

furnish the Committee with such assistance as it might require.

At the 580th meeting on 23 June 1952, the Security Council discussed the adoption of the provisional agenda and at the 584th meeting on 1 July 1952, decided to include the question in its agenda.<sup>29</sup>

The Security Council considered the question at its 584th to 590th meetings between 1 and 9 July 1952.

*Decision of 3 July 1952 (587th meeting): Rejection of the United States draft resolution*

At the 587th meeting on 3 July 1952, the United States draft resolution was not adopted. There were 10 votes in favour and 1 against,<sup>30</sup> the negative vote being that of a permanent member.

*Decision of 9 July 1952 (590th meeting): Rejection of the United States draft resolution*

At the same meeting, the representative of the United States submitted a new draft resolution<sup>31</sup> to: (1) conclude, from the refusal of those Governments and authorities making the charges to permit impartial investigation, that these charges must be presumed to be without substance and false; (2) condemn the practice of fabricating and disseminating such false charges, which increased tension among nations and which was designed to undermine the efforts of the United Nations to combat aggression in Korea and the support of the people of the world for these efforts.

At the 590th meeting of 9 July 1952, the United States draft resolution was not adopted. There were 9 votes in favour and 1 against, with 1 abstention,<sup>32</sup> the negative vote being that of a permanent member.

The question remained on the list of matters of which the Security Council is seized.

#### APPOINTMENT OF A GOVERNOR OF THE FREE TERRITORY OF TRIESTE

(b) LETTER DATED 12 OCTOBER 1953 FROM THE PERMANENT REPRESENTATIVE OF THE UNION OF SOVIET SOCIALIST REPUBLICS TO THE PRESIDENT OF THE SECURITY COUNCIL (S/3105)

By letter dated 12 October 1953<sup>33</sup> addressed to the President of the Security Council, the permanent representative of the USSR referred to the statement on the question of Trieste issued by the Governments of the United States and the United Kingdom on 8 October 1953. In connexion with the statement he requested the President to call a meeting of the Security Council to discuss the question of the appointment of a governor of the Free Territory of Trieste. He also enclosed the text of a draft resolution<sup>34</sup> providing that the Council decide: (1) to appoint Colonel Flueckiger as Governor of the Free Territory; (2) to bring the Instrument for the Provisional Regime of the Free Territory into effect forthwith; (3) to establish the Provisional Council of

Government of the Free Territory in accordance with the terms of the Treaty of Peace with Italy; (4) to bring the Permanent Statute of the Free Territory into effect within the three months following the appointment of the Governor.

The Security Council discussed the question at the 625th, 628th, 634th, 641st and 647th meetings between 15 October and 14 December 1953.

At each of these meetings, the Security Council decided to postpone the consideration of the question.<sup>35</sup>

*Decision of 14 December 1953 (647th meeting): Postponement of consideration pending the outcome of efforts to find a solution*

At the 647th meeting on 14 December 1953, the representative of the United States proposed<sup>36</sup> that the Council decide to postpone "further consideration of the Trieste item pending the outcome of the current efforts to find a solution" for this matter.<sup>37</sup>

This proposal was adopted by 8 votes in favour, 1 against, with 1 abstention<sup>38</sup> (one member of the Security Council being absent).

The question remained on the list of matters of which the Security Council is seized.

#### THE PALESTINE QUESTION

*Decision of 24 November 1953 (642nd meeting):*

- (i) *Finding in the retaliatory action at Qibya taken by the armed forces of Israel a violation of the cease fire provisions of the Security Council resolution of 15 July 1948 and expressing the strongest censure of that action;*
- (ii) *Recalling to Israel and Jordan their obligations in connexion with the prevention of infiltration and acts of violence on either side of the demarcation line;*
- (iii) *Reaffirming the importance of compliance with obligations, and emphasizing the obligation to co-operate with the Chief of Staff, and requesting the Secretary-General and Chief of Staff to take various steps in connexion with the supervision of compliance with and enforcement of the general armistice agreements.*

<sup>29</sup> 625th meeting: para. 87.

<sup>30</sup> 628th meeting: para. 133; 634th meeting: para. 89; 641st meeting: para. 101. For consideration of the proposal to adjourn under rule 33 (5) of the provisional rules of procedure, see chapter I, Case 22 (628th meeting).

<sup>31</sup> 647th meeting: para. 3. For observations on the bearing of Article 33, see chapter X, Case 2.

<sup>32</sup> By letter dated 5 October 1954 (S/3301 and Add.1), the Observer of Italy and the representatives of the United Kingdom, the United States and Yugoslavia transmitted to the Security Council the text of a Memorandum of Understanding and its annexes concerning practical arrangements for the Free Territory of Trieste, initialled at London on the same date by representatives of their Governments. On 12 October (S/3305), the representative of the USSR informed the Council that his Government took cognizance of that agreement. In a letter dated 17 January 1955 (S/3351), the Observer of Italy and the representatives of the United Kingdom, the United States and Yugoslavia reported that the necessary steps had been taken to carry out the arrangements provided in the Memorandum of Understanding.

<sup>33</sup> 647th meeting: para. 43.

<sup>29</sup> 584th meeting: paras. 51-52.

<sup>30</sup> 587th meeting: para. 16.

<sup>31</sup> S/2688, 587th meeting: para. 23.

<sup>32</sup> 590th meeting: para. 17.

<sup>33</sup> S/3105, O.R., 8th year, Suppl. for Oct.-Dec. 1953, p. 3.

<sup>34</sup> 625th meeting: para. 70.

By identical letters dated 17 October 1953,<sup>39</sup> the representatives of France, the United Kingdom and the United States requested the President of the Security Council to call an urgent meeting of the Council to consider under "The Palestine question" the matter of tension between Israel and the neighbouring Arab States, with particular reference to recent acts of violence<sup>40</sup> and to compliance with and the enforcement of the General Armistice Agreement. They stated that their Governments believed that prompt consideration of that question by the Security Council was necessary to prevent a possible threat to the security of the area, and in that connexion considered that the Council would, in the first instance, be assisted by a report in person as soon as possible from the Chief of Staff of the Truce Supervision Organization.

