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NOTE

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SEVENTEEN HUNDRED AND THIRTY-SEVENTH MEETING

Held in New York on Tuesday, 14 August 1973, at 10.30 a.m.

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

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

Provisional agenda (S/Agenda/1737)

1. Adoption of the agenda.

2. The situation in the Middle East:

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

The meeting was called to order at 11.05 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East

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

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

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

2. The PRESIDENT: I shall next, in accordance with the decision taken yesterday, and with the consent of the Council, invite the representatives of Iraq and Egypt to take the places reserved for them at the side of the Council chamber.

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

3. The PRESIDENT: The President of the Security Council has received a letter from the People's Democratic Republic of Yemen in which he asks to be allowed to participate in the Council's discussion without the right to vote, in accordance with the relevant provisions of the rules of procedure. I would suggest that, in view of the limited number of places at the Council table, the representative I have just mentioned also be invited to take a place reserved for him at the side of the Council chamber, on the understanding that he will be invited to take a place at the Council table when he is called upon to speak.

At the invitation of the President, Mr. A. S. Ashtal (Democratic Yemen) took the place reserved for him at the side of the Council chamber.

4. The PRESIDENT: Further, the President of the Security Council has received a letter from the representative of the Sudan dated 13 August 1973, [S/10986], which was circulated this morning. Members of the Security Council will see from that document that the representative of the Sudan requests that the Security Council, under rule 39 of its provisional rules of procedure, extend an invitation to Ambassador El-Shibib to address the Council. In accordance with the practice established by the Council and as there appears to be no objection, I take it that the Council agrees to extend an invitation to Ambassador El-Shibib under rule 39 of the provisional rules of procedure. At the appropriate time, I shall accordingly invite him to make a statement.

5. Sir Donald MAITLAND (United Kingdom): Mr. President, when I left London to take up my appointment here I did not expect that I should so soon have the opportunity and the pleasure of congratulating you on your accession to your high office. I wish to assure you that I shall do my best to co-operate with you in your difficult task. I should also like to express my thanks for your kind words of welcome to me and for your generous remarks about my predecessor.

6. I followed the Council's debate yesterday afternoon with close attention. There were moments, it seemed to me, when it ranged rather far and rather wide. But there can be no doubt about the seriousness of the matter which this Council has been summoned to discuss. When the Security Council met in April of this year, following the Israeli raids on Beirut, my predecessor described that operation as "an act of official violence which can, under no circumstances, be justified under the Charter". [1708th meeting, para. 10.] The action we are meeting to consider today falls into the

same category. It is a further step down the path towards what Sir Colin Crowe called "a state of international anarchy" [*ibid.*].

7. The position of my Government on the use of violent methods in international relations, no matter who the perpetrators may be, has been made clear many times. We deplore all acts of violence. But however much we may deplore acts of violence committed by individuals or groups of individuals; however much we may wish that ways be found to halt the growth of international terrorism; however impatient we may feel at the failure of the international community to agree on measures to deal with the problem—however we may feel on those issues, my delegation cannot accept that any Government is entitled to take the law into its own hands and itself commit acts of violence totally inconsistent with international law. By doing so, a Government adds a new dimension to the problems associated with international terrorism and inevitably complicates efforts to find a solution. If there is to be any hope of finding solutions to these problems—and I include amongst these what have come to be known as the "underlying causes"—then those solutions must surely be sought through international action and in accordance with the principles of international behaviour which are enshrined in the Charter of the United Nations.

8. My delegation regrets that the *Ad Hoc* Committee on International Terrorism has failed to agree on any recommendations to submit to the General Assembly. This failure must not be allowed to divert us from the aim of achieving international agreement on measures for dealing with the problem of international terrorism in its many manifestations. Further efforts to find such solutions will have to be made.

9. My Government has for some time been working with other Governments, both in the International Civil Aviation Organization (ICAO) and elsewhere, to achieve international agreement on measures to combat acts of violence which involve interference with civil aviation. Important work has already been done. We hope that further progress will be made in the course of the Extraordinary Assembly of ICAO which is due to start in Rome later this month.

10. But none of this in any way excuses the action of the Israeli Government on 10 August. The argument has been advanced that we live in abnormal times and that this fact justifies the resort to abnormal methods. But the fact that we live in abnormal times is surely not so much an argument for resorting to abnormal methods whenever one party or the other sees the chance of a tactical success; rather is it an argument for redoubling our efforts to normalize our times.

11. There are certain acts which jeopardize innocent lives and which are not admissible whatever the motive when committed by individuals or groups of individuals. How much more inexcusable are those acts when committed by Governments. Moreover, in the case we are considering the undeniable and undeniable fact is that Lebanese air space was deliberately violated by Israeli military aircraft. This is a fact which my Government cannot but deeply deplore.

12. Leaving aside the legal aspects of the recent incident, which in all conscience are clear enough, we cannot ignore the humanitarian aspects. It is fortunate that no lives were lost on this occasion. But the tragedy of the Libyan airliner earlier this year demonstrated the danger of taking forcible action against civil aircraft, and demonstrated it in stark terms.

13. The action which has occasioned this meeting of the Council merits our consideration in its own right. It exemplifies the futility of violence. But not only that; it must be seen against the background of the Middle East problem as a whole. I do not wish to repeat what the United Kingdom delegation said when the Council met to consider this problem last month. I wish only to recall the stress which Sir Colin Crowe laid on the need for the Secretary-General and his Special Representative to resume their efforts, despite the fact that the Council had not gone on record with a specific request to them to do so. In this connexion, my delegation has welcomed the announcement that the Secretary-General will be proceeding with his visit to the area in a few weeks' time. Incidents of the kind we have met now to consider underline how essential it is that all concerned exert their efforts to make progress towards the establishment of a just and lasting peace in the Middle East.

