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NOTE

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Documents of the Security Council (symbol S/. . .) are normally published in quarterly *Supplements* of the *Official Records of the Security Council*. The date of the document indicates the supplement in which it appears or in which information about it is given.

The resolutions of the Security Council, numbered in accordance with a system adopted in 1964, are published in yearly volumes of *Resolutions and Decisions of the Security Council*. The new system, which has been applied retroactively to resolutions adopted before 1 January 1965, became fully operative on that date.

SIXTEEN HUNDRED AND FIFTY-FIRST MEETING

Held in New York on Tuesday, 18 July 1972, at 3.30 p.m.

President: Mr. Carlos ORTIZ DE ROZAS (Argentina).

Present: The representatives of the following States: Argentina, Belgium, China, France, Guinea, India, Italy, Japan, Panama, Somalia, Sudan, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America and Yugoslavia.

Provisional agenda (S/Agenda/1651)

1. Adoption of the agenda.
2. The situation in the Middle East:
 - (a) Letter dated 5 July 1972 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/10730);
 - (b) Letter dated 5 July 1972 from the Chargé d'affaires, *ad interim* of the Permanent Mission of Lebanon to the United Nations addressed to the President of the Security Council (S/10731).

The meeting was called to order at 4 p.m.

Expression of thanks to the retiring President

1. The PRESIDENT (*interpretation from Spanish*): As the Security Council is meeting for the first time in the month of July, I should like to devote my first words to paying a tribute of homage and gratitude to Ambassador Lazar Mojsov of Yugoslavia, who had the responsibility of presiding over our deliberations in June. In fact, his wise and effective guidance of the debates in the Security Council, as well as of the important and numerous consultations which were held on his initiative last month in the search for a solution to various problems, did not surprise any of us who know Ambassador Mojsov and are honoured by his friendship. In the discharge of this responsibility, his eminent diplomatic skills and thorough knowledge of United Nations affairs and procedures were again fully revealed. I am sure that I reflect the feeling of all members of the Council when I urge Ambassador Mojsov to accept this expression of gratitude and appreciation.

Adoption of the agenda

2. The PRESIDENT (*interpretation from Spanish*): The provisional agenda for this meeting of the Security Council is in document S/Agenda/1651. If I hear no objection, I shall take it that the agenda is adopted.

3. Mr. FARAH (Somalia): I should like to raise an objection to the manner in which the agenda has been formulated. It was my understanding that the Security

Council had been convened solely to consider the communications which have been addressed to the Council by the Representatives of the Syrian Arab Republic and Lebanon. These are communications which have, indeed, been discussed by the Council, and as a result of our discussions there emerged resolution 316 (1972). The two delegations have now asked for consideration of the situation to be resumed, and it was my understanding that the agenda for this afternoon should be devoted solely to a consideration of the situation arising from the submission of the communications from the representatives of the Syrian Arab Republic [S/10730] and Lebanon [S/10731].

4. Indeed, we seem here to have skipped a procedure which has been well established within the Council, and that is that when a Member State wishes to inscribe an item on the agenda it is normal for the President to consult with members of the Council beforehand and, following those consultations, to have the item inscribed on the agenda. That has not been done in the case of the letter dated 17 July from the Permanent Representative of Israel [S/10739], and I would therefore suggest that the agenda, as contained in document S/Agenda/1651, be amended so as to include only items 1 and 2.

5. Mr. ISSRAELYAN (Union of Soviet Socialist Republics) (*translation from Russian*): In connexion with the adoption by the Security Council of the agenda in document S/Agenda/1651 the Soviet delegation considers it necessary to make the following comments. As members are aware, on 26 June 1972 the Council adopted resolution 316 (1972) in paragraph 3 of which the Council:

"Expresses the strong desire that appropriate steps will lead, as an immediate consequence, to the release in the shortest possible time of all Syrian and Lebanese military and security personnel abducted by Israeli armed forces on 21 June 1972 on Lebanese territory."

That is clear and precise. According to paragraph 4, "if the above-mentioned steps do not result in the release of the abducted personnel" and "if Israel fails to comply with the present resolution, the Council will reconvene at the earliest to consider further action".

6. Since that resolution was adopted, more than three weeks have passed. Israel, as in the past, has ignored resolution 316 (1972), and that resolution, notably paragraph 3, has not been implemented. As we know, Mr. President, your efforts, and the efforts of the Secretary-General to ensure that the resolution was implemented have also met with no success. It is therefore perfectly natural that the Governments of Lebanon and Syria have, in full accordance with paragraph 4 of resolution

316 (1972), approached you, Mr. President, with a request for the convening of the Security Council to consider the specific question of the implementation of resolution 316 (1972).

7. The Soviet delegation was informed yesterday that a request had been received from the representatives of Syria and Lebanon for a meeting of the Council today, 18 July, at 3.30 p.m. to consider the question of the implementation of resolution 316 (1972). No other questions were put before the Soviet delegation, and our opinion on them was not sought. We therefore find it regrettable and, of course, very surprising that the agenda in document S/Agenda/1651 includes an item 3 providing for consideration of a letter from the representative of Israel. In that letter the representative of Israel makes an attempt, which is obvious to all, to divert the Council's attention from the question we are to consider today, namely Israel's failure to implement resolution 316 (1972), and direct it to extraneous matters which are in no way related to and have no connexion with this specific Council resolution, discussion of the implementation of which was the purpose of our meeting today. What we have here is a procedural subterfuge, a procedural trick on the part of Israel aimed at preventing the Council from considering the question of the illegal abduction by Israel of Syrian and Lebanese military personnel during an aggressive attack by Israeli armed forces on Lebanese territory. But, as we know, a similar subterfuge was tried in the Council during the debate on this question which led to the adoption of resolution 316 (1972), and the Council quite definitely expressed its opinion of that subterfuge by adopting resolution 316 (1972), including, most notably, paragraph 3, where reference is made to the need for the release of the Syrian and Lebanese military personnel abducted by Israel.

8. In this connexion, the Soviet delegation considers that the Security Council should not allow its attention to be diverted from the substance of the issue by procedural manoeuvres and should limit itself to considering and adopting measures on Israel's failure to implement the Council's recently adopted resolution 316 (1972), which deals with the immediate and unconditional release by the Israeli authorities of the abducted Syrian and Lebanese military personnel. It is this question which is the subject of the just complaint to the Council made by the representatives of Syria and Lebanon, a complaint about which we were informed previously when the question of today's Council meeting was agreed upon with the Soviet delegation.

9. Mr. MOJSOV (Yugoslavia): Mr. President, first of all, I should like to thank you sincerely for your kind words addressed to me.

10. Concerning the proposed agenda I was really surprised to see today that—under the disguise of the situation in the Middle East and a letter dated 17 July 1972 from the representative of Israel which was distributed only today, 18 July—there is an attempt to include a completely new item on the agenda of the Council, an item concerning something which has no direct relation to the implementation of resolution 316 (1972). This is a completely new item concerning the so-called mutual release of all prisoners

of war. My delegation was not consulted about the inclusion of such a new item on the agenda. Yesterday we were consulted only about the inclusion of the letters from the Permanent Representative of the Syrian Arab Republic and the Chargé d'affaires *ad interim* of Lebanon concerning the implementation of resolution 316 (1972). For this reason my delegation is opposed to the enlargement of our agenda and the inscription of a completely new item.

11. Mr. BUSH (United States of America): My delegation is surprised that we seem to be reverting here to an old problem which, from looking at some of the precedents, we thought had been laid to rest in 1968. Since that time we have avoided precisely the kind of arguments that our colleague from Somalia has raised here today and in which he appears to have some support. I would certainly put it to our colleague that the agenda before us is in accordance with long-established practice and I would consequently urge that he not insist on this point. My delegation thinks that the Secretary-General and the President are correct in formulating the agenda as it is presented here.

12. As to the point of related items, when the items are directly and inextricably interwoven we use the letters "(a)" and "(b)", as has been done in the past, and when they are not quite that closely related but still germane precedent indicates that we use the numbers—in this instance "2" and "3". There are other precedents, and we have some of them here. I would hope that the Council could accept the formulation presented by the Secretary-General and the President of the Council and move forward to the full debate.

13. Mr. SEN (India): I do not have much to add to what has already been said in opposing the inclusion of the second half of our agenda. I look at the papers before us and I am a little puzzled. In the Journal of today, it simply says "Security Council". I do not recall many instances when the subject of the meeting has not been mentioned.

14. Then we turn to rule 7 of the provisional rules of procedure, which states:

"The provisional agenda for each meeting of the Security Council shall be drawn up by the Secretary-General and approved by the President of the Security Council."

I believe that in this particular case this provision has been fulfilled. But the rule goes on to say:

"Only items which have been brought to the attention of the representatives on the Security Council in accordance with rule 6, items covered by rule 10, or matters which the Security Council has previously decided to defer, may be included in the provisional agenda."

15. I do not know the position of the other delegations. The first time I saw this letter from the representative of Israel was this afternoon when we came here. So it does not seem to me that the provisional rules of procedure, from rule 6 to rule 12, have been fulfilled. This is quite apart from the fact that non-members of the Council can call for a meeting provided there is sufficient support for such a

meeting, and the degree of that support is generally determined by informal consultation. I am not aware of any consultation having taken place on this letter.

16. Secondly, in the agenda document this is put down as a subitem under "The situation in the Middle East". But Mr. Tekoah, the Permanent Representative of Israel, in his letter addressed to you, Mr. President, makes no mention of the Middle East problem at all. So, I do not know how this problem has been put under "The situation in the Middle East". The letter states: "On instructions of my Government . . . I have the honour to request you to convene an urgent meeting of the Security Council to consider the mutual release of all prisoners of war"—there is no indication where the prisoners of war are—"in accordance with the provisions of the Geneva Convention . . .".

17. Therefore, I find it a little difficult even to understand why this comes as a subitem under "The situation in the Middle East". If it is a general question of discussing the provisions of the Geneva Convention my delegation would certainly be quite happy to enter into consultation with the President and other members of the Council and decide what should be done. But at the moment we have come here in response to a request by the delegations of Syria and Lebanon and as a follow-up to the action the Council itself took on 26 June, and in accordance with rule 10 of the provisional rules of procedure. None of these considerations apply to item 3 of the provisional agenda and therefore we shall oppose it.

18. Mr. DE GUIRINGAUD (France) (*interpretation from French*): I would support the positions stated by several delegations in connexion with the provisional agenda. We have been convened today to deal with the problem raised by the letters dated 5 July addressed to you, Mr. President by the Permanent Representative of the Syrian Arab Republic and by the Chargé d'affaires *ad interim* of Lebanon.

19. Until we came into the Council chamber we did not know that there was another item on the agenda. I therefore believe that the meeting should deal with the items announced, that is to say, item 2 of the provisional agenda which is submitted to us. Item 3 is a different one which could in due course be the subject of another meeting. But in any case it seems to me that it should not be connected with our consideration of the question raised by the representatives of Syria and Lebanon.

20. Mr. DIOP (Guinea) (*interpretation from French*): The Guinean delegation for its part is categorically against having a third item inscribed on our provisional agenda since we were not consulted previously. We therefore request that this item quite simply be deleted from the agenda.

21. Mr. IBRAHIM (Sudan): My delegation does not object to discussing the Middle East situation or any issue arising from it, or indeed any resolutions connected with the Middle East situation. We think that the Middle East has always been a burning issue and that the Security Council should always be seized of and concerned with the implementation of all its resolutions concerning the Middle

East. But on this occasion we have not come to discuss this letter of the representative of Israel or the subject contained in it. On its own it may be a worth-while issue, but we do not think that it should be discussed at this meeting because procedurally we have not been consulted about it. We agree with the observations made by the representative of India, and we agree with what has been said by the representative of Somalia. Therefore we think that at this meeting the Council should discuss only the letters and the subjects in the letters sent by the representative of the Syrian Arab Republic and the Chargé d'affaires of Lebanon about the implementation of resolution 316 (1972), and no other item.

22. Mr. HUANG Hua (China) (*translation from Chinese*): In the opinion of the Chinese delegation, from the procedural point of view, item 3 of the provisional agenda has not been consulted upon in advance and, therefore, should not be included in today's agenda. Secondly, the Israeli representative harbours an ulterior motive in proposing the inclusion of this item in the agenda, that is, to confuse the release of the abducted personnel with the exchange of prisoners of war, thus preventing the Council discussions from achieving any results. Consequently, the Chinese delegation is opposed to the inclusion of item 3 in today's agenda.

23. Mr. BUSH (United States of America): We have gone quickly through the rules and have confirmed that they contain no requirements for prior consultations. It seems to me that there is something a little bit small and a little bit stifling about this procedural move. After all, this subject, the subject of both of these items, was widely discussed at our last Council meeting, and the subject of prisoners was included. It was widely discussed in our meeting. Now the Council, against the best judgement of the Secretary-General, against the best judgement of the President of the Council seems to be heading to close out discussion, to try not to give everybody a chance to have his say. The United States delegation simply does not think that this is fair and I would hope that the provisional agenda as put forward by the Secretary-General and the President of this Council would be upheld. If we cannot stand a full airing of a discussion that went on here for several days before, then I wonder what kind of record this Council is going to get for free speech.

24. Mr. MIGLIUOLO (Italy): In the view of my delegation the problem raised by the representative of Somalia has both a procedural and a substantive aspect.

25. From the procedural point of view we really do not see any grounds to challenge the decision that the President of the Council has taken on the basis of rules 6 and 7 of the provisional rules of procedure. In fact rule 7, as the representative of India has recalled, gives the responsibility of preparing the provisional agenda to the Secretary-General and the responsibility for the approval of the provisional agenda to the President of the Council. The letter of the representative of Israel has been circulated. Of course we would have appreciated it if it had been circulated more in advance so as to give all delegations an opportunity to take notice of it.

26. On substantive grounds my delegation feels that we have been requested to discuss here the implementation of resolution 316 (1972) and that problem stands by itself. It is completely separate from any other problem relating to the Middle East situation. On the other hand, it has been the constant practice of the Security Council to convene meetings at the request of any Member State to discuss any matter considered of importance that should be submitted to the Council. We feel that the fact that the two points raised have been separated into two items of the provisional agenda will permit an orderly discussion under your guidance, Mr. President.

27. Mr. NAKAGAWA (Japan): The inclusion of this new item in the provisional agenda of today's meeting came as a surprise to my delegation also; we had not been informed or consulted about it previously. But still I think that Article 35 of the Charter states that any Member of the United Nations may ask for a meeting of the Security Council when it thinks that there is a situation which may endanger the peace and security of any part of the world, and rule 2 of the provisional rules of procedure of the Council also says that the President must convene a meeting whenever such a request is made by any Member. At the same time it is quite true, as the representative of India pointed out, that the substance of the item to be included in the provisional agenda should be communicated to the members of the Council. I think that the situation is rather unusual, but still the fact that you, Mr. President, agreed to put this new item on the provisional agenda may suggest that you had a valid reason for doing that. So, before deciding the attitude of my delegation, I should like to hear an explanation from you, Mr. President.

