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CONTENTS

	<i>Page</i>
Provisional agenda (S/Agenda/1739)	1
Adoption of the agenda	1
The situation in the Middle East: Letter dated 11 August 1973 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council (S/10983)	1

NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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.

SEVENTEEN HUNDRED AND THIRTY-NINTH MEETING

Held in New York on Wednesday, 15 August 1973, at 11 a.m.

President: Mr. John SCALI (United States of America).

Present: The representatives of the following States: Australia, Austria, China, France, Guinea, India, Indonesia, Kenya, Panama, Peru, Sudan, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America and Yugoslavia.

Provisional agenda (S/Agenda/1739)

1. Adoption of the agenda.

2. The situation in the Middle East:

Letter dated 11 August 1973 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council (S/10983).

The meeting was called to order at 12.20 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East

Letter dated 11 August 1973 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council (S/10983)

1. The PRESIDENT: In accordance with the decision taken at our 1736th meeting, I shall now, with the consent of the Council, invite the representatives of Lebanon and Israel to take places at the Council table in order to participate in the discussion, without the right to vote.

At the invitation of the President, Mr. E. Ghorra (Lebanon) and Mr. J. Barmore (Israel) took places at the Security Council table.

2. The PRESIDENT: I shall next, in accordance with our previous decisions, and with the consent of the Council, invite the representatives of Iraq, Egypt and the People's Democratic Republic of Yemen to take the places reserved for them at the side of the Council chamber.

At the invitation of the President, Mr. A. K. Al-Shaikhly (Iraq), Mr. A. E. Abdel Meguid (Egypt) and Mr. A. S. Ashtal (Democratic Yemen) took the places reserved for them at the side of the Council chamber.

3. Mr. PEREZ DE CUELLAR (Peru) (*interpretation from Spanish*): Mr. President, my delegation and I personally are very happy to see you presiding over the Security Council. We are convinced that with your ability and the experience that you have so rapidly acquired you will continue to preside over our work with the same skill that you have thus far shown.

4. May I also take this opportunity to extend the thanks of my delegation to Sir Colin Crowe and Mr. Kenneth Jamieson for the extremely effective way in which they presided over the meetings of the Security Council during the month of July. I should also like to offer a warm welcome to the new representative of the United Kingdom, Sir Donald Maitland. We are sure that he will perform his duties with the same brilliance as his predecessors.

5. We have listened with careful attention to the statements made by the representatives of Lebanon and Iraq regarding the incident that occurred on 10 August. We have listened with the same attention to the statements of the representative of Israel defending the position of his Government. I do not believe that there are any further arguments to add to those that have already been presented. We should examine all those arguments and try calmly to draw the necessary conclusions.

6. May I first of all say that the statement of the events as submitted by the representative of Lebanon has not been gainsaid or corrected by the representative of Israel. Rather, those events were confirmed to a certain extent by the Minister of Defence of Israel in the statement he made on 12 August when he said that this had been a perfectly planned act. We are therefore forced to conclude that this act was a deliberate violation of the air space of another State, an inexcusable diversion of a civilian plane entailing harassment of and danger to the lives of innocent passengers. Thus, principles of international law as embodied in the Charter of the United Nations have been violated, and the Convention on international civil aviation and the interim agreement which preserve the sovereignty of contracting States over their air space have also been violated.

7. My delegation believes that the gravity of these violations call for some reaction on the part of the Security Council, which has been informed of them. In that way we can avoid the creation of the dangerous precedent of ignoring a violation of international norms in matters as important as freedom of communication. Furthermore, there can be no denial of the fact that this reprehensible incident will make more difficult the efforts to solve the

problem of the Middle East, which, as we all know, is a matter of constant concern to the Council.