14. Mr. LECOMPT (France) (*interpretation from French*): Mr. President, first of all I should like to congratulate you on your accession to the presidency of the Council. There is no doubt that your distinguished qualities will be of valuable support to us in our work and in particular in our consideration of the question before us today.

15. The Council has met to consider the complaint submitted by Lebanon, following the interception of a civil aircraft on 10 August by Israeli air forces. The Iraqi Government has also sent to the Council a letter of protest [*S/10984*].

16. There is no need for me to dwell on the facts; they are well known to everyone and the Israeli authorities themselves have admitted responsibility. On Saturday the spokesman of the French Government stated that the "Israeli military intervention against a civil aircraft should be condemned". He added that that action had been carried out in violation of the air space of a neighbouring country with which there is an armistice agreement and that it had contributed to aggravating the tension existing in that area of the world. A number of other Governments, through their representatives, also came out vigorously against that inadmissible violation of conventions governing international civil aviation, to which Israel, like all other States, has an obligation to adhere strictly. As Ambassador Ghomra said yesterday [*1736th meeting*], world public opinion has sharply rejected this action, in which it sees a new form of threat to freedom, order and security in civilized communications. There is no need for me to say that France, which maintains well-known ties with Lebanon, fully supports its complaint, which we regard as legitimate.

17. The international community, which we represent here, cannot agree to some Member States deliberately violating rules to which they have voluntarily subscribed. It

cannot, in the present case, tolerate a situation in which Israel unilaterally takes steps which are prejudicial to the rights of the human being, international conventions and the principles of the Charter. The fact that this interception of an aircraft did not have any regrettable consequences for persons or property in no wise attenuates the responsibility for it. Indeed, we know that such incidents can easily degenerate into tragedies. I should like at this point to recall that only a few months ago members of the Israeli army showed inexcusable brutality in an attack on a Libyan civil aircraft which had gone astray. We were told at the time that the tension in the Middle East explained the nervousness shown in the acts committed. It was argued that we should understand a country that had for so long been subjected to severe tension. Is not that tension in fact caused in very large measure by the actions undertaken by Israel? Is it not first of all for the States of the area to keep calm and to act in such a way as not further to compromise attempts at a settlement of the conflict on the basis of resolution 242 (1957)?

18. I have just spoken of States members of the international community and their duties. I do not wish to get into the complex and at times emotional debate which in the *Ad Hoc* Committee on International Terrorism pitted the opponents of individual terrorism against those of so-called State terrorism. I would merely repeat here that States have special obligations in this matter. They must of course set an example by respecting the laws that they make their own citizens respect and that they agree to establish among themselves. The violation of the conventions governing world air traffic which Israel committed, and admits having committed, is from this point of view especially serious because, as the representative of Lebanon said yesterday, it seems that this is the first obvious example of such a thing in the history of civil aviation. It would be deplorable if this example were to be followed by other States in applying to Israel a policy of "an eye for an eye", as it were, thus unleashing again an unending process of action and reaction that could only result in the aggravation of the prevailing state of affairs in the Middle East—a state of affairs which it is for us to make tolerable until such time as it can be remedied.

19. But I should like to limit my remarks—and I would venture to hope that the Council would limit itself—to the action which led to the convening of the Council hardly three weeks after it had thoroughly discussed the whole of the problems an aspect of which has now come up. In view of the nature of the facts with which we are concerned, the Council must clearly condemn the action of the Israeli Air Force. The Council should firmly invite Israel to refrain from an action of this kind in the future and strictly to respect, as it has an obligation to do, the provisions of international conventions in effect. We know that the International Civil Aviation Organization has been seized of this incident, and it will doubtless hold a debate on the subject shortly.

20. In conclusion, I should like to express the hope that, in a matter where responsibility is so clearly established, our Council will reach a decision without delay and, I earnestly hope, unanimously.

21. Mr. KOMATINA (Yugoslavia): Mr. President, may I start by stating how glad my delegation is at seeing you, the representative of a country with which my country has traditionally enjoyed friendly and beneficial relations based on equality and mutual respect and tested in some of the most trying moments of modern history, occupy the important seat of President of the Security Council for the month of August. You may have hoped to be lucky and to have this month pass quietly. But it was not to be so. This is the first time that you personally have assumed the heavy responsibilities of the presidency, and my delegation is ready to extend to you all co-operation in facilitating your burdens. I certainly hope that under your presidency we shall be able to reach decisions that will do credit to the Council in the discharge of its responsibilities under the Charter.

22. The letter from the representative of Lebanon requesting, on instructions of his Government, an urgent meeting of the Council was terse and very short. It did not have to be anything else, as the deed committed by Israel, causing Lebanon again to ask protection from the United Nations, is known to everybody, its nature not in dispute, its grave character undoubted, its far-reaching dangerous implications immediately recognized by many, including, this time, some in Israel itself. That Israel's air force invaded the air space of Lebanon, directly and openly violating the sovereignty of a Member nation, that it committed a serious act of aggression, that in hijacking a civilian plane, endangering the lives of 83 persons on board, it committed an act of air piracy is disputed by no one.

23. What really frightens us is that a Government would decide to commit such an act, immediately risking almost 100 lives, in total disregard of that risk, especially so soon after the tragic experience it itself had had when its own air force, its own military pilots, had shot down the Libyan airliner over occupied Sinai on 21 February 1973, resulting in the massacre of over 100 persons.

24. It was therefore extremely important that the Security Council address itself without any delay to this flagrant rejection of some basic precepts of international law, and we appreciate the prompt calling of a meeting of the Council.

25. The reason why the international condemnation of the latest Israeli act was so swift, widespread, resolute and unqualified is that, being an act of international terrorism committed by a State, a Government of a Member nation, and defended by that State, it is particularly fraught, if left unchecked, with the worst possible consequences for the rule of law upon which the international community must be based. If left unchecked, without the strongest condemnation, without the strongest exception being taken by responsible bodies of international life and public opinion, the basic structure of international law would be gravely compromised and the security of each and every one of us would be further eroded.

