter and to article 2 of the Inter-American Treaty of Reciprocal Assistance under which all members had undertaken to settle any controversy among themselves by means of the procedures in force in the Inter-American system, before referring it to the United Nations. He had learned unofficially that the Minister for External Relations of Guatemala had agreed to receive the committee of inquiry which was being established by the Inter-American Peace Committee. The Council should wait for the report of that body since any action by it at that stage, or even any discussion without the proper information could only introduce confusion.

377. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that the Brazilian representative's statement showed that the Council had already begun to discuss the substance of the question and was proposing to take a very serious decision without giving the representative of Guatemala a chance to participate. He therefore protested against that procedure and proposed that the Guatemalan representative should be invited to come to the Council table.

378. The PRESIDENT stated that it had always been the practice of the Security Council not to invite non-members of the Council to come to the table until the agenda had been adopted; he therefore ruled against inviting Guatemala, Honduras and Nicaragua at that stage.

379. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS challenged the President's ruling, because he believed that at that stage of the debate, when the substance of the question was already under discussion, Guatemala, which had fallen victim to aggression, must participate in the discussion.

Decision: *The USSR challenge was rejected by 10 to 1, with no abstentions.*

380. The representative of COLOMBIA described the history of the Inter-American system. He called attention to article 2 of the Bogotá Charter, under which the contracting parties recognized "the obligation to solve international disputes by regional pacific procedures before taking them to the United Nations Security Council". The Colombian delegation considered it its duty to prevent the veto from impairing the authority and prestige of the regional system and would therefore vote against the adoption of the agenda.

381. The representative of the UNITED KINGDOM, addressing himself to the proposal made by Brazil that the Council should not discuss the question on the grounds that the Organization of American States was already dealing with it, said that the facts regarding the allegations made by Guatemala and denied by Honduras and Nicaragua were far from clear. *Prima facie,* the situation could not be dismissed, without investigation, as a purely internal matter and the Security Council could not divest itself of its ultimate responsibility. There was thus a state of affairs to which the Security Council could not remain indifferent. However, it seemed clear that it was not open to the Council to take any further action without more facts. The question was how the facts should be established. The Inter-American Peace Commission had already, of its own volition, decided to take action to obtain the facts, was ready to leave for the area and would, according to the representative of Brazil, keep the Security Council informed. This did not mean that the Security Council would surrender its ultimate responsibility in the matter.

382. The United Kingdom delegation could not register a positive objection to a complaint such as the present one being placed on the Security Council's agenda. He could not therefore entirely agree with the representative of Brazil, but did agree that the Council should be careful not to risk confusing the issue or prejudicing the chances of the valuable initiative of the Organization of American States. The vote against the Brazilian proposal would be tantamount to a vote of no confidence in the Organization of American States for which Her Majesty's Government had great respect. He would therefore abstain. But he did not consider that the Security Council, if it refused to adopt the question on the agenda on that day, would in any way be divesting itself of its ultimate responsibilities.

383. The representative of FRANCE associated himself with the views of the representative of the United Kingdom.

384. The representative of LEBANON felt that, whenever a complaint was submitted to the Security Council, it was the duty of the Council to take it up. Furthermore, the Council had already adopted the agenda at its previous meeting. To reject the agenda would be a dangerous precedent. It would be better to adopt the agenda and then to defer the debate.

385. The representative of TURKEY stated that he would vote against the adoption of the agenda since a family misunderstanding could best be solved by the family's own members.

386. The representative of CHINA explained that he had voted for the adoption of the agenda at the previous meeting since it had not been clear to him at that time whether the members of the Organization of American States were legally obliged to take their disputes to that organization in the first instance. He had since come to the conclusion that there was no doubt on that point. He would therefore vote against the adoption of the agenda until he was convinced that the Organization of American States had failed in its efforts.

387. The representative of NEW ZEALAND welcomed the decision of the Inter-American Peace Committee to establish a commission of inquiry and trusted that the Security Council would be kept fully informed. He did not think that it would be helpful for the Council to debate the matter any further at this stage. However, his preference would have been that the Council, after adopting the agenda, should have taken note of the action of the Organization of American States, and then adjourned. The Council should not by its decision give the appearance of abdicating its supreme responsibility and authority under the Charter.

388. The representative of DENMARK declared himself in substantial agreement with the position of the representative of New Zealand. The Guatemalan question had created so much interest in his country that, *prima facie,* the Danish Government had been of the opinion that it might well have been appropriate for the United Nations itself to investigate the matter or in some way associate itself with any investigation to be undertaken by other means. Having in mind the provisions contained in Chapter VIII of the Charter and considering the firm practice which had developed with regard to the way in which disputes on the American continent were dealt with he would, however, not oppose the suggestion that the Inter-American Peace Committee should investigate the facts, provided that this examination could be terminated within a fairly short period of time. In his opinion, the correct procedure for the Security Council to adopt would be to place the matter on the agenda in order to hear whether the representative of Guatemala had any new information or new proposals. If nothing new emerged he would agree to an adjournment and to leave the examination, with confidence, in the hands of the Inter-American Peace Committee. It was of prime importance that a Member State who so desired should have the right to be heard.

389. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that since the Council, at the previous meeting, had adopted a decision calling for a halt to aggression and a cease-fire, the real subject of discussion should be the immediate adoption of measures to ensure the fulfilment of that decision. A Member nation was the victim of attack; its capital was being bombed while procedural ruses were being used to prevent the Security Council from discussing the complaint submitted by the victim of aggression. Since Guatemala had not agreed to the dispute being referred to the Organization of American States, it would be a violation of Article 36, paragraph 2, if the Council forcibly adopted a procedure to refer it to that organization.

390. The President, speaking as representative of the UNITED STATES OF AMERICA, stated that the present case involved an issue so fundamental that it brought into question the whole system of international peace and security created by the Charter at San Francisco in 1945. When the Charter was being drafted the most critical single issue was that of the relationship of the United Nations as a universal organization to regional organizations, notably, the already existing Organization of American States. A solution was found in the formula embodied in Articles 51 and 52 of the Charter which struck a balance between universality, the effect of which was qualified by the veto power, and regional arrangements. Without that formula there would never have been a United Nations. If it were not now possible to make a living reality of that formula, the United Nations would destroy itself in 1954, as it would have been destroyed stillborn in 1945. If the Security Council did not respect the rights of the Organization of American States to achieve a pacific settlement of the dispute between Guatemala and its neighbours, the result would be a catastrophe of such dimensions as gravely to impair the future effectiveness of both the United Nations and regional organizations.

391. Guatemala had claimed that the fighting there was the result of aggression by Honduras and Nicaragua. Guatemala, Honduras and Nicaragua had all applied to the Inter-American Peace Committee for assistance in resolving the problem and the Committee had agreed to send a fact-finding commission to the area of controversy. Guatemala had attempted to interrupt that process, first by withdrawing its petition and, second, by withholding its consent for the fact-finding commission to proceed to its task. Guatemala had regularly exercised the privileges and had enjoyed the advantages of membership in the Organization of American States. It had now claimed that it was not technically a member. Either it was a member and bound by Article 52, paragraph 2, of the Charter or else it was guilty of duplicity. Adoption of the agenda would, in effect, give one State, Guatemala, a veto on the Organization of American States.

392. The United States did not deny the propriety of this danger to the peace in Guatemala being brought to the attention of the Security Council in accordance with Article 35 of the Charter. The United States was, however, bound both legally and as a matter of honour by the undertakings of Article 52, paragraph 2, of the Charter of the United Nations and article 20 of the Charter of the Organization of American States, to oppose Security Council consideration of the Guatemalan dispute until the matter had first been dealt with by the Organization of American States, which, through its regularly constituted agencies, was actively dealing with the problem.

393. The proposal by Guatemala, supported most actively by the USSR—which had already applied its sixtieth veto—was an effort to create international anarchy, rather than international order. The Guatemalan complaint was being used as a tool to violate the basic principles of the United Nations Charter, and the United States felt compelled to oppose a step which, under the guise of plausibility and liberality, would, in fact, engage the United Nations in a course so disorderly and so provocative that the future of both the United Nations and the Organization of American States might be compromised, and a grave setback given to the developing process of international order.

394. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS declared that an attempt was being made in the Security Council to curtail the rights of the United Nations and of the Security Council. An attempt was being made to put forward the idea that, in matters relating to peace and security, the countries situated on the American continent should follow a different procedure from the remaining Members of the United Nations and that the Charter ceased to operate immediately aggression took place on the American continent. The attempt to prevent the United Nations and the Security Council from taking steps to put an end to the aggression which had taken place on the American continent was a violation of the United Nations Charter, which laid the primary responsibility for the maintenance of peace and security throughout the world on the Security Council.

395. The USSR delegation insisted that the question of aggression against Guatemala, a Member of the United Nations, should be included in the Security Council's agenda and that the Council should take steps to put an end to the aggression.

Decision: *The provisional agenda was rejected by 5 votes to 4 (Denmark, Lebanon, New Zealand, USSR), with 2 abstentions (France, United Kingdom).*

396. Since the meeting of the Council on 25 June, three communications dated 27 June, 5 July and 8 July have been received from the Chairman of the Inter-American Peace Committee (S/3256, S/3262 and S/3267): the first one related to the despatch of a fact-finding committee to Guatemala, Honduras and Nicaragua; the second stated that the three countries had informed the Committee on 2 July that the dispute between them had ceased to exist; and the third transmitted the report of the Inter-American Peace Committee.

397. By a cablegram dated 9 July (S/3266), the Minister for External Relations of Guatemala informed the President of the Security Council that peace and order had been restored in his country and that the *Junta de gobiero* of Guatemala saw no reason why the Guatemalan question should remain on the agenda of the Council.

PART II

Other matters considered by the Security Council

Chapter 5

ELECTION OF A MEMBER OF THE INTERNATIONAL COURT OF JUSTICE TO FILL A VACANCY CAUSED BY THE RESIGNATION OF JUDGE SERGEI ALEKSANDROVICH GOLUNSKY

398. At its 618th meeting (12 August 1953), the Council had before it a note by the Secretary-General (S/3078), stating that by a communication dated 27 July 1953 the President of the International Court of Justice, referring to Article 13, paragraph 4, of the Statute of the Court, had informed him that Judge Sergei Aleksandrovich Golunsky had submitted his resignation owing to ill health. The Council took note of the vacancy and decided, under Article 14 of the Court's Statute, that the election to fill it for the remainder of the term of Judge Golunsky—until 5 February 1961—should take place during the eighth session of the General Assembly.

399. At its 644th meeting (27 November), the Security Council elected Mr. Feodor Ivanovich Kozhevnikov from the list of nominees circulated by the Secretary-General on 27 October (S/3127 and Add.1 and 2).

400. The General Assembly, voting independently on the same day, also elected Mr. Kozhevnikov, and its President, in view of the election of Mr. Kozhevnikov by both the Council and the Assembly, declared him elected to fill the vacancy.

Chapter 6

APPLICATIONS OF JAPAN AND OF SAN MARINO TO BECOME PARTIES TO THE STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

401. The Security Council at its 641st meeting (23 November 1953) decided to refer to the Committee of Experts, for consideration and report, a letter dated 26 October 1953 to the Secretary-General from the Permanent Observer of Japan to the United Nations (S/3126), transmitting a cablegram dated 24 October from the Minister for Foreign Affairs of Japan, in which the latter expressed the desire to know the conditions on which Japan could become a party to the Statute of the International Court of Justice.

402. At the same meeting, the Council likewise decided to refer to the Committee of Experts a letter dated 6 November (S/3137) by which the Secretary of State for Foreign Affairs of the Republic of San Marino informed the Secretary-General of the Republic's desire to become a party to the Statute of the International Court of Justice and asked to be informed of the conditions.

403. At the 645th meeting (3 December) the Council had before it the reports of the Committee of Experts (S/3146 and S/3147) which recommended that the Council should send two recommendations to the General Assembly. That relating to Japan read:

"The Security Council recommends that the General Assembly, in accordance with Article 93, paragraph 2, of the Charter, determine the conditions on which Japan may become a party to the Statute of the International Court of Justice, as follows:

"Japan will become a party to the Statute on the date of the deposit with the Secretary-General of the United Nations of an instrument, signed on behalf of the Government of Japan and ratified as may be required by Japanese constitutional law, containing:

"(*a*) Acceptance of the provisions of the Statute of the International Court of Justice;

"(*b*) Acceptance of all the obligations of a Member of the United Nations under Article 94 of the Charter; and

"(*c*) An undertaking to contribute to the expenses of the Court such equitable amount as the General Assembly shall assess from time to time, after consultation with the Japanese Government."

The recommendation with regard to San Marino was worded correspondingly.

404. The President of the Committee of Experts, in submitting the reports, pointed out that the conditions proposed were the same as those determined for Switzerland and Liechtenstein and, like them, were not intended to constitute a precedent.

Decision: *The Council at its 645th meeting, on 3 December 1953, adopted the proposal of the Committee of Experts with regard to the Japanese application by 10 votes in favour, with 1 abstention (USSR). The recommendation with regard to the application of San Marino was also adopted by 10 votes in favour, with 1 abstention (USSR).*

PART III

The Military Staff Committee

Chapter 7

WORK OF THE MILITARY STAFF COMMITTEE

A. The status of the work of the Military Staff Committee

405. The Military Staff Committee has been functioning continuously under the draft rules of procedure during the period under review and has held a total of twenty-six meetings without making further progress on matters of substance.

B. Letter dated 24 June from the Chairman of the Military Staff Committee addressed to the Principal Director in charge of the Department of Political and Security Council Affairs

In accordance with the request made by the USSR representative, I have the honour to transmit herewith a copy of a statement made by the USSR delegation in connexion with the annual report on the work of the Military Staff Committee for the period 16 July 1953 to 15 July 1954.

(Signed) C. C. HUGHES-HALLETT
Vice-Admiral, Royal Navy
Chairman,
Military Staff Committee

Statement of the USSR delegation made at the meeting of the Military Staff Committee on 24 June 1954 on the question of the annual report on the work of the Military Staff Committee for the period 16 July 1953 to 15 July 1954.

The USSR delegation in the Military Staff Committee has stated on a number of occasions that it does not recognize the Kuomintang representatives as representatives of China in the Military Staff Committee and considers their presence in the Committee to be illegal.

The USSR delegation has stated before and is stating now that only persons appointed by the Central People's Government of the Chinese People's Republic can represent China in the Military Staff Committee, as well as in the other organs of the United Nations.

In connexion with the above the USSR delegation in the Military Staff Committee cannot give its approval to those parts in annexes A, B and C of the report (appendix IV) where the representatives of the Kuomintang are illegally listed as representatives of China.

I ask that my statement be included in the Military Staff Committee report.

C. Letter dated 9 July 1954 from the Chairman of the Military Staff Committee addressed to the Principal Director in charge of the Department of Political and Security Council Affairs

In accordance with the request made by the representative of the Republic of China, I have the honor to transmit herewith a copy of a statement made by the Republic of China delegation in connexion with the annual report on the work of the Military Staff Committee for the period 16 July 1953 to 15 July 1954.

On 24 June a statement by the USSR representative was similarly forwarded by the Chairman.

(Signed) A. D. STRUBLE
Vice-Admiral, USN
Chairman,
Military Staff Committee

Statement made by the delegation of the Republic of China in reply to the statement by the USSR delegation.

With regard to the remarks made by the Soviet delegation at the 236th meeting of the Military Staff Committee on 24 June 1954 on the question of the annual report of the Military Staff Committee for the period 16 July 1953 to 15 July 1954, I wish to make the following statement:

When the Soviet delegation raised the question of representation of my Government at the 236th meeting of the Military Staff Committee and wished it to be included in our annual report, the Chairman ruled the discussion out of order and further stated that the Committee was not competent to discuss the question of representation. The Committee also ruled that the question of representation was totally irrelevant with the report and refused to have it included.

The Chinese delegation pointed out that the Soviet delegation was well aware that the Committee was incompetent to discuss the matter, thus the sole object of the Soviet delegation in bringing up the subject was for propaganda and to delay the work of the Committee. It was also pointed out that the puppet régime in Peking, alleged to be the People's Republic of China, represents in fact only the Soviet Government in China. They have the responsibility to persecute

and massacre the Chinese masses. The Chinese delegation also pointed out that evidently now there is doubt as to whether the Soviet Government represents the Soviet people, as many have either read the book "Our Secret Allies" by Eugene Lyons or heard about the continuous defection of high ranking Soviet officials.

