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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 TWENTY-FIFTH MEETING

Held in New York on Thursday, 14 June 1973, at 10.30 a.m.

President: Mr. Yakov MALIK
(Union of Soviet Socialist Republics).

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/1725)

1. Adoption of the agenda.
2. The situation in the Middle East:
 - (a) Security Council resolution 331 (1973).
 - (b) Report of the Secretary-General under Security Council resolution 331 (1973) (S/10929).

The meeting was called to order at 11 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East:

- (a) Security Council resolution 331 (1973);
- (b) Report of the Secretary-General under Security Council resolution 331 (1973) (S/10929)

1. The PRESIDENT (*translation from Russian*): In accordance with decisions adopted by the Security Council at previous meetings I intend, with the consent of the Council, to invite the representatives of Egypt, Israel, Jordan, the United Republic of Tanzania, Chad, the Syrian Arab Republic, Nigeria, Algeria, Morocco, the United Arab Emirates, Somalia, Guyana, Mauritania, Kuwait, Qatar, Saudi Arabia, Lebanon, Iran and Bahrain to take part, without the right to vote, in the consideration by the Security Council of the situation in the Middle East.

At the invitation of the President, Mr. M. H. El-Zayyat (Egypt), Mr. Y. Tekoah (Israel) and Mr. A. H. Sharaf (Jordan) took places at the Council table; and Mr. S. A. Salim (United Republic of Tanzania), Mr. H. G. Ouang-motching (Chad), Mr. H. Kelani (Syrian Arab Republic), Mr. E. O. Ogbu (Nigeria), Mr. A. Bouteflika (Algeria), Mr. M. Zentar (Morocco), Mr. A. Al-Pachachi (United Arab Emirates), Mr. H. Nur Elmi (Somalia), Mr. R. E. Jackson (Guyana), Mr. M. El Hassen (Mauritania), Mr. A. Y. Bishara (Kuwait), Mr. J. Y. Jamal (Qatar), Mr. O. Sakka (Saudi Arabia), Mr. E. Ghorra (Lebanon), Mr. F. Hoveyda (Iran)

and Mr. S. M. Al-Saffar (Bahrain) took the places reserved for them at the side of the Council Chamber.

2. The PRESIDENT (*translation from Russian*): I should like to inform members of the Security Council of the following. As President of the Council, I have received a telegram from the President of the Republic of Chad, Mr. François Tombalbaye, which reads as follows:

"I have the honour to request postponement for 24 hours of the suspension of the Security Council debate on the situation in the Middle East, in order to enable Mr. Baba Hassane, the Minister for Foreign Affairs of my Government, to take an active part in the discussion. The Minister will leave Fort Lamy on 14 June and arrive in New York on 15 June, and will speak in the debate during the afternoon meeting. By giving my country this opportunity to discharge the mandate entrusted to it by the most recent summit meeting of the Organization of African Unity, your Council will be making yet another contribution to the search for a peaceful settlement to ensure lasting peace in the region under discussion."

3. In the light of this request from the President of Chad and the fact that in accordance with a Security Council decision of 6 June this year Chad was invited to take part, without the right to vote, in the consideration of the question of the situation in the Middle East, I intend, if there is no objection on the part of Council members, to accede to the request of the President of Chad and, as an exception, to give the floor to the Minister for Foreign Affairs of Chad, Baba Hassane, to make a statement on the question of the situation in the Middle East at the meeting tomorrow, 15 June, after the Council has concluded its discussion of the question of Cyprus, in view of the fact that we are scheduled to suspend the discussion of the situation in the Middle East today. If there is no objection, it is so decided.

It was so decided.

4. The PRESIDENT (*translation from Russian*): Before calling on the first speaker on the list for today's Council meeting, I call on the Secretary-General, Mr. Kurt Waldheim.

5. The SECRETARY-GENERAL: At the Council's 1721st meeting, on 11 June, the Foreign Minister of Egypt addressed three questions to me. I now wish to reply to those questions.

6. In reply to the first question I want to state that Ambassador Jarring informed the representatives of the

parties at the time of his intention to submit an aide-mémoire relating to Israel and Jordan. In reply to a question from the Egyptian representative whether Ambassador Jarring intended to submit an aide-mémoire relating to Syria, Ambassador Jarring stated that Syria had not so far accepted Security Council resolution 242 (1967) and had not agreed to enter into contact with him. If it were to do so, an aide-mémoire relating to Syria might have been submitted.

7. As noted in the aide-mémoire of 8 February 1971 addressed to Israel and the United Arab Republic [*S/10403, annex I*], its aim was to break the deadlock between the parties and thus to enable discussions to proceed on the provisions of peace agreements, including in particular a just settlement of the refugee problem. Ambassador Jarring recognized that the question would be most complicated and difficult and would involve the formulation of a detailed plan.

8. In reply to the second question, I wish to recall that, under the Egyptian-Israeli Armistice Agreement of 1949, Gaza, which is not Egyptian territory, is put under Egyptian administration pending the conclusion of a peace settlement. It was for this reason that Gaza was not covered in the aide-mémoire, as was explained at the time by Ambassador Jarring to the United Arab Republic representative. The statement of the Foreign Minister of Egypt is therefore in essence correct.

9. As regards the third question, the Council will recall that the Secretary-General was not present at the four-Power meetings, nor was he associated with those meetings. The practice at the time was for the representative of the permanent member who had presided over a particular meeting to brief the Secretary-General informally and for his own information about matters discussed during that meeting.

10. I can confirm that a note on the oral report to my predecessor on the meeting of four of the permanent members of the Council on 24 June 1971 covers the general sense of that meeting as stated on 11 June by the Foreign Minister of Egypt.

11. Obviously, detailed information can be provided only by the representatives of those Powers which participated in the talks.

12. The PRESIDENT (*translation from Russian*): As you know, at the 1721st meeting of the Security Council on 11 June this year, the Minister for Foreign Affairs of the Arab Republic of Egypt, Mr. El-Zayyat, noted that the Security Council was conscious that there were three questions which he had put earlier and to which he would like to receive an answer. I would remind the Council of these questions by Mr. El-Zayyat:

"One, does the principle of non-acquisition of territories by force or by war, or the necessity that the weight of military victory should not be reflected—to use an American expression—mean that no territory at all can be thus acquired, or does it mean that the acquisition of small choice morsels of territory is permissible while the acquisition of unreasonably big territories is not?

"Two, is the principle of territorial integrity that everyone here upholds and defends—including the United States of America, whose last five Presidents have asserted their conviction that this principle should be inviolable in the Middle East—applicable to all the nations or to all the nations except the Arab nations?

"Three, is the principle of self-determination acclaimed by all the United Nations Members, including Israel, valid vis-à-vis the hundreds of thousands, the millions, of Arab Palestinians, or is it valid for everyone except the Palestinians?

"Could the Council—our Council—have adopted, or could it adopt now, any decisions or resolutions that would allow or can be interpreted to allow the breach of these three principles?" [*1721st meeting, paras. 50-53.*]

13. As President of the Security Council, I intend to answer these questions put by Mr. El-Zayyat in the following manner. The basis for my answer is the relevant provision of the United Nations Charter, and also the decisions of the principal organs of the United Nations, the Security Council and the General Assembly.

14. First, I should like to say something about the principle of non-acquisition of territories by force or by war and the closely allied principle of the territorial integrity of States.

15. In the first place, the Charter of the United Nations contains clear and precise provisions on this subject. Article 2, paragraph 4, of the Charter reads:

"All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations".

16. In the second place, there are a number of fundamental documents of a general nature adopted by the United Nations which have a direct bearing on this question.