At the 626th meeting on 19 October 1953, the Security Council had before it the following provisional agenda:

"The Palestine question:

"(a) Letters dated 17 October 1953 from the representatives of France, United Kingdom and United States addressed to the President of the Security Council (S/3109, S/3110 and S/3111)."<sup>41</sup>

The representative of Lebanon expressed his inability to vote on the provisional agenda in its existing form contending that the Council should adopt a particular topic, rather than a letter as its agenda.<sup>42</sup> He formally proposed that after the words "The Palestine question", be added the following words: "Recent acts of violence committed by Israel armed forces against Jordan".<sup>43</sup>

At the same meeting, the Security Council decided to invite the Chief of Staff of the United Nations Truce Supervision Organization in Palestine to appear before the Council as soon as possible.<sup>44</sup>

At the 627th meeting on 20 October 1953, the Council continued its discussion concerning the drafting of the provisional agenda and adopted the following text proposed by the representative of Greece: "The Palestine question: compliance with and enforcement of the

<sup>39</sup> S/3109, S/3110, S/3111, *O.R.*, 8th year, *Suppl. for Oct.-Dec. 1953*, pp. 6-7.

<sup>40</sup> By letter dated 16 October 1953 (S/3113, *O.R.*, 8th year, *Suppl. for Oct.-Dec. 1953*, p. 8) the Envoy Extraordinary and Minister Plenipotentiary of the Hashemite Kingdom of the Jordan to the United States of America informed the President of the Security Council that on 14 October 1953 a battalion scale attack had been launched by Israeli troops on the village of Qibya in the Hashemite Kingdom of Jordan. The bodies of forty-two Arab civilians had been recovered; several more bodies were still under the wreckage. To cover their withdrawal, Israeli support troops had shelled the neighbouring villages of Budrus and Shuqba from positions in Israel. At an emergency meeting on 15 October, the Mixed Armistice Commission by a majority vote had condemned Israel under Article III, paragraphs 2 and 3 of the Armistice Agreement, for the attack by its regular Army on Qibya and Shuqba and for the shelling of Budrus. The Jordan Government felt that the "criminal Israeli aggression" was so serious that it might start war in the area and it was, therefore, of the view that the situation called for immediate and effective action by the United Nations, and especially by those States Parties to the Tripartite Declaration of 25 May 1950.

<sup>41</sup> 626th meeting: p. 1. For consideration of the phrasing of the item on the agenda, see chapter II, Case 18.

<sup>42</sup> 626th meeting: para. 2.

<sup>43</sup> 626th meeting: para. 114.

<sup>44</sup> 626th meeting: para. 147.

General Armistice Agreements, with special reference to recent acts of violence, and in particular to the incident at Qibya on 14-15 October: report by the Chief of Staff of the Truce Supervision Organization".<sup>45</sup>

The Security Council considered the question at its 627th, 630th, 632nd, 635th, 637th, 638th, 640th, 642nd and 643rd meetings between 20 October and 25 November 1953.

At the 630th meeting on 27 October 1953, the Chief of Staff of the United Nations Truce Supervision Organization read his report<sup>46</sup> to the Council.

At the 640th meeting on 20 November 1953, the representative of the United States introduced<sup>47</sup> a draft resolution<sup>48</sup> submitted jointly by France, the United Kingdom and the United States.

At the 642nd meeting on 21 November 1953, the representative of Israel\* referred<sup>49</sup> to his letter dated 23 November 1953<sup>50</sup> to the Secretary-General in which, on behalf of the Government of Israel, he requested him to convoke, under an obligatory provision of the Armistice Agreement, a conference between the representatives of Israel and Jordan for the purpose of reviewing the Israel-Jordan Armistice Agreement.

The President, speaking as the representative of France, stated that the Israel proposal might lead to satisfactory results for finding means of removing or attenuating some of the basic causes of the recurrent disputes. Therefore, it was necessary to mention the conference proposed by the representative of Israel, in the joint draft resolution. The amendment of the last paragraph of the original draft resolution had that specific object.<sup>51</sup>

At the 642nd meeting on 24 November 1953, the Security Council adopted the revised joint draft resolution by 9 votes in favour, none against, with 2 abstentions.<sup>52</sup> The resolution read as follows:<sup>53</sup>

<sup>45</sup> 627th meeting: para. 10, 52.

<sup>46</sup> 630th meeting: paras. 10-68.

<sup>47</sup> 640th meeting: para. 1.

<sup>48</sup> S/3139.

<sup>49</sup> 642nd meeting: para. 7.

<sup>50</sup> S/3140, *O.R.*, 8th year, *Suppl. for Oct.-Dec. 1953*, pp. 58-59. In this letter, the representative of Israel drew the attention of the Secretary-General to article XII of the Israel-Jordan Armistice Agreement. Under that article either of the parties, after the Agreement had been in operation for one year, might call upon the Secretary-General to convoke a conference of representatives of the two parties for purposes stated in that article. Article XII, paragraph 3, went on to say:

"Participation in such conference shall be obligatory upon the parties".

Accordingly, the representative of Israel formally invoked Article XII of the Israel-Jordan Armistice Agreement and submitted to the Secretary-General the following request:

"(a) On behalf of the Government of Israel, I have the honour, in accordance with article XII of the Israel-Jordan General Armistice Agreement, to call upon Your Excellency urgently to convoke a conference of representatives of the two parties, namely the Governments of Israel and Jordan, for the purpose of reviewing the Agreement as envisaged in paragraph 3 of the afore-said article . . .

"(b) I have the honour to request that this letter be communicated to the President and members of the Security Council . . ."

