

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

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Note by the Principal Secretary

relating to the incidents between Israel and Syria

During the conversation which took place on the evening of 3 May between the members of the Commission and the Acting Chief of Staff, and following a request by the Chairman, the Commission was informed of the real nature and the political implications of the incidents between Syria and Israel in the area of Lake Huleh and Lake Tiberias.

The information given to the members of the Commission by the Acting Chief of Staff in the course of that conversation confirmed in the clearest and most unequivocal manner the fact that a grave political crisis between the two countries is involved. The incidents in question have nothing in common with those which are often liable to occur on a frontier as a result of negligence, blunders or even ill will on the part of local civilian or military authorities.

The Lake Huleh case involves a situation provoked by considered governmental action based on a certain interpretation of the text of the Armistice Agreement. The conflict behind these incidents concerns nothing less than the definition of the legal status of the demilitarized zone. The Government of Israel appears to consider this zone as part of Israel territory and as such under Israel sovereignty, with the sole proviso that it is a demilitarized zone. The Syrian Government does not agree with this interpretation of the text of the Armistice Agreement, and the Acting Chief of Staff also seems to think that the demilitarized zone should not be considered as Israel territory.

The difficulties involved in any territorial dispute are aggravated in this instance by the size of the zone. It would be illusory to believe that either of the parties will be prepared to accept an interpretation opposed to its own unless such interpretation is corroborated by the highest legal and political authorities.

This question, it is true, is at present being considered by the Security Council. It would, however, appear desirable carefully to determine whether that fact can be considered as an adequate reason for the Commission to feel relieved of its responsibility as a body charged by the Assembly with the general task of assisting the parties to reach a settlement of the political questions outstanding between them. It would be difficult to justify a passive and indifferent attitude on the part of the Commission in the face of a crisis of such political importance. It is not suggested that the Commission should take any initiative towards intervening in the conflict; even an offer of its good offices would probably be out of place. The Commission would only be able to intervene officially at the request of the parties or of the Security Council. The Commission might, however, consider immediately, as a matter of urgency, whether it is not desirable to send a special "progress report" to the Secretary-General setting forth its views on the conflict, both from the point of view of procedure and from the point of view of the substance of the problem.

Naturally, in order to avoid implicating the Truce Supervision Organization, the Commission might state in its report that the case in question, by reason of its nature and its origin, goes far beyond the limits of a local incident caused by non-compliance with the clauses of the Armistice Agreement. It involves a question of a political nature caused by a dispute between two governments, the settlement of which would require the examination of extremely complex legal issues. The negotiations should be entrusted to a body properly qualified both politically and legally. It might even be considered necessary to ask for an advisory opinion of the International Court of Justice on the fundamental question

of the legal status of the demilitarized zone.

The Commission might also consider drawing the attention of the Secretary-General to the danger - of which the present incidents are but one manifestation - of prolonging a temporary regime such as that set up by the Armistice Agreements. In this connection consideration might be given to whether, simultaneously with measures to stabilize the present regime, a revision of the armistice situation ought not to be contemplated in order to eliminate the possibility of such danger in the future.

There can, of course, be no question of the signature of a peace treaty as such. Some sort of revision of the Armistice Agreements might, however, be contemplated, with particular reference to the territorial clauses, with the object of eliminating the demilitarized zone. Whatever merits and advantages demilitarized zones may possess in certain cases (Government House and Mount Scopus are two notable examples, there is every reason to fear that, in this instance, if the demilitarized zone between Israel and Syria is retained it will be a constant source of friction and an obstacle in the way of better relations between the two countries.

I must note with regret that the Conciliation Commission has not been kept "informed of matters affecting the Commission's work under the General Assembly resolution of 11 December 1948" (Security Council resolution of 11 August 1949).

In April last year, when the Chairman of the Commission (Mr. de Bois-sanger) visited Jerusalem, agreement was reached with General Riley that his reports to the Security Council would be communicated at the same time to the Commission. This arrangement was carried out during the Commission's stay in Geneva.

On 3 May, following the interview between the members of the Commission and the Acting Chief of Staff, I asked the latter whether he could revive the arrangement made a year ago, and he replied in an evasive manner. I consider this situation regrettable.