

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

RESTRICTED
W/65/ADD.1
10 May 1951
ORIGINAL: ENGLISH

ADDENDUM

to Note by the Principal Secretary
relating to the incidents between Israel and Syria

When considering my note of 5 May the members of the Commission might like to have at their disposal the relevant texts presented in some systematic order.

Of course, the key question as regards any possible action which the Commission might decide to take in the matter is whether the issue between Israel and Syria should be considered as related to the interpretation and execution of the Armistice Agreement or as a question outstanding between the two countries.

This question seems to have been answered in favour of the second alternative by the Acting Chief of Staff himself in the note he addressed to the Governments of Israel and Syria on 7 May. In the first place, the terms of the opening sentence of this note suggest that in the Acting Chief of Staff's mind he is dealing with an issue affecting the relations between the two countries rather than with an incident connected with the execution of the Armistice Agreement: "I view present relations between Israel and Syria with the utmost concern and therefore, without prejudice to a future settlement ..." It is crystal clear from this text that the negotiations now being conducted by the Acting Chief of Staff concern the relations between the two countries and not an incident coming under the execution of the Armistice Agreement. And this conclusion is confirmed by the fact that in the same note the Acting Chief of Staff submitted to the parties proposals and formulas beyond the limits of the Armistice Agreement and, therefore, designed rather to replace the Armistice Agreement by a new arrangement than to ensure its execution.

As indicated in the note of 5 May (W/65), the conflict behind the incidents concerns the definition of the legal status of the demilitarized zone. The Chief of Staff himself (General Riley), in his statement to the Security Council on 25 April 1951 has indirectly recognized that the study and clarification of the question of the administrative authority in the demilitarized zone is under the competence of the Security Council and not of the Mixed Armistice Commission.

If the Conciliation Commission accepts the view that, according to the available information, the present issue between Israel and Syria should be considered not as an incident connected with the execution of the Armistice Agreement but as an outstanding question between the two countries, the following texts are relevant to any decision which the Conciliation Commission might find it appropriate to take on the matter:

(1) Paragraph 2 of the General Assembly resolution of 11 December 1948, establishing the Conciliation Commission, gives the following functions to the Commission:

"(a) To assume, in so far as it considers necessary in existing circumstances, the functions given to the United Nations Mediator on Palestine by resolution 186 (S-2) of the General Assembly of 14 May 1948;"

The functions given to the Mediator under the General Assembly resolution of 14 May 1948 included the following:

"(a) To use his good offices with the local and community authorities in Palestine to:

(i) Arrange for the operation of common services necessary to the safety and well-being of the population of Palestine;

(ii) Assure the protection of the Holy Places, religious buildings and sites in Palestine;

(iii) Promote a peaceful adjustment of the future situation of Palestine;

"(b) To co-operate with the Truce Commission for Palestine appointed by the Security Council in its resolution of 23 April 1948;

"(c) To invite, as seems to him advisable, with a view to the promotion of the welfare of the inhabitants of Palestine, the assistance and co-operation of appropriate specialized agencies of the United Nations, such as the World Health Organization, of the International Red Cross, and of other

governmental or non-governmental organizations of a humanitarian and non-political character;"

(2) Paragraph 6 of the General Assembly resolution of 11 December 1948 instructs the Conciliation Commission

"to take steps to assist the Governments and authorities concerned to achieve a final settlement of all questions outstanding between them".

(3) The Security Council resolution of 11 August 1949

"Expresses the hope that the Governments and authorities concerned, having undertaken by means of negotiations now being conducted by the Palestine Conciliation Commission, to fulfil the request of the General Assembly in its resolution of 11 December 1948 to extend the scope of the armistice negotiations and to seek agreement by negotiations conducted either with the Conciliation Commission or directly, will at an early date achieve agreement on the final settlement of all questions outstanding between them;"

I feel obliged to renew the regrets expressed in my note of 5 May concerning the unsatisfactory way in which the Chief of Staff is implementing the last paragraph of the Security Council resolution of 11 August 1949 - particularly in view of the fact that the note dated 7 May 1951 (referred to above) was communicated by him to the Governments of Israel and Syria without any prior information having been given to the Commission.