26. Israel's latest act is no exception, since it, like so many others, results from that policy of force which characterizes its approach there generally. Israel's committing of such acts and its defence of them—even asking the international

community to issue a licence to Israel to continue committing them—are based on a constant reliance on force almost without precedent in the current conduct of States. According to responsible press reports, high members of Israel's Cabinet are reported to maintain that Israel has a duty to seize any opportunity it can to cripple the Palestinian organizations; that its choice was between doing everything it could to combat Palestinian guerrillas and doing nothing; and—a particularly disturbing doctrine—that acts that are against the normal laws should not be carried out in normal times, meaning that in what one chooses to call abnormal times one can depart from normal laws.

27. Are we really and seriously expected to agree to that, to accept it, to tolerate it even tacitly—if not by commission, then by omission? We hope not. There are simply no grounds, no normal or abnormal situations based on which anyone—I repeat, anyone—can be exempted from the obligation to respect the principles and norms of the Charter and international law. No one can, and no one should be able to, obtain the right to violate them.

28. We are all familiar with the contention that all is permitted under the specious claim of the so-called right of legitimate self-defence. But even apart from the fact that we do not have here a situation of true self-defence, neither the Charter nor international law nor any United Nations decision permits anyone to make that claim and operate accordingly under any circumstances. Therefore there is no need even to mention that the argument of so-called self-defence and the persistently created image of one being in mortal danger and so qualified for special consideration is not at all convincing, especially in the light of the known realities of constant enlargement of one's conquests and of the ever larger population under one's occupation. It is, after all, Palestinian Arabs who are dispossessed of their homes and land, who are under occupation and who are in mortal danger of being denied the ability to live as a nation.

29. Having said all that, one must be mindful of the wider political and security context of the situation in the Middle East in the framework of which Israel has chosen to commit its latest aggressive act. And here too one cannot but be aware of a particularly disturbing pattern. My delegation, among others, has in the past repeatedly stated that Israel, a Member State and a party to the Middle East dispute, often chooses to undertake a serious attack precisely at the time when some diplomatic action is about to take place, when another attempt to contribute to the prospects of settling the Middle Eastern crisis through peaceful means is to be pursued. This time—perhaps in their own minds emboldened by what they consider to be a protective veto—they have chosen to act practically on the eve of the Secretary-General's forthcoming trip to the area, as if his task had not already been made less easy by the fate that befell the last non-aligned draft resolution.

30. We can only hope that nothing will be done to aggravate further an already extremely tense situation. In that respect the Council can on this occasion contribute only if it adopts a decision that in no uncertain terms totally rejects Israel's claim to place itself outside and above international law and the Charter. Let me add that it is our deep conviction that in the long run nothing so endangers

the self-preservation, security and integrity of a nation or a State, especially a small one, as the belief and practice that it does not need to root itself in the strictest possible observance of international law and the Charter, and that it can, even temporarily, dispense with them. In the long run, the Charter and international law are the best possible allies of nations and States, especially small ones.

31. That leads me to the concluding part of my statement, which concerns what in our opinion the Council must do and what it must not do in considering the item on our agenda.

32. First, there is no doubt in our mind that we must resolutely condemn the latest Israeli act of aggression, for all the reasons I have just stated.

33. Secondly, we must make it quite clear that we reject, resolutely condemn and forbid the repetition of acts of international State terrorism such as hijacking and air piracy; we must do that for the sake of the safety of the international air travel of all of us. The response of a score of international and national pilots' organizations—even some in Israel—testifies to the fact that the gravity and enormity of the implications of Israel's deed, if unchecked, are almost universally grasped. We must stress that aspect.

34. Thirdly, we must also, in whatever we decide, be mindful of the fact that we are acting at a time when the United Nations is debating the problems of international terrorism and measures against it, and that we are aware that if terrorist acts by States are not condemned and opposed, that will render it impossible for the international community to do anything effective in that field.

35. Fourthly, we should be opposed to any so-called balance when faced with this act of Israel's. First, and most important, any linkage to other events would in this case be tantamount to implying that somehow Israel was provoked into committing its act of air piracy, that somehow there is behind it all a justifying cause. That would be extremely shortsighted, since it would make it easier for anyone in future to claim that it had only reacted and not just acted in utter disregard of any State's obligation. Secondly, if it were attempted artificially to link the act with the senseless terrorist act at Athens airport or with the hijacking of the Japanese airliner, that too would be totally unwarranted, especially after legitimate representatives of Palestinian Arab organizations have either condemned, deplored or dissociated themselves from those deeds.

36. Fifthly, we might this time consider, beyond condemnation, what effective measures can be taken against Israel in the light of its latest deed in the framework of the United Nations, ICAO, and so on. We might consider what is, and what should be, the position, the rights, the obligations and possible limitations of and on the air lines and civilian air carriers of a country whose Government officially arrogates to itself the right to hijack other countries' civilian air carriers over the territory of other sovereign States.

37. Faced with this most clear item on our agenda, we must be clear, firm and relevant. This time, at least, we can

ask, expect and request that nothing prevent our taking the right decision.

38. Mr. ODERO-JOWI (Kenya): Mr. President, I take this opportunity to congratulate you on your accession to the high office of President of the Security Council for the month of August and to assure you of my delegation's support and co-operation in the discharge of your duties.

39. Similarly, I wish to commend the United Kingdom delegation upon the able manner in which it conducted the affairs of the Council during the month of July.

40. May I also take this opportunity to welcome in our midst the representative of the United Kingdom, Sir Donald Maitland, and to assure him that my delegation looks forward to co-operating with him in our work here at the United Nations.