The Chinese delegation again states categorically that the Government of the Republic of China is the only legal Government of that country.

PART IV

Matter submitted to the Security Council which was not admitted to its agenda

Chapter 8

THE QUESTION OF MOROCCO

A. Letter dated 21 August 1953 from the representatives of Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, the Philippines, Saudi Arabia, Syria, Thailand and Yemen

406. By a letter dated 21 August 1953 (S/3085), the representatives of Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, the Philippines, Saudi Arabia, Syria, Thailand and Yemen requested the President of the Council, under Article 35, paragraph 1, of the Charter, to call an urgent meeting to investigate the international friction and the danger to international peace and security which they alleged had arisen from the unlawful intervention of France in Morocco and the overthrow of its legitimate sovereign, and to take appropriate action under the Charter. The same representatives except those of the two States members of the Security Council, Lebanon and Pakistan, requested, in accordance with the provisions of rule 37 of the Council's provisional rules of procedure, that they be allowed to participate in the discussion of the item (S/3088).

B. Adoption of the agenda

407. The Council considered the question of including the item in its agenda at its 619th to 624th meetings held from 26 August to 3 September 1953.

408. At its 619th meeting (26 August), the representative of FRANCE announced that his delegation would oppose the inclusion of the item in the agenda. He stated that his Government had always refused on legal grounds, as explained in detail to the General Assembly by the Minister for Foreign Affairs on 10 November 1952, to allow the United Nations to interfere in its relations with the protected States of Tunisia and Morocco. In order to be completely loyal to that position of principle, the French delegation, he said, ought to do no more than point out how those grounds applied in the present case. However, the Council should know the exact situation which the letter of the fifteen delegations referred to and misrepresented.

409. For a number of years, a large segment of the Moroccan people had become increasingly dissatisfied with their sovereign. The traditional religious and political leaders had accused the Sultan of departing from his original position of supreme arbiter above all factions, of favouring one faction to the prejudice of others, and of jeopardizing the integrity of the Moslem faith. A public demonstration of that feeling had occurred on 29 May 1953 when 270 out of 350 Moroccan caids and pashas had submitted a petition to the French Resident General requesting the French Government to depose the sovereign. Soon, other caids and pashas and a number of sheikhs had joined the original petitioners and, in August, a petition containing 356 signatures had been submitted to the French authorities again requesting them to remove the Sultan from his throne. Faced with that danger, the Sultan had turned to France, although there had been no material obstacle to prevent him from appealing to the United Nations or to those Governments whose representatives had called for the meeting of the Security Council. France had then acted as mediator between the two opposing parties. It had urged the Sultan to grant the reforms demanded by his people. It had advised the Pasha of Marrakech and his supporters to remain calm and patient. On 15 August, the sovereign and the Resident General had issued a joint proclamation which, after observing that the problems to which the development of the Sherifian Empire had given rise were essentially within the jurisdiction of France and Morocco, announced the forthcoming promulgation of imperial *dahirs* relating to democratic reforms. But, in the meantime, over 4,000 chiefs and notables opposing the Sultan had rallied around the Pasha of Marrakech, El Glaoui. Despite the attempt at mediation by the French authorities, they had persisted in their refusal to recognize the Sultan any longer as the religious leader of Morocco, and had proclaimed Sidi Mohammed Ben Moulay Arafa as religious leader. That had been a purely religious decision and the French Government had not been entitled to take sides.

410. Although the Sultan's supporters in the larger cities had staged some minor demonstrations in his favour, in the rural areas and among the tribes the Moroccans and their leaders had rallied almost unanimously within the next few days around the new religious leader. Under the existing theocratic régime, such a separation of the spiritual and the temporal powers could not be endured, and while throughout the Empire an irresistible movement was being launched to deprive the Sultan of a power which the faithful considered to be illegal because irreligious, the sovereign had addressed a final appeal to France. The French Government had given the Resident General instructions to save the Sultan by every peaceable means at his disposal. On his arrival he had found Rabat, the capital, virtually beleaguered by all the tribes which had converged to depose the sovereign. On 20 August, the Resident General had been to Marrakech in a supreme attempt at conciliation, but the Pasha had absolutely rejected his proposals. It had

become apparent that the Sultan could have been saved only at the price of a bloody and ruinous conflict between the peoples of Morocco and the French forces. Its attempt at mediation having failed, it was inconceivable that France should resort to force to impose on an entire people the domination of a sovereign whom it had rejected. The only remaining duty of the French authorities had been to ensure the personal security of the Sultan and the continuation of the Alaouite dynasty. At the request of the Resident General, the Sultan, unprotesting, had taken a plane to Corsica. The same evening, the entire Sherifian Government had proclaimed Sidi Mohammed Ben Moulay Arafa, from the Alaouite dynasty, as the only legitimate sovereign of the Sherifian Empire. The next day, the ceremonies of allegiance to the new sovereign had been held throughout the territory without any disturbance of the public order. Thus, France had fulfilled the threefold obligation provided in article 3 of the Treaty of Fez of 1912. It had preserved the personal safety of the Sultan, safeguarded the continuity of the throne and of the Alaouite dynasty, and it had saved the peace of the Sherifian Empire from an armed internecine conflict.

411. France denied any competence of the United Nations to interfere in its relations with either the Regency of Tunisia or the Empire of Morocco. Though Morocco had remained a sovereign State, it had by the Treaty of Fez transferred to France the exercise of its external sovereignty and could not have direct relations with any Power other than France or with the international community. By the terms of that Treaty a dispute between France and Morocco could not be referred by the latter to the judgment either of an international judicial organ or of an international political organ. Any matter covered by the treaty of protectorate fell in essence within the national jurisdiction of France, and the United Nations was not competent to deal with it.

412. The situation which had been created in Morocco was internal in a two-fold sense: before falling essentially within France's national competence by virtue of the Fez Treaty, the matter fell within the national competence of Morocco, which had not ceased to be a sovereign State. Any intervention from the United Nations in such matters would therefore be a double violation of Article 2, paragraph 7, of the Charter. The request to include that question in the agenda was unfounded. There was no dispute between the French and the Sherifian Governments, and obviously there was no threat to the maintenance of international peace and security as the sponsors of the item claimed when invoking Article 35 of the Charter.

413. The representative of PAKISTAN stated that his delegation, together with the delegations of fourteen other Asian and African countries, had brought the question of Morocco to the Security Council because it felt that to subvert the Government of another country by questionable means, to ride roughshod over the declared will of its people and overthrow its legitimate and rightful sovereign constituted aggression, just as much as the attempt to achieve those objects by the use of force. The recent trend of events in Morocco had been interpreted in much of the world as instigated and manœuvred by France to sabotage the Moroccan national movement. In view of the gravity of that widespread feeling of resentment, the matter had been brought before the Council for immediate investigation and intervention if it should so decide after proper hearing.

414. He declared that the big Powers who held seats in the Council should not, from motives of their own, disregard the United Nations ideals on grounds of expediency and could not evade their responsibilities by taking shelter behind technicalities. Very often the big Powers, after having declared that the United Nations was not a court of law, converted it into one to shield their vested interests from the criticism of the world. Article 2, paragraph 7, of the Charter had been overtaxed in its use. That Article was meant to operate within the framework of the Charter; it was simply a broad and general safeguarding provision which did not make the effective provisions of the Charter lose their force. The wording of that provision drew a distinction between a matter within the jurisdiction of a State and one within the domestic jurisdiction of that State. To be within the domestic jurisdiction of a State, a matter must pertain to the affairs of the subjects and the territories of that State, and be relevant to its direct legislation.

415. In the question under consideration, the subjects and territories of Morocco were not a part of France. The International Court of Justice, in a judgment dated 27 June 1952, had determined that France did not have jurisdiction to legislate in respect of Morocco. Consequently, it could not be claimed that the internal affairs of Morocco were essentially within the domestic jurisdiction of France and Article 2, paragraph 7, could not be invoked to bar an investigation by the Security Council of the serious situation in Morocco. Moreover, the Act of Algeciras of 1906, to which twelve States were a party, safeguarded the sovereignty and independence of the Sultan, the integrity of his dominions and economic liberty and excluded inequality. Under that Act, Morocco was a sovereign State and Moroccans were not French subjects. The grave crisis which existed in Morocco therefore had an international character.