28. Mr. BOYD (Panama) (*interpretation from Spanish*): In connexion with the debate which has arisen on the provisional agenda submitted to us for consideration, an agenda which earned your approval, Mr. President, we should like to state that in procedural matters we believe that the agenda submitted in no way runs counter to any of the provisional rules of procedure. As regards the substance, my delegation considers that the agenda as submitted contains items which are closely interconnected and we accordingly agree with it.

29. Mr. ISSRAELYAN (Union of Soviet Socialist Republics) (*translation from Russian*): I have two small observations in connexion with the statement of the representative of the United States.

30. From what has been said here by almost all the members of the Security Council, I have the impression that the United States delegation constitutes a happy exception among the members of the Council since the other members have all stated that they were not consulted on this matter—obviously, consultations were held with the delegation of the United States. At all events, Ambassador Bush has said nothing about it.

31. Secondly, with regard to the substance of the matter, Ambassador Bush said that these questions are interwoven. Why? Because they were touched upon when this matter was last discussed. Touched upon? Yes, touched upon. We touched upon them? The very same delegation of Israel

touched upon them. What was the Council's reaction? If it had shared that point of view, then of course in resolution 316 (1972) that link, that interrelationship, would have been reflected. I am sure that Ambassador Bush is entirely familiar with that resolution, and in it there is no relationship between the question which we are discussing today and the question which is being thrust upon us. For that reason, and for reasons of substance, I cannot, unfortunately, agree with the representative of the United States, and I believe, like the overwhelming majority of members of the Council who have spoken, that the question before us is the implementation of resolution 316 (1972).

32. Mr. JAMIESON (United Kingdom): My delegation is always traditionally reluctant to refuse discussion of items requested by Member States, and it may, too, be that at some stage a discussion of the matter raised in the letter of the representative of Israel would be useful and helpful, though I am inclined to think that quiet diplomacy is probably a better method. On the other hand, however, this is a separate issue not related to the events of 21 to 24 June which caused us to meet last month, and to adopt resolution 316 (1972), and again today.

33. I fear that it might be unwise, it might confuse matters, for the Council to attempt to take a position on these two issues at the same meeting. However, before taking up a definite position on this procedural matter, I, like the representative of Japan, would be interested to know what is the attitude of the President, for which I have the greatest respect.

34. The PRESIDENT (*interpretation from Spanish*): I believe that all representatives have spoken in regard to the adoption of the agenda, and, therefore, I shall make comments suitable for the Presidency.

35. On 5 July, the representatives of the Syrian Arab Republic and Lebanon personally came to see me to give me the letters contained in documents S/10730 and S/10731. At that time, and after extensive talks with both representatives, it was agreed that for the time being no date would be set for a meeting of the Security Council, it being expected that efforts could be made for the implementation of resolution 316 (1972) which was adopted by the Council at its meeting on 26 June.

36. Yesterday, on 17 July, I once again received visits from the representatives of Lebanon and Syria and they made known to me that, considering that those efforts had not yet brought about a satisfactory solution, they thought it necessary to decide on a date for this meeting. At that time I suggested to both representatives that the meeting be held today at 3.30 p.m., so as to allow a 24-hour period to give both sides time for thought.

37. After, and I emphasize, after, that request of Syria and Lebanon, and after the delegation of Israel had been informed that this meeting would be held, Ambassador Tekoah stated his intention of submitting a letter to request a meeting of the Council. The letter dated 17 July 1972 arrived at my office this morning.

38. Some have asked here why the request of Israel was included in the provisional agenda. I shall refer to the precedents. On 29 December 1968, the Security Council was convened to discuss a complaint of Lebanon. After that, Israel submitted a request for a meeting of the Council. The Council met and there were two separate items on the provisional agenda which read:

"The situation in the Middle East:

"Letter dated 29 December 1968 from the permanent representative of Lebanon to the United Nations addressed to the President of the Security Council (S/8945).

"The situation in the Middle East:

"Letter dated 29 December 1968 from the acting permanent representative of Israel to the United Nations addressed to the President of the Security Council (S/8946)."

The President of the Security Council at that time was the representative of Ethiopia, and after an exchange of views it was agreed that any member of the Council could, depending on his wishes, refer to either item on the agenda.

39. Starting on that date, 29 December 1968, without any exceptions to date, in all cases of a similar character, when the Security Council has met we have received and inscribed on the agenda the complaints or requests of all Member States. To mention specific cases, that is what happened at the 1498th to 1502nd meetings in August 1969, under the presidency of Spain, at the 1537th to 1542nd meetings in May 1970, under the presidency of France, at the 1643rd and 1644th meetings in February 1972, under the presidency of the Sudan and, more recently, in a debate which has been recalled in this exchange of views on the procedure, at the 1648th to 1650th meetings, under the presidency of Yugoslavia. Given these precedents, the President thought that in inscribing item 3 on the provisional agenda he was doing so strictly in accordance with the unchanging practice of the Council and in accordance with the responsibilities of the President of the Council under rule 7 of the provisional rules of procedure.

40. Now I should like to refer to another aspect. Some delegations maintain that they have not been consulted, and I believe that they are completely mistaken. The President of the Security Council at the beginning of this meeting consulted all members of the Security Council on the adoption of the agenda. Every delegation has had an opportunity to pronounce itself on whether or not it would be well to adopt the agenda as drafted, and this is precisely why it is called "provisional agenda".

41. I also wish to point out that from the time I received the letter from the representative of Israel until the time when the meeting started only three hours had elapsed, and I doubt very much that it would have been necessary to have an emergency informal meeting of the Security Council to advise members that there was a request from Israel, since everybody was informed when the relevant document was distributed.

42. Furthermore, the Security Council, I need hardly add, is the master of its own procedure, and here and now the Council can decide which agenda items it wishes to adopt and which agenda items it does not wish to adopt. This is the responsibility not of the President but of the Council as a whole.

43. I should like to refer to two comments which have been made. First, to the representative of India I would say that I am not responsible for what is published in the *United Nations Journal*. Second, the representative of the Soviet Union in his last statement said that probably the representative of the United States had been consulted and not the other members of the Council. If he is referring to the President of the Council, I can assure him that all members of the Council are in the same position and there is no exception of any kind. I had the pleasure of seeing Ambassador Bush, after several days, exactly 35 minutes ago.

44. Lastly, distinguished delegates, it is your responsibility to adopt an agenda. That is why I began by asking whether there were any objections to the adoption of the provisional agenda. A number of delegations have made known their objections to the inclusion of item 3 in the provisional agenda. Since I have noted that that is the majority position in this situation, it appears to me that, in accordance with the decision adopted by the Council, item 3 of the provisional agenda should be deleted—that is to say, if the majority of the representatives present object to its inclusion. On the basis of the statements made, it seems to me to be so, but if any representative considers it necessary I shall be pleased to put it to a vote.

45. Mr. FARAH (Somalia): Mr. President, my delegation has listened most carefully to the statement you have made. I should like to say at the outset that my delegation has the highest confidence in your integrity and also in your judgement. However, as the provisional agenda is now formulated, it is certain to give rise to a number of difficulties. We have two distinct items. One is an item concerning which the Council has already pronounced itself and the Council is now in the course of considering what further action should flow from its original decision. That item relates explicitly and indeed solely to a number of Syrian and Lebanese military and security personnel who, in the words of the Council, were "abducted by Israeli armed forces on 21 June". Our concern now is: where do we go from here?

46. We have given the Israeli Government sufficient time in which to respond to a decision of the Security Council. So far there has been no response. The item that the Israeli delegation would like to inscribe on the agenda of the Council relates to all prisoners of war. What is meant by "all prisoners of war"? In the interpretation of my delegation we should regard the 3,000 or 4,000 Palestinian fighters in internment camps and prisons in Israeli-held territory as being prisoners of war for all legitimate purposes, but we are not discussing that now. We are confining ourselves to a number of kidnapped persons. My delegation is certainly not against any Member of the United Nations coming here and putting forward a complaint or a case for discussion. Certainly that is the right of

every Member State, and Israel is no exception, but we must be careful not to confuse the issues and not to obscure the issues. What we must concentrate on is the kind of action which must flow from the decision of the Council contained in its resolution 316 (1972).

47. The PRESIDENT (*interpretation from Spanish*): I believe the best way to avoid a continuation of this procedural debate is to put to the vote the question that has been raised as a point of order by the representative of Somalia and supported by several representatives: that is to say, the deletion of item 3 of the provisional agenda.

48. Before proceeding to the vote, I wish to draw the attention of the Council, very specifically, in accordance with provisional rules of procedure, to the fact that if at the meeting today item 3 is deleted that does not mean that the Council ceases to have before it the request for a meeting submitted by the representative of Israel. That is to say, if the vote so decides, this item can be deleted from the provisional agenda for today, but there is a request for a meeting addressed to the President of the Council, and if that meeting is not held today the Council will have to meet at some other time in compliance with the request of a Member State of the United Nations.

49. Mr. FARAH (Somalia): I had hoped that it would be possible, after the exchange of views that has taken place this afternoon, to avoid the necessity of casting a vote on this question. There certainly appears to be a consensus that item 3 of the provisional agenda should be deleted and, unless anyone speaks specifically to that particular point, perhaps we could accept its deletion without the need for a vote.

50. The PRESIDENT (*interpretation from Spanish*): I have always thought that the best way to define one's position is to proceed to a vote. Nevertheless, if the Council feels that it is not necessary to have recourse to this procedure, might I ask whether there is any objection to deleting item 3 from the provisional agenda? Two delegations have already expressed their objection to deleting this item.

51. Mr. BUSH (United States of America): My delegation would object. I agree with you, Mr. President, that we ought to proceed very quickly to a vote. The reason I requested the representative of Somalia to reconsider his position was that it has to come to this—overrule the President; overrule the Secretary-General. That is what he is attempting to do in his motion here, and that is fine, but we must insist there be a division on it.

52. The PRESIDENT (*interpretation from Spanish*): I am not quite sure that the motion of the representative of Somalia means overruling the President. The President inscribes an item on the provisional agenda; it ceases to be provisional when it is adopted. This is done under rule 7 of the provisional rules of procedure of the Council.

53. The Council should now take a decision, and we shall proceed to the vote on the proposal to delete item 3 from the provisional agenda.

A vote was taken by show of hands.

In favour: China, France, Guinea, India, Somalia, Sudan, Union of Soviet Socialist Republics, Yugoslavia,

Against: None.

Abstaining: Argentina, Belgium, Italy, Japan, Panama, United Kingdom of Great Britain and Northern Ireland, United States of America.

The result of the vote was 8 in favour, none against, with 7 abstentions,

The proposal was not adopted, having failed to obtain the affirmative votes of nine members.

54. The PRESIDENT (*interpretation from Spanish*): At any rate, we now have a problem: the agenda has to be adopted, otherwise we cannot proceed with our debate. The proposal to delete item 3 has been rejected, but the provisional agenda for this meeting is still before the Council. May I take it that there is no objection to adopting the agenda as contained in document S/Agenda/1651?

55. Mr. FARAH (Somalia): Mr. President, I should like a clarification on the provisional agenda as contained in document S/Agenda/1651. Is it your understanding—because this is very important to my delegation—that any resolution which would emanate from item 2 could be compromised or prejudiced or could be affected by a resolution which resulted from item 3?

56. The PRESIDENT (*interpretation from Spanish*): In this connexion I should like to say that the understanding of the President is very clear: these are two separate items. Item 2 of the provisional agenda has been requested by two delegations, and item 3 by a third delegation. These are separate items which have been placed on the same provisional agenda. It is my understanding that delegations, in the course of their statements, can refer, if they wish, to either of the items. But it is also my understanding that any resolution that comes out of this meeting must separate the two items.

57. Mr. FARAH (Somalia): Mr. President, are you also implying that consideration of these two items would take place simultaneously—in other words, that they would both be before the Council—or that after having taken up and disposed of one item we would take up the other?

58. The PRESIDENT (*interpretation from Spanish*): In the cases I have mentioned the rule has been that, when there were two items listed separately under the same heading, members of the Council have been completely free to refer to either of the two items or both, or neither indeed. So this is a prerogative of each member of the Council.

59. Now, as regards any resolution that results from this meeting, I repeat again that, naturally, the Security Council is master of its own procedure, but my opinion is that if we are to be correct there must be a clear-cut separation between items 2 and 3.

60. I believe I have thereby replied to the question of the representative of Somalia.

61. If there is no objection on the part of the Council, I shall take it that the provisional agenda contained in document S/Agenda/1651, subject to the clarifications of the President, is adopted.

62. Mr. FARAH (Somalia): Mr. President, I should like a little clarification of your very last pronouncement. Now that insufficient votes have been secured to obtain deletion of item 3, are you suggesting that the agenda is still before us for voting on as a whole?

63. The PRESIDENT (*interpretation from Spanish*): I am not suggesting it; I am saying it quite clearly. The Council, to be able to follow its procedures, must adopt an agenda. The motion to delete item 3 has been rejected, so what we have before us is the agenda as submitted. Frankly it seems to me, to put an end to this procedural debate, that with the clarifications I have given regarding the separation of items 2 and 3 we can consider it adopted, unless, of course, anyone has a better suggestion to make.

64. Mr. ISSRAELIAN (Union of Soviet Socialist Republics) (*translation from Russian*): I would like to ask you, Mr. President, to give us some clarification. As I understood it, after a considerable number of members of the Security Council had expressed themselves quite definitely against the inclusion of item 3 in the agenda, you put to the vote the question of who favoured deleting that item. There was a majority in favour of deleting the item—8 votes were cast in favour of deleting the item from the agenda. Then you drew the conclusion that, although 8 votes were cast for the deletion of the item, the agenda was nevertheless adopted. The position is not quite clear to me. The agenda has not been adopted, and we would therefore request a vote on the adoption of the agenda and would like to know in what form you intend to put it to us, inasmuch as eight members of the Council have expressed themselves in favour of deleting item 3; in other words, it is not clear just what we are adopting. For that reason, I request you to formulate the agenda precisely and to put the question of its adoption to the vote.

65. The PRESIDENT (*interpretation from Spanish*): Before calling upon other speakers, I shall respond to the request of the representative of the Soviet Union.

66. The result of the voting on the proposal to delete item 3 was 8 votes in favour, none against and 7 abstentions. As the representative of the Soviet Union is well aware, the favourable votes of nine members are required for a proposal to be adopted. Therefore, the proposal to delete item 3 was rejected. Since that proposal was rejected, we come back to the provisional agenda as submitted. That is what I have submitted and am submitting to the Council for consideration. The Council must pronounce itself on it.

67. Mr. FARAH (Somalia): Now that we have before us document S/Agenda/1651 with all three items, and since we are here to adopt all three items, my delegation would suggest that each item be voted upon separately.