41. Turning to the question under discussion, it will be recalled that for the months of June and July the Council was seized of the examination of the general Middle East question. My delegation, like other members of the Council, addressed the Council at length on that question. Consequently, I will confine my remarks to the particular aspect of the problem raised by the Governments of Lebanon and Iraq. But before doing so, I would like to state my delegation's view that the Government of Israel, in using its air force to divert civil aircraft from over the territory of Lebanon into Israel, does not serve the cause of an early and lasting peace in the Middle East. Rather, its act agitates and strains to yet thinner limits an already delicate and at all times imminently explosive situation. We consider that such measures by any of the States in the region, measures that are likely to inflame the situation and injure genuine efforts for peace, should be discouraged or, better still, stopped altogether.

42. The representatives of Lebanon, Iraq, Egypt and Israel laid down the facts before the Council in their interventions yesterday. We have also had occasion to read the reports of various sections of the press, which, by and large, do not add to the basic, essential facts before the Council. I will therefore not repeat these, but rather turn to the legal and political ramifications of Israel's act.

43. It is admitted that the Israeli air force penetrated into the territory of Lebanon, thus violating the sovereignty of Lebanon, and forced the diversion of a civil aircraft of a Middle East airline to an Israeli base, where it was held without lawful cause for some time. The diversion, which was a clear case of hijacking by a State, was carefully planned and executed. The incident is a straight case of aggression and constitutes a glaring breach of the Charter of the United Nations; of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted unanimously on 24 October 1970 [General Assembly resolution 2625 (XXV)]; resolutions of the Security Council; and general international law.

44. In addition to violating the Charter and international law generally, the Israeli act specifically amounted to a

violation of obligations accepted by that Government in a number of instruments regulating international civil aviation. The principal instrument, namely, the Chicago Convention of 1944,¹ to which Israel is a party, records, in the first and second paragraphs of its preamble, that:

"Whereas the future development of international civil aviation can greatly help create and preserve friendship and understanding among the nations and peoples of the world, yet its abuse can become a threat to the general security; and

"Whereas it is desirable to avoid friction and promote that co-operation between nations and peoples upon which the peace of the world depends;".

45. If the Israeli act of State hijacking is not in consonance with the goals of the Chicago Convention laid down in the paragraphs of the preamble that I have just quoted, they are even further removed from some key articles of that Convention; for example, article 1, which reads: "The contracting States recognize that every State has complete and exclusive sovereignty over the air space above its territory", and article 3 (c), which reads: "No State aircraft of a contracting State shall fly over the territory of another State. . .".

46. These articles have thus been honoured in the breach and the régime of the Chicago Convention seriously put into jeopardy by the Israeli act. ICAO, whose objectives include overseeing an orderly and safe development of civil aviation, might well consider such aspects of the present case as fall within its mandate, after the Security Council has discharged its vital responsibilities under the Charter of the United Nations.

47. Besides violating the Chicago Convention, Israel has likewise acted contrary to the letter and spirit of the Tokyo Convention of 1963,² to which it is a party, and of the two recent instruments³ in the elaboration of which Israel has assisted, namely, the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague, 1970, and the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal, 1971.

48. I would add that this behaviour of a State Member of the United Nations towards another has retrogressive effects on the efforts of ICAO to develop further effective measures in the field of civil aviation to close gaps in air law, and the efforts of other United Nations bodies charged with examining measures for combating international terrorism.

49. My delegation does not condone acts of piracy and hijacking, whether committed by States or by individuals. We condemn such acts and, for purposes of our internal law, have enacted a tough law against unlawful interference with civil aircraft.

¹ United Nations, *Treaty Series*, vol. 15, p. 295.

² *Ibid.*, vol. 704, p. 219.

³ See Document A/C.6/418, annexes III and IV.

50. Arguments have been adduced to justify this act of State hijacking of a commercial aircraft. Such arguments cannot, in the view of my delegation, be sustained in the circumstances of this incident. The dangers such acts and practices portend are too grave to condone or tolerate in international affairs, for, among others, the following reasons.

51. First, they are, in conception and execution, geared to violate the Charter and general international law, and therefore constitute aggression.

52. Second, they are contrary to international intercourse through international civil aviation and deal a death-blow to the régime of the Chicago Convention and efforts to improve it.

53. Third, any errors of judgement could cause, and have caused, loss of life, serious damage to property, and costs. Indeed, the Libyan jet incident of 21 February 1973, demonstrates the kind of loss of life and property just mentioned. In this case, it will be recalled that the ICAO Council, after a study of the report of an expert mission, adopted resolution A-19-1 early in June 1973—by 27 votes in favour and none against, with 2 abstentions, namely, the United States and Nicaragua—the operative part of which reads as follows:

“1. *Strongly condemns* the Israeli action which resulted in the destruction of the Libyan civil aircraft and the loss of 108 innocent lives;

“2. *Urges* Israel to comply with the aims and objectives of the Chicago Convention.”

54. One shudders to think what would have happened if the pilot of the Iraqi-chartered Lebanese plane had refused to comply with the Israeli hijackers' demand that he fly to Israel. Would the international community once again have been treated to the spectacle of a civilian airliner being shot down with the unnecessary loss of the lives of dozens of people? The memory of the shooting-down of the Libyan plane is still fresh in our minds.

55. Fourth, in their nature of a threat to international peace and security, they could lead to the undoing of the present international order created by and within the United Nations, through reprisals leading to war—a consequence we can ill afford.

56. Fifth, they could strengthen the hand of the strong, and cause total insecurity to the small nations whose only hope of survival is the order established by the United Nations and enshrined in the respect of the purposes and the principles of the Charter—thus perilously subverting the cherished principles of sovereign equality of States into a principle of inequality;

57. Sixth, that condoning such measures could be emulated by other régimes, say, the illegal Rhodesian régime, Portugal and South Africa, to disrupt and confuse the African region for the benefit of new imperialism and colonialism.