<sup>51</sup> 642nd meeting: paras. 107-108.

<sup>52</sup> 642nd meeting: para. 128.

<sup>53</sup> S/3139/Rev.2, *O.R.*, 8th year, *Suppl. for Oct.-Dec. 1953*, pp. 57-58.

*"The Security Council,*

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

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

"A

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

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

"B

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

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

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

"C

*"Reaffirms that it is essential, in order to achieve progress by peaceful means towards a lasting settlement of the issues outstanding between them, that the parties abide by their obligations under the General Armistice Agreement and the resolutions of the Security Council;*

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

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

*"Requests the Chief of Staff of the Truce Supervision Organization to report within three months to the*

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

*Decision of 27 October 1953 (631st meeting): Noting the statement of the representative of Israel regarding the undertaking given by his Government concerning the suspension of works on the west bank of the Jordan*

By letter dated 16 October 1953,<sup>54</sup> the permanent representative of Syria informed the President of the Security Council that on 2 September 1953 the Israel authorities had started works to change the bed of the River Jordan in the central sector of the demilitarized zone between Syria and Israel with the purpose of diverting the river into a new channel in order to make it flow through territory controlled by the Israel authorities. These acts had been accompanied by military operations, and partial mobilization had been carried out behind the sector in question. The Chief of Staff of the United Nations Truce Supervision Organization in Palestine, in his capacity of Chairman of the Syria-Israel Armistice Commission, in accordance with the provisions of the Syria-Israel General Armistice Agreement, had requested the Israel authorities to call a halt to the operations begun in the demilitarized zone on 2 September 1953.<sup>55</sup> The Israel authorities had refused to comply with this request. This attitude constituted flagrant violation of the General Armistice Agreement between Syria and Israel and was in addition a threat to the peace. The President of the Security Council was requested to convene a meeting of the Council so that the question might be placed on the agenda of the Council and a prompt decision taken.

At the 629th meeting on 27 October 1953, the Security Council had before it the provisional draft agenda which under the general heading: "The Palestine question" listed:<sup>56</sup>

*"Complaint by Syria against Israel concerning work on the west bank of the River Jordan in the demilitarized zone (S/3108/Rev.1)".*

The agenda was adopted<sup>57</sup> and the Security Council considered the question at its 629th, 631st, 633rd, 636th, 639th, 645th, 646th and 648th to 656th meetings between 27 October 1953 and 22 January 1954.

<sup>54</sup> S/3108/Rev.1. O.R., 8th year, Suppl. for Oct.-Dec. 1953, pp. 5-6.

<sup>55</sup> On 23 October 1953, the Chief of Staff of the Truce Supervision Organization forwarded to the Secretary-General, for the information of the Security Council, a report (S/3122, O.R., 8th year, Suppl. for Oct.-Dec. 1953, pp. 32-36) containing the text of a decision he had taken on 23 September 1953, requesting the Israel Government to ensure that the authority which had started work in the demilitarized zone on 2 September 1953 was instructed to cease working in the zone so long as an agreement was not arranged. The report also contained a letter dated 24 September, from the Israel Foreign Minister and comments made thereupon by the Chief of Staff.

<sup>56</sup> 629th meeting: p. 1.

<sup>57</sup> 629th meeting: p. 1.

At the 629th meeting on 27 October 1953, the representative of Pakistan submitted a draft resolution<sup>68</sup> to request Israel to instruct the authority which had started work in the demilitarized zone on 2 September 1953 to cease working in the zone pending the consideration of the question by the Security Council.

At the 631st meeting on 27 October 1953, the representative of Israel\* informed the Council that he was empowered to state that the Government of Israel was willing to arrange a temporary suspension of the works in the demilitarized zone for the purpose of facilitating the Council's consideration of the question without prejudice to the merits of the case itself.<sup>69</sup>

The representative of France declared that the statement of the representative of Israel appeared to have rendered pointless the Pakistan draft resolution.<sup>60</sup> He submitted the following draft resolution:<sup>61</sup>

*"The Security Council,*

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

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

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

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

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

At the same meeting, the Security Council unanimously adopted the French draft resolution.<sup>62</sup>

At the 633rd meeting on 30 October 1953, the President (Denmark) announced receipt of a letter from the Chief of Staff of the Truce Supervision Organization, informing the Council that the works in the demilitarized zone had been stopped at midnight on 28 October.<sup>63</sup>

*Decision of 22 January 1954 (656th meeting): Rejection of joint draft resolution submitted by the representatives of France, the United Kingdom and the United States*

At the 648th meeting on 16 December 1953, the representative of the United States, on behalf of his own delegation and the delegations of France and the United Kingdom introduced a joint draft resolution.<sup>64</sup>

At the 651st meeting on 21 December 1954, the representative of the United States, on behalf of the three sponsors, submitted an additional paragraph which