17. For example, the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, which was adopted by the General Assembly at its twenty-fifth session as resolution 2625 (XXV), proclaims, as the first such principle, "The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations". As a concrete justification for this principle, the Declaration contains the following provision: "The territory of a State shall not be the object of military occupation resulting from the use of force in contravention of the provisions of the Charter. The territory of a State shall not be the object of acquisition by another State resulting from the threat or use of force. No territorial acquisition resulting from the threat or use of force shall be recognized as legal."

18. A similar provision is also contained in paragraph 5 of the Declaration on the Strengthening of International Security, adopted by the General Assembly at its twenty-fifth session as resolution 2734 (XXV).

19. In the third place, there are also relevant decisions of the Security Council and the General Assembly on this question, relating specifically to the situation in the Middle East.

20. Apart from the well-known Security Council resolution 242 (1967) of 22 November 1967, which emphasizes "the inadmissibility of the acquisition of territory by war", this principle was also confirmed subsequently in Security Council resolutions 252 (1968) of 21 May 1968, 267 (1969) of 3 July 1969 and 298 (1971) of 25 September 1971.

21. The General Assembly, in its turn, when discussing the question of the situation in the Middle East, confirmed the principle of the inadmissibility of the acquisition of territory by force and of the inadmissibility of the threat or use of force against the territorial integrity of States in its resolutions 2628 (XXV) of 4 November 1970, 2799 (XXVI) of 13 December 1971 and 2949 (XXVII) of 8 December 1972.

22. Thus both the Security Council and the General Assembly, in accordance with the Charter, regard the principle of the non-acquisition of territory by force and the principle of the territorial integrity of States as a universally recognized standard of international law, the violation of which is inadmissible in any circumstances and which is applicable to all cases, including specifically the situation in the Middle East.

23. In connexion with the question as to whether the principle of self-determination is applicable to the Palestinian Arabs, I should like to say the following.

24. In the first place, the Charter contains clear provisions in this respect. For example, Article 1, paragraph 2, of the Charter states that the purposes of the United Nations are, *inter alia*: "To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples". Article 55 speaks of "peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples". From these and other relevant provisions of the Charter, it follows that the principle of equal rights and self-determination of peoples is one of the fundamental principles of the United Nations Charter.

25. In the second place, it is also well known that the Declaration on Friendly Relations and Co-operation among States, which I have already mentioned, singles out the principle of equal rights and self-determination of peoples as a separate principle. In the relevant provisions of the Declaration which give concrete expression to this principle, it is stated, *inter alia*, that "all peoples have the right freely to determine, without external interference, their political status". It is also stated that "Every State has the duty to promote, through joint and separate action, realization of the principle of equal rights and self-determination of peoples, in accordance with the provisions of the Charter". It is also emphasized that every State has the

duty to refrain from any forcible action which deprives peoples of their right to self-determination and freedom and independence.

26. In the third place, there are also a number of specific resolutions of United Nations organs applicable to the Palestinian Arabs. For example, there is resolution 194 (III), adopted on 11 December 1948, which states in paragraph 11 that the General Assembly "*Resolves* that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible". Also applicable are General Assembly resolutions 2672 C (XXV) of 8 December 1970, 2729 D (XXVI) of 6 December 1971 and 2963 E (XXVII) of 13 December 1972. The operative part of the last of the resolutions I have referred to reads as follows:

"*The General Assembly,*

"...

"1. *Affirms* that the people of Palestine are entitled to equal rights and self-determination, in accordance with the Charter of the United Nations;

"2. *Expresses once more its grave concern* that the people of Palestine have not been permitted to enjoy their inalienable rights and to exercise their right to self-determination;

"3. *Recognizes* that full respect for and realization of the inalienable rights of the people of Palestine are indispensable for the establishment of a just and lasting peace in the Middle East".

27. Thus, according to the Charter and decisions of United Nations organs, every people, without exception, has the right to self-determination. United Nations decisions specifically confirm that this right also applies to the Arab people of Palestine.

28. I give the floor to the representative of the United States on a point of order.

29. Mr. SCALI (United States of America): Mr. President, I have listened carefully to your statement, and I shall read it with even greater care. But since there have been no consultations on the three questions addressed to the Council, I must assume that you have spoken in your individual capacity.

30. The PRESIDENT (*translation from Russian*): I call on the representative of Israel.

31. Mr. TEKOAH (Israel): At the 1723rd meeting of the Security Council, on 12 June 1973, I stated:

"...

"If there were any doubts that debates in the Security Council can serve no useful purpose because they

inevitably lead to polemics and recrimination, the statement by the Soviet representative has removed them. If there were need to convince anyone that, as declared by Israel's Foreign Minister, debates in the Security Council cannot contribute to harmony and understanding but generally widen and deepen the differences, the Soviet representative's statement has been a most convincing factor." [1723rd meeting, para. 79.]

32. Today, in the light of the fact that it was possible for the representative of the USSR to usurp the right to speak for the entire Security Council and in view of the fact that it was possible for him to misuse his office of President of the Security Council to present unilateral, selective and distorted interpretations of the United Nations Charter and resolutions of organs of the Organization, I should like to emphasize that there can be no more doubt about the fact that the Security Council is not a forum which offers the possibility of examining seriously and on its merits the situation in the Middle East.

33. The representative of the USSR in the statement which we just heard mentioned a series of documents, Articles and provisions. He omitted, however, the crucial one which applies in this situation and which overshadows all the others—and that is Article 51 of the Charter of the United Nations, which states:

"Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations . . .".

34. Israel has been subjected to armed aggression on the part of the Arab States since 1948. Nothing that has been stated by the representative of the Soviet Union can derogate from Israel's inherent right to continue to defend itself, to protect its territory and its population.

35. The PRESIDENT (*translation from Russian*): I call on the representative of Egypt.

36. Mr. EL-ZAYYAT (Egypt): I take note of Article 51, just cited.

37. The PRESIDENT (*translation from Russian*): I confined myself to mentioning the provisions of the Charter and decisions of United Nations organs directly relevant to the problems raised in the questions put by the representative of Egypt.

38. I take note of the statement by the representative of the United States that he will read my statement carefully, and I hope that after doing so he will change his opinion.

39. As for the statement of the representative of Israel, no one really expected any other reaction from him to these United Nations decisions. I added nothing of my own, but merely mentioned the provisions of the Charter and United Nations decisions relevant to the questions which the representative of Egypt had raised. On the reference made by the representative of Israel to Article 51 of the Charter, which we are all aware of, I can only comment that it refers to the right of States to self-defence, and not to any right

to violate the standards of international law and the Charter concerning the non-acquisition of territories by force.

40. Sir Laurence McINTYRE (Australia): Mr. President, let me first of all join other speakers in this debate in welcoming you to the presidency of this Council for the month of June. I think it is not exactly a new experience for you. I asked you a few days ago if you could remember how many times you had occupied this presidential chair, and you said you could not remember, but I think we worked out that it must be approaching 10 times. You have now confirmed that it is nine times, which must be a record that will be difficult for anybody to surpass. We need clearly have no misgivings about your capacity to conduct the Council's business confidently and decisively, and I would also suggest, if I may, that the tact, courtesy and patience with which you have directed our present debate have contributed in no small degree to the relatively restrained key in which it has so far pursued its course.

41. I do not forget either the very able, unruffled and genial fashion in which your predecessor, Ambassador Abdulla of the Sudan, performed his functions as President during the month of May.

42. I should like also to add my own words of welcome to the Foreign Ministers who have come here from Africa and the Arab countries to make their views known on the subject that is now before us. The Foreign Minister of the Arab Republic of Egypt, Mr. El-Zayyat, is of course an old friend and colleague, and it is always a pleasure for us to welcome him back here. As regards the other African Foreign Ministers, we will all of us recall the imaginative and constructive initiative that was taken by the Committee of Ten of the Organization of African Unity in 1971 and carried into effect by the mission of four Heads of State in an attempt to find a way towards a breakthrough in the Middle East dispute—an initiative which, if I may say so, deserved more success than it was able to achieve.

