

UN-Secretariat matters -  
Security Council:  
UN-Secretariat matters -  
Securit...

*HS L 179:93b*



Dag Hammarskjöld's samt.

SECCO affairs 1953

Pres release 9 Novem.

Statement by Ambassador Farid Zeineddine  
of Syria to the Security Council

UNITED NATIONS  
Department of Public Information  
Press and Publications Bureau  
United Nations, N.Y.

(For use of information media—not an official record)

CAUTION — ADVANCE TEXT

Hold for Delivery  
Check against Delivery

Press Release PM/2709  
9 November 1953

STATEMENT BY AMBASSADOR FARID ZEINEDDINE OF SYRIA  
TO THE SECURITY COUNCIL . ON 10 NOVEMBER 1953

Mr. President:

With your permission, Mr. President, I would like to take this opportunity to comment on the statement of the Israelite Representative made on October 30. I shall try to offer to the Council some information about the works which are now being continued since the Council's last decision. I would further seek to develop the points raised in our preliminary statement at the last meeting, and to proceed from that to my conclusion, presenting some views and suggestions which the present stage of discussion allows.

- I -

The Israelite statement of October 30 was, in essence, a repetition of the contents of the note which the Israelite Authorities addressed to the United Nations Chief of Staff on September 24th, and to which General Bennike had already answered in his note of October 20th and his report of October 23rd, which has been transmitted to the Council. We have eagerly awaited some evolution in the Israelite stand. Since Mr. Sharette's last move, nothing has materialized. No new issue has been raised by the Israelite statement before the Council. Mr. Eban stuck to their previous stand and did not depart from it. It is evident that the Israelite Authorities have in the meanwhile forgotten nothing nor learnt anything. Yet their representative to the Council went ahead to detail and explain the Israelite considerations and conclusion. He thus contributed greatly to expose the Israelite position to render the Security Council more able to see the already existing contrast between the Israelite stand and that of the United Nations Chief of Staff.

In a way, the present issue is turning out to be a two-fold one: on the one hand, we have the opposition between the United Nations Authority and Israelite unilateral actions in defiance of that authority. On the other hand, we have a dispute between Syria and the Israelite Authorities as to the rights of Syria under the Armistice Agreement and Syria's objection to the unwarranted unilateral actions of these Authorities in defiance of that Agreement. According to the Israelite view, the Agreement should now be tottering towards its fall into a state of obsolence and paralysis. Israel wants to free itself from the Agreement by way of a unilateral interpretation of it.

(more)

It appears, however, that there are no differences in views between Syria and the competent United Nations Authority in the area. We believe that General Bennike's decision, so far as it goes, is right. We hold, however, that it does not go far enough to meet the actual circumstances.

The Zionist thesis, shorn of its misrepresentations, reduces itself into the following elements:

(1) Syria, a party to the Armistice Agreement, has no right to interfere, object or consent to the interpretation of the Armistice Agreement, its implementation or non-implementation, and the carrying out of its provisions and obligations.

The Israelite reason, to use the Israelite words, is that the issue is extraneous to the Armistice Agreement. We hold that it is an issue directly governed by the Agreement. The Israelites twist out of that issue and try to replace it by another. They speak about the project as an economic project. We have no quarrel with this or any other project as such. It is the consequences and effects of such a project on the Armistice Agreement and one of the main objects of the Armistice Agreement, namely, the Demilitarized Zone, which particularly concerns us. The economic use or nature of Israel's project is not the issue which we brought to the Security Council.

(2) The second main element of the Israelite thesis is that the restoration of civilian life in the Demilitarized Zone is not intended for its Arab-Israelite inhabitants as such, but rather intended to bring about gradually the practical annexation of that Zone to Israel so that a concession, said to be given by the Palestine government, would become applicable as an administrative measure to that particular area. The Israelite Authorities, through the project, would ultimately be able to control the waters and the whole civilian life of that area. This would allow the Israelite Authorities to exercise acts of sovereignty over the zone. Those activities of Israel hang together and cannot be divorced from one another because Israel cannot proceed to work in that Arab Area except by exercising sovereignty through its forces there, nor could it throw a legal cloak over its activities except by introducing the so-called Company to the scene in order that it may act as an Agency, behind which the Authorities of Israel stand, armed to the teeth. We shall have much more to say about this aspect of the question in a moment.