416. By its resolution 612 (VII), adopted by a considerable majority, the General Assembly had enjoined France to take the path of negotiation and conciliation, and had thereby established the fact that the matter was not within the domestic jurisdiction of France under Article 2, paragraph 7, of the Charter. But, disregarding that resolution, France had intensified its coercive measures, reinforced its armed strength in Morocco and used every effort to stage a revolt against the Sultan it had itself installed on the throne twenty-six years previously.

417. In contrast to the action of the Government of France, after that resolution had been adopted, the Sultan had addressed three memoranda to the President and the Government of the French Republic. He had tried to put into effect the hopes expressed by the General Assembly by proposing negotiations with France, on an urgent basis, towards developing the free political institutions of the people of Morocco, with due regard to legitimate rights and interests under the established norms and practices of the law of nations.

418. The Asian-African group of countries had been greatly perturbed by the course events were taking in Morocco, especially just before the deposition of the Sultan had been finally achieved by the Government of France. It had sent a telegram to the President of

the General Assembly asking him to use his good offices with the Government of France, and, on the following day, a deputation from that group had called on the President of the General Assembly to express their serious concern for the welfare of the Sultan and of Morocco. All those entreaties had proved of no avail. The Government of France had proceeded with its set purpose to depose the Sultan and convert Morocco into a virtual colony.

419. The representative of LEBANON, noting that, at that stage, the Council was only considering the question whether the item on Morocco, submitted jointly by fifteen Members of the United Nations, should be included in its agenda, explained that his delegation spoke, at least in part, on behalf of that group.

420. Lebanon was proud of its friendship with France, but just as French opinion was itself not undivided on that matter, so those who held France in the highest esteem might view and interpret the recent events in Morocco otherwise than did official French circles. Nothing but a vision of better, happier and more creative relations both for France and Morocco had moved the Asian and African countries in their present concern.

421. The Lebanese representative stated that Sultan Mohammed Ben Youssef was the legitimate sovereign of the Moroccan people. According to Moroccan law, the learned doctors of Islamic law, the Ulema, chose their ruler, and not the caids as the representative of France had stated. Mohammed Ben Youssef had been legally chosen in 1927 and had since reigned over Morocco until he had been exiled to Corsica. In the Treaty of Fez of 1912, the French Government had undertaken to safeguard the respect for and traditional prestige of the Sultan, and had pledged itself to lend constant support to him against all dangers which might threaten his person or his throne or might endanger the tranquillity of his states; the same support was to be given to the heir to the throne and his successors. Moreover, according to the ruling made on 27 August 1952 by the International Court of Justice, Morocco, under that Treaty, had remained a sovereign State, but had made an arrangement of a contractual character whereby France had undertaken to exercise certain sovereign powers in the name and on behalf of Morocco.

422. The first abortive attempt to do away with the sovereign had occurred in 1951. In his report to the French Ministry for Foreign Affairs, the Secretary-General of the Protectorate had expressed the necessity of eliminating Mohammed Ben Youssef as a condition for the continuation of French rule over Morocco. Numerous quotations from statements of responsible French circles could be given to prove how the deposition movement had started and developed. That movement had been launched because the Sultan had not yielded to French demands, but had put forward independent nationalist demands of his own. It would not be difficult, when the substance of the matter could be discussed, to show how El Glaoui, the Pasha of Marrakech, had arisen from relative obscurity and who was really behind the so-called movement of Berber revolt.

423. In 1951, when the Sultan had refused to disavow the Istiqlal Nationalist Party, the French Resident General, General Juin, had threatened him with deposition. But the Sultan had not surrendered and a so-called congress had been held in Fez in April 1953 attended by El Glaoui, together with some French officers. That congress had publicly condemned the Istiqlal Party. A vigorous popular reaction at once had set in against that congress and its declarations. But the administration had not given up. Soon, a petition had been prepared and signed by 270 caids and assistants demanding the dethronement of the Sultan. Of those signatories, the name of El Glaoui had been the only one published. The Assembly of Ulema, which was the only body which had the right to judge the political and religious activity of the Sultan and the only body entitled to invest or dethrone him, had addressed on 31 May 1953 a telegram of protest to the President of the French Republic and to other officials of the French Government. Several French organizations had also emphasized the repercussions that the violation of the religious traditions of Morocco could not fail to bring about. However, when the Sultan refused to sign some decrees, the authorities had ordered a certain "High Council of Twelve Caids and Pashas", under the chairmanship of El Glaoui, to choose a new Sultan. Then, the series of events had followed which had led to the Sultan's exile. From the relation of those facts, it was clear that the movement against the Sultan had been artificially inspired; even if it had naturally existed, it had represented a negligible minority. In fact, the presumption was exceedingly strong that the inspirers of that movement were the French authorities themselves and, therefore, in the exile of the lawful sovereign, there was a triple violation: a violation of the Treaty of Fez of 1912, a violation of the international Act of Algeciras of 1906, and a disregard for the appeal of the United Nations in the last paragraph of resolution 612 (VII) of the General Assembly.

424. Such a crisis in Morocco had important international implications. Those events were not purely local; they had distinct international aspects both juridical and political. It was true in that respect that, because of the character of the Protectorate, Morocco could not directly submit a dispute between itself and France to the Security Council. But the whole contention of the signatories of the request was that the treaty of 1912 itself was in question and that that treaty had already removed the matter from being a purely local affair since it had been signed between two sovereign nations. Moreover, when the Sultan had been about to board the plane to Corsica, he had handed to the Resident General, or whoever had been with him at that time, a note addressing himself to the Security Council. Furthermore, the Act of Algeciras of 1906 had been signed by twelve nations. At least twelve nations were thus concerned with any fundamental change in Morocco. The deposition of the Sultan was certainly a fundamental change and consequently had clear international implications. That view was also supported by the ruling of the International Court of Justice and the fact that the General Assembly had deemed itself competent to deal with the Moroccan issue.

425. The question thus had definite international implications and it was, moreover, of a character that might lead to international friction. The Sultan of Morocco had jurisdiction not only over French Morocco, but also over the Spanish zone. Thus, the removal of the Sultan necessarily involved the Spanish Protec-

torate and therewith Spain itself. The events in Morocco necessarily affected Tangier, and Tangier had an international character. Furthermore, considering the strategic interests of the United States of America in Morocco, a state of disturbance in the Protectorate could not leave the United States without deep concern about them. Finally, there were close cultural and political ties between the people of Morocco and the Arab, Moslem and Eastern peoples in general.

426. At the 620th meeting (27 August), the representative of the UNITED STATES OF AMERICA stated that, in passing on the question of including the item in its agenda, the Council must decide whether the developments in Morocco constituted a situation the continuance of which endangered the maintenance of international peace and security. The United States was eagerly looking for increasing self-government in Morocco and elsewhere, but it must be obvious to anybody who looked at the facts candidly that the situation in Morocco did not in fact endanger international peace and security. It must also be clear that the surest way to undermine the position of the Council was to divert it from its primary mission of maintaining the peace of the world and use it instead to deal with other questions under the pretext of safeguarding international peace and security. The argument according to which the mere fact that sixteen nations objected to recent events in Morocco constituted international friction, and therefore empowered the Council to investigate whether continuance of the situation was likely to endanger international peace would make it possible always to break down the distinction between matters of domestic and international concern.

427. The representative of the UNITED KINGDOM stated that, in April 1952, the Council, faced with the very similar question of Tunisia, had decided not to place the item on its agenda. That did not mean that the Council necessarily had to take the same decision but, in view of the close parallel between the two questions, new and convincing reasons were required to persuade it to reach a different conclusion. His Government held that the question was outside the competence of the Council. Consideration of it would involve interference in the domestic affairs of a Member State and such interference might have grave consequences which might even be grave for the existence of the Organization. The question of Morocco was a matter of domestic concern to France. That view was based on the special relationship of Morocco to France under the Treaty of Fez, the validity of which had been recognized by both the Permanent Court and the International Court of Justice. The chief characteristic of that relationship was that the sole and entire conduct of the external affairs of Morocco was vested in France. The international effect was necessarily to place the relations between France and Morocco on the domestic plane. France had not requested any intervention from the Council and Morocco could only request it through France. The various sponsors of the item now before the Council were not parties to the Treaty of Fez; therefore the item was completely out of order from every point of view. The fact that Morocco was a State or even a sovereign State made no difference to that position because its sovereignty was limited by the treaty.