43. I have read with particular care the report that the Secretary-General has submitted in response to the Council's resolution 331 (1973) [S/10929], and I have found it to be a model of objectivity and a very comprehensive summary of developments in the Middle East since the events of the middle of 1967. If I had had any intention of recapitulating and analysing those developments in this statement, that report has absolved me from the need to do so, and I have no impulse at this time to go further back and explore the origins of this intractable and grievous situation. As has already been said in the course of this debate, it is a history of missed opportunities and untimely setbacks, brought about partly by failure to establish communication on a common wavelength and partly by the concatenation of acts of violence, from all of which it is not difficult to ascribe blame on both sides. There is bound to be a temptation in a situation of this kind to dwell on the past, and the Middle East offers countless opportunities for rumination and recrimination about what should have been done or not done and about whose behaviour was honourable, or intransigent, or simply equivocal.

44. We can at any rate agree that there have been injustices and excesses which have all formed part of the

vicious circle of violence and reprisal referred to by the Secretary-General in his introductory statement [1717th meeting] and which have effectively contaminated any atmosphere that might have been conducive to rational discussion and reasoned consideration and decision by the parties directly concerned. Nobody could have done more to help the parties to create such an atmosphere than Ambassador Jarring, whose enormous patience and dedication to the fulfilment of his mandate as the Secretary-General's Special Representative can only remain a matter of admiration to all of us.

45. But while we cannot escape from the past, it is the present and the future that we must concentrate on, and the paramount need not to miss but to seize this current opportunity to help the Arab States and Israel in the direction of the kind of settlement that they must ultimately reach between themselves. If we sit by and allow attitudes and confrontations to harden to the point of petrification, we may find ourselves stuck with a mountain of stones all set up, as it were, for a disastrous landslide at the first disturbance of any of them.

46. Without wishing to be thought unduly optimistic it seems to me that there are some signs, however faint, that this debate has taken at times a somewhat different and perhaps more hopeful course, at least in its early stages, than have previous debates in this Council and the General Assembly and its subsidiary bodies. It is naturally to be expected that in any debate on the Middle East there is bound to be dissension and recrimination over the past. We have heard recriminations in this debate, and we have become accustomed to hearing them before. But it seems to me that there is an undertone—and call it no more than an undertone—of conscious restraint, of attentive listening, and of probing for answers to questions asked with a deliberate purpose and in a genuine search for information.

47. The Secretary-General has reminded us that the Security Council is the only forum where all the parties to the conflict have been able to meet together in the same room. Both Foreign Minister El-Zayyat and Ambassador Tekoah have denied that they are here just to score points off each other, and I want to believe them. Accordingly, I like to think that they have been conducting, across those few yards between their seats, and however tentatively, the beginning of a kind of dialogue which could conceivably open a small door towards negotiation. If I am right, this would be an augury for which we ought to be grateful and also encouraged.

48. At this point I should like to indicate the attitude of my own Government towards the Middle East dispute. I shall first of all quote an extract from an address given by the Australian Prime Minister, Mr. Gough Whitlam, who is also Foreign Minister, on 6 May on the occasion of the celebration of the twenty-fifth anniversary of the foundation of Israel. After recalling Australia's traditional friendship with both sides in the dispute and emphasizing Australian support for the sovereignty of Israel, Mr. Whitlam concluded in the following words, addressing himself I might note primarily to the Jewish community in Australia:

"I am not in the business of telling Israel what is for her own good. I know that such advice from me would be

gratuitous and superfluous. I can only speak about the most useful course, for Australia cannot take the same pessimistic view of the United Nations as I think Israel tends to do . . . There is no more certain way to ensure the continued ineffectiveness of the United Nations than that the smaller nations of peace and freedom should despair absolutely of that one world body of which they form a majority. The greatest victims of the breakdown through despair of the League of Nations were the Jewish people. No nation would have more to lose than Israel by a breakdown of the United Nations.

"We have affirmed, and we continue to believe, that the best prospect for an enduring peace in the Middle East will flow from an agreement freely arrived at between the parties. My Government will work to secure support for negotiations towards such an agreement, both in the United Nations and in all our diplomatic endeavours."

49. On 6 June, in a communiqué issued at the conclusion of his visit to India, Mr. Whitlam joined with the Indian Prime Minister, Mrs. Indira Gandhi, in expressing concern at the grave situation in the Middle East and reaffirming their belief that Security Council resolution 242 (1967) provided the basis for a just and durable settlement of this serious and long outstanding problem.

50. This then sums up the attitude of my Government towards a settlement of the Middle East dispute—that the best prospect for an enduring peace will flow from an agreement freely arrived at between the parties and growing out of the full implementation of resolution 242 (1967).

51. The importance of resolution 242 (1967) needs no emphasis; we have been constantly reminded of it throughout this debate, and of the fact that it is the only resolution to which Israel, Egypt and Jordan are fully committed. As has been stressed more than once, we must be careful not to jeopardize the full support that it enjoys, but must instead ensure that it is respected and implemented as a whole and in all its parts.

52. We have heard it said by both Egypt and Israel—and let us for the moment ignore any qualifications or glosses that may be put on it—that they are ready to enter into talks without pre-conditions. If this reflects a genuine and sincere desire on both sides—and this is of course a *sine qua non*—it should surely not be beyond the ingenuity of talented people, of whom there are many, both Arab and Israeli, to approach a negotiating table, or if necessary separate tables, or separate tables in distant rooms, with at least some common purposes in mind.

53. One broad common objective might be to rid themselves of the siege mentality, if I may call it that, which has for so long afflicted the whole of the Middle East, and to try to envisage the benefits of a condition of peace in which all States of the region, living within secure and recognized boundaries and with their sovereignty and territorial integrity fully respected, could look ahead to the ultimate prospect of mutual co-operation for their common good.

54. Another and perhaps more difficult objective might be to devise an acceptable balance between safeguarding the

vital principles laid down in the Charter and in resolution 242 (1967) and reconciling the practical realities of the existing situation with the likely consequences of a continued stalemate.

55. Another and equally difficult aim would be to bring about a territorial settlement or series of settlements to replace on a permanent basis the temporary arrangements arrived at as long ago as 1949 under the various Armistice Agreements, starting from the premise that those agreements contained, in one form or another, an injunction that their provisions were without prejudice to existing rights and claims or to future territorial settlements or boundary lines.

56. A fourth aim might be to devise a solution to the plight of the Palestine refugees under which these unfortunate people could be assured of a permanent home or homes and given hope in place of despair for the future and perhaps even some kind of national identity of their own.

57. All this may sound altogether premature, presumptuous and Utopian at this stage; but we cannot allow ourselves to lapse into a state of congenital pessimism and frustration. We must continue to draw hope from any sign, however faint, of a desire on both sides to begin a search for a basis of understanding and mutual accommodation. If we in this Council see any such signs—and I am still convinced that some hints have appeared in the course of this debate—there must be a heavy obligation on all of us, in any action we may take, in the framework of resolution 242 (1967), to help and not to hinder any tentative step towards conciliation. We can be sure that the Secretary-General will continue to do everything within the terms of his authority to get the parties into a dialogue—whether direct, indirect, “proximity” or even remote perhaps should not greatly matter—and, of course, Ambassador Jarring still retains his mandate from resolution 242 (1967).

58. We can certainly expect no miracles. Any final settlement is obviously going to be long in coming. There will need to be a mixture of carrot and stick, but sympathetic and patient encouragement is likely to be more helpful to the parties concerned than criticism of past failures and excesses. It may be that the parties will find it possible to advance step by step; it may be that they will take a long time over delivering a complete package or set of packages. But a final and lasting settlement must ultimately arrive; the alternative is surely too unthinkable to contemplate.