68. Mr. SEN (India): I was going to suggest something similar to what Ambassador Farah has suggested. Just as for rejection nine votes are needed, so for adoption also nine

votes are required. So let us put the two items to the vote separately for adoption; if either one receives nine votes, it will be adopted.

69. Mr. MOJSOV (Yugoslavia): I support the proposal just made by the representative of Somalia and supported by the representative of India to proceed to the adoption of the proposed agenda by voting separately on the different items.

70. Mr. BUSH (United States of America): It becomes apparent what is happening here, but I would ask the President to rule on this point of order. It seems to us that this question of deletion was fairly presented by the representative of Somalia. Falling short of nine votes, it was fairly defeated. And now, under a different ruse—bringing it back in a different parliamentary form—the Ambassador is trying to accomplish exactly the same thing. I would ask the President to rule on the point of order as to whether or not the Council, presented with this opportunity to delete it, turned it down, and thus whether we should again be asked to delete it through a separate parliamentary manoeuvre. We cannot go back and do over what we just ruled on. I would ask you for a ruling on that, Mr. President.

71. The PRESIDENT (*interpretation from Spanish*): As I have said several times, my understanding is that the proposal to remove item 3 from the provisional agenda has been defeated. Therefore, item 3 must appear on the agenda.

72. There is a problem which I have mentioned and to which delegations have not addressed themselves. I should have liked to know the views of members of the Council on it. It is as follows: the Council has before it a request from the representative of Israel in accordance with his letter contained in document S/10739. The Council can decide to deal with this item this afternoon or it is within its power to decide to postpone consideration of that request until a later time. Perhaps, procedurally, the wisest course, given the situation in which we find ourselves, would be for the Council to take a decision on the possibility of dealing with the request of the representative of Israel at another time. The request stands. In accordance with the Charter and the provisional rules of procedure, any Member State can request a meeting of the Security Council. It is the Council which must decide when it wishes to or should meet.

73. I think we could bring this procedural debate to an end if the Council were to agree to consider items 1 and 2 of the agenda this afternoon and to deal with item 3 as early as possible on another date, since the letter from the representative of Israel mentions convening an urgent meeting. Your President, in consultation with members, could decide the date for considering the request from the representative of Israel.

74. Mr. SEN (India): Given the peculiar circumstances in which we find ourselves, I would have preferred a separate vote, because what we are voting upon first was the deletion from the provisional agenda. However, we shall not get into this hair-splitting argument. I myself would be perfectly willing to follow your suggestion, Mr. President, that we postpone discussion of the letter from the

representative of Israel to a future meeting of the Council after suitable consultations. I would, then, suggest that we proceed on that basis, and if necessary we can take a vote on that too.

75. Mr. ISSRAELYAN (Union of Soviet Socialist Republics) (*translation from Russian*): I support the proposal made by the representative of India.

76. Mr. BUSH (United States of America): If I understand what is happening, we shall adopt the provisional agenda as circulated and the question of item 3 will be considered at the next meeting. Is that the President's ruling or compromise suggestion?

77. The PRESIDENT (*interpretation from Spanish*): The suggestion is that the agenda corresponds with the day's work of the Council. Accordingly, item 3 would not be discussed this afternoon. But since the Council has received from the representative of Israel a request for convening an urgent meeting, the Council could decide to consider that request at another time, and with the least possible delay. That is to say, this afternoon we would consider agenda items 1 and 2 and would take up agenda item 3 at a subsequent meeting.

78. Mr. BUSH (United States of America): When would that subsequent meeting take place, in the opinion of the President?

79. The PRESIDENT (*interpretation from Spanish*): In the opinion of your President, that meeting should be held as soon as possible. I would consult with members of the Council, but I do not think we should delay it beyond 48 hours.

80. Mr. ISSRAELYAN (Union of Soviet Socialist Republics) (*translation from Russian*): Mr. President, I should like to ask you once again to confirm that I have understood you correctly. I am doing so because it appears that as a result of inaccurate interpretation you twice did not quite understand what I was saying: First, when you suspected me of having a certain lack of confidence in you, and the second time when you reminded me of the existing procedure for counting votes and taking decisions. I should therefore like to ask whether I correctly understood you as saying that at this meeting the subject to be considered will be agenda items 1 and 2. As far as all other questions are concerned, you, as President of the Council, will conduct consultations and make the necessary decision reflecting the opinion of the Council, in accordance with procedure and existing practice.

81. The PRESIDENT (*interpretation from Spanish*): I believe that that is the understanding. This afternoon we would discuss agenda items 1 and 2 and a separate meeting would be held for item 3. But I reiterate that the letter of the representative of Israel speaks of "an urgent meeting"; therefore, as President I would try to set that meeting, in consultation with members, as early as possible.

82. Mr. DE GUIRINGAUD (France) (*interpretation from French*): Mr. President, I agree with what you have said. I have nothing to add.

83. Mr. MIGLIULO (Italy): I apologize, Mr. President, but I too need to ask for clarification. Did I understand you correctly as saying that we would have another meeting which would be the continuation of the discussion of the present agenda? If I seek clarification on this point it is because generally my delegation considers it expedient to avoid the repetition of procedural discussions, and we should not like to be confronted with another discussion on the agenda of the subsequent meeting.

84. The PRESIDENT (*interpretation from Spanish*): I believed I had been sufficiently clear. But for the benefit of all members, and so that there will be no doubt whatsoever as to the procedure I am proposing, I shall repeat what I said. Because of the complex procedural situation we find ourselves in, I propose that at the meeting this afternoon items 1 and 2 of our provisional agenda be discussed; consequently, that the Council adopt only items 1 and 2 as the provisional agenda for today. At the same time, I propose that the Council meet with the shortest possible delay to deal separately with the request for a meeting submitted by the representative of Israel, which is now item 3 of the provisional agenda.

85. I have a further clarification. Should the Council follow this procedure I would venture to suggest that in the event that we do not come to a conclusion of the debate on items 1 and 2, then items 1 and 2 would be dealt with separately at any later meeting of the provisional agenda of the Council. In other words, the Council would meet, starting to-day, on other dates at definite times to continue consideration of items 1 and 2 while other meetings would be scheduled to deal with item 3 separately.

86. I believe I have been quite clear, but my patience is endless and I am perfectly happy to continue to clarify my proposal for anyone who requests it.

87. Mr. FARAH (Somalia): I should like to emphasize that my delegation would urge that the two items be kept separate, that we do not involve ourselves in meetings at which we try to combine both items. They are completely distinctive in character and it would be a tragedy if we were to confuse the issues.

88. Secondly, since in the opinion of those who have requested Security Council meetings, Israel on the one hand or Lebanon and Syria on the other, their items should be treated with equal urgency, we should ensure that today we begin with items 1 and 2 and, if necessary, alternate. But it would be wrong for us to try to give more emphasis to one item over the other, although we must all be guided by the fact that the items submitted by Lebanon and Syria were submitted first to the Council.

89. The PRESIDENT (*interpretation from Spanish*): I believe that what the representative of Somalia just said has simply confirmed what I had said earlier.

90. If there is no objection, I propose that we adopt the provisional agenda for today with items 1 and 2 only, it being understood that the Council will hold a separate meeting exclusively to consider the letter submitted by the representative of Israel, which is contained in document

S/10739. It is also understood that should it be necessary to have several meetings there would be separate meetings to deal with each problem separately.

91. Mr. BUSH (United States of America): Nothing bores people more about the United Nations than endless procedural discussions, and I hate to contribute to an endless procedural discussion.

92. A move was made to delete item 3, and it failed. I see nothing in what has been proposed by the President to have that move considered another day. If we do exactly what the President has just suggested, namely, adopt items 1 and 2, and then bring it up again, it will come up in a different manner the next time, because we all see what the voting patterns are. I would think that what we ought to do now is this. We have defeated that move, fair and square, and what would seem fair to our delegation, in a spirit of compromise, would be to adopt the provisional agenda and have an understanding that—and I thought this was the President's proposal to begin with, although perhaps I misunderstood it—item 2 would be discussed today and item 3 at a subsequent meeting. If we do not do that then—let us be very candid with one another—what we are doing is setting the Council up for another attempt, more cleverly done, to muster the voting power that is here to knock consideration of this out of the box and to have it not considered at all. This is very obvious.

93. That point having been won, it seems only fair to me that we now go ahead, adopt the provisional agenda and then, in a spirit of compromise, agree that item 3 will not be considered until a subsequent meeting is called by the President. But I do not see, the case having been won, why it should be opened up again at yet another meeting. I do not see why we just cannot go ahead now and adopt the agenda. Then, we will certainly go along with the compromise suggested by the President as far as consideration goes.

94. The PRESIDENT (*interpretation from Spanish*): What the representative of the United States has raised brings about certain difficulties because, in accordance with the provisional rules of procedure, once the provisional agenda is adopted it becomes a definite agenda. Now if this definite agenda is adopted or presented, any member of the Council, or those participating in the debate who are not members of the Council, could refer to item 3 because it would appear in the agenda adopted. It seems to me that the effect of the compromise solution proposed by the President is precisely not to delete item 3 but simply to postpone its consideration from this afternoon until a separate meeting. This does not mean that members will not have full opportunity to refer to item 3 when the Council meets to consider item 3. The results would be practically the same, I believe, and it would solve the procedural problem we find ourselves confronted with. This afternoon we would deal with items 1 and 2 and at a separate meeting we would deal with item 3. If it became necessary to continue our debate on items 1 and 2 or on item 3, these would be discussed at separate meetings. The Council will obviously meet to discuss item 3 because there is a request from a Member State and one of the responsibilities of the President is that he has to convene a meeting to deal with item 3.

95. Mr. BUSH (United States of America): I should like to ask for one point of clarification. Thus there is no way at a subsequent meeting that discussion of the item can be foreclosed. My understanding and my interpretation of what the President said is that if we proceed in this fashion there is no way that nine votes can be mustered at a subsequent time to forgo even discussion. Is that correct, Sir?

96. The PRESIDENT (*interpretation from Spanish*): My reply to the representative of the United States is that I have no crystal ball, I do not know what will happen when we deal with item 3 in a separate meeting. At that time the provisional agenda for that day will be put to the Council and it will read:

"1. Adoption of the agenda.

"2. The situation in the Middle East:

"Letter dated 17 July 1972 from the Permanent Representative of Israel to the United Nations addressed to the President of the Security Council (S/10739)."

What the Council will decide then I really cannot forecast for the representative of the United States.

97. Does anyone else wish to speak?

98. Mr. ISSRAELYAN (Union of Soviet Socialist Republics) (*translation from Russian*): Although the representative of the United States has said that nothing here is more disappointing, so to speak, than a procedural discussion, it seems to me that he is continually involving us in such discussions.

99. Mr. President, it seems to me that you stated quite clearly and precisely that we are approving items 1 and 2 of the provisional agenda for consideration at today's meeting. In addition, you have several times stressed that appropriate consultations with members of the Council will be held and that the question of further discussion will be decided on the basis of the results of those consultations. I think that your ruling is quite correct and that we could now set to work on the basis of that interpretation.

100. The PRESIDENT (*interpretation from Spanish*): For the benefit of the record and for those present at this meeting the proposal I have made consists in adopting a provisional agenda which will become official with only items 1 and 2 of document S/Agenda/1651, and in the Council convening as soon as possible to deal with what is now under item 3 at a separate meeting. Lastly, should it be necessary to have more meetings to deal with items 2, and 3 those meetings will be scheduled separately. Is there any objection to this proposal?

101. Mr. BUSH (United States of America): I simply would like to request a vote on the provisional agenda as presented to the Council, if that motion is in order. I should like to see a vote taken on the provisional agenda as presented here. Then, if that fails of adoption I will consider this alternative. This agenda was presented, an attempt was made to delete item 3 and that failed. I should

like to request from the President a vote on the provisional agenda as prepared by the Secretary-General and presented by the President of the Council at this time. We have not had a vote on that and I should like to request one.

102. Mr. ISSRAELYAN (Union of Soviet Socialist Republics) (*translation from Russian*): I should like to have a clarification. My understanding is that there are no objections relating to items 1 and 2 of the provisional agenda. Differences of opinion, serious differences, have arisen with regard to item 3. The President has made a specific ruling on this matter. Now, as I understand it, the United States representative proposes the inclusion of item 3 in the provisional agenda. In other words, he is proposing that we should vote on agenda item 3. Is that the sense of his proposal?

103. The PRESIDENT (*interpretation from Spanish*): It is my understanding that what the representative of the United States wishes is that we should vote on the provisional agenda as a whole as it appears in document S/Agenda/1651. The President has taken no decision, because the President has no competence to do so. I simply put a proposal to the Council which seemed to be acceptable except to the representative of the United States. The representative of the United States, instead of the President's proposal, prefers and requests a vote on the provisional agenda. That is my understanding.

104. Mr. BUSH (United States of America): The representative of the Soviet Union asked me to clarify our presentation. The only thing we have decided here is that we would not delete item 3. We did not decide on item 1, we did not decide on item 2; we took a vote on whether to delete item 3; and that proposal did not obtain 9 votes so item 3 is not deleted. Our proposal now, as the President has properly presented it, is that, having failed to delete item 3, we vote to see whether the provisional agenda as circulated is acceptable, and we should just like to suggest that we try that at this point to see if we cannot move forward.

105. The PRESIDENT (*interpretation from Spanish*): Before calling on the speakers who have asked for the floor I wish to make it clear to the representative of the United States that if the proposal of the President is not accepted and we have to vote, there is a request prior to his, which is to vote on the items of the agenda, one by one. So if we are to proceed to a vote it is my obligation to put to the vote first item 1, then item 2 and then item 3. That is a request which has priority in relation to the proposal made by the representative of the United States.

106. Mr. ISSRAELYAN (Union of Soviet Socialist Republics) (*translation from Russian*): Mr. President, I wanted to say precisely what you have just said, i.e. that if the representative of the United States wishes to have your ruling—with which the Soviet delegation agrees—reconsidered, then, of course, a vote should be taken first, in accordance with the order in which the proposals were submitted, on the proposal made by the representative of India that each of the three items on the agenda should be voted upon separately. I insist on that procedure.

107. Mr. NAKAGAWA (Japan): I think that all of this procedural difficulty arose from the fact that there had not been previous consultation with the members of the Council. So I would like to propose that the Council adjourn for a short period of perhaps twenty minutes during which the President would consult with all members so that we could arrive at a very judicious arrangement for our future discussion.

108. The PRESIDENT (*interpretation from Spanish*): The suggestions of the representative of Japan are always well received, but frankly, I think that we are close to a solution now and therefore I do not believe it is necessary to suspend the debate.

109. I have made a proposal. However, if there is any objection to the proposal and if anyone requests a vote, then I must put to the vote first, in the order of presentation, the proposal made by the representative of India, supported by the representative of the Soviet Union, that we have a separate vote on each agenda item. Secondly—and this would depend on the result of the voting—we would vote on the proposal of the representative of the United States. I believe that the proposal of the President is fair since it does not imply the deletion of an item but simply postponement of its consideration.