(3) The third main element of the Israelite thesis is that the decision of the United Nations Chief of Staff is unwarranted. He has no real Authority in the matter, or he is abusing his authority. For this view, they forward two main reasons: (a) the attitude of General Bennike is inconsistent with the United Nations jurisprudence, (b) that he can have no authority beyond that which each of the sides to the Agreement would like to give him. General Bennike answered this view by giving his decision and explanation.

(more)

In gist his answer is that he has authority and that, if he were to act only as one of the two sides to the Agreement would like him to act there would be anarchy in the area.

(4) The fourth main element of the Israelite thesis consists of a total negation of the international character of the Jordan River. To them neither Syria nor Lebanon nor the Kingdom of Jordan have a real word to say as to how the waters of this typically international river are to be used. When the international agreements of 1922, 1923, 1926 concerning these waters or other considerations are invoked, Israel simply discards them. To Israel there is only one fundamental thing Mr. Eban expressed it. He simply called the River Jordan "our river." None except Israel has a word to say about the use of its waters. If there are established rights concerning the use of the waters, then Israel might make, to use Israelite wording, an ex-gratia undertaking which may be invoked. Even then, judging by experience, we feel sure that the same Israelite Authorities would not carry such an undertaking to any extent. Yet there is more to that. With the established rights go the potentialities for future use of the Jordan in various neighboring countries.

(5) The fifth element of the Israelite thesis is that the military considerations are irrelevant under the armistice agreement, although the Armistice is based exclusively on military considerations.

General speaking, the Israelite thesis appear to consist of: No right for Syria to object or consent to Israelite actions, no real authority of the United Nations Chief of Staff fit enough to make them abide by his decisions, no restoration of normal civilian life to the Demilitarized Zone except to ensure its control by Israel, no international rights of other countries on the International river, and no relevance of military considerations in an Armistice, — a set of negations which lead to but one positive result. It is the possibility for Israel to act unilaterally in the whole matter, and to proceeding to the Demilitarized Zone to taking away the Jordan River from it.

Mr. Eban did not hesitate to give his reasons. He did not seek them in the Armistice agreement. He hardly made any reference to it. He avoided it because it offers him no shadow of reason. Unable to find his reasons in the international agreement, or in the decisions of General Bennike, he discarded the Agreement and paid lip service to International Authority. Ultimately, he discovered his reasons on an altogether different plane. He found them solely in the Israelite wish to acquire the waters of the Jordan River, which he calls "Our River." That wish appeared to him in a fascinating project, which, though it may turn the Demilitarized Zone and Syrian Territory watered by it into a waste lade, as General Bennike has said, though it may deny the potentialities of the Jordan to other countries

(more)

legitimately interested and though it destroys the basic character of the Demilitarized Zone as a buffer zone under international supervision separating the two sides and minimizing friction and incidents. It is now to be considered as a project, solely on the merits of its economic and military benefits to Israel, to the exclusion of many other possible international projects.

Harrassed by the aforesaid negotiations, Israel, while, in fact, seeking to undertake an essentially unilateral action, feels it more fit to cloak that unilateral action, if possible, by some semblance of international authority. For that same purpose, it tried one way and is now trying another.