8. As I have said, my delegation has listened carefully to the defence presented by the representative of Israel. We are forced to conclude that the act committed cannot be termed an act of self-defence as defined in Article 51 of the Charter, for reasons that flow not only from a mere reading of that Article, but also from the way in which the premeditated incident took place. Therefore, in accordance with the firm condemnation of terrorism that my Government has always expressed and without, of course, ignoring those attacks perpetrated against Israel, we do not believe that the best way of fighting terrorism is by taking justice into one's own hands, and far less by combatting one crime with another crime.

9. I must say that I am rather sorry to find this accumulation of negative notes, which might give the impression that the position of my delegation is partial or subjective, particularly when dealing with a subject that pits two countries against each other, countries with which Peru maintains normal relations.

10. However, I did want to put before the Council very clearly the views of my delegation and explain why we feel constrained to support any draft resolution that condemns the act committed on 10 August.

11. Mr. RIOS (Panama) (*interpretation from Spanish*): Mr. President, may I congratulate you on your assumption of the presidency of the Security Council. During this month of August you will have a very weighty responsibility upon your shoulders, but we are sure that with your wisdom and ability you will be able to discharge your functions. My delegation would also like to express its appreciation to Sir Colin Crowe and Mr. Kenneth Jamieson, for the very wise way in which they presided over our debates during the month of July.

12. My delegation has made very clear its position on the problem of the Middle East on a number of occasions, and most recently on 14 June 1973 [*1726th meeting*]. Therefore, I do not need to go into the matter at length at this meeting. That being the case, we merely want to state our opposition to the action taken by the Government of Israel on 10 August. We are confronted by two specific facts: first, the penetration of Lebanese air space by Israeli military planes; and second, the diversion by force of a civil aircraft to a military airport, endangering the lives of many innocent passengers.

13. There is no doubt that that was a violation of the sovereignty of a State Member of the United Nations, in contravention of the norms and tenets of international civil aviation, as well as the use of force in the solution of a controversy. We also consider that the act of 10 August is a typical example of what was discussed during the recent meetings of the *Ad Hoc* Committee on International Terrorism and defined as State terrorism, which in the very near future will be condemned by the United Nations.

Panama will always be ready to condemn terrorism, whether committed by States, groups or individuals. Furthermore, we believe that this unprecedented act makes much more difficult the efforts for peace being undertaken by the Secretary-General through his Special Representative, Ambassador Gunnar Jarring, and we consider that to be most disturbing.

14. For those of us who have placed our faith in the world Organization as that force which can bring peace to the Middle East, any act that hinders the achievement of the fundamental objective or makes its attainment more difficult is discouraging and depressing. We have heard the reasons adduced by Israel to justify its action of 10 August, and we have also heard the angry protests of Lebanon and other Arab States.

15. But, sadly, we must note that the event with which we are now dealing is a great obstacle to the search for peace in the Middle East. And we feel sad because, as Ambassador Boyd stated in this Chamber:

"Panama considers itself linked by special ties of friendship to both parties to the conflict, and it is for that reason that we shall always endeavour calmly to find just and equitable solutions within the framework of the principles and tenets of the United Nations Charter and in keeping with the norms of international law.

"The Jews of Panama have contributed significantly to the nation's economic development and to its social and cultural progress; they constitute a highly respected community in our country, and one that exerts considerable influence on important facets of the life of the country.

"The Arabs of Panama, because of their own attributes, because of the many customs they have inherited from Spain, and because they are hard-working and industrious and have mixed with the other people of the country, have earned the affection of the Panamanians." [*1726th meeting, paras. 37-39.*]

16. We sincerely desire peace in the Middle East so that the immense resources which are today being squandered on equipment of death and destruction can be freed to help in the economic and social development of that sorely beset region.

17. In conclusion, we must once again invoke resolution 242 (1967) as the basic instrument on which negotiations in good faith and honesty must be undertaken so as to achieve the peace we all desire for our friends in Israel and in the Arab world before it is too late. When I speak of our yearning for peace in the Middle East, I think also of world peace. For no one in today's world can feel secure while there are threats of armed conflict in any region of the planet.

The meeting rose at 12.35 p.m.