became paragraph 13 of the revised joint draft resolution.<sup>65</sup>

At the 655th meeting on 21 January 1954, the representative of the United Kingdom introduced a second revision of the joint draft resolution.<sup>66</sup> This revision omitted paragraph 9 of the original draft resolution, which would have called upon the Chief of Staff to maintain the demilitarized character of the zone as defined in paragraph 5 of article V of the Armistice Agreement. Paragraph 11 of the original draft resolution was also revised to specify the interests to be reconciled. The second revised joint draft resolution, after (1) recalling the previous resolution on the Palestine question; and (2) taking into consideration the statements of the representatives of Syria and Israel and the reports of the Chief of Staff, would have had the Council (3) take note of the request made by the Chief of Staff to the Government of Israel on 23 September 1953 to ensure that the authority which started work in the demilitarized zone on 2 September 1953 was instructed to cease work in the zone so long as an agreement was not arranged; (4) endorse this action of the Chief of Staff; (5) recall its resolution of 27 October 1953; (6) declare that, in order to promote the return of permanent peace in Palestine, it was essential that the General Armistice Agreement between Syria and Israel be strictly and faithfully observed by the two parties; (7) remind the parties that under article VII, paragraph 8, of the Armistice Agreement where the interpretation of the meaning of a particular provision of the Agreement other than the preamble and articles I and II was at issue, the Mixed Armistice Commission interpretation was to prevail; (8) note that article V of the General Armistice Agreement gave to the Chief of Staff, as Chairman of the Mixed Armistice Commission, responsibility for the general supervision of the demilitarized zone; (9) call upon the parties to comply with all his decisions and requests in the execution of his authority under the Armistice Agreement; (10) request and authorize the Chief of Staff to explore possibilities of reconciling the Israel and Syrian interests involved in the dispute over the Jordan waters at Banat Ya'coub, including full satisfaction of existing irrigation rights at all seasons, while safeguarding the rights of individuals in the demilitarized zone, and to take such steps in accordance with the Armistice Agreement as he might deem appropriate to effect a reconciliation; (11) call upon the Governments of Israel and Syria to co-operate with the Chief of Staff to this end and to refrain from any unilateral action which would prejudice it; (12) request the Secretary-General to place at the disposal of the Chief of Staff a sufficient number of experts, in particular hydraulic engineers, to supply him on the technical level with the necessary data for a complete appreciation of the project in question and its effect on the demilitarized zone; (13) affirm that nothing in the resolution should be deemed to supersede the Armistice Agreement or change the legal status of the demilitarized zone thereunder; and (14) direct the Chief of Staff to report to the Security Council

<sup>68</sup> S/3125, O.R., 8th year, Suppl. for Oct.-Dec. 1953, pp. 36-37.

<sup>69</sup> 631st meeting: para. 4.

<sup>70</sup> 631st meeting: para. 11.

<sup>71</sup> S/3128, O.R., 8th year, Suppl. for Oct.-Dec. 1953, p. 37.

<sup>72</sup> 631st meeting: para. 76. For related discussion in connexion with Article 40, see chapter XI, Case 1.

<sup>73</sup> 633rd meeting: para. 1.

<sup>74</sup> S/3151, 648th meeting: paras. 2-18.

<sup>75</sup> S/3151/Rev.1, 651st meeting: para. 3.

<sup>76</sup> S/3151/Rev.2, O.R., 8th year, Suppl. for Oct.-Dec. 1953, pp. 79-80.

within ninety days on the measures taken to give effect to the resolution.

At the 650th meeting on 18 December 1953, the representative of Lebanon stated that he was unable to support the joint draft resolution and submitted a draft resolution.<sup>67</sup> The third paragraph of the preamble recalled (1) the conclusions of the Chief of Staff in paragraph 8 of his report that both on the basis of protection of normal civilian life in the demilitarized zone and of the value of the zone to both parties for the separation of their armed forces, he did not consider that a party should, in the absence of an agreement, carry out in the demilitarized zone work prejudicing the object of the demilitarized zone as stated in article V, paragraph 2, of the General Armistice Agreement, as well as (2) his request to the Israel Government concerning cessation of work in the zone so long as an agreement was not arranged. The operative portion of the draft resolution would have had the Council (1) endorse the action of the Chief of Staff and call upon the parties to comply with it; (2) declare that non-compliance with this decision and continuation of the unilateral action of Israel in contravention of the Armistice Agreement was likely to lead to a breach of the peace; and (3) request and authorize the Chief of Staff to endeavour to bring about an agreement between the parties concerned and call upon the latter to co-operate with the Mixed Armistice Commission and the Chief of Staff in reaching such an agreement.

At the 655th meeting on 21 January 1954, the representative of Lebanon submitted a draft resolution<sup>68</sup> to (1) endorse the actions of the Chief of Staff as described in his report of 23 October 1953; (2) request the Chief of Staff to explore possibilities of bringing about a reconciliation between the parties to the dispute and to report to the Council on the results of his efforts within ninety days; and (3) decide to remain seized with this item and keep it under consideration.

At the 656th meeting on 22 January 1954, the revised three-Power draft resolution was not adopted. There were 7 votes in favour and 2 against (one vote against being that of a permanent member), with 2 abstentions.<sup>69</sup> No action was taken on the draft resolutions submitted by the representative of Lebanon.

*Decision of 29 March 1954 (664th meeting): Rejection of draft resolution submitted by the representative of New Zealand*

By letter dated 28 January 1954,<sup>70</sup> the representative of Israel requested the Security Council to include in its agenda for urgent consideration the following item:

"Complaint by Israel against Egypt concerning:

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

<sup>67</sup> S/3152, 650th meeting: para. 53.

<sup>68</sup> S/3166, 655th meeting: para. 83. For the proceedings prior to the submission of the draft resolution, see chapter I, Case 13.

<sup>69</sup> 656th meeting: para. 135.

<sup>70</sup> S/3168, O.R., 9th year, Suppl. for Jan.-March 1954, p. 1.

"(b) Interference by Egypt with shipping proceeding to the Israeli port of Elath on the Gulf of Aqaba."

In an explanatory memorandum dated 29 January 1954,<sup>71</sup> the representative of Israel stated that the Egyptian blockade practices constituted violations of the Security Council resolution of 1 September 1951<sup>72</sup> and of the Egypt-Israel General Armistice Agreement.

By letter dated 3 February 1954,<sup>73</sup> the representative of Egypt requested that the following item be included in the same agenda for urgent consideration:

"Complaint by Egypt against Israel concerning 'violations by Israel of the Egyptian-Israeli General Armistice Agreement at the demilitarized zone of El Auja'."