1. It sought, but did not obtain, the concurrence of the United Nations Chief of Staff. The most amusing thing is that it held its own letter of September 4th to the acting Chief of Staff as a confirmation given by him to Israelite actions, even though it had forwarded this letter to the U.N. observers on the basis of tendacious information previously furnished by Israel about the scope and nature of the project. General Bennike referred to that so-called confirmation when he said: Quote:

"The acting Chairman (there was at that time no Chairman designated by me in conformity with Article VII, paragraph 1, of the Armistice Agreement, and I had not yet returned from New York) was informed of the commencement of the project on 2 September, when the work had already started. After another conversation, on 3 September, he received a letter from the Senior Israeli Delegate, dated 4 September, which reads: 'Following our meetings on 2 and 3 September, 1953, I would like to confirm in writing the following: Chairman concurs with the Northern Irrigation Project which started on 2 September 1953, as outlined to him during the above meetings, it being understood that no digging will be effected on Arab-owned land, unless an arrangement is reached between the Project Authority and the landowners.' The Acting Chairman asked for more data about the project and was shown on 7 September the proposed route of the canal. On 9 September he sent to the Senior Israeli Delegate the following note: 'In answer to your letter dated 4 September 1953, I wish to inform you that due to the importance of this so-called Northern Irrigation Project and to the fact that I am only Acting Chairman, I put the whole matter in the hands of the Chief of Staff...' It does not result from the above that the necessary concurrence was expressed with regard to the canal project. The letter from the Senior Israeli Delegate dated 4 September, following the conversations on 2 and 3 September, when the 'Northern Irrigation Project' was outlined to the Acting Chairman, cannot replace formal concurrence expressed after a study of the plan and its consequences."

(more)

2. The second process by which the Israelite Authorities are seeking to cloak their unilateral actions by a semblance of international authority is now going on before the Council. It tends towards trying to bring about a Council decision indefinite in character, vague, and loosely knit so as to leave sufficient loopholes for Israel to act unilaterally on the spot through so-called individual actions. Let us look into this process which Mr. Eban started to develop in his statement and which made its main feature clear.

With his usual brilliance he eloquently set upon the Council's table a number of contradictory opinions and misleading and unfounded allegations. All that is intended to blur the vision and open for Israel the way for an action, unwarranted and unilateral in substance and content, but international in outward form and appearance.

Mr. Eban avoided as much as he could the present and real question of the implementation of the Armistice Agreement and went, instead, into other fields.

He presented the project, but even in presenting it he kept its consequences and many of its aspects in the shade while painting the rest to the colors of his taste.

Certainly in his statement he was bound to engage in a propaganda effort for the public. Such an effort is badly needed by Israel because its excesses are alienating the opinions previously misled by its propaganda. Yet, Mr. Eban went beyond the propaganda effort in addressing the Council. His misrepresentations, as we shall see, were too big and glaring to be admitted to the Council itself. In presenting them he exceeded his good self this time. Had he imagined that while the Council is meeting to consider a definite Syrian complaint it would be led astray from its functions to consider that particular international complaint into the domain of considering instead the economic interests of Israel? Had he thought that the Council would deal with this important matter lightly or with little scrutiny of facts and little real recognition of the clear obligations incurred under the Armistice Agreement governing the present situation? Had he contemplated in his statement a course to be taken by the Council leading to a haphazard decision not based on the Armistice Agreement between two sides, thus destroying this Armistice Agreement and whatever remains of international confidence and opening the way for events to take an ominous course disturbing peace, and relative tranquility changed to complete and wide unrest in the Near East? Does he really hold that the wishes and interests of Israel would ultimately be the very material of which United Nations decisions are to be made, and if not, decisions are to be then flouted? All these questions are really here. But I dislike to believe that the Israelite Representative counted on affirmative answers to them. I will not

(more)

believe this, Sir, only out of respect to the Council. We wait to see the final answers.

The choice is clear: either the full implementation of the Armistice Agreement and keeping peace, or a decision deforming the meaning of that Agreement, leaving little or no value to its provisions.

The second choice, if taken, would be a hard experience indeed. It would mean that the Armistice Agreement was a thing made to be broken at will. It would indicate that agreements and international guarantees of any kind are of no real value to stop Zionist expansion into the Demilitarized Zone and beyond. It would put the same question to the Arabs around Palestine which was put to the Arabs within Palestine, now refugees, the question of "to be or not to be." When the very existence of a nation is threatened through the lack of proper international action, its right of self-defence would become an ineluctable force dominating its mind. It would not be any more in doubt. That is the moral of the present dispute.