58. It is for all those reasons that my delegation calls on the Council to vindicate the Charter, international law and order, by adopting effective measures, fully demonstrating its revulsion of such dangerous and self-liquidating acts, such as those committed by the Israelis in violation of the sovereignty of the Lebanese State.

59. One cannot but agree with what the Chairman of the Israeli Pilots Union, Captain Yitzhak Shaked, said, as reported in *The New York Times* of 12 August 1973:

“As a union that fights against hijackings and interferences with civilian aviation, we could not accept this interception even if the aim was to capture criminal No. 1 against civilian aviation.”

60. In retrospect, we must regret that measures that the Council wanted to adopt last month, on 26 July, were thwarted by the unjustified exercise of veto power against the letter and spirit of the Charter and in clear opposition to the vast expressed opinion of the international community. It is equally clear from the statement made by the representative of Israel that the contempt Israel has for the United Nations and international organizations like ICAO, the Organization of African Unity and others, and for international opinion, will persist as demonstrated by the recent statement of the Israeli Defence Minister.

61. We might, therefore, legitimately ask how long the United Nations will tolerate this stated objective of persistent South-African-style defiance of the Charter, international law and public opinion.

62. Mr. CHUANG Yen (China) (*interpretation from Chinese*): On 10 August, Israeli military planes intercepted in the airspace over Lebanon a Lebanese civil airliner chartered by the Iraqi Airways and hijacked it to a military airfield in Israel, where all the personnel on the airliner were subjected to illegal search and questioning. This is another act of piracy committed by the Israeli Zionists in grave violation of the territory and sovereignty of other countries, which threatens the peace and security of all peoples. The Chinese delegation expresses great indignation at this and strongly condemns it.

63. The piratical act of the Israeli Zionists is by no means accidental, but a continuation of the series of aggressive atrocities which they have ferociously perpetrated over a long period against the Palestinian people and other Arab countries and peoples. People may still recall vividly that last February Israeli military planes barbarously shot down a Libyan civil airliner over Sinai, causing the tragic death of over 100 passengers and crew members on board the airliner. Following that incident, last April the Israeli Zionists flagrantly dispatched warships, airplanes and armed bandits to invade Beirut, the capital of Lebanon, and some coastal areas, where they wilfully slew a good number of Palestinian and Lebanese people. By incessantly carrying out barbarous invasions, raids, kidnappings and slaughters against the Palestinian people and other Arab countries and peoples, the Israeli Zionists have undisguisedly revealed before the people of the whole world their aggressive nature and most cruel features. However, no amount of savage atrocities committed by the Israeli aggressors can intimidate

the Palestinian and other Arab peoples who are fighting for justice. The atrocities of the Israeli aggressors can only arouse the Palestinian and other Arab peoples to greater hatred towards their common enemy, so that they will enhance their fighting will, heighten their vigilance and strengthen their unity to carry through to the end their struggle against aggression.

64. In defiance of the Charter, the Israeli Zionists have unscrupulously and grossly violated the territory and sovereignty of other countries, perpetrating one unpardonable crime after another. This is absolutely intolerable to all justice-upholding countries and peoples.

65. The Chinese delegation maintains that in order to fulfil its responsibilities the Security Council must condemn most severely the Israeli authorities' piratical act of violating the territory and sovereignty of other countries and hijacking a civil airliner and consider the adoption of effective measures to stop the atrocities of the Israeli authorities.

66. Sir Laurence McINTYRE (Australia): My first, pleasant duty is to welcome you, Mr. President, to your first occupancy of the presidential Chair of this Council, to express the complete confidence of my delegation in your experience and your capacity to conduct the proceedings of the Council with the necessary mixture of firmness and impartiality, and to assure you of our full co-operation. We have no doubt that you will maintain in all respects the standard set by our predecessors in the Chair, and I think firstly of your immediate predecessor, Sir Colin Crowe, who earned the highest regard of all of us, and also, I may say, of Mr. Jamieson, who shared Ambassador Crowe's duties so ably during last month. Let me also join in welcoming to the Council the new Permanent Representative of the United Kingdom, Sir Donald Maitland.

67. The item on our agenda, in the form of the letter addressed to you, Mr. President, on 11 August by the representative of Lebanon, is concerned with the specific instance of interference four days ago by the Government of Israel with the flight of a commercial aircraft over the territory of its neighbour sovereign State of Lebanon, and I intend to confine my few words closely to that item. That means in effect that anything I can usefully say will amount to not much more than repetition of what I said in this Council as recently as 17 April [1708th meeting], when we were addressing ourselves to the incursion into Beirut by a commando unit of the Israeli armed forces, under the proclaimed direction of the Government of Israel, to eliminate certain leaders of the Palestinian guerilla movement.

68. If I may take the liberty of recalling what I said at that time, I referred to the pattern of escalation of violence and terror that was threatening to endanger innocent human lives in every corner of the world, and I described the continuing spectacle of violence followed by violent reprisal and further violence on a mounting and increasingly world-wide scale as not only saddening but gravely disturbing.

69. Since then, unhappily, nothing seems to have changed. I would be straying from the agenda if I were to recite in

detail the gruesome succession of terrorist outrages and hijackings that have taken place in the Middle East, or in its context elsewhere, since we met in April. They have already been catalogued in this debate, and we are only too painfully aware of all of them. As we have recognized long since, they are all part of a chain of violence, and this hijacking on which we are now passing judgement is the latest link in the chain to be engaged by a remorseless kind of sprocket wheel. As such, it deserves the strongest censure, like all its predecessors. And it gains no credit from the fact that, fortunately, it involved no loss of innocent human lives, as it could well have done.