428. Noting that the internal position in Morocco had been calm since the new Sultan had been proclaimed, the United Kingdom representative said that the proper function of the Council was to deal with real or potential threats to international peace and security. Not only did such threats not exist in Morocco, but experience had shown, unfortunately, that United Nations debates on both Tunisia and Morocco were usually accompanied by immediate outbreaks of violence in those countries. Interference by the United Nations, therefore, might well retard rather than accelerate progress towards self-government, which must be peaceful and orderly and might thus provoke the very international friction which it was intended to allay.

429. At the 621st meeting (31 August), the representative of GREECE stated that the United Nations should be willing to consider any problem within the purview of its purposes and activities, provided of course that it did not run counter to the relevant articles of the Charter. The Greek delegation had not opposed the inclusion of the question of Morocco in the agenda of the seventh session of the General Assembly and, at the forthcoming session, would approach the same request with a completely open mind. Yet, the open-door principle implied the corresponding reasonable expectation that its application to a particular case would prove beneficial. In that respect, the experience of the last years had unfortunately taught that a clear distinction should be drawn between the two political organs of the United Nations. The Council's primary responsibility for the maintenance of international peace and security did not necessarily mean that the Council's intervention was at all times, in all circumstances and in all cases the best way to a solution. The views already expressed left little hope of attaining any positive solution in the following stage. Moreover, the altercations and recriminations to which any substantive discussion of the Moroccan case would unavoidably give rise, would lead to an impasse in view of the special voting powers provided in Article 27, paragraph 3 of the Charter. Such treatment could result in no benefit to the cause defended by the Lebanese and Pakistan representatives. The Greek delegation would therefore abstain in the vote on the question of placing the Moroccan item on the agenda.

430. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS declared that, despite the opposition of the colonialist Powers, the question of Morocco had been already discussed in substance by the General Assembly, which had adopted resolution 612 (VII). The tenseness of the situation which had called at that time for the attention of the United Nations had since dangerously increased. Therefore, the Security Council could not refuse to consider the Moroccan question, the more so since it was requested to do so by fifteen Member States, not counting the other Member States who supported or might support the motion. The French delegation had based its objections to consideration of the item by the Council mainly on the argument that the grave events taking place in Morocco were French internal affairs and that, by the terms of the Treaty of Fez, no dispute between France and Morocco could be referred by Morocco to the judgment either of an international judicial organ or of an international political organ. But the 1912 treaty limited Moroccan sovereignty in foreign affairs only, and it certainly did not follow that no quarrel between Morocco and France could pass outside the framework of the French Protectorate of Morocco. Furthermore, the Act of Algeciras of 1906, which enshrined Morocco's sovereignty

in its preamble, defined the status of Morocco not only in relation to France and Spain but in relation to a number of other countries as well. It was a multilateral international agreement which did not deprive Morocco of sovereignty and, consequently, did not prevent the United Nations from considering the situation there.

431. Since Morocco was one of the territories falling within the scope of Chapter XI of the Charter, the United Nations was entitled to take an interest in the situation in that territory, and it was particularly entitled to intervene when the responsible Power had violated its obligations, especially if that violation might lead to the violation of international peace and security.

432. The competence of the United Nations had already been established by the General Assembly. As for the competence of the Security Council to investigate the situation, the Lebanese representative had proved that important events had occurred in Morocco which might lead to international friction. The Security Council was fully competent to investigate the situation under Chapter VI of the Charter.

433. The President, speaking as the representative of CHINA, said that he would favour the inclusion of the item, without prejudice to the question of the Council's competence. The broad fact remained that the troubles in Morocco concerned the relations between France and Morocco. The Security Council would sacrifice the spirit to the letter if it should rule out consideration of the question on the ground of legal technicalities. It was only after a more detailed consideration that the Council could decide finally whether it was competent or not. The representative of France had contended that the recent events in Morocco were doubly domestic in the sense that they were largely the work of different groups of the Moroccan people. It would be most extraordinary, however, if the Sultan could have been deposed and a successor installed against the wishes of the French Government. It had been said that the events in Morocco did not in the least threaten peace and security, but actually, where deep nationalistic aspirations were not satisfied, momentary quiet could not be construed as peace. There was the further contention that the Security Council could not do anything about Morocco, an opinion advanced the previous year in relation to Tunisia. If question after question were dismissed on that ground, however, the world might get the impression that the Security Council and the entire United Nations could do nothing for the promotion of peace.

434. At the 622nd meeting (1 September), the representative of LEBANON observed that, while important, precedents were not decisive. Moreover, the Tunisian question was not the only precedent that could be invoked. He cited statements made by various members of the Security Council in the discussion on the Czechoslovak question and on the United Kingdom complaint of failure by the Iranian Government to comply with the provisional measures indicated by the International Court of Justice, from which it was clear that it was the established position in the Council that, when the merits of an item or the competence of the Council to consider it were questioned, the item should first be placed on the agenda so that the parties involved might be given an opportunity to state their views before the Council. There was no reason why there should be any change in that position in the case under discussion.

435. He agreed with the United Kingdom representative's view that progress towards self-government should be peaceful and orderly, but when there was no progress at all that rule was liable to be broken, and he therefore urged that the United Kingdom do everything in its power to bring about orderly and peaceful progress wherever necessary. In connexion with the statements made by the representatives of the United Kingdom and of the United States, he quoted various Press excerpts making it clear that the question did entail international complications of such a character as to involve peace and security throughout the world.

436. The representative of PAKISTAN noted with regret the stand taken by the United States delegation which, while holding that the Council had to decide whether the developments in Morocco constituted a situation the continuance of which endangered the maintenance of international peace and security, had indicated that it would vote against placing the item on the agenda. Such an inconsistent stand, which would bar discussion of the case, whatever its merits, was completely opposed to what the United States had stood for in the United Nations, and to the history and traditions of its people.

437. Referring to the statement made by the representative of the United Kingdom, the representative of Pakistan emphasized that even if, as had been contended, the foreign affairs of Morocco must be dealt with by France, under the Treaty of Fez, the Government of France was only the vehicle for the expression of the foreign policy of the Government of Morocco and had no discretion in the matter beyond conveying to foreign Governments the desires of the Government of Morocco. Since the representative of Lebanon had informed the Security Council that, in one of his last acts before being deposed, the Sultan had handed over to the Resident General a written request to the Security Council to investigate the grave situation in Morocco, it might be argued that the Council had been properly approached, through proper channels, with a request to consider the matter.

438. The United Kingdom representative had warned that debate in the Council would be accompanied by an outbreak of violence. According to that postulate, the Council should seldom take cognizance of any situation, because one of the parties, in a dominant position, could always take cover behind the fear of inciting an outbreak of violence somewhere.

439. The representative of France had sought to have the Council believe that a number of caids and pashas, who were civil servants appointed by the State, were the spokesmen and leaders of the people, and that the French Government had acted as mediator between the legal Head of the State, the Sultan, on the one side, and the civil servant El Glaoui and his band on the other. The logical consequence of that position would be that if any other political body in Morocco, for example, the Istiqlal, were to petition the French Government, the latter and its representatives in Morocco would do no more than try to mediate between that party and the Sultan, thus giving them a status of equality. However, when the Istiqlal had petitioned the French Government in 1944 the result had been banishments and massacres. In view of evidence that some of those who had signed the petition against the Sultan had been compelled to do so, and in view of the fact that El Glaoui and his band had

numbered only some 4,000, of which only a small fraction had been armed, his delegation was not prepared to believe that, had the French authorities so desired, they could not very quickly have extinguished the so-called revolt as they had been able to put down popular risings in Casablanca some time before.

440. The representative of FRANCE stated that he had been authorized by the French Resident General in Morocco to deny that any appeal to the United Nations or to the Security Council had been transmitted to him by the Sultan, either directly or indirectly, before the latter's departure from Morocco.