At the 657th meeting on 4 February 1954, the Council had before it a provisional agenda which, under the general heading, "The Palestine question", listed the Israel complaint only. The representative of the United Kingdom moved that the Council adopt the provisional agenda and that it decide upon the inclusion of the Egyptian complaint after it had received an explanatory memorandum on the substance and urgency of the proposed item.<sup>74</sup> The representative of Lebanon moved that the provisional agenda be amended to include also the complaint submitted by Egypt.<sup>75</sup> Upon the proposal of the representative of the United States,<sup>76</sup> the Security Council adopted an amended agenda which included both the complaint of Israel and that of Egypt, and agreed that the two items should be considered consecutively.<sup>77</sup>

The Council considered the complaint submitted by Israel at its 657th to 664th meetings between 4 February and 29 March 1954. The complaint submitted by Egypt has not been taken up.

At the 662nd meeting on 23 March 1954 the representative of New Zealand introduced a draft resolution to note with grave concern that Egypt had not complied with the Security Council resolution of 1 September 1951, to call upon Egypt in accordance with its obligations under the Charter to comply therewith, and to consider that the complaint concerning interference with shipping to the port of Elath should in the first instance be dealt with by the Mixed Armistice Commission.<sup>78</sup>

At the 664th meeting on 29 March 1954, the draft resolution was not adopted. There were 8 votes in favour and 2 against (the vote against being that of a permanent member), with 1 abstention.<sup>79</sup>

<sup>71</sup> S/3168/Add.1, O.R., 9th year, Suppl. for Jan.-March 1954, pp. 2-5.

<sup>72</sup> S/2322, 558th meeting: para. 5.

<sup>73</sup> S/3172, O.R., 9th year, Suppl. for Jan.-March 1954, p. 5.

<sup>74</sup> 657th meeting: para. 8.

<sup>75</sup> 657th meeting: para. 18.

<sup>76</sup> 657th meeting: para. 46.

<sup>77</sup> 657th meeting: para. 114. For communication of the provisional agenda in connexion with the question, see chapter II, Case 3; for consideration of the scope of items on the agenda in relation to the scope of discussion, see chapter II, Case 14.

<sup>78</sup> S/3188/Corr.1, O.R., 9th year, Suppl. for Jan.-March 1954, p. 44. For consideration of contentions concerning Article 25 advanced in connexion with discussion of the binding force of the resolution of 1 September 1951, see chapter XII, Case 3.

<sup>79</sup> 664th meeting: para. 69.

*Decision of 4 May 1954 (670th meeting): Concurrent consideration of complaints submitted by Lebanon and Israel*

By letter dated 1 April 1954,<sup>80</sup> the representative of Lebanon submitted, on behalf of the Hashemite Kingdom of the Jordan, the following complaint for urgent consideration:

"Flagrant breach of article III, paragraph 2, of the General Armistice Agreement between Israel and the Hashemite Kingdom of the Jordan by the crossing of the demarcation line by a large group of military-trained Israelis who planned and carried out the attack on Nahhalin Village on March 28-29, 1954 . . ."

By letter dated 5 April 1954,<sup>81</sup> the representative of Israel requested that the following item be included in the agenda of the Council for urgent consideration:

"Complaints by Israel against Jordan concerning the repudiation by Jordan of its obligations under the General Armistice Agreement . . ."

At the 665th meeting on 8 April 1954, the Council had before it a provisional agenda which, under the general heading "The Palestine question", included the complaints submitted by Lebanon and Israel as sub-items 2 (a) and 2 (b), respectively. The representative of the United Kingdom suggested that the two sub-items be discussed concurrently<sup>82</sup> while the representative of Lebanon proposed that they be considered consecutively.<sup>83</sup>

The Council discussed the question of the procedure to be followed in dealing with the two items at the 665th to 670th meetings between 8 April and 4 May 1954.

At the 670th meeting on 4 May 1954, the Council, by 8 votes in favour, 2 against, and 1 abstention adopted a Brazilian-Colombian proposal<sup>84</sup> to adopt the agenda, to hold a general discussion in which reference might be made to any or all of the items on the agenda, and not to commit itself, at that stage, to the separate or joint character of its eventual resolution or resolutions.

*Decision of 12 May 1954 (671st meeting): Adjournment*

At the 670th meeting on 4 May 1954, after the adoption of the agenda, the President (United Kingdom) invited the representative of Jordan and the representative of Israel to the Security Council table.

The representative of Jordan made a statement in the course of which he stressed the importance to his Government of a separate discussion ending in an independent resolution by the Council on the Nahhalin incident which formed the subject of the complaint.<sup>85</sup>

The representative of Israel inquired whether, in inviting the representative of Jordan to the Council for the purpose of presenting a complaint against Israel, the Council had satisfied itself whether the Government of Jordan had given, or would give, assurances, under

Article 35 (2) of its acceptance in advance of the obligations of pacific settlement provided in the Charter.<sup>86</sup>

At the same meeting, the representative of Lebanon submitted a draft resolution<sup>87</sup> to express the strongest censure and condemnation of the attack on Nahhalin, to request Israel to pay compensation, and to call upon the Members of the United Nations to apply, in accordance with Article 41, such measures against Israel as they deemed necessary to prevent the repetition of such actions and the aggravation of the situation.

At the 671st meeting on 12 May 1954, before inviting the representatives of Jordan and Israel to the table, the President suggested that the Council should take up the question raised by the representative of Israel at the preceding meeting. In this connexion, he reviewed the previous practice of the Council relating to the assumption of obligations by non-member States invited to the Council table.<sup>88</sup>

The Council adopted by 9 votes in favour and none against, with 2 abstentions, a motion made by the representative of France to adjourn the meeting.<sup>89</sup>

The Council has held no further meetings on this subject.

*Decision of 11 November 1954 (685th meeting): Statement by the President summing up the general trend of the discussion*

By letter dated 28 September 1954,<sup>90</sup> the representative of Israel informed the President of the Security Council that an Israel cargo vessel, the *Bat Galim*, had been seized by the Egyptian authorities at the entrance to the Suez Canal. In protesting this act, he demanded that the ship, its crew and its cargo be released forthwith. On 4 October 1954, the representative of Israel by another letter<sup>91</sup> requested that the Council give further consideration to his Government's earlier complaint,<sup>92</sup> which read: "Complaint by Israel against Egypt concerning (a) Enforcement by Egypt of restrictions on the passage of ships trading with Israel through the Suez Canal".