59. The PRESIDENT (*translation from Russian*): The next speaker on the list is the representative of Jordan, on whom I now call.

60. Mr. SHARAF (Jordan): This statement is not made in the spirit of the right of reply. It is an attempt at the positive clarification of issues before the Council.

61. In the course of the debate in the Council a number of issues were raised, primarily by the representative of Israel, which require some comment. The history and the roots of the problem aside, there are immediate issues and concepts pertaining to the efforts to establish a just and lasting peace

in the area, which must be analysed and from which the proper conclusions must be drawn. Jordan has been in the midst of the sufferings of the past six years and of the international attempts to establish a just peace. Jordan participated in the consultations and activities which led to the adoption in November 1967 of resolution 242 (1967). It cannot watch passively the relentless efforts made to empty that resolution of its contents, isolate it from the context in which it was adopted, and attribute alien and subversive meanings to it.

62. We have heard a number of contentions which reflect this attack on the content of the United Nations effort to bring peace and justice to the Middle East.

63. The first contention is that Security Council resolution 242 (1967) did not provide for Israel's return to the lines which existed before the outbreak of hostilities on 5 June 1967. Sometimes this contention is based on an interpretation attributed to the semantic construction of the provision for the withdrawal. On other occasions this is based on the claim that return to the lines of 5 June conflicts with the provision for secure and recognized borders.

64. The interpretation derived from the semantic construction of the provision for withdrawal is totally invalid. Paragraph 1 in resolution 242 (1967), providing for Israeli withdrawal, is governed by a clearly stated principle at the very outset of the resolution, the principle of the inadmissibility of acquisition of territory by war. It is also governed by the broader and more basic principles of international law and the United Nations Charter. The Charter is based on respect for the territorial integrity of States and on the undertaking by Members not to use force against the territorial integrity and political independence of States. The provision for withdrawal by the Israeli armed forces from the occupied territories is, therefore, inseparable from this broad and basic foundation of contemporary international order. That is what common sense dictates.

65. In any case when we, the Arab parties, accepted resolution 242 (1967), that is what it obviously meant. The semantic construction of the provision for withdrawal was rightly subordinated to the logical and contextual significance of that provision in the light of international law, the law of the United Nations and the modern concept of international relations. Not long before the adoption of resolution 242 (1967), during the fifth emergency special session of the General Assembly, the Latin American group had presented to the General Assembly a draft resolution which contained the following operative paragraph:

“Urgently requests:

*“(a) Israel to withdraw all its forces from all the territories occupied as a result of the recent conflict”.*¹

Israel did not vote against that draft resolution. The more recent arguments for changed borders and partial withdrawal were not introduced then. Total Israeli withdrawal

¹ See *Official Records of the General Assembly, Fifth Emergency Special Session, Annexes*, agenda item 5, document A/L.523/Rev.1.

from all the occupied territories was considered as the natural state of things. So the semantic argument for incomplete withdrawal and for acquisition of territory is absurd and meaningless.

66. But the Israeli spokesmen have advanced another argument, the argument that total withdrawal conflicts with the provision for the establishment of "secure borders". How are borders made "secure"? Neither common sense nor the honest interpretation of resolution 242 (1967) could lead to the conclusion that "secure" borders means "expanded" borders. First of all, security is not a one-sided concept. Security among nations is by definition mutual. It certainly can have no other meaning in a resolution on peace in the Middle East.

67. If "secure borders" were to mean expanded borders, why should it not mean borders expanded at the expense of Israel, rather than at the expense of the Arab States neighbouring Israel? In fact, it would be more logical, in view of the situation on the ground, to argue for expanded—meaning secure—borders for the Arab countries now under Israeli occupation after the withdrawal of Israeli forces, if this notion were to be accepted.

68. But secure borders are not borders based on forcible expansion. Secure borders are made so by other elements: a major element is the absence of mutual grievance; a major element is the solution of the explosive outstanding problems between the countries sharing the borders. There are also other, more concrete measures States can take to make their borders physically secure, such as the establishment of areas of mutual demilitarization, and international guarantees. Surely it was these elements of security that resolution 242 (1967) envisaged.

69. Secure borders are inviolable borders; they are not borders made deceptively secure by the acquisition by one State of a hill or a river belonging to the neighbouring State—still less by the planting of military settlements in the heart of the neighbouring country. Jordan maintains that this is the only way in which the concept could be understood.

70. The Israeli claim that the return to the lines which existed before the outbreak of hostilities is a return to a situation which caused war in 1967 is a distortion of the issues of peace and security in the area. What caused the war of 1967 was not the faulty demarcation of armistice lines: what caused it was the existence of an explosive political situation. It was explosive because Israel had allowed the grievance of its Arab neighbours to compound, while it closed itself completely to any constructive solutions to the problems which caused these grievances. Then, the issue was the problem of the Palestinian people rendered refugees and denied the choice of repatriation by Israel. The nexus of Arab-Israeli conflicts later derived from this major problem.

71. But be that as it may, the important thing is that Israeli withdrawal in accordance with resolution 242 (1967) is to take place in a changed political and psychological context: it is to take place in the framework of a comprehensive solution to the main problems which obtain

at present. That is the essence of resolution 242 (1967). It is a resolution based on the idea of withdrawal in a peaceful framework. The argument that in addition to Arab acceptance of and commitment to a lasting and guaranteed peace the Arabs should also cede most or some of their national territories is certainly a distorted and destructive interpretation of a balanced and realistic resolution. Jordan, like its Arab neighbours, will not give up any part of its occupied territory to the occupying Power.

72. The second major contention which underlies Israel's position is the claim that the only way to a settlement is direct negotiation and that the Arabs reject this course and therefore reject peace. This exercise in distortion cannot withstand any deep examination. Negotiation, like mediation, arbitration, adjudication or resort to United Nations organs, is one of several methods or procedures for solving an international dispute; it is not a solution in itself. When we object to direct negotiations it is not because we do not want peace or a peaceful solution. We have repeatedly said we need and want peace. It is because we regard this procedure for solving the substantive problems as no guarantee of our rights and claims. We find in the machinery of the United Nations a more equitable forum and procedure that could effect a settlement without prejudice to our rights and interests.

73. The situation before us is one where there are two parties making two distinct claims against each other. Regardless of the substance of those claims, while the Arab side is the aggrieved party historically and on the ground today, the parallel claims exist. The Arab parties demand that the occupation of their national soil be ended and the Israeli occupation forces completely withdrawn.

74. Israel claims, at least ostensibly, that what it wants is peace with its neighbours, and guarantees for its continuance. But Israel occupies the territories of Arab States, and its leaders have repeatedly expressed the intention of their Government to annex substantial slices—perhaps all—of the occupied territories. The actions of Israel in the occupied territories support such Arab fears and forebodings.

75. The Arab States directly concerned, which accepted resolution 242 (1967), accepted it as a United Nations guarantee and framework of action for the parallel fulfilment of the mutual claims. They accepted the obligation for future peace and coexistence. They want a guarantee of the integrity of their national soil and of the effective and speedy evacuation of the occupying forces. Israel's words and actions give no such assurance. So the only way to a just and balanced settlement is practical insurance of the parallel implementation of these mutual claims through an objective procedure.

76. We brought our case to the United Nations to ensure that. We welcomed the advent, as a result of resolution 242 (1967), of the role of an impartial United Nations representative working for a balanced fulfilment of the parallel obligations. By insistence on direct negotiations Israel is not pointing to the road of an equitable settlement: it is excluding the more guaranteed procedure for an equitable settlement. It is inviting the Arab countries which

are under occupation to give up any objective guarantee or guarantees for an equitable outcome and to deliver their rights and interests to the full weight of the Israeli conquest.