110. May I, furthermore, appeal to all members, because it is not simply a matter of having an exchange of views on the situation in the Middle East under item 2 or under item 3. We are here to try to find solutions. If the procedure interferes with our finding a solution, we shall get nowhere. Therefore, may I appeal to the representative of the United States not to object to the President's proposal, since he appears to be the only one who does, so that we may deal with items 1 and 2 this afternoon, leaving item 3 to be dealt with at another meeting.

111. I call on the representative of Somalia, who raised this procedural issue.

112. Mr. FARAH (Somalia): Being a supporter of good causes, Mr. President, I trust that you will go along with me. I am taking the floor now to propose that, since you have made what I consider to be a most equitable proposal, the Council accept your proposal unanimously.

113. The PRESIDENT (*interpretation from Spanish*): I am very grateful to the representative of Somalia for his support for my proposal. With Ambassador Farah we are always on the same wavelength. However, as he is not the only member of the Council, could I ask again if there is any objection to the proposal I have made? If the representative of the United States maintains his position, I shall proceed to the vote as I indicated earlier.

114. Mr. RIOS (Panama) (*interpretation from Spanish*): Undoubtedly, procedural problems are always extremely difficult to solve. But, in the end, I believe that the proposal you have must made, Mr. President, is the wisest one we could adopt at this time. Accordingly, my delegation is very happy to support it.

115. The PRESIDENT (*interpretation from Spanish*): May I ask the representative of the United States whether he

insists on having a vote? If we are to vote, we shall have to vote in the order that I have indicated.

116. Mr. BUSH (United States of America): Mr. President, we will have to vote in that order only if you have ruled on my point of order. It was not clear whether the President ruled on the point of order that I raised. Did you, Mr. President, make a firm ruling on the United States point of order?

117. The PRESIDENT (*interpretation from Spanish*): As I see it, when we are dealing with procedural questions, everything is in order. The one who is not in order is the one who is not dealing with procedure.

118. Mr. BUSH (United States of America): Some time ago in this debate, I made a point of order. The point of order under rule 30 of the provisional rules of procedure was that the question of deleting item 3 from the provisional agenda had been decided, and I asked the President to rule that no separate vote on item 3 using different parliamentary procedure to accomplish the same end would be valid. I asked the President to rule that we had already voted on deleting item 3 and had decided that we were not going to delete it. A vote was taken fair and square. Now we see a different approach to try to accomplish the same end. So the ruling on the point of order would, naturally, colour the judgement of our delegation at least as to whether we can accept the compromise proposed by the President.

119. The PRESIDENT (*interpretation from Spanish*): Immediately after the representative of the United States asked for a ruling of the President, I repeated the result of the voting; it meant that the proposal had been rejected. There was nothing for the President to rule on. The result speaks for itself. The proposal was rejected. But as a result of this and of the entire debate, I made a different proposal as a compromise formula. But if this compromise formula is not successful, then we shall have to have recourse to voting.

120. Mr. MOJSOV (Yugoslavia): I would like just to add one clarification. The representative of the United States is insisting that with the vote we decided not to delete item 3 from the provisional agenda. He is insisting on that, and he has a right indeed. But I must point out that we still have to decide whether to adopt item 3 or not. So we are completely in agreement with you, Mr. President, that you can proceed either on your proposal or to put to the vote the adoption of the agenda by separate vote.

121. Mr. SEN (India): I think that after having gone through this matter with extreme care and wisdom, if I may say so, Mr. President, you have come up with a formula. That formula is generally acceptable to the Council. That is at least my impression. So let that formula be put to a vote. If that formula is defeated, we will get back to this harrowing discussion about which came first. Therefore, I formally suggest that your proposal be put to a vote. If that is defeated, we will get back to the other proposals, which course also, in point of time, is quite in order.

122. Mr. IBRAHIM (Sudan): My delegation thinks that there are two ways of solving this dilemma. We can adopt

your line of thought, Mr. President; that is, we can adopt the provisional agenda in its entirety, with item 3, but with the understanding that item 3 may be discussed along with but not in conjunction with item 2, and that the items should be discussed on different occasions because there is no connexion between them. We are not discussing the Middle East; we are discussing the substance of the two letters submitted by Syria and Lebanon, and they are in line with paragraph 4 of resolution 316 (1972), in which the Security Council:

"Declares that if the above-mentioned steps do not result in the release of the abducted personnel or if Israel fails to comply with the present resolution, the Council will reconvene at the earliest to consider further action."

So there is no connexion between the two items. Or if we do not adopt your proposal, we have to adopt the agenda in the usual manner, and in that case we would like to have a separate vote on item 3.

123. Mr. BUSH (United States of America): I have only one question: if we can have a firm ruling under rule 30—which calls for an immediate ruling from the Chair—as to whether we have disposed of this question of the deletion of item 3. It does not seem to me that there is any no man's land: either it is deleted or it is part of the agenda. We voted to delete it, and it failed, I have asked for a ruling from the Chair as to whether we can vote again on this question of the deletion of item 3. If the President rules that we cannot vote again, as I hope he will—that we have already disposed of that question—then I think the suggestion by the Ambassador of Somalia and in fact the way he phrased it just now would be agreeable to us as a compromise. The way he phrased it, the adoption of the agenda but with separate consideration, would be acceptable to the United States Government. That is his first alternative, but that is not quite the way it was presented before. We just do not want to go through this agenda debate again. We are simply asking for a ruling on the separate vote on item 3.

124. The PRESIDENT (*interpretation from Spanish*): The ruling of the President in connexion with item 3 was to make known to the Council the result of the vote, which was that the deletion of item 3 was rejected. But in any case we have no agenda, and an agenda has to be adopted. That is what we have been considering ever since the Council meeting started, already with a delay. For the adoption of the agenda, there has been a request for a separate vote on the three items. So all I can do at this time, if the representative of the United States insists on his position, is to have a vote on his objection to a separate vote on the agenda items. That is, I would have to ask the Council to decide whether or not it wishes to have a separate vote on the agenda items. If the Council decides that we should have a separate vote on each item, we would have to proceed in that way. This, it seems to me, is perfectly simple. I can take no decision on item 3 unless we have an agenda. An agenda has to be adopted. There is a request for a separate vote. The representative of the United States has the right to object to a separate vote. In that case I shall put it to the Council whether or not it wishes to have a separate vote. This is the ruling of your President.

125. Mr. BUSH (United States of America): This is one more point of clarification. The United States, under rule 30, asked for an immediate ruling from the President as to whether a separate vote was possible on item 3. Our position is that we have voted on that. We have voted that we are not going to delete it, and therefore we think we have disposed of a separate vote on item 3. I am asking the President, under rule 30, to give us an immediate ruling as to whether or not he feels this position is correct. If the President feels that separate votes on that point are possible under the rules, after having decided this question, we would have to go along with the ruling of the President. I think that would clarify the whole thing, if we can simply get a ruling on the President's position under rule 30—whether the President feels it has not, certainly a separate vote as proposed by the representative of India is very much in order. If it has been determined by the vote which was fairly taken here, then the point of order is sustained, and the question of the deletion of item 3 has been decided. I think that would speed up the whole thing.

126. The PRESIDENT (*interpretation from Spanish*): I thought I was quite clear in my ruling. I would ask the representative of the United States to listen carefully to what I shall say. We have no agenda. When the provisional agenda was put to the Council there was a proposal to delete item 3. The result of the vote was 8 in favour, none against and 7 abstentions. Not having obtained the required majority, the proposal was defeated. In any case an agenda must be adopted. The provisional agenda is the one in document S/Agenda/1651. This provisional agenda can be adopted as a whole or it can be adopted in part. For it to be put to the vote, there is a request to have a separate vote on the items. Therefore item 3 will be put to the vote when it is its turn—first item 1, then item 2 and then item 3, because item 3 has not yet been adopted. I believe that the interpretation of your President is quite clear.

127. Mr. BUSH (United States of America): If that is the ruling of the Chair, I now understand that the Chair has ruled against the point of order raised by the United States on the basis of the feeling that this question had been disposed of.

128. The PRESIDENT (*interpretation from Spanish*): Could I ask the representative of the United States whether he wishes me to put to the vote the agenda item by item—whether he agrees to that procedure, or whether he agrees with the proposal I made to deal with the items separately? The rest of the Council appears to accept the proposal made by the President.

129. Mr. BUSH (United States of America): Given these two unhappy alternatives, but accepting fully the President's ruling, we would prefer the compromise proposed by the President as opposed to having yet another vote taken, whose outcome has been determined, on taking out item 3. If the question is which do I like best or which do I like least, we would prefer to accept the compromise proposal as put forward by the President. That is our position.

130. The PRESIDENT (*interpretation from Spanish*): It seems that we are coming to the end of the procedural debate. The provisional agenda for today, if it is adopted by

the Council, will contain items 1 and 2. In regard to item 3, the Council will meet with the least possible delay to consider it. It is the intention of the President to start consultations at once to set a date for that meeting. In the event that item 2 of the present provisional agenda or item 3, to be dealt with at a separate meeting, were to be the subject of debates going beyond a single meeting, the meetings held as a consequence would always be separate ones. That is to say, one set of meetings would cover the letters from the representatives of Syria and Lebanon, and another set of meetings would deal with the letter from the representative of Israel.

131. May I assume that there is no objection to the adoption of the provisional agenda, items 1 and 2, on the understanding that the Council postpones until a date to be set, as early as possible, the consideration of agenda item 3?

132. Mr. ISSRAELYAN (Union of Soviet Socialist Republics) (*translation from Russian*): Mr. President, I think that the Soviet delegation fully shares your approach to this complicated procedural question. You rightly noted that we must now confirm the agenda for today's meeting. You have given full clarifications. Therefore it seems to me that what we must do now is adopt the agenda for today's meeting, comprising items 1 and 2. As far as everything else is concerned, you have already spoken, and we have taken note of your clarifications.

133. The PRESIDENT (*interpretation from Spanish*): Even though adoption of the provisional agenda would cover items 1 and 2, I would wish there to be no confusion about my entire proposal: namely, that item 3 should be dealt with at a separate meeting, the date of which would be agreed upon as early as possible. The agenda for today would consist of items 1 and 2 only.

134. Is there any objection to having the provisional agenda for today consisting of items 1 and 2 as contained in document S/Agenda/1651?

135. Mr. ISSRAELYAN (Union of Soviet Socialist Republics) (*translation from Russian*): Mr. President, then what you said about the need to hold consultations among members of the Council would to some extent lose its validity. Almost all, or at least a majority, of members of the Council have spoken on this, and you said that consultations would be held on item 3, that is, on the letter which has been included in the provisional agenda here. Therefore, the Soviet delegation in no way considers itself bound by the fact that a kind of a *a priori* decision is being taken here with regard to item 3. We understand you to mean that we are now adopting the agenda for today's meeting, comprising items 1 and 2, and that you will then hold consultations and, in accordance with the results of those consultations, you will take a decision on the further work of the Security Council.

136. The PRESIDENT (*interpretation from Spanish*): In clarification, may I say to the representative of the Soviet Union that the consultations to be held by the President on item 3 will consist of setting a date, because there has been a request submitted by a State Member to convene a

meeting and that request must be acceded to by the Council. When we meet on the request for a meeting we shall then decide what to do. What we shall decide on in the consultations is the date to be set for dealing with item 3. I hope there will be no doubt about this.

137. Mr. ISSRAELYAN (Union of Soviet Socialist Republics) (*translation from Russian*): Unfortunately, the Soviet delegation simply cannot agree with such an interpretation. If we acted on that interpretation, we would in effect be adopting today an agenda consisting of three items, and the only question remaining undecided would be the question of the date for a meeting to consider item 3. That is not so; if we did that, we would be prejudicing the outcome of the consultations. Allow me to ask you a question: if, suddenly, as a result of the consultations, it becomes clear that 10 or 11 or 12 members of the Council are against convening the Council on this matter, what then? How should we proceed then? For that reason I see no alternative, if such an interpretation is upheld, than to return to the proposal made by the representative of India and proceed to separate votes on items 1, 2 and 3.

138. The PRESIDENT (*interpretation from Spanish*): To reply to the representative of the Soviet Union, concerning what would happen. The President would consult members on the date to be fixed for the Council's meeting. In exercise of his responsibilities he would set that date on the basis of those consultations, and then, when the meeting was held, the 11 or 12 members opposing this, precisely when dealing with the provisional agenda, would object; then the Council would officially decide that there was to be no meeting. That is my reply.

139. Coming back to the provisional agenda for today, comprising items 1 and 2 contained in document S/Agenda/1651, if there is no objection I shall consider the agenda adopted.

The agenda was adopted.

The situation in the Middle East:

- (a) Letter dated 5 July 1972 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/10730);
- (b) Letter dated 5 July 1972 from the Chargé d'affaires, *ad interim* of the Permanent Mission of Lebanon to the United Nations addressed to the President of the Security Council (S/10731)

140. The PRESIDENT (*interpretation from Spanish*): May I draw the attention of Council members to the fact that the representatives of the Syrian Arab Republic, Lebanon and Israel have requested to be allowed to participate in the discussion on the item on our agenda pursuant to Article 31 of the United Nations Charter. In accordance with the customary practice of the Council and with its provisional rules of procedure, I intend, if there is no objection, to invite the representatives of the Syrian Arab Republic, Lebanon and Israel to take places at the Council table in

order to participate, without the right to vote, in the Council's discussion of this item.

At the invitation of the President, Mr. G. J. Tomeh (Syrian Arab Republic) and Mr. E. Ghorra (Lebanon), took places at the Council table.

141. The PRESIDENT (*interpretation from Spanish*): I have also received a letter dated 17 July from the representative of Afghanistan and letters dated 18 July from the representatives of the Islamic Republic of Mauritania and of Morocco, requesting to be allowed to participate in the Council's discussion of the item on our agenda, pursuant to Article 31 of the Charter. If there is no objection I shall proceed, in accordance with the provisional rules of procedure of the Council and the customary practice, to invite the representatives of Afghanistan, Mauritania and Morocco to take places at the side of the Council chamber, on the understanding that they will be invited to take places at the Council table when they wish to make statements.

At the invitation of the President, Mr. A. R. Pazhwak (Afghanistan), Mr. M. El Hassen (Mauritania) and Mr. M. M. Zentar (Morocco) took the places reserved for them.

142. The PRESIDENT (*interpretation from Spanish*): Before calling on the first speaker, I would like to inform members of the Council that I have received a message from the Secretary-General, Mr. Kurt Waldheim, the contents of which I shall now read out:

"On 4 July 1972 the Permanent Representatives of Lebanon and Syria expressed to me their Governments' concern regarding the implementation of Security Council resolution 316 (1972) and requested my good offices for the return of the Lebanese and Syrian officers abducted by the armed forces of Israel on 21 June on Lebanese territory.