By letters dated 29 and 30 September and 7 October 1954,<sup>93</sup> respectively, the representative of Egypt informed the President of the Council that the Egyptian authorities had arrested the crew of the *Bat Galim* after the vessel, without any provocation, had opened fire on Egyptian fishing boats within Egyptian territorial waters, and that Egypt had lodged a complaint before the Mixed Armistice Commission.

The Council discussed this question at the 682nd to 685th meetings between 14 October 1954 and 11 November 1954.

At the 682nd meeting on 14 October 1954, after statements had been made by the representatives of

<sup>80</sup> S/3195, O.R., 9th year, Suppl. for April-June 1954, p. 1.

<sup>81</sup> S/3196, O.R., 9th year, Suppl. for April-June 1954, p. 2.

<sup>82</sup> 665th meeting: paras. 11, 24.

<sup>83</sup> 665th meeting: para. 28. For consideration of the scope

<sup>84</sup> 665th meeting: para. 28. For consideration of the scope

<sup>85</sup> 665th meeting: para. 28. For consideration of the scope

<sup>86</sup> See above, under Decision of 29 March 1954.

<sup>87</sup> S/3297/Corr.1, O.R., 9th year, Suppl. for July-Sept. 1954,

p. 47; S/3298, S/3302, O.R., 9th year, Suppl. for Oct.-Dec. 1954, pp. 7, 9.

<sup>88</sup> S/3195, O.R., 9th year, Suppl. for April-June 1954, p. 1.

<sup>89</sup> S/3196, O.R., 9th year, Suppl. for April-June 1954, p. 2.

<sup>90</sup> 665th meeting: paras. 11, 24.

<sup>91</sup> 665th meeting: para. 28. For consideration of the scope of items on the agenda in relation to the scope of discussion, see chapter II, Case 15.

<sup>92</sup> 670th meeting: paras. 2, 63-68, 73.

<sup>93</sup> 670th meeting: paras. 92-127.

Israel\* and Egypt\*, the Council agreed, upon the proposal of the representative of Brazil, to defer consideration of the matter pending the receipt of a report from the Mixed Armistice Commission.<sup>94</sup>

Following consideration by the Council of a message<sup>95</sup> from the Chief of Staff of the United Nations Truce Supervision Organization that, in view of procedural objections raised by the Egyptian delegation, the Mixed Armistice Commission had been unable to discharge its duties, the President, at the 685th meeting on 11 November 1954, made the following statement summarizing the position of the Council:

"The Council considers that it is for the Chairman of the Mixed Armistice Commission to decide the order of importance of the questions considered by the Commission, and consequently to determine the order in which they shall be examined.

"The Council thinks that it would be advisable for the Chairman, in making that evaluation, to bear in mind that the Council has been seized of the *Bat Galim* incident and decided at its meeting of 14 October 1954 (682nd meeting) to defer the consideration of the matter pending receipt of the Mixed Armistice Commission's report. The Council consequently desires that the Chairman should give the consideration of this incident priority over that of other, less important, incidents, and that the Commission should consider the incident with great care and do everything possible to transmit its report to the Security Council without delay—that is to say, before the end of the month.

"The Council appeals to both parties to assist the Chairman of the Commission by conforming to the decision which he gives and expediting the consideration of their dispute by the Commission.

"The President of the Security Council will advise the Chief of Staff of the Truce Supervision Organization of the foregoing, and will see that the records of the Council's meetings of 14 October and 3 and 11 November 1954 are transmitted without delay to the Chairman of the Mixed Armistice Commission to inform him of the feeling of members of the Council."

The President stated that if the Council felt that he had interpreted its views as accurately as possible, he would write to the Chief of Staff of the Truce Supervision Organization in the terms he had used.<sup>96</sup>

*Decision of 13 January 1955 (688th meeting): Statement by the President summing up the general trend of the discussion*

At the 686th meeting on 7 December 1954 the Council had before it a report dated 25 November 1954 by the Chief of Staff of the Truce Supervision Organization.<sup>97</sup> The Council also had before it a letter dated 4 December 1954<sup>98</sup> from the representative of Egypt. The report of the Chief of Staff contained an account of

the consideration of the Egyptian complaint regarding the *Bat Galim* by the Egypt-Israel Mixed Armistice Commission, which had adopted an Israel draft resolution that the complaint was unfounded. The letter from the representative of Egypt informed the President of the Council that owing to insufficient evidence the Egyptian judicial authorities had set aside the charges against the members of the crew of the *Bat Galim*, who would be released on the conclusion of the necessary formalities. The Egyptian Government was prepared to release the seized cargo immediately.

At the 688th meeting on 13 January 1955, the President (New Zealand), no draft resolution having been introduced in the Council, summed up the general trend of the discussion as follows:<sup>99</sup>

"In addition to the statements of the parties, we have heard statements from eight members of the Council. Although not all members of the Council have spoken, and although it must be recognized that the representative of Iran has limited himself to the *Bat Galim* incident, it is evident that most representatives here regard the resolution of 1 September 1951 as having continuing validity and effect, and it is in this context and that of the Constantinople Convention that they have considered the *Bat Galim* case.

"In so far as steps have been taken by Egypt towards a settlement—for example, the release of the crew and the announcement by the Egyptian Government of its willingness to release the cargo and the ship itself—these steps have been welcomed by representatives round this table. Hope has been expressed that a continued attitude of conciliation on both sides will speedily bring about an agreement on the arrangements for the release of the ship and the cargo.