77. Jordan believes that the road to peace is not through surrender to the demands of the forces of conquest. Peace can be achieved only, and can last only, if it is based on equity and a free undertaking. That is why we welcomed and co-operated to the utmost with the impartial representative of the United Nations working within the framework of a balanced resolution. We shall continue to do so and maintain a positive attitude towards his mandate and initiatives.

78. There is a final point I wish to make. It pertains to the often-mentioned concept of an imposed solution. The concept has been repeatedly rejected with indignation by the representatives of Israel. A number of delegations have taken great pains to dissociate their proposals and intentions from it.

79. Well, we are all agreed on that. Jordan and its fellow Arab States reject the idea of an imposed settlement. We do not accept a settlement imposed on us by coercion. When the Israeli spokesmen insist that they do not accept an imposed solution, we find ourselves in agreement with them. It is obvious that the days of big Powers imposing their will on small nations and forcing them to conform to their view of things are ended. The same applies to imposition by smaller Powers. The age of the Charter does not permit it, it does not allow the coercive imposition of inequitable and unjust settlements by the stronger party on the momentarily weaker party in a dispute. We reject this concept sincerely and consistently. Israel claims to oppose it as vehemently. But how consistently?

80. When the United Nations steps into a situation to prevent the prejudicial imposition of will by the conqueror on the conquered, it is fulfilling its duty. It is preventing an unjust imposed settlement, not performing one.

81. We agree with Israel in rejecting an imposed settlement. We are asking the United Nations to protect us against an imposed settlement by Israel.

82. Having made our position clear on these major points, I wish to reiterate our basic goals. Jordan believes in peace. It believes in a lasting peace in the Middle East. The peace must be just and realistic. Jordan wants a constructive resolution of the present conflict. It believes that this can best, in fact only, be achieved through the insurance of territorial integrity, justice to the people who suffered mainly and most as a result of the conflict, and, perhaps above all, the preservation of the honour and dignity of the people and countries on whom the conflict has been imposed.

83. Mr. ANWAR SANI (Indonesia): Mr. President, on behalf of my delegation, allow me to join previous distinguished speakers in congratulating you upon your accession to the presidency of the Council. It gives me particular pleasure to see the chair occupied by so distinguished and experienced a diplomat, one whose

previous record of accomplishment in many fields of international relations and especially in the work of the United Nations assures us that the conduct of our deliberations is in most competent hands.

84. My delegation also wishes to express its thanks to the outgoing President for guiding our work during the month of May, and to assure my distinguished colleague and good friend Ambassador Rahmatalla Abdulla of the Sudan of our highest appreciation for the excellent manner in which he has acquitted himself of his duties during his term of office.

85. My delegation would also like to thank the Secretary-General for the report he has prepared in such a short time, and for the efforts he and his Special Representative have made to implement Security Council resolution 242 (1967). I would like to express the high appreciation of my delegation to Ambassador Jarring for the initiative, patience and perseverance which mark his endeavour as Special Representative of the Secretary-General to help bring the problem of the Middle East towards a solution, as the report clearly shows.

86. Although the Council has met many times during these years to consider specific aspects of the Middle East problem, usually upon a complaint by one of the parties, this is the first time in six years that the Security Council has had the opportunity to review the whole problem of the Middle East, in particular the implementation of resolution 242 (1967).

87. The position of Indonesia with regard to the Middle East conflict is well known and has been clearly set forth in the statements of the Indonesian delegation both in the General Assembly and in the Security Council. It is unnecessary for me to restate this position at length. There are, however, two basic elements which I would like to reiterate also in view of the relevant questions put to the Council by the Foreign Minister of Egypt.

88. The first element is that my country supports the struggle of the Palestinian people to secure their just and lawful rights which have been recognized many times by the General Assembly and the Security Council. No settlement can be achieved without accommodation of the just rights of the Palestinian people. The second element is Indonesia's firm support for the Arab countries to bring about Israeli withdrawal from all the territories it is now occupying as a result of the 1967 war.

89. Indonesia's support has become itself firmly rooted in the relevant resolutions of the General Assembly and the Security Council. It is in these resolutions that the essential principles for a just solution have been formulated, and it is to those principles that we must turn in our search for such a solution.

90. The rights of the Palestinians were first set forth 25 years ago in General Assembly resolution 194 (III). Those rights were reaffirmed by the Security Council and the General Assembly in subsequent resolutions. In this connexion my delegation would like to remind the Council of its resolution 237 (1967) which called upon the Government of Israel "to ensure the safety, welfare and security of

the inhabitants of the areas where military operations have taken place" and recommended "scrupulous respect of the humanitarian principles governing the treatment of prisoners of war and the protection of civilian persons in time of war contained in the Geneva Conventions of 12 August 1949". Security Council resolution 242 (1967) does not forget the refugees when it affirms in paragraph 2 (b) the necessity "for achieving a just settlement of the refugee problem".

91. These resolutions, taken together, leave no doubt that it is the considered opinion of this body and of the General Assembly that the rights of the Palestinians, whether living as refugees or under Israeli occupation, must be respected and that accommodation of those rights is essential to the settlement of the present conflict. If there are people who demand that the rights of Israelis should be respected, there is all the more reason to claim the same respect for the rights of the Palestinians who are the original inhabitants of the territory, but who now have to live on international charity under most difficult conditions, to say the least, in the refugee camps. If justice is claimed for the people of Israel, the same justice, for more valid reasons, should be demanded for the people of Palestine.

92. The inadmissibility of acquisition of territory by war is made equally clear in the resolutions of the Security Council. Resolution 242 (1967) establishes this inadmissibility in its second preambular paragraph, while in paragraph 1 (i) it clearly mentions "withdrawal of Israel armed forces from territories occupied in the recent conflict" as one of the principles essential to the attainment of a just and lasting peace.

93. In its answer to the initiative of Ambassador Jarring of 8 February 1971, Israel stated in its communication of 26 February 1971 that Israel "will not withdraw to the pre-June 5, 1967 lines" [S/10403, annex III]. Israel's intention has become quite clear. Israel intends to integrate parts of the occupied territories into its national territory in order to establish what it considers "secure and recognized boundaries". This is, in our opinion, clearly acquisition of territory as the result of war, which is in flagrant contravention of the principle of non-acquisition of territory by force established by the Security Council and by the General Assembly.

94. My delegation of course appreciates the need for secure and recognized boundaries. But this cannot be interpreted to mean that they should be imposed by military means, or that they should be the result of a change by force of internationally recognized frontiers. That would be clearly against the principle of the inadmissibility of the acquisition of territory by war itself and against the principle of respect of territorial integrity, and consequently the inviolability of international frontiers, to which we all adhere.

95. My delegation is of the view that the security of boundaries depends not so much on military strategic considerations, important though they are, as, in the first place on the atmosphere of peace and mutual good will that exists between neighbouring countries. It is, in the opinion of my delegation, much more important to create this

atmosphere of peace and mutual good will than to aim at the occupation by force of other people's territory in order to secure boundaries. My delegation is of the view that really secure borders can in the long run only be effectively guaranteed not in the first place by soldiers and guns but by peace and mutual good will. In the case of the Middle East the return by Israel of all occupied Arab territories to their rightful owners will pave the way toward such a situation where boundaries will be secure because there is peace.