"From reactions so far to contacts made by me and my representatives, both in Europe and in New York, in the exercise of my good offices, it appears at the moment that in the present circumstances a generally acceptable solution is not yet in sight. Since the meeting of the Security Council on this matter, originally requested by the representatives of Lebanon and Syria on 5 July, will now take place on 18 July, I feel it my duty to give you this brief report, it being understood, of course, that I shall pursue my efforts with all parties concerned in this matter by any means available to me. I know of the efforts which you yourself have been, and are, making in this matter, and I am sure that you also will continue your endeavours. I still hope that our efforts, and others now being made, may yet result in arrangements acceptable to all the parties concerned."¹

143. That is the message of the Secretary-General. For my part, I should like to add that, as I informed members of the Security Council at an informal meeting, in my capacity as President of the Security Council I have been having consultations and making efforts with a view to an acceptable solution on the basis of the implementation of

¹ Quoted in English by the speaker.

resolution 316 (1972). Like the Secretary-General, I am bound to report to the Council that so far it has not been possible to find a solution to this problem. That, among other reasons, is why the Council is meeting this afternoon.

144. The first speaker on the list is the representative of Lebanon, upon whom I now call.

145. Mr. GHORRA (Lebanon): Mr. President, allow me to pay you a tribute for the distinguished manner in which you have been conducting your private consultations and in which you conducted the very difficult meeting of today. My delegation has full confidence in your wisdom, ability and experience and is certain that the deliberations of this Council will be brought to fruitful and positive results.

146. I should like also to pay a tribute to the majority of the Council for the way in which they have dealt with the very difficult procedural question that has faced the Council. We have time and again exposed the Israeli practices of continually injecting into the debates of the Council extraneous matters, of coming late to the Council in order to use the platform of the Council for propaganda purposes. We regret to see that they still receive some support around the Council table.

147. Members of the Council still have fresh in their minds the debate which took place here following the large-scale aggression wantonly perpetrated by Israel against Lebanon on 21 June 1972. In its resolution of 26 June [316 (1972)], the Council condemned Israel for that military attack. The Council also included in that resolution provisions concerning Syrian and Lebanese army personnel abducted on 21 June within Lebanese territory by Israeli armed forces. It is in connexion with this specific aspect of the resolution that we find ourselves compelled to resort to the Council once more because of Israel's lawlessness and persistent defiance of Council resolutions.

148. When that resolution was adopted, my delegation did not entertain any false hope that Israel would abide by it. The Council heard the representative of Israel state right here that the Council's resolution belongs in the morgue of history [see 1650th meeting, para. 128]. His Foreign Minister, Mr. Eban, followed by denouncing the decision of the Council. This has become a habitual Israeli act of contempt of the Council, and still this contempt is being tolerated. This tolerance is to us, the victims of Israel's acts of aggression, tantamount to spraying salt on our wounds.

149. Some members of the Council entertained the hope that Israel would positively respond to the strongly expressed desire reflected in the resolution of having all the abducted Syrian and Lebanese military and security personnel released in the shortest possible time.

150. In accordance with the authority vested by the Charter in the President of the Security Council and the Secretary-General, and in conformity with their responsibilities thereunder, you, Mr. President, and Mr. Waldheim have deployed, since the first of this month, valuable and untiring efforts in order to bring about the implementation of resolution 316 (1972) and the liberation of the abductees. Regrettably, those efforts were to no avail—and

this was confirmed to us by you in reading out the Secretary-General's message and your own statement. To us, the reason is crystal clear. It is due to Israel's intransigence and its attempt to impose conditions extraneous to the purport of the resolution. This is a blatant act of sabotage against the law of the United Nations and the expressed will of the Council.

151. Before I proceed any further, permit me, Mr. President, to express to you, to our esteemed Secretary-General and to the sagacious Under-Secretary-General, Mr. Gurner, my delegation's deep appreciation for your and their dedicated and untiring endeavours to implement resolution 316 (1972). The fact that the combined wisdom of the three of you and your devotion to the purposes and principles of the Charter failed to record any progress attributable to only one cause: Israel's refusal once more to co-operate with the United Nations.

152. Since the incident of 21 June 1972, the Syrian and Lebanese military personnel remain hostages in Israel in defiance of the Security Council resolution and in violation of international law and the Lebanese-Israeli General Armistice Agreement.

153. The Israeli authorities have stated privately and publicly that they would release the abducted military personnel only within the context of a general exchange of prisoners of war. But the question of the abductees cannot and should not under any circumstances be confused and connected with any other question not before the Council and relating to prisoners of war captured in other areas. The procedural decision of the Council of today confirms our point of view.

154. Let us refresh our memories with some essential facts. On 21 June 1972 a Syrian military delegation composed of seven officers was visiting the region of southern Lebanon in the framework of traditional exchange visits between army officers of the Syrian Arab Republic and of Lebanon. It was travelling in two civilian limousine cars, on an open road in the southern central region of Lebanon, in the direction of the west. They were unarmed. The delegation was accompanied by a Lebanese officer and by five non-combat military policemen whose duty was to drive in military jeeps ahead of the limousine cars to see that the way was clear.

155. At 11.30 a.m., the military policemen—and I repeat they were non-combat policemen—noticed an Israeli military unit composed of five tanks and three half-tracks crossing the Lebanese border towards the road. The military policemen attempted to drive back to alert the delegation. Immediately the Israeli armoured unit opened fire, killing four Lebanese military policemen and injuring the fifth who later died of his wounds. This was sheer murder in cold blood.

156. Immediately thereafter, the convoy arrived and fell into the Israeli ambush. Any contention on the part of Israel that the Lebanese and Syrian military personnel opened fire on the Israeli's heavily armoured unit is false and utterly absurd. The Israeli aggression was a pure criminal act of abduction and kidnapping from which Israel

is attempting to derive advantages by imposing conditions for the return of the abductees, analogous to conditions usually imposed by abductors and hijackers for the release of their hostages, with the major difference that in the case before us the illegal acts are committed by Israel, a Member of the United Nations.

157. Israel seeks to extort a ransom, justifying its action by provisions of the 1949 Geneva Convention relative to the Treatment of Prisoners of War. These provisions do not apply to the case before us. The case is one of abduction and the Council has unmistakably determined so in its resolution 316 (1972). The Council itself has categorically rejected the Israeli contention that the abductees were prisoners of war, when it clearly called upon Israel to release the abducted Lebanese and Syrian military personnel. Paragraphs 3 and 4 of the resolution could not be subject to any false interpretation. Paragraph 3 refers to the "Syrian and Lebanese military and security personnel abducted by Israeli armed forces", while paragraph 4 speaks of "the release of the abducted personnel". Certainly it is not Israel's privilege to interpret either the language or the intention of the Council.

158. Therefore, the resolution does not contain implicitly or explicitly any of the conditions Israel is attempting to attach to it. Its authors certainly recall—and all the members do—that the language of paragraph 3 was not entirely acceptable to us. We had preferred the inclusion of a definite, short-time limit in it, during which Israel was to be called upon to release the abducted personnel. However, we accepted its present formulation in a spirit of compromise in order to allow a reasonable time for whichever efforts were to be exerted to secure the release of the abductees. It was obvious to us that that reasonable time was not to stretch indefinitely. Both the Syrian and Lebanese Governments have shown their goodwill towards the Council and towards all who engaged themselves, in one form or another, in the ambivalent effort to find a solution to the problem in conformity with the terms of the resolution. In deference to many wishes we delayed reconvening the Council to allow time for people of goodwill to have a try at breaking down Israeli intransigence.

159. The Israeli armed forces have committed not only a dastardly act of murder and kidnapping on Lebanese territory, but, by doing so, they have infringed on Lebanon's sovereignty and breached its territorial integrity. This is a flagrant violation of international law.

160. Furthermore, the violation of the sovereignty of a Member State of the United Nations is inadmissible and incompatible with the Charter. It constitutes a breach of the principles upon which international order is founded. It consequently creates conditions of insecurity for Member States and threatens international peace and security.

161. It is not necessary to bring to the attention of the competent members of this important body the provisions of the Charter, of United Nations declarations and of international law regarding the inadmissibility of infringements on the sovereignty of States. I should like only to refer to a valid opinion expressed here in the Council on 22

June 1960 by an eminent representative of your country, Argentina, Mr. President. He was Ambassador Amadeo. His opinion was given during the debate of the case of Eichmann's abduction in Argentina by Israeli citizens. Mr. Amadeo stated:

"If this principle"—that is, the principle of sovereignty—"were to fall into abeyance, if it could be violated with impunity, if each State considered itself entitled, whenever it so desired, to supersede the authority of another State . . . international law would very soon be replaced by the law of the jungle . . . The protection of our rights thus involves the protection of the rights of all members of the international community." [*see 1865th meeting, para. 34.*]

162. Security Council resolution 316 (1972) stated in paragraph 4: "if Israel fails to comply with the present resolution,"—that is, if it fails to release the Syrian and Lebanese army and security personnel abducted on Lebanese territory on 21 June 1972—"the Council will reconvene at the earliest to consider further action".

163. My delegation is here therefore to request the Council to consider taking that further action it has promised to take, in the event of Israel's non-compliance with the terms of the resolution. In adopting that resolution, the Council was guided by the fundamental principles of the Charter and the highest norms of justice and equity. Its action was deeply appreciated by the Lebanese Government and people.

164. That action cannot now be put in doubt or revised. The 13 delegations which voted in favour of the resolution assume a definite moral, political and juridical responsibility to pursue the matter to the end. And as far as we are concerned, we are determined to follow it to the very end, until the abducted personnel are returned to us.

165. What is the "further action" that the Council is to consider taking? In our opinion, the application of effective measures, even of sanctions, should be the logical next stage. Sanctions against Israel are overdue. They should have been applied in one form or another some time ago, and our area would have been spared the convulsions, the turmoil and the violence which have characterized life in it for the last 25 years. We do, in principle, advocate the application of sanctions against Israel to make it desist from the use of force and abide by the rule of law. We realize that the application of sanctions is not feasible, however, because of some realities prevailing in the Council.

166. Should the Council and delegations such as mine remain content with toothless and ineffective resolutions? Should we remain helpless and hopeless in the face of persistent Israeli acts of violence and aggression and of its defiance and contempt for international law and the United Nations resolutions? No satisfaction is derived from the minimal action usually taken by the Council: that of adopting resolutions, worthy politically, juridically and morally as they may be. Even these resolutions are invariably denounced and flouted by Israel. What the peoples in my country, in the Arab countries and in the world at large expect from the Security Council is more

effective action, a resolution to implement the resolutions. And that is precisely what we are asking the Council.

167. The Council can no longer afford either to avoid or to fail in the assertion of its authority at a time when it is considered essential for the survival of the United Nations to have that authority revitalized and enhanced. The trust of the peoples of the world in the effectiveness of the United Nations in preserving world order, peace and security, must be restored. Their despair because of United Nations failure to pass from inaction into action must be dispelled. The small and militarily weak nations must be reconvinced that the United Nations was truly established for their protection.

168. How can we define our demands to the Council at this stage?

169. As I stated, our preference would have been for a resolution providing for effective measures which would make Israel comply with the Council's previous decisions. But, as I said, the realities of the Council make us lean toward one of two alternatives.

170. The first one would condemn Israel for its failure to release the abducted Syrian and Lebanese Army personnel, would reaffirm resolution 316 (1972) of 26 June 1972, would call upon Israel to release unconditionally and immediately the aforementioned personnel, and would empower both the President of the Council and the Secretary-General to take appropriate effective steps or measures to that effect. The second would provide for, in addition to the elements I have cited, the appointment of a military or civilian commission or delegation representing the Council to go to Israel to bring home vividly to the Israeli Government the decision of the Council regarding the immediate and unconditional release of the abducted personnel. In this case we believe that the arm of the Council must be long enough and strong enough to reach everywhere and to assert effectively the authority of the United Nations and that of international law.

171. Should the Council adopt the first alternative, we should like it to be known that any further refusal by Israel to comply with the decision of the Council would leave us no other choice than to return to the Council shortly in order to request action according to the second alternative I outlined, or to request stronger measures apt to make Israel respect and comply with the decisions of the Council.

172. The PRESIDENT (*interpretation from Spanish*): I thank the representative of Lebanon for his statement and particularly for the cordial words he was so good as to address to the President.

173. The next speaker on my list is the representative of Syria on whom I now call.

174. Mr. TOMEH (Syrian Arab Republic): Mr. President, may I first of all express our heartfelt congratulations to you on your assumption of the high office of President of the Security Council. All those who have known you as a close colleague have always admired your deep knowledge of international law and its application, your tact and skill in the discharge of your duties, and your newly discovered

virtue today, your vast and great patience and your objective approach to secure and guarantee justice. We have learned another thing and that is the value of a precious metal, for the name of your country, Argentina, does designate that there is a precious something behind you all.

175. While I am in this domain I also wish to express our gratitude and appreciation for the untiring efforts of the Secretary-General, Mr. Kurt Waldheim, as reflected in the message which you read to us, as well as your personal efforts and those of Mr. Guyer, the Under-Secretary-General, and all Member States in the Security Council who at one time or another since the adoption of resolution 316 (1972) on 26 June 1972 have tried their utmost and their best in order to secure the implementation of that resolution.

176. Mr. President, in my letter to you of 5 July 1972 [S/10730], I made the position of my Government and delegation crystal clear. Paragraph 3 of Security Council resolution 316 (1972) expresses:

"the strong desire that appropriate steps will lead, as an immediate consequence, to the release in the shortest possible time of all Syrian and Lebanese military and security personnel abducted by Israeli armed forces on 21 June 1972 on Lebanese territory."

177. The Security Council, as well as the international community, is aware by now of the great efforts which the Secretary-General, the President and members of the Council have exerted to see to it that the paragraph quoted is implemented with no conditions attached. That was the clear-cut language of the resolution and, following the debate that took place from 23 to 26 June, paragraph 3 was the embodiment and expression of the overwhelming majority will of the Council.

178. The representative of France, who presented the draft resolution on behalf of the sponsors, said the following on 26 June:

"We insistently request that the persons kidnapped from the territory of Lebanon by the Israeli forces on 21 June be freed as soon as possible. If the negotiations undertaken to that end do not lead to a positive result, we believe that the Council should meet without delay to reexamine the question and take other measures."² [see 1650th meeting, para. 16.]

179. All the members who participated in the debate and voted in favour of resolution 316 (1972) expressed similar thoughts. The release of the abducted Syrian and Lebanese officers and army personnel was, in the words of the representative of the United Kingdom, "a matter of immediate priority". [Ibid., para. 90.]

180. The statement of the representative of the Soviet Union reveals something which was not known to us, but is quite relevant to the meeting of the Council now. He said:

"The members of the Security Council have already discussed this even before the official meetings of the

² Quoted in French by the speaker.