441. At the 623rd meeting (2 September), the President, speaking as the representative of COLOMBIA, opposed the repeated argument that the judgment given by the International Court of Justice in 1952 and General Assembly resolution 612 (VII) had settled the problem of competence by ruling that Franco-Moroccan relations were not of a domestic character. Under the protectorate system, the protected State retained its full internal sovereignty while ceding to its protector the right to exercise its sovereignty in foreign affairs. The judgment of the Court had in fact dealt exclusively with fiscal and jurisdictional matters which had always been within the domestic sovereignty of States. The Court had not stated and could not state that Moroccan sovereignty in those matters proved that Morocco had recovered the right to exercise its sovereignty in external affairs. General Assembly resolution 612 (VII) had merely expressed the hope that France would continue to fulfil its obligations under Articles 73 and 74 of the Charter. In no case could that resolution be interpreted to mean that Morocco had resumed the right to exercise sovereignty in external matters which it had ceded by the Treaty of Fez.

442. Since Morocco had at no time abandoned its sovereignty in internal matters, the Council could not pass judgment on the way in which the Moroccan people had decided to acquire a new government, without thereby intervening in the domestic policy of Morocco, which was entitled to decide on its own domestic policy in complete independence.

443. It had been said that France had violated article III of the Treaty of Fez, which compelled it to protect the sovereign against any danger to his person or his throne. But to interpret that provision as meaning that that protection should be confined to one particular sovereign would entail the obligation for France to intervene in the domestic affairs of Morocco by supporting that sovereign against his own people if at any time the latter opposed him. If it was thought that the Treaty of Fez had been violated and if the signatories to that treaty had accepted the Statute of the Court, the proper course would have been, in accordance with Article 36 of the Statute, to refer the matter to the International Court of Justice. The Colombian delegation believed that under Article 2, paragraph 7, of the Charter, the Council was not competent to consider the question.

444. The representative of CHILE said that it could hardly be denied that the state of tension prevailing in Morocco had seriously affected friendly relations between France and that country, and also between France and Spain, which proved that events in Morocco constituted a serious threat to peace and harmony between nations. That problem, moreover, had caused deep concern to a group of fifteen States Members of the United Nations. There could therefore be no doubt that those events were endangering international peace and security, the maintenance of which was the chief purpose of the Security Council. The Council should, therefore, include the item in its agenda.

445. The representative of FRANCE said that the Act of Algeciras had been signed on 7 April 1906 by thirteen Powers and comprised a statement on police regulations for the supervision and punishment of arms smuggling, and four economic texts. It was in the preamble of that Act that there occurred the sentence referring to the three principles of the sovereignty of the Sultan, the integrity of his domains, and economic liberty without any inequality. The Act of Algeciras was still in force; its provisions were still binding upon the parties but upon them alone. To all other Powers and to international institutions such as the United Nations, the provisions of the Act of Algeciras were *res inter alios acta*: they could not justify intervention by any third party or authorize the United Nations to intervene in Moroccan affairs. The Treaty of Fez of 31 March 1912, which had established the Protectorate, was a bilateral treaty between France and Morocco. It, too, was *res inter alios acta* in respect of all Powers other than France and Morocco.

446. Although the two treaties were on a different plane, they were based on the same principles. It was by using the sovereignty recognized as his by the Act of Algeciras that the Sultan had been able to agree, by a treaty with France, on the methods of exercising that sovereignty. The International Court of Justice in its judgment of 27 August 1952 had expressly recognized that principle. All the signatories to the Act of Algeciras had expressly recognized the Treaty of Fez. The two instruments were therefore perfectly compatible. The only limitations which the Act of Algeciras placed on France's rights in Morocco related exclusively to the economic rights deriving from the principle of the open door.

447. Lastly, while it was a fact that relations between France and Morocco had been regulated by a treaty, it was nevertheless true that under the very terms of the treaty those relations were not, as far as third parties were concerned, relations of an international nature. Furthermore, the competence of the United Nations did not extend *ipso facto* to all international questions.

448. The representative of LEBANON declared that there was another version of the facts in addition to that given by the French representative. That other version was apparent in the difference between the points of view expressed by Mr. Schuman first in 1951 before the General Assembly and later in 1952, when he had no longer been Minister for Foreign Affairs. From those two statements it appeared that, after two years of hoping that anything could happen, Mr. Schuman had almost given up because of the absence of an exact definition of responsibility and hierarchical structure as between France and its own protectorates. That—and not the attitude of the Sultan—had been the cause of the deterioration of the North African situation.

449. The representative of Lebanon then quoted several extracts from French newspapers, noting among other points, that those who had signed the petition

mentioned by the French representative had done so under duress and were people of no importance. The Assembly of the Ulema of Fez, in a telegram sent to the President of the French Republic on 31 May 1953, had expressed the profound indignation of the Moroccan people at that petition. The French Press itself admitted that those who had signed the petition were practically dependants of the French authorities and that it was difficult to regard the petition as a manifestation of Moroccan opinion. The convergence of the tribes in Rabat, he noted, could scarcely have been possible without the connivance of the French authorities, who were fully responsible for the security and order of Morocco. It was also clear from the account of an interview given by the French Resident General in Morocco that the French authorities had banished the Sultan, although they had no power to depose him.

450. It was not for the Council to judge at that time which of the two versions was the true one. It was enough for the Council to know that those two versions existed. If it judged that the divergence was important and that the matter fell within its competence, the Council ought to include the item in its agenda so as to be able to reach a decision on the merits of the case.

451. During the discussion, the representatives of Lebanon and Pakistan had urged that the Council hear the views of the thirteen other delegations which had joined them in submitting the question, declaring that those delegations had shown such concern over the grave situation in Morocco, that they had a right to be heard by the Council. They had held that there were precedents which justified acceding to such a request. This position had been supported by the representatives of Chile and the Union of Soviet Socialist Republics, but had been opposed by other members of the Council on the grounds that it would involve lengthening the debate and departing from the Council's practice of not allowing the participation of non-members in the consideration of its own procedure.

452. At the 624th meeting (3 September), the representative of LEBANON again stressed the importance of the request made by thirteen Member States to be heard by the Council. He announced his intention, in the event the request was not granted, to move that the Council invite the thirteen delegations to choose two of their number to address the Council on the question.

Decisions: *At the 624th meeting, on 3 September 1953, a motion submitted by Pakistan (S/3088), providing that the thirteen delegations which were co-sponsors of the request and not members of the Security Council be invited to appear before the Council to explain their case, was not adopted. There were 4 votes in favour (Chile, Lebanon, Pakistan, USSR), 5 against and 2 abstentions (China, Greece).*

The motion submitted by Lebanon, as modified on the suggestion of the representative of Greece, to the effect that the Council would agree to listen to two representatives of the group of thirteen delegations, if they so requested, also failed to be adopted. There were 5 votes in favour (Chile, Greece, Lebanon, Pakistan, USSR) and 5 against, with 1 abstention (China). The provisional agenda was then put to the vote and was not adopted. There were 5 votes in favour (Chile, China, Lebanon, Pakistan, USSR), and 5 against, with 1 abstention (Greece).

453. The representative of DENMARK, explaining his vote, said that his Government had concluded that the situation in Morocco could not be said to represent a danger to the maintenance of international peace and security and that, consequently, the Security Council was not competent to investigate it. He was, however, attentive to the fact that any country would be free to try to induce the General Assembly to have the situation discussed during its eighth session.

454. The representative of PAKISTAN reiterated that, since the question did not concern domestic matters of France, it was not within the latter's domestic jurisdiction. It was an internal matter concerning Morocco and was a threat to international peace.

PART V

Matters brought to the attention of the Security Council but not discussed in the Council

Chapter 9

COMMUNICATIONS RELATING TO THE KOREAN QUESTION

455. During the period covered by the present report, the armistice negotiations which, as indicated in the Council's previous report, had begun on 10 July 1951 between representatives of the opposing military commanders in Korea, resulted in an agreement. This Armistice Agreement was concluded on 27 July 1953 by, on the one hand, the Commander-in-Chief, United Nations Command, and, on the other hand, the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers.

456. By a letter dated 7 August 1953 (S/3079 and Add.1), addressed to the Secretary-General, the United States delegation transmitted a special report by the Unified Command on the United Nations action in Korea, with a copy of the official text of the Armistice Agreement.