96. After reading the report of the Secretary-General, one unfortunately must conclude that the most earnest efforts of the Secretary-General and of his Special Representative, Ambassador Jarring, have not succeeded in bringing about the implementation of resolution 242 (1967). Israel continues to occupy the Arab territories which it initially seized in 1967. More than that, it has in the interim begun to take steps to integrate those territories into Israel, in clear defiance of a series of resolutions by the General Assembly and by the Security Council. Although those resolutions have repeatedly condemned those practices and have declared the results of such practices null and void, Israel has not been dissuaded from continuing them. Indeed, it has accelerated them, as we can conclude from what is happening in Jerusalem, in the Golan Heights, on the West Bank of the Jordan, in the Sinai, apparently in an attempt to present the world with a fait accompli. In addition, no attempt has been made by Israel to comply with Security Council resolution 237 (1967), paragraph 1 of which strictly enjoined it "to facilitate the return of those inhabitants who have fled the areas"—where military operations had taken place—"since the outbreak of hostilities".

97. The Government of Israel has time and again ignored the resolutions of the Security Council and of the General Assembly. Security Council resolution 259 (1968) clearly requires that Israel assist the Special Representative in the implementation of resolution 237 (1967), but Israel has not done so. The General Assembly has adopted many resolutions which call upon Israel to respect the rights of the inhabitants of the occupied territories, yet none has been heeded.

98. I will refrain from elaborating on the development of the Middle East problem since 1967. Suffice it to refer to the report of the Secretary-General. It is clear to my delegation, however, from that report that Egypt reacted positively to Ambassador Jarring's initiative of 8 February 1971 which would have enabled the parties to move towards a solution, while Israel by its reaction scuttled the initiative. As to the situation now prevailing in the Middle East, the Foreign Minister of Egypt, Mr. El-Zayyat, has analysed it in a clear and sober manner. His colleagues from other Arab and African countries while conveying to the Council the resolution of the Organization of African Unity on the Middle East have also elaborated on practically all important aspects of the present situation and how it has developed. I need not repeat their observations.

99. In the face of what realistically can only be considered a failure of the efforts to implement the relevant resolutions, it is incumbent on the Security Council to go beyond the ritual of making statements followed by rights

of reply; the Council should make a serious effort and take concrete steps to overcome the present impasse and move towards a settlement of the problem.

100. My delegation agrees with the observation of the Secretary-General which appears in paragraph 116 of his report to the effect that the Security Council is the only forum in which all parties to the conflict have been able to meet together in the same room. Of course, to arrive at a definitive solution the voice of the Palestinians as one of the most directly interested parties should be heard. My delegation also shares the hope expressed by the Secretary-General that this unique circumstance may indeed be utilized for constructive moves towards a settlement. The Security Council should make every effort to ascertain what those constructive moves towards a settlement can be. It will be most helpful if the Secretary-General on the basis of his and his Special Representative's experience in trying to implement resolution 242 (1967) could share with the Council his thoughts about the nature of those constructive moves in informal exchanges of views. It is incumbent on the Council to determine what further steps may be taken, with a realistic chance of success to overcome the present impasse and to attain that general settlement towards which the efforts of so many, over so long a period of time, have been bent, so far unsuccessfully.

101. My delegation agrees with the view that resolution 242 (1967) should remain the basis for a solution of the Middle East problem. New guidelines could be formulated in order that continued efforts by the Secretary-General and his Special Representative to implement resolution 242 (1967) will have a better chance of achieving concrete results. It seems to my delegation rather unfair to request the Secretary-General and his Special Representative on the basis of paragraph 3 of resolution 242 (1967) to continue their efforts in the same manner, while we have the discouraging results of the last six years spelt out before us in the report of the Secretary-General. To refresh the Council's memory, allow me to quote paragraph 3 of resolution 242 (1967) which contains the terms of reference of the Special Representative of the Secretary-General:

"Requests the Secretary-General to designate a Special Representative to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution;"

I repeat, "in accordance with the provisions and principles in this resolution."

102. I can imagine the difficulty if not the impossibility of the task of the Special Representative if the provisions and principles referred to in his terms of reference are being interpreted in several ways, if there does not exist one clear and agreed interpretation of those provisions and principles by which he is supposed to be guided. I suppose that I am not out of order, if I think aloud and wonder, whether the members assisted by the Secretary-General should not try to search for those constructive moves mentioned by the Secretary-General in his report and for the steps to be taken

to overcome the present impasse in closed session or through informal consultations rather than through debating the issue in open session.

103. One can imagine that Israel and its supporters would very much like to maintain the *status quo*, as in a short-sighted manner they may consider it to be to the advantage of Israel, particularly in view of Israel's efforts to consolidate its hold upon the occupied territories. It might very well be that Israel's thinking is dominated by its present powerful military machinery, and by the assurance of political, military, economic and financial support from certain quarters. It is not easy to escape entirely the impression that Israel is actually seeking to perpetuate the *status quo* and deliberately acts to create an impasse whenever that *status quo* appears to be threatened by the Council's action or any other diplomatic move so as to confront the world with the *de facto* integration of part or of the whole of the Arab occupied territories into Israel. The Council should make it irrevocably clear that acquisition of territory, even of "small choice morsels" to use the words of the Foreign Minister of Egypt, by force is a flagrant violation of one of the most fundamental principles of the Charter, reaffirmed in Council resolution 242 (1967) when it established the inadmissibility of such acquisition.

104. It is not impossible that the world is gradually becoming used to living with this unsolved problem. It may well be that, although people continue to pay lip service to the warning that the situation in the Middle East is a danger to regional as well as world peace, some of them do not in fact believe this to be really the case, perhaps because of the atmosphere of détente that is permeating the world. Having lived so long with a dormant volcano they may imagine that it will not again erupt. It could also be that a so-called realistic evaluation of so-called facts has led some people to the conclusion that in reality the danger of an explosion does not exist, because of their estimate, based upon what they thought to be the Arab response to the continuing crisis in the Middle East, that the Arab countries do not possess the capability and sense of unity and purpose to really start a new war.

105. The dangers of such a line of thinking must be obvious to any impartial observer, and certainly to the members of this Council. No one with a sense of justice or a knowledge of history can expect that the Arab countries will acquiesce in the loss of their territories. No one can imagine that the Palestinians will be content to remain refugees forever, living miserably on the far from adequate charity of the international community. If other means fail, inevitably there will be a determined effort to redress injustice and humiliation inflicted by force also by the use of force. If the United Nations and its Security Council are not capable of restoring to the Palestinians their just rights, if we cannot prevail upon Israel to vacate all those Arab territories it occupies as the result of its aggression, then we must expect that the Arabs will endeavour to redress the situation by the only means left to them, and that is by force.

106. If the Israelis were capable of waiting for centuries for the right moment to act, I cannot see how the Arabs can be expected, under much better odds, to give up in

despair after 25 years. The failure of the international community—represented by this Council—to act and the Council's impotence to implement its own decisions may eventually force the Arab peoples to choose the way of force, as we cannot expect them to follow the alternative of capitulating to Israel's demands as they now stand. With the resources, manpower and determination they possess, the Arab capability to use force is not as illusory as perhaps some may think.

107. The danger to peace in the Middle East is real, very real. The Security Council, as the guardian of international peace and security, must be able to avoid the outbreak of a new Arab-Israeli armed confrontation; it must be able to contribute effectively to a solution of the Middle East problem; it must be able to create conditions which are conducive to the establishment of a lasting peace in the Middle East.

108. It must be said at this point that my delegation is especially looking to all the permanent members of this Council, and in particular to the two super-Powers, whose highest leaders are going to meet each other shortly, for their positive contribution to the solution of the problem. We are looking to them because of the special position accorded them by the Charter as permanent members of the Security Council with the right of veto, which gives them special responsibilities. While some, perhaps, may be tired of this plea for the unrestrained co-operation of the permanent members in the search for a solution, it remains a reality that because of their power, their prestige and their right of veto their positive contributions will constitute a decisive factor for the success of any attempt which the Council may contemplate to move the Middle East problem towards a peaceful and accepted settlement.