Council. Consultations were held among all 15 members of the Council and it was agreed by an overwhelming majority, with certain remarks by a single member,"—and I do not think it is difficult to guess who that member was—"that the President of the Council should summon Mr. Tekoah and state that the prevailing opinion of the Council is that the Syrian and Lebanese soldiers should be released immediately. Not whenever possible, but immediately; and immediately means within two or three days." [*Ibid.*, para. 79.]

181. I need not go on to quote all the 13 members who voted for the resolution and some of whom explained their vote brilliantly and eloquently. That would be endless. But I would point out that none of them—and the record is clear—made implementation of paragraph 3 subject to any condition whatsoever. And that by itself is meaningful.

182. But, unfortunately, all these efforts, prior to and subsequent to resolution 316 (1972), were to no avail, and, in accordance with paragraph 4 of the resolution, in which the Security Council:

"Declares that if the above-mentioned steps do not result in the release of the abducted personnel or if Israel fails to comply with the present resolution, the Council will reconvene at the earliest to consider further action."

We have, under the circumstances, no other recourse but to come back to the Council—in spite of the fact that we submitted our letter to you, Mr. President on 5 July. This is not unusual, especially when Israel is concerned.

183. May I in this connexion quote from the explanatory memorandum accompanying the letter dated 15 June 1960 [S/4336] from the representative of Argentina to the President of the Security Council:

"In view of the failure of the diplomatic representations made by it to the Government of Israel, the Argentine Government is now compelled, in defence of fundamental rights, to request that the case be dealt with by the Security Council, the case being in its view explicitly covered by the provisions of Article 34 and Article 35, paragraph 1, of the United Nations Charter."

So the Council was faced, more than a decade ago, with the utter rejection of Israel to abide by the law, and the parties to the conflict sought justice in this Council chamber. Today, the Council is meeting to hear, as stated in my letter to you, Mr. President, solely and uniquely with the refusal by the Israeli authorities to heed Council resolution 316 (1972). This is the item on the agenda.

184. I am sure all of us will hear spurious legalistic arguments based on the contention that the Syrian and Lebanese officers and army personnel are prisoners of war and that there should be a general exchange of prisoners of war. This and all other similar or derived arguments are refuted by the fact that paragraph 3 of resolution 316 (1972) describes the Syrian and Lebanese military and security personnel as having been "abducted by Israeli armed forces on 21 June 1972 on Lebanese territory".

185. A deliberate ambush had been set for the convoy, travelling in civilian cars, unarmed and escorted by Lebanese policemen. The area where they were ambushed was not the scene of any operation, military or otherwise. If the officers were about to engage in any operation, they would not have travelled in civilian cars, unarmed and unprotected, except by the routine police escort. Five policemen were killed by the Israeli kidnappers who were armed with automatic weapons and backed by three tanks. The rest of the convoy was forcibly abducted. Under no stretch of the imagination could they be considered prisoners of war.

186. Many speakers who have remarked on the preposterous Israeli act have described it on some occasions as an international crime, on others as international piracy. The most gentle euphemistic term used to characterize it was "illegal". It would therefore be an insult to legal reasoning to indulge at this stage in legal arguments. If I do so, it is because of genuine and deep respect for this important body, for its entire membership and out of concern for the anxiety and travail which each and all members of the Council experience in their search for peace. Nothing that is said here or voted or decided upon goes into "the morgue of history". On the contrary, it is all part and parcel of the tribunal of history, before rendering its ultimate sentence on the transgressors against the law of mankind.

187. Proceeding from this point, and from this point only—namely, my deep and genuine respect for the membership of the Security Council and its functions—allow me to emphasize certain facts.

188. First, in my letter to the President of the Security Council dated 13 June 1972 [S/10698], I reported the statement of Mr. Israel Galili, threatening Syria in particular with these terms: "We will act in an organized and bold manner . . . Israel feels that she must act in a very efficient and decisive manner . . .". The abduction of Syrian and Lebanese military and security personnel was an implementation of this threat.

189. Secondly, the very existence of Israel on Syrian territory is a violation of law and of the law of nations. Specifically, it is a violation of cease-fire resolution 234 (1967) of 7 June 1967, adopted unanimously by the Security Council. I dwelt on this during the last meeting of the Council; I will not go back to it again.

190. Thirdly, Israel claims continually that it accepts the cease-fire resolutions and that they are effective. If that is so, then any military act by Israel, such as the abduction of Syrian and Lebanese officers, is an act of belligerency. Israel therefore is contradicting itself by its own acts and in logic.

191. The abduction took place—as clearly stated in paragraph 3 of resolution 316 (1972) and as recognized by Israel—on Lebanese territory and, therefore, was in flagrant violation of international law concerning the sovereignty of

a Member State of the United Nations. This is supported by the fact that resolution 138 (1960) of 23 June 1960 stated:

"The Security Council,

"...

"Considering that the violation of the sovereignty of a Member State is incompatible with the Charter of the United Nations,

"...

"1. Declares that acts such as that under consideration, which affect the sovereignty of a Member State and therefore cause international friction, may, if repeated, endanger international peace and security;"

In that case, as well in the case we are discussing today, Israel violated the law of the sovereignty of nations.

192. The claim by Israel that these are prisoners of war and consequently subject to exchange of prisoners of war, on the basis of the 1949 Geneva Convention, is a bankrupt claim, sheer casuistry, which, as I have stated, has already been rejected by the Council. Furthermore, it should be recalled that the four 1949 Geneva Conventions for the protection of war victims³ constitute a whole, and Israel is a party to each of them. One has not the right to claim application of one Convention and disregard the other three. No one party can be selective. In the August 1970 issue of the *International Review of the Red Cross* the following was reported:

"At the XXist International Conference of the Red Cross (Istanbul, September 1969), the representatives of Israel stated publicly their position as regards the applicability of the Fourth Convention. The Conference adopted a Resolution on this subject in which, *inter alia*, it deplored 'any refusal to apply and implement the provisions of the Fourth Geneva Convention in its entirety'."

Furthermore, how could one compare five or six officers abducted in the manner I described with three pilots flying Phantoms and Skyhawks, sowing death among civilians, dropping time-bombs, incendiary bombs and fragmentation bombs, whose aircraft were shot down over the territory of Syria? The comparison does not arise at all. If Israel wants to invoke one Convention, it has to be mindful of all its obligations under all the other three Conventions. Let me remind this body that article 3 of each of the four Conventions states: "the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons . . .". The persons referred to in article 3 are persons taking no active part in the hostilities.

193. I need not labour the fact here that, since this grave violation and act of piracy took place on 21 June 1972, Israel's conduct with regard to the abducted military officers has been the conduct of a State towards hostages.

³ United Nations, *Treaty Series*, vol. 75.

Suffice it to mention that Israel's demands so far in this connexion have been typically Israeli-Zionist blackmail.

194. To conclude, I wish to affirm our unequivocal position. Israel has once more, and in a very short time, arrogantly defied the law of the international community as represented in this Council. Israel should, therefore, as was very clearly and brilliantly stated by the representative of Lebanon, Mr. Ghorra, be condemned for its non-compliance with a decision of the Security Council. Israel should be called upon in unequivocal terms to implement immediately paragraph 3 of Council resolution 316 (1972) and to release the abducted Syrian and Lebanese personnel, without any conditions whatsoever. Failing this, sanctions should be applied to Israel.

195. Let us remember that, with the exception of South Africa, Israel is the only State that has defied the law of the United Nations and has trampled underfoot more than 120 resolutions of the United Nations, whereas—and I wish to bring this to the attention of the representative of the United States—Israel was the only State accepted conditionally to membership in the United Nations, the condition being that it should abide by the decisions and resolutions of the United Nations. It is high time that not only sanctions but Article 6 of the Charter were applied to this robber-baron State.

196. The PRESIDENT (*interpretation from Spanish*): I thank the representative of Syria for the most generous words he was good enough to address to the President and to my country.

197. The next speaker on the list is the representative of Afghanistan, whom I invite to take a place at the Council table and to make his statement.

198. Mr. PAZHWAK (Afghanistan): Mr. President, first allow me to pay you a very warm and sincere tribute and to say that it is a great privilege for me to have this opportunity to be here under your Presidency. I wish to thank you and the Council members for according me the courtesy of allowing me to make a statement before the Council.

199. Afghanistan is not an Arab State and, therefore, is not necessarily called upon to address itself to a complaint of the very specific nature of that on today's agenda. The Council has already considered this issue and has adopted a resolution—unfortunately, with only the result of having to discuss it again. Reasonably what we expect on this specific issue, after the failure of Israel to comply with the Council resolution, is the "further action" referred to in its paragraph 4.

200. There is no doubt that the issue before you is of great importance. But if we think realistically, as we try to do, this incident is not as important as the overall situation in the Middle East. The real, grave question that the United Nations, and particularly the Security Council, should deal with is the question of the Middle East. As long as a state of war exists, such incidents as have happened are bound to happen again, and frequently; that is quite understandable when a state of war exists in an area.

201. Too much concentration on one incident, in a way that would divert the attention of the international Organization from the real issue, which here is the issue of the Middle East, is, I think, something to be considered, and considered seriously.

202. Before I state the position of my Government on the issue before the Council, therefore, I should like at the outset to make it clear that I am making this appearance at the request of my Government to express our view on the situation in Western Asia, of which we are a geographic part, to spell out our concern over the protracted and inconclusive manner in which the issue of the Middle East is evolving in the United Nations. It is also pertinent to clarify our position and our interest in the issue, the limits of our position and the scope of our interest.

203. Afghanistan, of course, is the country of a people of the Islamic faith, but my Government has never invoked Islam as a religious mystique in political problems under the non-sectarian nature of the United Nations Charter. Afghanistan is free from any military alliances or strategic groupings. Our foreign policy, from the very inception of our membership in the United Nations in 1946, has been one of strict and consistent non-alignment, and our posture in that respect might be described, as it has been, as almost purist. Our relations with all Powers, big and small, in and outside the Organization, has been maintained in accordance with this policy—strictly on the principle of the sovereign equality of all nations. Our star is in the constellation of the so-called Third World, but as a United Nations Member we are part of the whole world. It is from this political latitude and longitude, so to speak, that we address ourselves to you here today.

204. Our interest in the over-all question involving Israel and its neighbours is no less than the interest of any Member of the United Nations:

First, that the most strategic region of the world still continues in a state of war—a war which, if reignited to its full dimensions, as it daily threatens to be, would feed the growing confrontation and the expanding commitments of the big Powers in that area and shake the whole world.

Secondly, that the United Nations peace efforts to head off a conflict have virtually come to a stand-still, while the vacuum the stalemate has left is being filled with an enormous expansion in armaments on both sides, and the suppliers of those arms are drifting into a polarization of increased political and military commitments. It is a dangerous paradox in which future historians may describe the peace-making of today as preparing for the war of tomorrow.

Thirdly, the creeping paralysis of unimplemented resolutions—not only resolutions of the General Assembly and its many organs, but more significantly the more mandatory resolutions of the Security Council, not only with respect to the Middle East, but also in vital decisions taken on Rhodesia, the Portuguese colonies and the situation in South Africa—is of grave concern. It is a situation which threatens to undermine the whole fabric of international law and international morality. Far more

corrosive than the absence of law is indifference, disrespect and the violation of laws to which statesmen and Governments are committed.

Fourthly—and this inevitably is eating away at the very foundations of the United Nations as the world's highest custodian of both the rule of law and the goal of peace and, above all, as the symbol of international morality, and threatens the very security of all countries, including my own, that are militarily small nations for which a strong, effective United Nations is the only security in sight.

205. It is these considerations that have impelled my Government to come here before the Council today. They are not the misgivings, the anxieties and forebodings solely of my Government; they are sombre preoccupations of the overwhelming majority of the entire membership representing the vast majority of the peoples of the world. Indeed, they have been stated more eloquently and much more forcefully by other representatives of Governments in this Council.

206. We are already reaping the poisonous harvest of this abnormal situation in the declining prestige of the United Nations, in a crisis of confidence and credibility about the Organization, in a confused logic of cause and effect which is bordering on the pathological.

207. It is said that the United Nations does not work, is ineffective, when everyone knows it is the few big Powers who have drifted from their proper focus under the Charter. What is more disturbing is that it is these same Powers who are the first to point this finger of indictment at the Organization.

208. What is the cause, what is the effect? Truth should begin with that question.

209. It has been said all through the years that nothing truly effective in peace-keeping can be achieved without the unanimity of the big Powers. But is it not the depth of pathology when, having at long last a degree of unanimity, some of the big Powers demure from implementing and enforcing the very decisions they have supported and have voted for? The classic case of this ambivalence is right here before us in resolution 242 (1967) on the Middle East, unanimously adopted on 22 November 1967, and now, five years later, stalled from the very point of adoption.

210. In effect, the Organization now has two silent vetos—the veto of non-implementation, even on unanimous resolutions, and the veto of time, when unanimous resolutions are left to the corrosion of decisions by delays, by talks about talks, by a diplomacy of sophistry. Those are two ghostly vetos haunting this Council chamber, more powerful than the fifteen unanimous votes of the world's most powerful executive organ for the maintenance of world peace and security. The veto of non-implementation and the veto of time are the real two super-Powers that rule the world today.

211. My Government has come here to state that the time has come to reverse this dangerous situation. We have no

illusions about the enormity of the task before us. My Government is fully aware of the world political situation, its confusions and its complexities. We are an ancient people whose land has been trampled by the world's greatest armies, and we have survived by the grim, down-to-earth realism in the vicissitudes of our history. We know the political realities of the times.

212. We cast our faith with the United Nations, in 1946, and with the concept of a single human family under the tent of a world Organization. We know the realities of our times today too—the great complex knots that must be united in the realization of our great hopes as spelled out in the San Francisco Charter. We do not come here with panaceas or utopias.

213. But, with the Council's permission, we do respectfully submit a few possible constructive suggestions to the Council today. We all agree on several basic premises. Peace in the Middle East must be achieved. The United Nations must be restored to its first-born prestige. Its resolutions and decisions must be given moral weight. The Security Council must become operational and effective and its authority upheld, first and foremost by the big Powers entrusted with that primary responsibility.

214. With respect to the specific problem of the Middle East, we believe that the time is opportune for some decisive action. We believe that this can be done by an effective effort which would strengthen the authority of the Jarring mission—a consensus if not a resolution—which would put all the weight and authority of the Council behind his efforts to get the peace negotiations off the ground. And we believe there is another new and favourable factor in the situation that makes it timely for the Council to make this extra effort. I refer to the strengthening of the Council by the presence of the People's Republic of China on the Council, so that for the first time in the Council's history it enjoys the full complement of all the big Powers in full implementation of the Charter provisions governing the big-Power principle.