70. The Acting Prime Minister of Australia, Mr. Barnard, on learning over last weekend about the latest act in this tragedy, made a statement on Sunday evening in the course of which he deplored all acts of interference with civil aircraft, he recalled the strong opposition that the Australian Government had expressed to terrorism and aircraft hijacking, and he saw in the Israeli action implications of the gravest kind both for the safety of passengers and for the security of international air transport generally. He concluded by expressing the Australian Government's concern lest this incident should lead to an escalation of tension throughout the Middle East.

71. That brings us down to the substance of the most intractable problem that faces this Council: the search for a just and lasting settlement in the Middle East, which in the last resort can be achieved only by negotiation between the parties, within the terms and in accordance with the principles set forth in resolution 242 (1967). Given a genuine desire for peace by both sides, this Council, with the aid of the Secretary-General and his Special Representative, can be the catalyst. But the outlook for the Middle East is going to be increasingly bleak if both sides believe that time is on their side—because one of them must be wrong and neither may be right.

72. The PRESIDENT: The next name on the list of speakers is that of the representative of the People's Democratic Republic of Yemen. I invite him to take a place at the Council table and to make his statement.

73. Mr. ASHTAL (Democratic Yemen): It is with some hesitation that I have asked to speak in order to exercise my right of reply. Every time the Zionist representative comes to the Council to defend the atrocities and wrongdoings of his Government, he prefers to play the innocent sheep by intentionally provoking other representatives to speak, in an attempt to blur the issue and to divert the attention of the Council.

74. Yesterday the Zionist representative levelled a malicious allegation against the Government of the People's Democratic Republic of Yemen. In his statement he said the following:

"22 February 1972: A Lufthansa airplane was seized by Arab hijackers and forced to land at Aden in the People's Democratic Republic of Yemen. Negotiations for the payment of ransom to the Popular Front were then conducted in Lebanon, and the sum of \$5 million was paid to the terror organization for the release of the

plane. . . . The sum of \$1 million had been retained by the Government of the Democratic Republic of Yemen". [1736th meeting, para. 93 (j).]

In an apparent embellishment of this unfounded allegation, the Zionist representative said that "it was widely reported"—and I emphasize the words "widely reported"—that the sum of \$1 million had been retained by the Government of the Democratic Republic of Yemen.

75. It is no wonder that the distortion of facts, the slander of Arab Governments and the vilification of the heroic struggle of the Palestinian people and its revolutionary resistance movement have become a way of life in the Zionist policy. My delegation categorically refutes and denies the malign allegation that my Government was in any way involved in any money dealings in the laudable efforts it undertook to save the lives of the passengers on the Lufthansa airplane.

76. Thanks to the diligence of the civil aviation authorities and the high officials in my Government, the lives of 189 passengers and crew were spared, and the plane left Aden safely. Numerous letters of thanks from the relatives of the passengers, civil aviation associations in different parts of the world, Lufthansa and a number of Governments attest to the fact that my Government handled the incident in the most judicious and opportune manner.

77. Mr. SEN (India): Mr. President, we offer you our congratulations on your assumption of the presidency for the month of August and extend to you our fullest co-operation as you carry out the difficult and responsible tasks before the Council. Your country and mine try to serve many common values and face many common difficulties, and so we have built together many bonds of understanding and tolerance.

78. We welcome our new British colleague, Sir Donald Maitland.

79. I shall not make another speech in tribute to Sir Colin Crowe, because I think I have done my share, as far as time has permitted.

80. The specific complaint brought to the Council by the Government of Lebanon cannot, of course, be completely separated from the general problem of the Middle East, which was debated so thoroughly only a few days ago. At that stage the various principles which should govern a final solution of this complex problem were embodied in a draft resolution which could not, however, be adopted because of the negative vote of a permanent member of the Council. None the less, we continue to hold firmly to the view that unless and until Israel has undertaken to withdraw from the occupied territories and to respect and accommodate the rights, interests and aspirations of the Palestinian people there will be no solution. Once Israel has taken those steps I can assure it that it will find all those it describes as "friends of the Arabs" most forthcoming in supporting Israel in its desire to live in peace and security with all its Arab neighbours.

81. The argument has been advanced that Arab terrorism must inevitably, indeed morally, attract retaliation everywhere and at any time. We do not and cannot—for reasons so clearly given by various speakers before me—accept that view, particularly if such acts of retaliation take place at a time when a cease-fire is in force and when such actions take place on the territory of other sovereign countries. Nor is it true that the problem of terrorism has not been solved because of Arab machinations.

82. Let us see what the Secretary-General himself has to say on this problem:

"Obviously it is no good to consider this very complex phenomenon without at the same time considering the underlying situations which give rise to terrorism and violence in many parts of the world. It is these underlying causes that make the problem so appallingly difficult to tackle owing to their variety and different natures, and which also make it so difficult for Governments to agree upon the kind of measures which could reverse the current trend to violence. The roots of terrorism and violence in many cases lie in misery, frustration, grievance and despair so deep that men are prepared to sacrifice human lives, including their own, in the attempt to effect radical changes."⁴

That paragraph—from a statement by the Secretary-General, who, I believe, cannot be dubbed "a friend of the Arabs"—clearly explains the difficulties inherent in this problem. And those of us who have followed the proceedings of the *Ad Hoc* Committee on International Terrorism will be impressed that, by equating individual and private and group terrorism with State terrorism, the point has been established that all types of terrorism must be the subject of international action at the same time. In fairness to the Committee, it should also be stated that it was not asked to deal only with Arab terrorism and that much of its difficulty related to the struggle for independence of people in the colonial Territories and under racist régimes.