109. Mr. PEREZ DE CUELLAR (Peru) (*interpretation from Spanish*): Mr. President, I cannot initiate my participation in this debate without conveying to you my satisfaction at seeing you preside over our work in this month of June. In that task, you have placed at our service your well-known talent, experience and authority. At the same time I should like to express my delegation's gratitude to the representative of the Sudan, Mr. Rahmatalla Abdulla, for the extraordinary efficiency and dignity with which he presided over the Council last month.

110. It is the feeling of my delegation that when the Council by consensus decided last April to take up the situation in the Middle East as a whole, for the first time since 1967, it undertook the clear responsibility to reactivate the highest level of diplomatic machinery available to the international community in order to search for a solution to the dangerous situation that has come to be called a situation of "no peace and no war".

111. The Secretary-General has made our task much easier with his excellent report, which is orderly, objective and realistic. In that report he reminds us of the important task carried out by the various instruments established by the General Assembly and the Security Council, and he rightly informs us that this Council is the only forum which can bring together in one and the same room all those who are parties to the conflict.

112. The reactivation of the diplomatic machinery to which I have referred is necessary and cannot be postponed because the United Nations cannot by an act of omission indicate that it favours the consolidation of a *status quo* which is legally untenable and undermines peace and security both in the region and throughout the world.

113. When it unanimously adopted its resolution 242 (1967), the Security Council fulfilled its obligation under the Charter. That resolution is the legal framework for a solution, and at the same time it is the point of departure for negotiations. We all know it was the result of compromises worked out painfully, and that had a great impact upon its text. But it is—and how could anybody question it?—the best instrument or tool we have available. In this debate it has repeatedly been stated that we must protect that resolution because it is a document worked out on the basis of a delicate balance. We agree with that. But unless it is our intention to preserve it solely for archaeological purposes, resolution 242 (1967) can be preserved only through proper implementation.

114. Accordingly, our first loyalty is owed to the principles contained in that resolution—that is, the concepts of international law included in Article 2 of the Charter, the inadmissibility of the acquisition of territory by conquest, territorial integrity and the political independence of all States in the region. Arising from those principles and in accordance with them, resolution 242 (1967) enumerates the obligations devolving upon the parties, which should discharge those obligations in application of Articles 24 and 25 of the Charter.

115. Peru, together with the broad majority of Members of the United Nations which supported the most recent resolutions of the General Assembly on this point, considers that Ambassador Jarring, the Special Representative of the Secretary-General, was quite right in trying to put an end to the impasse through his initiative of 8 February 1971. In our opinion, in the aide-mémoire prepared by Ambassador Jarring were raised the basic questions flowing from paragraph 1 of resolution 242 (1967). Positive replies from both parties would have prepared the scene for the *quid pro quo* which would allow the process of consultation to continue.

116. Therefore we find it necessary to state that the positive answer of the Arab Republic of Egypt to the aide-mémoire of 8 February is a step forward and constitutes a substantial concession and that, unfortunately, the key phrase in the reply of Israel—"Israel will not withdraw to the pre-5 June 1967 lines"—is an obstacle to the continuation of the Jarring mission and a step backward in the implementation of resolution 242 (1967). I wish to avail myself of this opportunity to pay a tribute to the work which has been done in the course of five years by the Special Representative of the Secretary-General, Ambassador Gunnar Jarring, who by his ability, discretion, impartiality and patience, is an admirable example of service to the cause of peace.

117. Whatever might be the solution of the semantic problem which arose, as far as I know, from one of the official languages of our Organization, I do not see how the

Council could agree that under its auspices any acquisition of territory by force could be sanctioned, because by acting in that fashion it would be violating its own constituent Charter.

118. True security cannot be based on buffer territories nor on the maintenance of an occupation situation which is always precarious. The key to security lies in the observance of principles of coexistence which permit the development of all the peoples of the region. In the Near East this implies the recognition on the part of the neighbouring Arab countries of the State of Israel with all the attributes inherent in that status under international law, and those, of course, are reaffirmed in resolution 242 (1967). But, by the same token, in turn it implies the withdrawal of forces by Israel from the occupied territories, and, what is equally important, a solution to the problem of the Palestine people, which has been living for so many years uprooted and in a state of despair.

119. The task which devolves upon the Security Council, after having laid down the guidelines for a just and lasting peace in the region, is now to ensure compliance with its decision taken six years ago. That is the purpose which brings us together now, with the presence of the parties to the dispute and their representatives present here, among whom I should like to mention in particular my friend Mr. El-Zayyat, the Minister for Foreign Affairs of Egypt.

120. We have listened with the greatest interest to the appeals made by the spokesmen of the Organization of African Unity, represented here by eight States. The recent decision of that organization, which met in Addis Ababa, is an important and authoritative contribution which goes along with that of the group of non-aligned countries, whose statement on this particular question was made in the Georgetown Declaration. Both statements reflect the concern of a broad sector of the international community at the danger which is inherent in the situation in the Middle East. The Georgetown Declaration, for that matter, has special significance for Peru, since the President of our Republic, General Velasco Alvarado, announced our desire to become members of the group of non-aligned countries at that time.

121. We are approaching the end of the initial stage of our debate. We consider that we have already embarked upon reactivating the diplomatic process to which I referred at the beginning of my statement. The Minister for Foreign Affairs of Peru, General de la Flor, stated at the twenty-seventh session of the General Assembly:

"We repeat to this Assembly our conviction that any solution that we attempt to provide for the conflict in the Middle East must be fitted into the framework of that resolution [Security Council resolution 242 (1967)] if guarantees of lasting peace are to be achieved."²

122. Therefore, we have all the necessary elements so that in the forthcoming stages of our consideration of the situation in the Middle East we can make progress towards

that peace to which we all aspire, and, in particular, to which those States that are partially occupied aspire, that is, Egypt, Jordan and Syria.

123. Mr. JANKOWITSCH (Austria): Mr. President, it is a pleasure and a privilege to present to you the congratulations and good wishes of my delegation on your assumption of the presidency of the Council for the month of June 1973. In the person of Ambassador Malik we greet not only a most distinguished United Nations diplomat but also a representative of a country with which Austria maintains close and friendly relations.

124. The statement with which you, Mr. President, opened our debate last week [*1717th meeting*] was a valuable word of guidance and reflected the wisdom and experience which have marked your many years of work in the United Nations. Incidentally, as to the length and extent of that experience, I have found this morning that my colleague, the representative of Australia, Sir Laurence McIntyre, had engaged in research similar to my own. In supplementing that research, which testifies to the seniority and experience of our President, I was much impressed to learn that that experience spans a period of 25 years and that you presided over the Council for the first time in August 1948. Your reference to the wide-ranging changes which have occurred in the international situation, the turn from the times of dangerous tension of the cold war towards *détente* and peaceful coexistence that you gave us at the beginning of this debate, was a message of hope and promise.

125. May I also take this opportunity to thank Ambassador Abdulla of the Sudan most sincerely for the expeditious and skilful way in which he conducted our work as President of the Council during the month of May.

126. The particular relevance of the subject matter under discussion by this Council is demonstrated by a number of facts. It was only a short time ago that a body as prestigious as the Assembly of the Heads of State of the Organization of African Unity which met in Addis Ababa addressed itself to this very same topic. The interest shown at that Assembly concerning the question of the Middle East was already, and constructively, expressed in the Mission of Enquiry conducted by African Heads of State under the chairmanship of President Senghor in 1971. The importance of the question has been brought out furthermore by the presence of a number of Ministers for Foreign Affairs of African countries at this Council. We have listened to their statements with utmost attention.