"It has been suggested by the representative of Peru that, if this is desired by the parties, the Chief of Staff of the Truce Supervision Organization might be prepared to extend his good offices to expedite the conclusion of such arrangements. I have no doubt that, if requested by the parties, he would be prepared to do this."

*Decision of 29 March 1955 (695th meeting):*

*Condemning the attack by Israel regular army forces against Egyptian regular army forces in the Gaza Strip*

*Decision of 30 March 1955 (696th meeting):*

*Requesting the Chief of Staff of the Truce Supervision Organization to continue his consultation with the parties on measures to preserve security in the area of the demarcation line*

By letters dated 1 and 2 March 1955,<sup>100</sup> respectively, the representative of Egypt informed the President of the Security Council of an attack by Israel armed forces against Egyptian armed forces in the Gaza Strip and requested him to call a meeting of the Council as a matter of urgency to consider the following complaint:

<sup>94</sup> 682nd meeting: paras. 181-182.

<sup>95</sup> S/3309, O.R., 9th year, Suppl. for Oct.-Dec. 1954, pp. 10-11.

<sup>96</sup> 685th meeting: paras. 7-17.

<sup>97</sup> S/3323, O.R., 9th year, Suppl. for Oct.-Dec. 1954, pp. 30-43.

<sup>98</sup> S/3326, O.R., 9th year, Suppl. for Oct.-Dec. 1954, p. 44.

<sup>99</sup> 688th meeting: paras. 98-101.

<sup>100</sup> S/3365, S/3367, O.R., 10th year, Suppl. for Jan.-March 1955, pp. 32-33.

"Violent and premeditated aggression committed on 28 February 1955 by Israel armed forces against Egyptian armed forces inside Egyptian-controlled territory near Gaza . . . in violation of *inter alia* article I, paragraph 2, and article II, paragraph 2, of the Egyptian-Israeli General Armistice Agreement."

By letter dated 3 March 1955,<sup>101</sup> the representative of Israel requested the President to place on the agenda of the Council the following item:

"Complaint by Israel of continuous violations by Egypt of the General Armistice Agreement and of resolutions of the Security Council, to the danger of international peace and security . . ."

At the 692nd meeting on 4 March 1955, the Council adopted the agenda including the two complaints, which were considered consecutively at this and four subsequent meetings ending on 30 March.

At the same meeting, the Security Council expressed the desire to continue the examination of the item after the receipt of a written or a personal report of the Chief of Staff of the United Nations Truce Supervision Organization.<sup>102</sup> The Chief of Staff submitted his report<sup>103</sup> in person to the Security Council at its 693rd meeting on 17 March 1955.

At the 695th meeting on 29 March 1955, the representatives of the United Kingdom, France and the United States submitted a joint draft resolution<sup>104</sup> dealing with the Gaza incident.

At the same meeting, the Council unanimously adopted<sup>105</sup> the joint draft resolution, which read as follows:

"*The Security Council,*

"*Recalling* its resolutions of 15 July 1948, 11 August 1949, 17 November 1950, 18 May 1951 and 24 November 1953,

"*Having heard* the report of the Chief of Staff of the United Nations Truce Supervision Organization and statements by the representatives of Egypt and Israel,

"*Noting* that the Egyptian-Israeli Mixed Armistice Commission on 6 March 1955 determined that a 'prearranged and planned attack ordered by Israel authorities' was 'committed by Israel regular army forces against the Egyptian regular army force' in the Gaza strip on 28 February 1955,

"1. *Condemns* this attack as a violation of the cease-fire provisions of the Security Council resolution of 15 July 1948 and as inconsistent with the obligations of the parties under the General Armistice Agreement between Egypt and Israel and under the United Nations Charter;

"2. *Calls again upon* Israel to take all necessary measures to prevent such actions;

"3. *Expresses* its conviction that the maintenance of the General Armistice Agreement is threatened by any deliberate violation of that agreement by one of the parties to it, and that no progress towards the return of permanent peace in Palestine can be made unless the parties comply strictly with their obligations under the General Armistice Agreement and the cease-fire provisions of its resolution of 15 July 1948."

At the 696th meeting on 30 March 1955, the Council had before it another draft resolution<sup>106</sup> submitted jointly by France, the United Kingdom and the United States concerning the general question of easing the situation along the armistice demarcation line between Egypt and Israel.

At the same meeting, the draft resolution was adopted unanimously.<sup>107</sup>

It read as follows:

"*The Security Council,*

"*Taking note* of those sections of the report [S/3373] by the Chief of Staff of the United Nations Truce Supervision Organization which deal with the general conditions on the armistice demarcation line between Egypt and Israel, and the causes of the present tension,

"*Anxious* that all possible steps shall be taken to preserve security in this area, within the framework of the General Armistice Agreement between Egypt and Israel,

1. *Requests* the Chief of Staff to continue his consultations with the Governments of Egypt and Israel with a view to the introduction of practical measures to that end;

2. *Notes* that the Chief of Staff has already made certain concrete proposals to this effect;

3. *Calls upon* the Governments of Egypt and Israel to co-operate with the Chief of Staff with regard to his proposals, bearing in mind that, in the opinion of the Chief of Staff, infiltration could be reduced to an occasional nuisance if an agreement were effected between the parties on the lines he has proposed;

4. *Requests* the Chief of Staff to keep the Council informed of the progress of his discussions."

*Decision of 19 April 1955 (698th meeting): Statement by the President of the consensus of the Council*

By letter dated 4 April 1955,<sup>108</sup> the representative of Israel requested urgent consideration by the Council of the following item:

"Complaint by Israel against Egypt concerning repeated attacks by Egyptian regular and irregular armed forces and by armed marauders from Egyptian-controlled territory against Israel armed forces and civilian lives and property in Israel, to the danger of the peace and security of the area and in violation of the General Armistice Agreement and the resolutions of the Security Council . . ."

<sup>101</sup> S/3368, O.R., 10th year, Suppl. for Jan.-March 1955, pp. 33-34.