Mr. President:

In all earnestness and with a sincere endeavour to keep peace, we have come before you. Help us to keep it. We will try to do our part in order to sustain peaceful efforts. Our primary duty at this moment is to consider the present question properly and objectively. My first duty is to try to sweep your table clean of the misrepresentations made by the Israelite statement in the Council and the Israelite note to General Bennike. We should all wish to see that table clean so as to be able to sit around it and look clearly and attentively to the very question which my country has brought before you. The issue is the implementation of the Armistice Agreement with respect to the Israelite activity. With your permission, Mr. Chairman, I would like to proceed to do so.

(more)

II

Distinction between the situation of 1951 and the present situation

In order to sustain his untenable stand on the question of the diversion of the Jordan, the Israelite Representative resorted to a subterfuge. He gratuitously affirmed in his statement that the Houleh project discussed by the Council in April and May 1951 is practically identical to the present project in respect to military and other implications. He stated:

"The project under discussion is just as beneficial, just as compatible with the Armistice Agreement, just as legal and just as reconcilable with every affected interest as was the project for the drainage of the Houleh marshes..."

This argument is unfounded and contrary to fact. He used it, however, as a basic premise from which he deduced that the present project should be dealt with by the Council in a manner identical with that of 1951. He stated, quote:

"The armistice system cannot operate honestly or effectively if there is to be no consistency and continuity in its jurisprudence."

Concluding that the two projects are practically the same with regard to the issues involved in both of them. He then went ahead to call upon the Council to prejudge this present issue, or rather to judge it in the same way, as the previous one, as if the Security Council were a court of law about to rejudge an already decided case. He devoted a good part of his statement, about half of it, solely to develop an argument based on his own incorrect premise. That effort of his can only be explained by the fact he could find no better ground to stand on. His ground on the present project cannot hold him. He had a hard time building up this ground and he did it in the following manner.

1) He did not explain the so-called precedent of 1951 by the decision of May 18th, 1951 itself, as one might expect, because that decision is not in his favor. He avoided that decision because Israel did not implement it and, in fact, flouted it.

2) So he sought refuge from the previous decision in selecting, to suit his purposes, excerpts from some opinions expressed in that debate and called such

(More)

opinions jurisprudence and precedents. There, too, he avoided opinions of other delegations, as well as those remaining parts of the opinions from which he quoted, when they did not suit his purpose. He used only parts of opinions, divorced from their context.

3) Mr. Eban quoted General Riley but where the voice of General Riley did not suit the Israelite purpose he silenced that voice. The Security Council had incorporated Doctor Bunche's interpretive note of June 29, 1949, in the tenth paragraph of the Security Council resolution. Sir Gladwyn Jebb said, referring to the interpretive note, "The tenth paragraph of the draft resolution which my United States colleague has just introduced would place on record the Council's approval of the principles set forth in Mr. Bunche's note, and would call upon the parties to give effect to them. Members of the Security Council will observe that this paragraph does no more than restate what the two Governments have already accepted in the interpretive note, but in view of the doubts which have been expressed during the course of our recent debates, we thought it right that the Security Council should set its goal, so to speak, on the essential features of the interpretive note by incorporating them in this resolution.

Although the question of 1951 is not relevant to the present project, the efforts of Mr. Eban to explain the present situation by the previous one call upon me to try to draw the distinction between the two situations in order to destroy the basic assumption that the two should be treated in the same manner.

The fundamental differences between the drainage of the Houleh on the one hand and the diversion of the Jordan on the other, are the following:

1) The Houleh drainage of 1951 does not divert the waters nor does it canalize the river into Israel-held territory, away from the demilitarized zone where it separates the two sides. The present project clearly does.