215. I have referred to time as the ghost, as the invisible veto of full and effective implementation of resolutions involving peace and security. I believe this ghost must be exorcised by a more precise spelling out of decisions. I refer to the last paragraph in the operative parts of such resolutions. These paragraphs become the loopholes and graveyards of implementations by imprecision and indefiniteness. The very resolutions which are the basis of the business of which the Council is seized are a classic illustration of what we mean, calling as they do for reports to the Council—and I quote from paragraph 4 of resolution 242 (1967)—“as soon as possible”. In those four words and similar vaguely worded provisions in other resolutions the United Nations has seen the nullification of the resolution as a whole in every important decision rendered by the Council in the key areas where it has acted.

216. We have a precedent in this evolution of the United Nations' handling of colonial issues—when the General Assembly, facing the same problem with respect to the independence of colonial areas, began to press for precise dates of freedom from the administering Powers.

217. Wars are made by ultimatums. Why not peace? A precise commitment is the only *bona fides* of an honest intention.

218. Finally, a word on the question of strengthening the Council, of making it work—and this is very important. You take all the trouble and time; you discuss matters day and night, at all hours. But what is behind your decisions? We outsiders see it, but you inside the Council know it. What is necessary is to make the Council work, and I believe the time has come for the Council to come to grips with this key problem as a special item on its agenda, and I believe that this can best be done by evoking the decision of the Council to resort to its decision of 12 June 1970, when by consensus it called [1544th meeting] for a periodic high-level meeting as a new mechanism for enhancing its effectiveness. What I want to say here is that no other issue today invites this effort more than the issue of the Middle East.

219. I suggest that such meetings be held at a summit level, in which the heads of State and Government would participate. If this sounds somewhat remote and radical I would remind Council members that outside the United Nations historic results have recently been achieved and universally dramatized precisely by summit diplomacy.

220. The great Powers' *détentes* with respect to China and the Soviet Union were born at the highest summit level. The recent contributions to peace in the Indian subcontinent were made at Simla in the same manner. The enormous strides in the consolidation of peace in Europe, in the eastern sector, within the Western community, and soon with respect to Europe as a whole, have been made in countless contacts, in the visits and return visits of heads of State and Government.

221. Summit diplomacy has demonstrated its power and effectiveness, especially in those areas where crisis-bound situations had to be reversed, that is to say, in precisely the kind of situation with which the Council is faced. May I ask this question: If the heads of State can solve the problem of peace outside the United Nations, why not inside the United Nations? Or to put it in another way: If peace beyond the walls of the United Nations can best be made at the summit level, why should that method not be equally effective inside the United Nations?

222. As far as the specific issue before the Council is concerned we do not ask for more than the implementation of the Council's resolution, in the light of the principles that I have brought to your attention in this statement. I hope that the Council's decision at this meeting will, as an immediate consequence, in your own words, Mr. President, lead to the full implementation of the Council's resolution.

223. Regarding the item on the agenda, I merely wish to say that we support the demands of the representatives of Lebanon and Syria as they have been stated before the Council this afternoon. We share their expectations, with the expectations of the majority of the Members of the United Nations here present.

224. My Government at this stage confines itself to these general ideas. Only the Council itself can heal itself and can

work out its own problems. We have still our unshakable confidence in the Council.

225. I hope, Mr. President, that you, members of the Council and the Secretary-General will pay some attention to the suggestions I have made and the principles I have set out in this statement.

226. The PRESIDENT (*interpretation from Spanish*): The next speaker on the list is the representative of Morocco, whom I invite to take a place at the Council table and to make his statement.

227. Mr. ZENTAR (Morocco) (*interpretation from French*): Mr. President, members of the Security Council, first of all I should like to express my gratitude to you for having authorized me, in accordance with Article 32 of the Charter, to take part in your debates today. I should also like to say, Mr. President, how greatly I admire you for the very able manner and the skill you revealed in guiding the debate earlier today, which was particularly delicate.

228. This is to remind you that hardly had the lights of the historic African summit meeting of Rabat been put out and while the world was still happy at what is now called the spirit of Rabat, a spirit of frank and realistic rapprochement, reconciliation and co-operation among peoples, when thunder broke out once again on the southern frontiers of one of the most peaceful countries in the world, namely, Lebanon. Israel unleashed one of the most deadly, most inhuman and punitive expeditions of its bloody history—and the victims were for the most part peaceful villagers whom circumstances on that day placed on the road of the Israeli soldiery. This action was carried out publicly and in a premeditated fashion in connexion with the incident of the airport at Lod, an incident in regard to which the Republic of Lebanon, an established and sovereign State, had absolutely no responsibility, this time less than ever.

229. I shall not go back to the details of this large-scale punitive expedition which aroused indignation and horror throughout the world, where Lebanon has so many friends and enjoys so much understanding. This time I wish only to recall the solemn appeal of His Majesty Hassan II to the President of the Security Council, condemning the acts of Israel against Lebanon in violation of United Nations resolutions, calling on the Council to take the necessary measures and the appropriate sanctions against the aggressor. My Sovereign, at the same time, addressed a message to Mr. Kurt Waldheim, our distinguished Secretary-General, in which His Majesty expressed the solidarity of the Government and of the people of Morocco with the people and the Government of Lebanon, vigorously condemning Israeli aggression, the consequences of which pose a heavy threat for the security of the region, and asked the Secretary-General to use all his authority and to take every initiative so as to put an end to this aggression and to prevent any renewals in the future. The Secretary-General then replied that he shared the concern of His Majesty and that he had already done and would continue to do everything in his power to restore tranquillity to the region.

230. On this specific aggressive action of Israel we can think that at least for the time being some result has been

attained. But what about the soldiers who were abducted? On 26 June the Security Council adopted resolution 316 (1972) by a quasi-unanimity. This resolution nevertheless did not give total satisfaction to the plaintiffs because once again the Council, in a spirit of conciliation, wished to preserve both the goat and the cabbage, as we say in French. But how much time is needed for the Council to discover that this goat, which it still wishes to preserve, has already devoured under its very eyes a goodly part of the cabbage?

231. Lebanon and Syria once again were so good as to be accommodating and share the hope of the majority of the Council about the possibility of the prompt return of the personnel abducted on 21 June on Lebanese territory. And this despite the fate which the representative of Israel, Mr. Tekoah, reserved for the resolution of the Council. He stated in substance that Israel rejected the resolution as "inequitable and immoral", and that it "belonged in the morgue of history".

232. After the adoption of resolution 316 (1972) a certain number of organizations of responsible persons of goodwill attempted everything that was humanly possible by way of their good offices and by intervening in order to obtain the liberation of the Lebanese hostages and guests of Lebanon. They came up against concepts peculiar to Israel, which creates a mixture of abuse, posing without rhyme or reason problems without any logical or necessary links among them.

233. Israel pretends to forget that the dispute with the States of the region and with the people of Palestine who were chased from their homes is vast and complex. The United Nations has conceived of the way and the method to arrive at a peaceful solution. But there is no originality in saying today that Israel assumes every responsibility for blocking the machinery intended to clear the way through the United Nations.

234. Because of this obstinacy and negative attitude, the isolation of Israel in the world is no longer far from that of South Africa or from the racist régime of Ian Smith. This is an unenviable situation which reflects no credit on Israel, a so-called modern and civilized State, a so-called advanced corner of Western democracy in the Middle East.

235. During a recent interview in Europe the Secretary-General, Mr. Kurt Waldheim, was asked by a reporter whether, since so many condemnations of Israel by the Security Council remained ineffective, this condition would not tarnish the image of the United Nations? The Secretary-General with his well-known wisdom replied:

"I believe that people should not condemn the United Nations; they should not criticize or blame the Organization. The criticism should be directed at the Member States, at the Governments which are unwilling to accept United Nations resolutions."

236. In the case of Israel this is where we are today once again. One should not condemn or criticize or blame the Security Council or the Organization but this so-called pilot State, this State allegedly an advanced corner of Western democracy in the Middle East.

237. The United Nations Charter, among other measures, provides for appropriate sanctions. Is the Security Council finally prepared to go so far as to put an end to the actions of the Israeli military organization which, as everybody knows, is generously provided with means of destruction so perfect as to be barbaric?

238. Kidnapping, abductions, hijackings, hostages for exchange against one currency or another are today in fashion. But so far these acts have been the monopoly of gangs, of isolated individuals and even of malefactors or madmen. On the occasion of its punitive expedition against Lebanon, Israel did not act otherwise. The regular Israeli army abducted hostages and personnel who were not even taking part in operations, who were essentially foreigners paying friendly visits.

239. Israel recognizes that it took hostages and demanded an exchange not only with the victim country, the country responsible for the security of its guests, therefore the only country concerned, but with Syria and even with Egypt. This is excessive confusion without scruples and is even dangerous. The Security Council cannot and must not follow Israel into the tortured and sickly convolutions into which it would lead it.

240. There is a conflict in the Middle East which is at the origin of a vast dispute. The United Nations has considered this on several occasions in order to bring about a just and humane solution. Israel has never wanted to facilitate the task of the Organization.

241. And now, through an act of piracy, kidnapping and abduction of hostages, Israel wishes to attain certain important results linked to the final solution of the crisis of the Middle East. The Security Council must condemn this attempt, this shameful blackmailing, and demand by the appropriate means available to it the return of the hostages of 21 June unconditionally and without preliminaries, thus refusing to give a bonus to the disloyal and immoral actions of Israel.

242. Before concluding, I should like to refer to one of the historical phases in the domestic life of the United States which we experienced only a few weeks ago. I am referring to the decision taken by this country to abolish the death penalty. During a recent very interesting press conference given by President Nixon a reporter took the opportunity to ask the President what he thought of the abolition of the death penalty. President Nixon then replied with great sincerity that he was in favour of abolishing the death penalty, but he added that he would have wished to have the sentence maintained to punish two kinds of crimes only, which he considered among the most detestable and deserving the supreme penalty. Those two crimes were the following: the kidnapping of persons and the hijacking of airplanes. I believe that President Nixon wished mainly to express the horror which such blackmail, placing in jeopardy the lives or liberty of human beings, justly induced in him, as in all civilized persons.

243. The fact that these crimes were committed by a so-called organized and civilized State detracts nothing from its horror. On the contrary, this surely adds to the

disenchantment of the rare friends of Israel who are once again disappointed.

244. Consequently, I consider that the Security Council should unanimously refuse any bargaining with regard to the hostages abducted on 21 June and that it should demand their immediate and unconditional return. This kidnapping was an immoral operation contrary to the methods and convictions of the civilized world of which you gentlemen, the members of the Security Council, are the protectors and guarantors.

245. The PRESIDENT (*interpretation from Spanish*): I thank the representative of Morocco for the kind words he addressed to me.

246. The next speaker is the representative of Mauritania, whom I invite to take a place at the Council table and to make a statement.

247. Mr. EL HASSEN (Mauritania) (*interpretation from French*): Mr. President, may I first congratulate you as the President of the Security Council for this month. I should also like to thank you for having been kind enough to accede to my request to take part in the work of the Council.

248. The Government and people of Mauritania feel that they are profoundly and directly concerned by the problem of the Middle East and for more than one reason. Firstly, as an Arab and African country, we do not remain unmoved at the sufferings which have been inflicted day after day by the Zionist aggressor on the Arab countries, whose sole crime is to desire to ensure their security and to defend the dignity of their people. Then, as a Member of the United Nations, assuming our share of this collective responsibility for the maintenance of international peace and security, it is our duty to add our evidence to something we consider to be a threat to this peace and this security. Finally, this problem that we are discussing today is thrust upon us because of its burning urgency.

249. It will soon be a month since the Security Council started to discuss the complaint of Lebanon and Syria as a result of the barbarous aggression committed by Israeli armed forces, which was perpetrated on 21 June 1972 against the sovereignty of Lebanon. The massacre of the innocent civilian population and the abduction of Syrian officers in the territory of a sovereign State, a Member of the United Nations, constitute an inadmissible act of violence and also represent a grave blow struck against the authority of the Council and the principles of the United Nations Charter.

250. I hardly need go into the details; the circumstances and the consequences of this aggression are known to us all. Suffice it for me to recall, quite simply, that this aggression, which has been in contempt of the norms of international law and international life, has aroused indignation among all, for a just reason. The Syrian officers who were paying a visit to the Lebanese army in the south of Lebanon and who were in civilian vehicles were abducted. The kidnapping and the seizure of these officers reveal the true face of Israel which, sure as it is of its impunity, wishes to

impose on the international community the law of the jungle.

251. The reaction of the Mauritanian Government to this aggression is already known to you. In my letter of 10 July 1972, [S/10735], I informed you of the deep indignation of my Government at this barbarous act of aggression committed against the sovereignty of Lebanon, an act of aggression which took the form not only of the massacre of civilian populations but also of the abduction of Syrian and Lebanese officers. In the same letter, my Government requested the implementation of resolution 316 (1972) of the Security Council, the contents of which it commended at that time. That resolution, while condemning the repeated attacks of the Israeli forces against the territory and people of Lebanon, in violation of the principles of the Charter and the obligations which Israel has assumed under the Charter, also requested the immediate release of all military personnel and security personnel of Syria and Lebanon.

252. We had felt that in this resolution the Security Council did the very least which could be done in similar circumstances. But, today we are forced to admit that the resolution has remained unfulfilled because of the arrogant attitude adopted by Israel towards the United Nations, and in particular the Security Council.

253. At the present meeting, which is being held at the request of Syria and Lebanon, a request with which the Mauritanian delegation completely associates itself, the Council has the duty of deriving the logical consequences from the typical refusal of Israel to release Lebanese and Syrian officers who were forcibly abducted on 21 June on Lebanese territory. Any delay in the unconditional release of these officers would only serve to reinforce the scornful posture which is being adopted by the Israeli authorities in Tel Aviv in connexion with pertinent resolutions of the Council and would be likely to dangerously jeopardize international peace and security. It is the Council's bounden duty at the present time to take all appropriate steps in order to bring about the implementation of its resolution 316 (1972) in all its parts.

254. The abduction of Syrian officers in the territory of an independent sovereign State and the massacre of civilian populations are, as we know—because this is quite obvious—but one aspect of the permanent large-scale military aggression which is being perpetrated by Israeli Zionists against Arab countries. There can be no doubt that the simple-minded logic, which a polished and facile propaganda has been able to impose on this situation, no longer holds water today in the face of the ever-growing realities of the situation. It becomes clear to all now that the problem of the Middle East is not a question of the survival of an artificial State, which was created for the needs of international imperialism. Everyone is now perfectly well aware of the expansionist and annexationist character of Israel and the boldness it derives from its impunity, and of the military and financial support which is guaranteed to it by powerful lobbies in many countries.