83. On the specific complaint before us the facts, fortunately, are not in dispute; nor will any member of the Council question Israel's right of self-defence should it be attacked or its duty to take necessary security measures on its own territory. However, no member of the Council—indeed, no Member of the United Nations—will or can give Israel the right to take violent and illegal actions on the territories of other States. Nor will any State accept that Israel has any right to enforce, as a kind of world policeman, what it conceives to be international law. If Israel has any grievances about any terrorist acts that can be the subject of international action, it is free to bring such complaints to the Security Council. If it chooses not to do so, for whatever reasons, it cannot at the same time decide how those grievances are to be removed by its unilateral and admittedly illegal actions.

84. When parties are in full war cry many exchanges are indulged in which, in a more objective analysis of the

⁴ See *Official Records of the General Assembly, Twenty-seventh Session, Annexes*, agenda item 92, document A/8791/Add.1.

problem, would appear to be totally irrelevant. For instance, it was stated yesterday that what Israel was doing was in Lebanon's long-term interest. We have in a different context the advice of *The Times* of London on what is in Israel's interest. We believe that each country is competent to decide what is in its own interests; but it cannot, in serving those interests, violate, particularly by violent means, the rights of other States. What Israel has done cannot be justified and must be firmly condemned.

85. But apart from condemnation, these frequent and varied aggressive acts seriously threaten the tenuous cease-fire in the area and certainly make the task of any mediator, or even of the Council, much more difficult. We are therefore most anxious that any action we may take must ensure that Israel desists from these actions entirely in the future and that its profession to live in peace and friendship with its Arab neighbours will be translated into action by withdrawal from the territories it illegally occupies and by respecting the rights of the Palestinians.

86. Finally, this Council and each of its members will always be ready to apply international law and the provisions of the Charter in their totality to any action taken by any Member of the United Nations. Those considerations will determine the attitude of the Indian delegation towards any draft resolution that may be submitted for our consideration.

87. The PRESIDENT: I call on the representative of Israel in exercise of the right of reply.

88. Mr. TEKOA (Israel): At both yesterday's and today's meetings the discussion has left no doubt that the real problem before the Security Council is the menace of Arab terrorism, which brought about Israel's defensive action on 10 August.

89. Based on blind hostility and the denial of the Jewish people's inalienable right to self-determination and independence, Arab terrorism was first initiated in the 1920s by feudal Arab effendis who sought to strengthen their hold over the masses by the usual method of exploiting man's lowest passions of hatred and bloodlust.

90. Borrowing the anti-Jewish slogans of the Fascists and of the Nazis and actively collaborating with them, such Arab terrorist leaders as Haj Amin El-Husseini organized and preached not only the murder of individual Jewish men, women and children, but also the genocide of the entire Jewish people. El-Husseini himself got his chance to indulge to the full in his bloodthirsty aspirations when he spent the war years in Berlin as Hitler's and Eichmann's adviser on the extermination of Jews. Among other things, he organized a Moslem SS battalion which fought on the side of the Nazis, against the United Nations. Today, the same El-Husseini lives and works in Beirut. The younger terrorist leaders, such as Arafat and Habash, are continuing in his footsteps.

91. Yesterday, I submitted to the Council evidence regarding the barbaric outrages of which Habash and his organization, the Popular Front, are guilty, as well as information regarding Habash's views. The Nazi antecedents

are evident in his statements, such as the one made when an Israeli school bus was ambushed by Arab terrorists at Avivim, near the Lebanese border, on 22 May 1970, where 8 children, 3 teachers and the driver were mercilessly murdered and 20 children wounded. On the following day George Habash declared: "It is wise to kill Israelis while they are still young." No wonder that Habash's Popular Front employs former Nazi concentration camp commanders and former SS officers as instructors and trainers. No wonder that Nazis with similar background and experience, whose names are in our possession, are employed by the Arafat terrorist organization, Fatah, and its branch, Black September. These are the Palestinian leaders to whose assistance the representative of the USSR rushed so eagerly at the last meeting.

92. How is it possible to separate the Habashes and the Arafats from the views they hold and openly express regarding the desirability of murdering innocent human beings? How is it possible to separate these terrorist leaders from their acts, from the atrocities they plan and perpetrate through their organizations? How is it possible to condemn the slaughter of American and Belgian diplomats in Khartoum, personally supervised and directed by Arafat by telephone from Beirut till the last moment of this savage operation, and then receive Arafat with honours in Moscow or East Berlin? How is it possible to censure barbarism like the Munich or Lod carnage and then give Habash a hero's welcome in Peking?

93. An inevitable question arises: If so many Governments, including even that of the Soviet Union, condemn atrocities such as Munich, why is nothing being done about it by the United Nations? If during the twenty-seventh session of the General Assembly more than 50 Ministers for Foreign Affairs spoke out against terrorism, why does the General Assembly remain helpless in taking effective measures to curb it? If since 1967 the Security Council has discussed Arab terrorism and Israeli defence actions against it at 10 series of meetings—this being the eleventh—and if so many States members of the Council have expressed their abhorrence of the Arab terror attacks, why has the Security Council failed to condemn at least once massacres such as that in the school bus at Avivim, at Lod, at Munich, at Athens, in the air and on the ground?

94. What is Israel to do in the face of this utter failure of the international community to live up to its responsibilities and to put an end to international terrorism? What is Israel to do in the face of this utter inability by the United Nations to make Arab Governments abide by their obligations under the Charter and terminate the operations of the terror organizations on and from their territories—the operations of murder gangs engaged in sanguinary attacks against defenceless civilians?

95. Let me first of all state what Israel will not do. Israel will not acquiesce in the continuation of armed attacks emanating from Arab States against it, against its citizens, against Jewish people in various parts of the world. Israel will not accept counsel based on the notion that there can be one law applicable in general and another applicable in the case of action by Israel. For instance, we shall not accept counsel regarding the 10 August action from States,

even if they are permanent members of the Security Council, which have themselves intercepted civilian airplanes and detained individuals or groups of individuals on board.