457. During this period the representative of the United States of America continued to transmit to the Council reports of the Unified Command, including information on the armistice negotiations and on the implementation of the Armistice Agreement. *Communiqués* covering the period 15 July 1953 to 27 July 1953, issued by the headquarters of that Command, were also received by the Council from the representative of the United States.

Chapter 10

REPORTS ON THE TRUST TERRITORY OF THE PACIFIC ISLANDS

458. Pursuant to paragraph 2 of the resolution adopted by the Security Council at its 415th meeting and resolution 46 (IV) of the Trusteeship Council concerning the respective functions of the Security Council and the Trusteeship Council in respect of strategic areas under trusteeship, the Secretary-General, by notes dated 24 July 1953 (S/3065 and S/3066) transmitted to the Security Council a questionnaire approved by the Trusteeship Council at its 414th meeting on 6 June 1952, and the report of the Trusteeship Council on the Trust Territory of the Pacific Islands for the period 2 April 1952 to 21 July 1953.

459. On 4 June 1954, the Secretary-General transmitted to the Security Council the report on the Trust Territory of the Pacific Islands (S/3223) for the period 1 July 1952 to 30 June 1953, received from the representative of the United States of America to the United Nations.

Chapter 11

REPORT ON THE ADMINISTRATION OF THE BRITISH-UNITED STATES ZONE OF THE FREE TERRITORY OF TRIESTE

460. By a letter dated 23 December 1953 (S/3156), addressed to the President of the Council, the representatives of the United Kingdom and of the United States of America transmitted a report on the administration of the British-United States Zone of the Free Territory of Trieste. The report covered the period from 1 January to 31 December 1952.

Chapter 12

LETTER DATED 28 OCTOBER 1953 ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL TRANSMITTING THE TEXT OF GENERAL ASSEMBLY RESOLUTION 718 (VIII) CONCERNING THE ADMISSION OF NEW MEMBERS

461. By a letter dated 28 October 1953 (S/3131), addressed to the President of the Security Council, the Secretary-General transmitted, for the information of the members of the Council, the text of a resolution entitled "Admission of new Members" adopted by the General Assembly at its 453rd plenary meeting on 23 October 1953. Under this resolution the General Assembly (1) established a Committee of Good Offices, consisting of the representatives of Egypt, the Netherlands and Peru, empowered to consult with members of the Security Council with the object of exploring the possibilities of reaching an understanding which would facilitate the admission of new Members in accordance with Article 4 of the Charter; and (2) requested the Committee of Good Offices to submit a report on its work to the General Assembly at its eighth or, at the latest, at its ninth session.

Chapter 13

COMMUNICATION FROM THE CHAIRMAN OF THE INTER-AMERICAN PEACE COMMITTEE

462. By a letter dated 2 February 1954 (S/3176), addressed to the Secretary-General, the Chairman of the Inter-American Peace Committee brought to the attention of the Security Council the text of the Committee's conclusions in the case submitted to it by Colombia on 17 November 1953.

Chapter 14

REPORT OF THE DISARMAMENT COMMISSION

463. By a letter dated 20 August 1953 (S/3087 and Rev.1), addressed to the Secretary-General, the Chairman of the Disarmament Commission, pursuant to paragraph 3 of General Assembly resolution 704 (VII), transmitted to the Security Council the Commission's third report on its work.

APPENDICES

I. Representatives and deputy, alternate and acting representatives accredited to the Security Council

The following representatives and deputy, alternate and acting representatives were accredited to the Security Council during the period covered by the present report:

Brazil[2]
Prof. Ernesto Leme
Mr. Hugo Gouthier

Chile[3]
Sr. Rudecindo Ortega Masson
Sr. Luis Melo Lecaros (from 10 September 1953)
Sr. Alfonso Grez (from 10 September 1953)

China
Dr. Tingfu F. Tsiang
Dr. Shuhsi Hsu
Mr. Chiping H. C. Kiang

Colombia
Dr. Francisco Urrutia (from 30 July 1953)
Sr. Carlos Echeverri-Cortes
Sr. Eduardo Carrizosa

Denmark
Mr. William Borberg
Mr. Birger Dons Moeller

France
M. Henri Hoppenot
M. Charles Lucet
M. Pierre Ordonneau

Greece[3]
Mr. Alexis Kyrou

Lebanon
Dr. Charles Malik
Dr. Karim Azkoul (until 15 September 1953)
Mr. Edward Rizk

New Zealand[2]
Mr. Leslie Knox Munro
Mr. A. R. Perry

Pakistan[3]
Prof. Ahmed S. Bokhari
Dr. Ahmed Hamdani

Turkey[2]
Mr. Selim Sarper
Mr. Adil Derinsu (from 24 June 1954)

Union of Soviet Socialist Republics
Mr. Andrei Y. Vyshinsky
Mr. Semyon Tsarapkin

United Kingdom of Great Britain and Northern Ireland
Sir Gladwyn Jebb (until 4 March 1954)
Sir Pierson Dixon (from 22 March 1954)
Mr. P. M. Crosthwaite

United States of America
Mr. Henry Cabot Lodge, Jr.
Mr. James J. Wadsworth
Mr. John C. Ross

[2] Term of office began on 1 January 1954.
[3] Term of office ended on 31 December 1953.

II. Presidents of the Security Council

The following representatives held the office of President of the Security Council during the period covered by the present report:

Chile
Sr. Rudecindo Ortega Masson (16 to 31 July 1953)

China
Dr. Tingfu F. Tsiang (1 to 31 August 1953)

Colombia
Dr. Francisco Urrutia (1 to 30 September 1953)

Denmark
Mr. William Borberg (1 to 31 October 1953)

France
M. Henri Hoppenot (1 to 30 November 1953)

Greece
Mr. Alexis Kyrou (1 to 31 December 1953)

Lebanon
Dr. Charles Malik (1 to 31 January 1954)

New Zealand
Mr. Leslie Knox Munro (1 to 28 February 1954)

Turkey
Mr. Selim Sarper (1 to 31 March 1954)

Union of Soviet Socialist Republics
Mr. Andrei Y. Vyshinsky (1 to 31 April 1954)

United Kingdom of Great Britain and Northern Ireland
Sir Pierson Dixon (1 to 31 May 1954)

United States of America
Mr. Henry Cabot Lodge (1 to 30 June 1954)

Brazil
Prof. Ernesto Leme (1 to 15 July 1954)

III. Meetings of the Security Council during the period from 16 July 1953 to 15 July 1954

Meeting	*Subject*	*Date*
		August 1953
618th (private)	Report of the Security Council to the General Assembly	12
	Date of election to fill a vacancy in the International Court of Justice (open)	
		August 1953
619th	The question of Morocco	26
620th	The question of Morocco	27
621st	The question of Morocco	31
		September 1953
622nd	The question of Morocco	1
623rd	The question of Morocco	2
624th	The question of Morocco	3
		October 1953
625th	Appointment of a Governor of the Free Territory of Trieste	15
626th	The Palestine question	19
627th	The Palestine question	20
628th	Appointment of a Governor of the Free Territory of Trieste	20
629th	The Palestine question	27
630th	The Palestine question	27
631st	The Palestine question	27
632nd	The Palestine question	29
633rd	The Palestine question	30
		November 1953
634th	Appointment of a Governor of the Free Territory of Trieste	2
635th	The Palestine question	9
636th	The Palestine question	10
637th	The Palestine question	12
638th	The Palestine question	16
639th	The Palestine question	18
640th	The Palestine question	21
641st	Application of Japan and San Marino to become parties to the Statute of the International Court of Justice	November 1953 23
	Appointment of a Governor of the Free Territory of Trieste	
642nd	The Palestine question	24
643rd	The Palestine question	25
644th	Election of a member of the International Court of Justice	27
645th	Application of Japan and San Marino to become parties to the Statute of the International Court of Justice	December 1953 3
	The Palestine question	
646th	The Palestine question	11
647th	Appointment of a Governor of the Free Territory of Trieste	14
648th	The Palestine question	16
649th	The Palestine question	17
650th	The Palestine question	18
651st	The Palestine question	21
652nd	The Palestine question	22
653rd	The Palestine question	22
654th	The Palestine question	29
		January 1954
655th	The Palestine question	21
656th	The Palestine question	22
		February 1954
657th	The Palestine question	4
658th	The Palestine question	5
659th	The Palestine question	15
660th	The Palestine question	24
		March 1954
661st	The Palestine question	12
662nd	The Palestine question	23
		March 1954
663rd	The Palestine question	25
664th	The Palestine question	29
		April 1954
665th	The Palestine question	8
666th	The Palestine question	12
667th	The Palestine question	22
668th	The Palestine question	27
		May 1954
669th	The Palestine question	3
670th	The Palestine question	4
671st	The Palestine question	12
672nd	Letter dated 29 May 1954 from the Acting Permanent Representative of Thailand to the United Nations addressed to the President of the Security Council	June 1954 3
673rd	Letter dated 29 May 1954 from the Acting Permanent Representative of Thailand to the United Nations addressed to the President of the Security Council	16
674th	Letter dated 29 May 1954 from the Acting Permanent Representative of Thailand to the United Nations addressed to the President of the Security Council	18
675th	Cablegram dated 19 June 1954 from the Minister for External Relations of Guatemala addressed to the President of the Security Council	20
676th	Cablegram dated 19 June 1954 from the Minister for External Relations of Guatemala addressed to the President of the Security Council	25