255. The Security Council and international public opinion have become progressively aware of the danger inherent in the situation because, over and above the

security of the region, it is, above all, peace throughout the world which is thus compromised. This new trend in international public opinion cannot be better illustrated than by referring to the last resolution [see S/10741 of 20 July 1972] adopted unanimously by the Assembly of Heads of State and Government of the Organization of African Unity which met at Rabat in June 1972. Africa, in its attempts to mediate in the Middle East, has come in collision with the intransigent attitude of Israel and its refusal to subscribe to the principle of non-annexation of territories by force. At Rabat, the Heads of African States condemned Israel for its attitude of refusal and obstructionism, which hinders the implementation of Council resolution 242 (1967) and the resumption of Ambassador Jarring's mission. It is Africa as a whole which, on this occasion, came out strongly against the acquisition of territory by war; it is Africa as a whole which called upon Israel to withdraw immediately from all the Arab territories occupied during the June conflict of June 1967.

256. The diplomatic and political isolation of Israel, like that of South Africa, cannot be more eloquently illustrated. This position, which is taken by Africa, is that of Mauritania. Our position is a correct one because it is based on the Charter of the United Nations, it is based on international law and morality. The commitment of my country in this important question of the Middle East is a clear-minded and deliberate one. It is a commitment to serve the cause of justice and peace and to serve the principles of the territorial integrity and the sovereignty of all States.

257. Because, in the final analysis, of the Arab countries and of Israel, who is the aggressor? The aggressor is the one who has occupied the territories of the Arab Republic of Egypt. The aggressor is the one which now occupies territories of the Kingdom of Jordan. The aggressor, finally, is the one who occupies the territories of the Arab Republic of Syria. The aggressor is also the one who, from day to day, pursues a policy of expansion and annexation towards Lebanon, massacring innocent civilian populations, demolishing villages, and reducing peace-loving persons to wandering.

258. The aggressor, finally, is the one who had by force appropriated the land and the homes of the Palestinian people. It is the one who has doomed an entire people to live on international charity, in the midst of concentration camps where sickness, squalor and desolation are rife. This aggressor—it is very easy to guess, and I hardly need designate him by name; you know it—is Israel. It is Israel which pursued the Palestinian people from their homes and from the lands of their ancestors, this Palestinian people which today is struggling for its inalienable and legitimate rights to freedom and to dignity. It is this people which Israel calls "saboteurs" and "terrorists". Such adjectives can hardly distort the reality which they conceal. This reality is that the Palestinian people, weakened to an extreme degree, humiliated and scattered, is now beginning to act as any would act who wished to reconquer the land of their ancestors or to die in dignity. No final and lasting solution of the tragedy of the Middle East can be found if it bypasses the question of the existence of the Palestinian people and the legitimacy of its aspirations.

259. It is Israel and Israel alone which bears full responsibility for the permanent state of tension which prevails in the Middle East. The perfidious propaganda which for so long now has been able to depict Israel as the victim of the hostility of its neighbours who are determined to bathe it in blood, to throw it into the sea and totally exterminate it—this propaganda should no longer mislead anyone. Indeed, two pertinent resolutions adopted by the Security Council and the General Assembly, adopted unanimously by them in order to bring about a peaceful solution, have been flouted and trampled underfoot by Israel, which persists in its policy of aggression and expansion.

260. However, it is true that the growing feeling of impotence and powerlessness which is beginning to accompany these resolutions, the permanent unleashing of Israel's brute force, its contempt for the elementary principles of the Charter, have led many countries to scepticism today and explain their attitude, which is based on justified anger. In fact, so many flagrant violations of the Charter by Israel and so much scorn heaped on decisions taken by such a respectable body as the Security Council, can hardly reassure those countries that, in order to defend themselves, have only their just rights and their unshakable faith in the Organization.

261. Mauritania, which is an enthusiastic and sincere advocate of the principles of the Charter and the ideas of our Organization, is deeply pained at the thought of international failure which would be the result of the ineffectiveness of the resolutions of the Security Council. There can be no doubt that, if the Council does not take forceful measures against Israel, which flouts and rides roughshod over the decisions and resolutions of the Council, the confidence placed in the Council will be seriously shaken. We are convinced, however, that strengthened by the devotion which all Member States have in it, the Council will be able in the present circumstances to respond to our hopes and be equal to its immense responsibilities.

262. Mr. ISSRAELYAN (Union of Soviet Socialist Republics) (*translation from Russian*): The Security Council has met today to consider the situation resulting from Israel's patent failure to implement Security Council resolution 316 (1972), adopted on 26 June of this year, to evaluate that situation in the proper way and to take measures to ensure that the resolution in question is put into effect.

263. The statements by the representatives of Syria and Lebanon at today's meeting have once again convincingly shown that the aggressive policy of Israel, which is brazenly flouting international law, ignoring Security Council decisions and instigating armed provocations against neighbouring Arab countries, is creating a serious threat to general peace. The facts cited in those statements provide new evidence that the Government of Israel does not intend to comply with resolution 316 (1972), and thus does not intend to fulfil one of its most important obligations under the Charter of the United Nations, that set forth in Article 25, which clearly lays down that States Members of the United Nations shall accept and carry out the decisions of the Council.

264. The conspicuous absence of representatives of Israel from this Council meeting, their refusal to participate in it, is symptomatic and indicative, and can only be regarded as one more proof of their contempt and disregard for the Council.

265. What we are faced with, therefore, is Israel's usual direct violation of the Charter and its open and cynical challenge to the Security Council and to the United Nations as a whole. It is well known that the resolution adopted by the Council on 26 June condemned Israel for the repeated attacks on Lebanese territory and population in violation of the principles of the Charter and Israel's obligations thereunder. It was during one of those attacks that unarmed Syrian citizens, members of a Syrian delegation who were in Lebanese territory at the invitation of their Lebanese colleagues, were piratically abducted together with Lebanese military and security personnel who were accompanying them. Resolution 316 (1972) clearly and unambiguously speaks of the need for Israel to release immediately all the Syrian and Lebanese military personnel who were abducted by Israeli armed forces on 21 June on Lebanese territory.

266. Instead of unswervingly implementing this clear and specific demand by the Security Council, Israel is trying to obstruct implementation of resolution 316 (1972) by linking it with other Middle East questions, notably the question of exchanging prisoners of war and the 1949 Geneva Convention. These attempts are entirely without foundation. Here again we are up against a tactic of Israeli diplomacy with which we have been familiar for many years, that of making a clear-cut issue confusing, darkening a clear day, as a Russian saying has it, procrastinating and once again brazenly and cynically disregarding the demands of the international community and the United Nations.

267. In point of fact, the Geneva Convention to which reference was made refers to persons who have participated in hostilities and have been taken prisoner during those hostilities. That is a perfectly elementary and clear provision of the Geneva Convention. However, the Syrian and Lebanese military personnel abducted by the Israeli military units which had intruded upon Lebanese territory were not participating in hostilities. They were travelling, as has been established, in civilian vehicles, and were, as we have been told here, unarmed. In that area at the time in question there were no hostilities at all between the Lebanese and Israeli parties to the conflict. The abducted Syrian and Lebanese officers are thus not prisoners of war. What took place, as has already been stated here, was simply a unilateral incursion by Israeli armed forces into part of the territory of Lebanon, and that raid was carried out by Israel in violation of the Armistice Agreement between Lebanon and Israel and in violation of the Security Council's decisions regarding a cease-fire.

268. It was as a result of this unilateral incursion by Israeli armed forces into Lebanese territory that members of the Syrian delegation and Lebanese military personnel were abducted. For that reason, arguments about the humanitarian principles enshrined in the Geneva Convention and references to that Convention concerning the treatment of prisoners of war have no relevance, absolutely none, to the

present case. The humanitarianism shown in this case is that reflected by the demand for the immediate return by Israel, without any conditions or reservations, of the Syrian and Lebanese military personnel abducted on 21 June on Lebanese territory. It is precisely this which is required of Israel by a clear and specific provision, paragraph 3 of resolution 316 (1972). With the adoption of that resolution, the Council reaffirmed that the present situation has no relation to the problem of exchanging prisoners of war, and the Council did not link that problem with its demand for the unconditional release of all the abducted Syrian and Lebanese citizens. Consequently, the attempts which have been made at this very meeting to link these questions, to link the Geneva Convention with Council resolution 316 (1972), have no foundation, as is shown by an analysis of that resolution.

269. The situation caused by Israeli aggression, which is dangerous for world peace, has now been in existence for more than five years. Throughout those five years Israel has been systematically sabotaging all efforts towards peace undertaken within the United Nations, and has been violating Security Council and General Assembly resolutions. It is sufficient to note that as early as June 1967 Israel repeatedly refused to obey Security Council resolutions on a cease-fire in the Middle East, having seized a large part of the Arab territories it occupies today after the Council had adopted resolutions on a cease-fire, despite and in violation of those resolutions.

270. Since then, the Security Council and the General Assembly have adopted a number of important resolutions on questions related to the situation in the Middle East. The most important of them is Council resolution 242 (1967), which provides a basis for a political settlement in the Middle East. However, Israel is ostentatiously ignoring and failing to implement every one of those resolutions. It should be stressed as strongly as possible that Israel has taken up an obstructionist position with regard to all the steps which have so far been taken or proposed with a view to settling the conflict in the Middle East which is endangering peace. It is precisely this circumstance which constitutes the basic and principal obstacle to the establishment of peace in that area. Openly ignoring United Nations decisions, Israel, supported by the forces of international imperialism and Zionism, stubbornly refuses to withdraw its forces from the Arab lands it occupied in 1967 and is guilty of racial discrimination, mass terrorism, persecution and other criminal acts towards the Arab population in the occupied territories; it is putting forward absurd demands for the annexation of those territories and conducting a policy of systematic military provocations on its borders with neighbouring Arab countries, aggravating the already explosive situation in the Middle East.

271. The joint Soviet-Syrian communiqué issued on 9 July 1972 following talks in Moscow between the President of the Syrian Arab Republic, Mr. Assad, and Soviet leaders, stated the following:

"A just and lasting peace in the Middle East can be established only on the basis of an early, complete and unconditional withdrawal of Israeli forces from all Arab territories occupied in 1967 and a guarantee of the legitimate rights and interests of the people of Palestine."

272. In the opinion of the Soviet delegation, the Security Council should, in the interests of peace in the Middle East and throughout the world, take effective steps to compel Israel to respect international law and the will of the international community of States, expressed in decisions of the Council and to bring about the establishment of a just and lasting peace in the Middle East based on the complete withdrawal of Israeli forces from all Arab territories occupied in June 1967 and the implementation of the other provisions of resolution 242 (1967).

273. With regard to the specific question which we are considering at the moment, the Council should resolutely condemn Israel's defiant refusal to implement resolution 316 (1972) and should consider, on the basis of paragraph 4 of that resolution, further action to ensure that Israel implements Council decisions and immediately frees the abducted Syrian and Lebanese military personnel.

274. Mr. MOJSOV (Yugoslavia): Mr. President, I should like, first of all, to congratulate you on assuming the Presidency of the Security Council for this month, and to express our deep appreciation for your able conduct of the Council's work from the very first day of assuming your responsible duties, which was a heritage of our work during the month of June, unfortunately.

275. When we concluded our deliberations on 26 June by adopting resolution 316 (1972) we shared, in common with all other members of the Council, the hope, and we urged the need, of its prompt implementation. We had hoped that no new meeting of the Council on the matter would be necessary and that, for once, Israel would co-operate and, in so doing, break a well-established pattern and make a contribution towards lessening tensions in the area.

276. But, so far, our expectations for immediate implementation of resolution 316 (1972) have not been fulfilled. Paragraph 4 of that resolution made it clearly incumbent upon the Council to "reconvene at the earliest to consider further action" in the light of Israel's non-compliance therewith in the intervening period.

277. We are all aware of the many ramifications and of the whole issue and its origins, which are responsible for the crisis in the Middle East, and the position of my Government is abundantly clear and known. However, the very matter that resolution 316 (1972) deals with, and its requests, are very limited, simple and eminently implementable. It asked for "the release in the shortest possible time of all Syrian and Lebanese military and security personnel abducted by Israeli armed forces on 21 June 1972 on Lebanese territory".

278. Israel's obligation to do so was and remains clear and unmistakable. That should not be diluted or made conditional by any other matter extraneous to the limited and particular emergency matter under specific consideration.

279. That would mean, in effect, obstructing the implementation of both the letter and the spirit of resolution 316 (1972). We all know that in tense situations it is simply unrealistic to link a necessary action on one matter with other questions or to pose conditions or preconditions that

only complicate our common efforts. On the contrary, very often and precisely in such situations, one positive action, however seemingly limited in scope, may open up new possibilities and create an atmosphere in which it is easier to attempt to proceed along more positive lines towards reducing tensions and seeking avenues for necessary solutions.

280. There is nothing that makes it impossible or indeed inadvisable for Israel to implement resolution 316 (1972).

281. So one is forced again, in the face of Israel's defiance, to fault it both on account of its well established disrespect for the Security Council and the United Nations and on account of insufficient realism in not pragmatically seizing even a most modest opportunity to facilitate the task of us all in endeavouring to break the cycle of crises in the Middle East.

282. In the course of our last debate, we again expressed our views on the situation and its causes created by Israel's repeated attacks on its Arab neighbours. There is no need for me here today to state them again. But before concluding I should like very briefly to address myself to the following aspect of the situation the Council is faced with. It is often maintained by some that the Council is wrong to repeatedly adopt resolutions and decisions which Israel is going to obstruct and ignore; that by so doing the Council and the United Nations are only showing their impotence for all to see. We genuinely think that that is not the right attitude. First, we have no alternative when faced with acts of aggression, with military attacks upon the territory of other States. Secondly, we have to go on making the views and positions of the overwhelming majority of the Council and of the United Nations known so that no one who commits or plans to commit such deeds can hope to avoid being faced with the condemnation and severe criticism of the greater part of the world community.

Evidently, there is hope that we shall somehow resign ourselves to Israel's continuous defiance, accept it as an immutable way of life and relinquish our efforts to make the principles of the Charter prevail. But it is very unrealistic for anyone, to paraphrase Jefferson, to go too long without decent regard for the feelings of the international community. Thirdly, we must always hope that a more reasonable approach will finally prevail and that it will be considered the better part of wisdom to change and cease open defiance of the United Nations. Until that time comes, we cannot shrink from our basic positions stemming from the Charter.

283. It is for those reasons that we shall be prepared to support in the Council any proposal that will reconfirm the requirements and demands of resolution 316 (1972), envisage firmly and precisely the way for their implementation in the shortest possible time, as well as necessary further action by the Council in case that specific objective is not immediately achieved.

284. The PRESIDENT (*interpretation from Spanish*): I thank the representative of Yugoslavia for his very kind words.

285. There are no more speakers on the list. Several delegations have communicated to me the suggestion that the debate continue in 48 hours' time, to allow time for consultations so that a resolution may be adopted on the item we are considering. As I understand it, that suggestion has given rise to no objections from the two countries that requested this meeting of the Council. Accordingly, if there are no objections, it is my intention to convene the next meeting of the Council to consider this item on Thursday, 20 July at 3.30 p.m. There being no objection, I shall take it that it is so decided.

The meeting rose at 8.05 p.m.