96. Yesterday I already indicated that when the USSR found it necessary for its self-defence to take military action across the border, its armed forces crossed frontiers of a foreign State in punitive measures against White Guard terrorists. Today I should like to add to the record the following statement made by the representative of the United Kingdom in the Security Council on 7 April 1964 in the discussion of a Yemeni complaint against the bombardment by British RAF planes of installations located on the territory of Yemen:

"There is, in existing law, a clear distinction to be drawn between two forms of self-help. One, which is of a retributive or punitive nature, is termed 'retaliation' or 'reprisals'; the other, which is expressly contemplated and authorized by the Charter, is self-defence against armed attack. The term 'counter-attack' has perhaps led to some misunderstanding. It might imply to some of those seated around this table action in the nature of reprisals only, and this impression has been deliberately fostered by some speakers. But it is clear that the use of armed force to repel or prevent an attack—that is, legitimate action of a defensive nature—may sometimes have to take the form of a counter-attack." [1109th meeting, para. 26.]

97. Finally, Israel will not absolve the Arab Governments of responsibility for the initiation and continuation of Arab terrorism from within their borders.

98. What will Israel do? Israel will continue to vindicate its right and the right of its people to live in security. Israel will continue to vindicate its rights under the Charter of the United Nations, including the right to self-defence.

99. Indeed, how could it be otherwise? How would the Council suggest that the Government of Israel should explain the situation to Israeli citizens? What is it to say to the parents of the children killed on the Avivim bus? That the Habashes and Arafats and their organizations, though subsidized, supplied, sheltered and protected by Arab Governments, are individuals and groups and therefore nothing is being done by the Security Council about their murderous atrocities? What does the Council suggest should be told to the President of Israel, Professor Katzir, whose brother, a distinguished and world-renowned scientist, was one of the victims of the Lod massacre organized by Habash's Popular Front? What are we to say to the parents, wives, children of the athletes murdered in Munich? Are we to tell them that the Arab slaughterers should not be pursued by Israel everywhere and at all times because their protectors, such as the Government of Lebanon, while flouting all principles of international law and the Charter of the United Nations by allowing the terrorist organizations to operate from their territories, invoke the purity and sanctity of their air space?

100. Such advice cannot but be reminiscent of the times when the Jewish people pleaded with Governments to act against the growing Nazi campaign against Jews. And we

met with the response that such intervention would be contrary to such principles as, for instance, domestic jurisdiction.

101. The world knows how it all ended. The memories are still with us all, and the horrible experience is still in our hearts and our minds. Let us therefore not hear again the same kind of arguments we heard only several decades ago as justification for international inaction to prevent the killing of Jews.

102. If the Security Council desires to see international law and the provisions of the Charter observed in the Middle East, there is only one way to attain that—by causing the Arab Governments to abide by their international obligations, put an end to the savage campaign of terror atrocities and start building a genuine peace in the region.

103. The PRESIDENT: I call on the representative of the Soviet Union, who wishes to speak in exercise of his right of reply.

104. Mr. SAFRONCHUK (Union of Soviet Socialist Republics) (*translation from Russian*): Mr. President, I deeply regret that despite my remarks yesterday, in which your attention was drawn to the illegality of any attempts by the representative of Israel to bring up at these meetings of the Security Council questions relating to the policy of the USSR, the Israeli representative, apparently as a result of your very indecisive conduct, is continuing to have recourse to that unworthy practice.

105. Grossly violating the provisional rules of procedure of the Council, misrepresenting and falsifying historic facts, having recourse to inexcusable and brazen calumny against a State member of the Council, the representative of Israel is trying to divert the Council from discussion of the measures which should be taken in connexion with the unprecedented act of aggression and air piracy committed by Israel's ruling clique against the sovereign State of Lebanon.

106. The brazen attacks by the Israeli representative against the USSR, against States members of the Council, against the Arab States, against legitimate resistance movements, convince us once again that the rulers of Israel have understood nothing and learned nothing.

107. In the circumstances, it would appear that the Security Council has no choice but to set about the practical task of formulating a decision on the basis of the information which we have already heard here, a decision which would entail practical, realistic measures to prevent further aggressive acts by Israel against neighbouring Arab States. We emphasized yesterday that the dangerously explosive situation in the Middle East, for which Israel's terrorist Zionist ruling clique is responsible, calls for urgent measures on the part of the Security Council. Such a situation, in which the standards of international law and the opinions and decisions of authoritative international organizations are being trampled upon, as the distinguished Ambassador of Kenya said today—organizations including the United Nations, the Organization of African Unity, the

organization of non-aligned States and the International Civil Aviation Organization—such a situation obviously cannot be tolerated any longer.

108. In concluding this short statement made in exercise of the right of reply I should like to say that if the representative of Israel continues to have recourse to such unworthy methods and to slander my country, our allies and our friends, the Soviet delegation will be obliged to invoke rule 37 of the provisional rules of procedure, which clearly states the following:

“Any Member of the United Nations which is not a member of the Security Council may be invited, as the result of a decision of the Security Council, to participate, without vote, in the discussion of any question brought before the Security Council when the Security Council considers that the interests of that Member are specially affected . . .”.

109. If the representative of Israel continues to depart from that rule, it seems to me that the Council will be entitled to deprive him of the right to participate in these proceedings, for he is going beyond the limits of the discussion.

110. The PRESIDENT: I thank the representative of the Soviet Union for his statement expressing his highly specialized version of the rules of procedure.

111. On a point of order, I call on the representative of the Soviet Union.

112. Mr. SAFRONCHUK (Union of Soviet Socialist Republics) (*translation from Russian*): I read out rule 37 as it appears in document S/96/Rev.5, without any comments on my part. I therefore protest against your remark that I was giving my own version of the rules of procedure.

The meeting rose at 12.40 p.m.

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