IV. Representatives, Chairmen and Principal Secretaries of the Military Staff Committee

(16 July 1953 to 15 July 1954)

A. Representatives of each service

	Period of Service
Delegation of China	
Lt.-General Ho Shai-lai, Chinese Army	16 July 1953 to present time
Commodore Kao Ju-fon, Chinese Navy	16 July 1953 to 28 September 1953
Commander Chen Tsai-ho, Chinese Navy	29 September 1953 to present time
Delegation of France	
Général de brigade M. Penette, French Army	16 July 1953 to present time
Capitaine de frégate M. Sanoner, French Navy	16 July 1953 to present time
Delegation of the Union of Soviet Socialist Republics	
Major-General Ivan A. Skliarov, Soviet Army	16 July 1953 to 6 April 1954
Major-General I. M. Saraev, Soviet Army	7 April 1954 to present time
Lt.-General A. R. Sharapov, USSR Air Force	16 July 1953 to 6 April 1954
Captain 2nd Grade B. F. Gladkov, USSR Navy	7 January 1954 to present time
Delegation of the United Kingdom of Great Britain and Northern Ireland	
Major-General W. A. Dimoline, British Army	16 July 1953 to 11 Oct. 1953
Major-General W. H. Stratton, British Army	12 October 1953 to 21 Dec. 1953
Brigadier I. H. Good, British Army	22 December 1953 to 28 Feb. 1954
Major-General G. E. Prior-Palmer, British Army	1 March 1954 to present time
Commander R. H. Graham, Royal Navy	16 July 1953 to 31 July 1953
Vice-Admiral C. C. Hughes-Hallett, Royal Navy	1 August 1953 to present time
Air Vice-Marshal J. D. Breakey, Royal Air Force	16 July 1953 to 28 February 1954
Air Vice-Marshal R. L. R. Atcherley, Royal Air Force	1 March 1954 to present time
Delegation of the United States of America	
Lt.-General W. A. Burress, United States Army	16 July 1953 to present time
Vice-Admiral A. D. Struble, United States Navy	16 July 1953 to present time
Lt.-General L. W. Johnson, United States Air Force	16 July 1953 to present time

B. List of chairmen

(16 July 1953 to 15 July 1954)

Meeting	*Date*	*Chairman*	*Delegation*
212th	23 July 1953	Colonel M. G. Martinov, Soviet Army	Union of Soviet Socialist Republics
213th	6 August 1953	Major-General W. A. Dimoline, British Army	United Kingdom
214th	20 August 1953	Vice-Admiral C. C. Hughes-Hallett, Royal Navy	United Kingdom
215th	3 September 1953	Vice-Admiral A. D. Struble, United States Navy	United States of America
216th	17 September 1953	Vice-Admiral A. D. Struble, United States Navy	United States of America
217th	1 October 1953	Lt.-General Ho Shai-lai, Chinese Army	China
218th	15 October 1953	Lt.-General Ho Shai-lai, Chinese Army	China
219th	29 October 1953	Lt.-General Ho Shai-lai, Chinese Army	China
220th	12 November 1953	Capitaine de frégate M. Sanoner, French Navy	France
221st	25 November 1953	Général de brigade M. Penette, French Army	France
222nd	10 December 1953	Colonel M. G. Martinov, Soviet Army	Union of Soviet Socialist Republics
223rd	23 December 1953	Colonel M. G. Martinov, Soviet Army	Union of Soviet Socialist Republics
224th	7 January 1954	Air Vice-Marshal J. D. Breakey, Royal Air Force	United Kingdom
225th	22 January 1954	Vice-Admiral C. C. Hughes-Hallett, Royal Navy	United Kingdom
226th	4 February 1954	Vice-Admiral A. D. Struble, United States Navy	United States of America
227th	18 February 1954	Vice-Admiral A. D. Struble, United States Navy	United States of America
228th	4 March 1954	Lt.-General Ho Shai-lai, Chinese Army	China
229th	18 March 1954	Lt.-General Ho Shai-lai, Chinese Army	China
230th	1 April 1954	Général de brigade M. Penette, French Army	France
231st	15 April 1954	Général de brigade M. Penette, French Army	France
232nd	29 April 1954	Capitaine de frégate M. Sanoner, French Navy	France
233rd	13 May 1954	Major-General I. M. Saraev, Soviet Army	Union of Soviet Socialist Republics
234th	27 May 1954	Major-General I. M. Saraev, Soviet Army	Union of Soviet Socialist Republics
235th	10 June 1954	Air Commodore F. R. D. Swain, Royal Air Force	United Kingdom
236th	24 June 1954	Vice-Admiral C. C. Hughes-Hallett, Royal Navy	United Kingdom
237th	8 July 1954	Vice-Admiral A. D. Struble, United States Navy	United States of America

C. List of principal secretaries

(16 July 1953 to 15 July 1954)

Meeting	*Date*	*Principal Secretary*	*Delegation*
212th	23 July 1953	Lt.-Colonel D. F. Poliakov, Soviet Army	Union of Soviet Socialist Republics
213th	6 August 1953	Commander R. H. Graham, Royal Navy	United Kingdom
214th	20 August 1953	Commander R. H. Graham, Royal Navy	United Kingdom
215th	3 September 1953	Colonel H. G. Newhart, United States Marine Corps	United States of America
216th	17 September 1953	Colonel C. E. Leydecker, United States Army	United States of America
217th	1 October 1953	Major Shaw Ming-kao, Chinese Army	China
218th	15 October 1953	Major Shaw Ming-kao, Chinese Army	China
219th	29 October 1953	Major Shaw Ming-kao, Chinese Army	China
220th	12 November 1953	Commandant G. Brochen, French Army	France
221st	25 November 1953	Capitaine de frégate M. Sanoner, French Navy	France
222nd	10 December 1953	Lt.-Colonel D. F. Poliakov, Soviet Army	Union of Soviet Socialist Republics
223rd	23 December 1953	Lt.-Colonel D. F. Poliakov, Soviet Army	Union of Soviet Socialist Republics
224th	7 January 1954	Commander W. A. Juniper, Royal Navy	United Kingdom
225th	22 January 1954	Commander W. A. Juniper, Royal Navy	United Kingdom
226th	4 February 1954	Captain F. H. Hogan, United States Air Force	United States of America
227th	18 February 1954	Colonel C. E. Leydecker, United States Army	United States of America
228th	4 March 1954	Major Shaw Ming-kao, Chinese Army	China
229th	18 March 1954	Major Shaw Ming-kao, Chinese Army	China
230th	1 April 1954	Chef d'Escadron G. Buchet, French Army	France
231st	15 April 1954	Chef d'Escadron G. Buchet, French Army	France
232nd	29 April 1954	Chef d'Escadron G. Buchet, French Army	France
233rd	13 May 1954	Major I. E. Prichodko, Soviet Army	Union of Soviet Socialist Republics
234th	27 May 1954	Lt.-Colonel A. P. Koriakovsky, Soviet Army	Union of Soviet Socialist Republics
235th	10 June 1954	Commander W. A. Juniper, Royal Navy	United Kingdom
236th	24 June 1954	Commander W. A. Juniper, Royal Navy	United Kingdom
237th	8 July 1954	Commander P. A. Lilly, United States Navy	United States of America