<sup>102</sup> 692nd meeting: para. 68.

<sup>103</sup> S/3373, O.R., 10th year, Suppl. for Jan.-March 1955, pp. 35-94.

<sup>104</sup> S/3378, O.R., 10th year, Suppl. for Jan.-March 1955, pp. 95-96.

<sup>105</sup> 695th meeting: para. 114.

<sup>106</sup> S/3379, O.R., 10th year, Suppl. for Jan.-March 1955, p. 96.

<sup>107</sup> 696th meeting: p. 32.

<sup>108</sup> S/3385, O.R., 10th year, Suppl. for April-June 1955, pp. 1-3.



The Council considered this complaint at the 697th and 698th meetings on 6 and 19 April 1955, respectively.

At the 697th meeting on 6 April 1955, the Council, upon the proposal of the representative of the United Kingdom, decided to postpone further discussion of the matter pending the receipt of a report from the Chief of Staff of the Truce Supervision Organization.<sup>109</sup>

At the conclusion of the 698th meeting on 19 April 1955, the President (USSR) stated<sup>110</sup> the consensus of opinion of the Council to be that there was no need for any new action by the Council on the question under discussion, inasmuch as the facts brought to the Council's notice and the possible measures to avert frontier incidents along the demarcation line between Egypt and Israel were fully covered in the resolutions of 29 and 30 March 1955. He appealed to the parties to co-operate sincerely to give full effect to those resolutions.<sup>111</sup>

*Decision of 8 September 1955 (700th meeting): Calling upon the parties to take all steps necessary to bring about order and tranquillity in the area of the Egypt-Israel demarcation line*

By letter dated 7 September 1955,<sup>112</sup> the representatives of France, the United Kingdom and the United States requested that the Security Council consider the following item:

"The Palestine question: Cessation of hostilities and measures to prevent further incidents in the Gaza area."

The three representatives explained that the discontinuance of the talks initiated by the Chief of Staff of the Truce Supervision Organization in accordance with the resolution of 30 March 1955, and the recent outbreak of violence in the Gaza area made it imperative that an unconditional cease-fire be maintained in full force and that concrete measures be taken urgently by Egypt and Israel to prevent further incidents and to bring about order and tranquillity in the area.

A joint draft resolution to this effect accompanied the letter.

The Council, which considered this item at its 700th meeting on 8 September 1955, also had before it a letter dated 6 September<sup>113</sup> from the representative of Egypt concerning the observance by Egypt of the cease-fire proposed by the Chief of Staff of the United Nations Truce Supervision Organization, and an Israeli armed attack at Khan Yunis in the Gaza area. It also had before it a letter dated 6 September 1955<sup>114</sup> from

<sup>109</sup> 697th meeting: paras. 81, 83. For the report of the Chief of Staff, see S/3390, O.R., 10th year, Suppl. for April-June 1955, p. 6.

<sup>110</sup> 698th meeting: paras. 149-150.

<sup>111</sup> A further appeal to the parties to co-operate fully in the prompt implementation of the Council's resolution of 30 March 1955 was contained in a letter (S/3406) dated 7 June 1955, which the President (United States) addressed to the members of the Council. Copies of the letter were sent to the representatives of Egypt and Israel and the Secretary-General. S/3406, O.R., 10th year, Suppl. for April-June 1955, p. 27.

<sup>112</sup> S/3432.

<sup>113</sup> S/3431.

<sup>114</sup> S/3433.

the representative of Israel containing the reply of his Government to the proposed cease-fire.

At the same meeting, the joint draft resolution was adopted unanimously.<sup>115</sup> It read as follows:

"The Security Council,

"Recalling its resolution of 30 March 1955 (S/3379),

"Having received the report of the Chief of Staff of the Truce Supervision Organization (S/3430),

"Noting with grave concern the discontinuance of the talks initiated by the Chief of Staff in accordance with the above-mentioned resolution,

"Deploring the recent outbreak of violence in the area along the Armistice Demarcation Line established between Egypt and Israel on 24 February 1949,

"1. Notes with approval the acceptance by both parties of the appeal of the Chief of Staff for an unconditional cease-fire;

"2. Calls upon both parties forthwith to take all steps necessary to bring about order and tranquillity in the area, and in particular to desist from further acts of violence and to continue the cease-fire in full force and effect;

"3. Endorses the view of the Chief of Staff that the armed forces of both parties should be clearly and effectively separated by measures such as those which he has proposed;

"4. Declares that freedom of movement must be afforded to United Nations Observers in the area to enable them to fulfill their functions;

"5. Calls upon both parties to appoint representatives to meet with the Chief of Staff and to co-operate fully with him to these ends; and

"6. Requests the Chief of Staff to report to the Security Council on the action taken to carry out this resolution."

## THE THAILAND QUESTION

### INITIAL PROCEEDINGS

By letter dated 29 May 1954,<sup>116</sup> addressed to the President of the Security Council, the acting permanent representative of Thailand brought to the attention of the Council, in conformity with Articles 34 and 35 (1) of the Charter, a situation which, in the view of his Government, represented a threat to the security of Thailand, the continuance of which was likely to endanger the maintenance of international peace and security. Large-scale fighting had repeatedly taken place in the immediate vicinity of Thai territory and there was a possibility of direct incursions of foreign troops. He brought the situation to the attention of the Security Council to the end that the Council might provide for observation under the Peace Observation Commission.

At the 672nd meeting on 3 June 1954, the Security Council included the question in the agenda.<sup>117</sup>

The Council considered the question at its 672nd, 673rd and 674th meetings between 3 and 18 June 1954.

<sup>115</sup> 700th meeting: para. 133.

<sup>116</sup> S/3220, O.R., 9th year, Suppl. for April-June 1954, p. 10.

<sup>117</sup> 672nd meeting: para. 17. On the inclusion of the question in the agenda, see chapter II, Case 9.