127. In the company of Foreign Ministers whose participation in our debate is a tribute to the work of the Council, we welcome the presence of Mr. El-Zayyat, whose initiative two months ago was at the origin of our debate.

128. In accordance with the Security Council's request in resolution 331 (1973), the Secretary-General has submitted a report which has justly been qualified as comprehensive, objective and most readable. In studying this report, we feel a deep debt of gratitude to the untiring, loyal and impartial services which the Special Representative of the past and present Secretaries-General, Ambassador Gunnar Jarring,

² *Ibid.*, Twenty-seventh Session, Plenary Meetings, 2054th meeting, para. 186.

has given to the United Nations. We welcome his presence here during our debate.

129. In his report, the Secretary-General refers to the "extremely complex and difficult" nature of the problem "which no Government or group of Governments has been able to solve outside the framework of the United Nations" [S/10929, para. 116]. The report makes it clear in this context that if the United Nations has so far not succeeded in bringing peace to the region, it played the decisive role in bringing about the cease-fire arrangement in 1967 and has contributed in no small measure to prevent the outbreak of a further armed conflict. There can be no doubt, therefore, that, as in the past, the United Nations will be called upon to play a major part and that in conformity with the Charter the primary responsibility for the maintenance of international peace and security remains with the Security Council.

130. The statements that have been made so far have highlighted once again a crisis fraught with danger, with human suffering and despair, with violence and fear. If the debate of a question that has defied a solution for nearly three decades has, at times, vividly reflected the political reality of the situation, we should be careful to label it harmful or negative because it did just that.

131. In trying to understand the situation in the Middle East, it must be a cause of deep concern that a region so rich in cultural and economic achievements, with a history that has profoundly influenced the course of human events, which has given birth to three great religions, that a region of such spiritual and material wealth should be torn apart by hatred and strife. And it is understandable that Europe, a neighbouring region, has a special interest in a peaceful settlement.

132. Austria shares the feelings of concern so often and emphatically voiced by the international community at the tragic conflict besetting the countries of the Middle East. Past and present history as well as geography have provided a wide variety of human, cultural, economic and political links between my country and the countries and peoples of that area. We treasure these relations and we are most anxious to see them further developed in the future.

133. It is then in this spirit of friendship and respect that my delegation wishes to offer some observations on the problem. In doing so, we are fully and painfully aware of how little we can say that has not been said before and how modest, consequently, our contribution to this debate must be. However, it may be sufficient at this stage to point out and underline some of the elements on which, in our view, any new attempt to make progress must be based.

134. In addressing itself to the problem of the Middle East at this time, the Security Council, as the report of the Secretary-General points out, is not considering individual aspects but "the problem as a whole". Much has been said in this context and at many previous occasions about the fundamental importance of resolution 242 (1967) of 22 November 1967, as the guideline, the framework and basis for a solution in the Middle East and although the resolution may be subject to different interpretations, its basic contents, its message is clear.

135. The wide acceptance which that resolution has received results, to a large measure, from the fact that several of its provisions represent principles on which the orderly conduct of international relations must rest. The inadmissibility of the acquisition of territory by war, the emphasis on the territorial inviolability and political independence of every State in the area, Israel and its Arab neighbours, their right to live in peace within secure and recognized boundaries, free from threats or acts of war, are some of these principles as enumerated in the resolution.

136. If such basic validity and relevance is attributed to the provisions of the resolution, it follows that all of them must be fulfilled so as to permit the resolution to achieve its objectives. This includes the just settlement of the problem of the Palestinian refugees.

137. Having known the grave political, social and humanitarian implications of the existence of a large number of refugees—a phenomenon all too common in Europe over decades—my country has never been insensitive to the plight and frustration of the Palestinians.

138. Prior to the adoption of resolution 242 (1967) the Austrian Minister for Foreign Affairs taking part in the debate at the twenty-second session of the General Assembly in October 1967 said the following:

"Any such settlement, we believe, will have to be based on the recognition of certain fundamental principles. Among these will have to be the respect for the territorial integrity of all nations of the area, and of the right of all peoples to live in peace and security. Recognition of this principle, which forms an integral part of the Charter of the United Nations, is indispensable within the community of nations. From this, it follows that all States must settle their international disputes by peaceful means, and refrain from the threat of force or the use of force against the territorial integrity or political independence of other States . . .

"Of equal importance, and as a logical consequence of the first principle, there will have to be recognition of the fact that military occupation of the territory of other States as a result of war or hostilities can be no title to territorial gains, and that occupation forces will have to be withdrawn."³

139. After the unanimous adoption of resolution 242 (1967) by the Security Council, my country consistently supported not only the resolution itself but all efforts based upon it directed towards the establishment of a just and lasting peace.

140. It was thus only natural for my country, as a member of the Security Council, to find out what contribution could be made in the common search for peace in the Middle East. Like other Governments, we have, as best as we could, examined the various aspects of the problem. In doing so, we have endeavoured to determine where progress has been made, where it could be made in the future and

³ *Ibid.*, Twenty-second Session, Plenary Meetings, 1578th meeting, paras. 45-46.

what ingredients would have to go into any attempt to make a new start.

141. Two common denominators readily emerge: The acceptance by the parties of resolution 242 (1967) and their declared willingness to seek a resolution by peaceful means. Consequently, to maintain and strengthen this basis of agreement between the parties, to develop to the fullest extent possible the constructive potential contained therein should be the main preoccupation of the Council in its current debate. This would be a forward-looking strategy, holding as its main concern the fulfilment of the provisions of resolution 242 (1967) "to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution".

142. In appraising the possibilities for progress, account will have to be taken not only of the basis established by the Security Council in 1967 but also of the experience gathered in the six years that have since elapsed. This experience is exhaustively and objectively depicted in the report of the Secretary-General. Our debate has centered on the evaluation of this experience to a great extent, focusing on the continued existence of an anomalous situation, characterized by tension, military occupation and a persistent threat of the outbreak of hostilities.

143. From all that I have said before it would seem self-evident that the long experience and skill invested in this Organization, the United Nations, over many years should be taken advantage of to the highest degree possible. In renewing our belief in the role of the United Nations, we are fully aware of other constructive efforts which serve the same goal and as such deserve our appreciation and support. Several of these efforts have been mentioned in the report of the Secretary-General and referred to by previous speakers.

144. In the search for a solution, however, the primary role of the parties is obvious. As to the method in which the parties may wish to establish and pursue these efforts,

no avenue should be left untried. At the same time it would hardly be conducive to the opening of a new trail towards peace if one and only one approach would be declared acceptable by one or the other party.

145. If, as I have indicated before, a basis for agreement between the parties exists, the principal objective would be to set in motion a process which builds on agreed elements, advancing step by step, combining political realism and strict respect for principles, creating confidence as it continues, and, ultimately, resulting in an over-all settlement.

146. It was with such considerations in mind that my Government, particularly during the period preceding this debate, has maintained close contact with members of this Council and especially with the parties concerned to see what might be done in a common effort to this effect.

147. At the same time, my Government is fully aware of the complexity of the problem and of the need for caution in any efforts designed to assist the parties and promote agreement. It is in a spirit of friendship and respect for the parties who deserve our understanding in the pursuit of objectives vital to them and vital also to peace in their region and to peace in the last decades of the century that, with an open mind, we shall be ready to join with other members of this Council in any further future constructive efforts to advance the cause of peace in the Middle East.

148. The PRESIDENT (*translation from Russian*): I thank the representative of Austria for his statement and for the friendly words he said about me and about my country, as well as on the subject of relations between Austria and the Soviet Union. For my part, may I express my deep satisfaction at the fact that the friendly relations between our countries are developing, and the profound conviction that they will continue to develop in an equally friendly manner in the future.

The meeting rose at 12.50 p.m.