2) The military and other consequences of the Houleh scheme take place almost completely outside the demilitarized zone and not inside it. That is that they take place in Israeli-held territory. Neither the lake of Houleh nor the marshes to the north of it are in the demilitarized zone. The Jordan, south of Houleh down to Tiberius, flows entirely in the demilitarized zone and is governed by the specific provisions of the Armistice Agreement. Taking away the river from the zone creates a change in the military situation to Israel and makes the purpose of the zone almost meaningless. General Bennike has explained that aspect in his report and we have also referred to it in our own preliminary statement. It is evident, therefore, that the diversion of the Jordan destroys one of the very fundamental objects of the Armistice Agreement.

(More)

3) The Houleh project does not make it possible for Israelites to use the waters of the Jordan in Israel for irrigation and other purposes Israel might say here is the present project and its purposes presented by a map. We have much questioning regarding the map and will offer information which the Israelite Representative has not revealed.

4) The Houleh project has hardly any international implications, to the present case. That is the reason which led Mr. Eban to discard international obligations involved in the present case.

5) The Houleh project does not effect, to a large degree, the acquired rights of irrigation in the demilitarized zone and in Syrian territory. To the extent that the flood gates of the Houleh project affected irrigation, Israel was compelled to stop work on them, as General Bennike mentioned in his report, and to stop them was decided even by General Riley. The Jordan, in the case now before the Council, is the life-line of the demilitarized zone and the area in south Syria which is watered by it. Its diversion to Israel, where no one can really tell what would happen to its waters, as we shall see, creates serious consequences the first of which is Israeli control of the waters.

(More)

III

Comments on the project and its moral

We want to emphasize that the present project is relevant to our discussion only in as much as its military, juridicial, economic and other consequences and effects influence the implementation of the Armistice Agreement and its provisions regarding civilian life in the demilitarized zone, and the rights of Syria. Were the Israelite authorities undertaking such a project by using the resources of Israelite held territory and not those of the demilitarized zone; were they not infringing upon the rights, claims and positions of the other party to the agreement, Syria, whose rights, claims and positions were safeguarded by the agreement; were the Israelites not acting in contravention of Article V and other articles of the armistice, then we would have no reason to bring the present complaint before the Security Council, nor would our consent to Israelite actions be necessary. Our concern with the diversion of the Jordan is essentially its diversion from the demilitarized zone. Though our primary concern is not with economic projects, we have to look at this Israelite project and the T.V.A. on the Jordan and other projects in so far as they fall within the scope of the discussion, a scope limited to the application of the Armistice Agreement. When we come to look at Mr. Eban's project, some important facts reveal themselves, to the dismay of Mr. Eban.

He was kind enough to furnish us with a map of his project and some explanations concerning it. We have first some observations to make about this map.

(1) The map misrepresents the demilitarized zone and the flow of the Jordan within that zone. According to that so-called map, the line representing the Western border of the demilitarized zone follows the river bed over the greater part of its course, between Houleh and Tiberias. In other words, the lines delineating the demilitarized zone on the west lie, according to this map, in Israelite-held territory. This is untrue as to fact. The banks of the river both to west and east are in the demilitarized zone and the river does separate the two sides.

Maybe Mr. Eban would say this is an error of the Israelite technical services who prepared the map for him. Yet it was he who presented the map as a document to the Security Council. In so doing he endorsed and assumed full responsibility for the contents of the map, including the inaccuracies found therein.

This factual mistake, however, betrays a real though not a legitimate situation. In fact the West bank of the River is largely occupied by Israelite-controlled police, military and para-military forces. The whole area is largely controlled

(MORE)

by the so-called Agricultural Command of Israel and other forces attached to the Israelite army, forces which have no business to be there. All this is done in contravention to the agreement concerning the demilitarized zone. Very probably the technicians reported to Mr. Eban their factual situation on the map, but they did so only with respect to a part of the central section of the demilitarized zone.

The partial occupation of the Western banks of the Jordan, lying in the demilitarized zone, was being carried out by Israel in flagrant violation of the decision of the Security Council of May 18th, 1951, about which Mr. Eban invoked selected opinions while avoiding the decision itself. We do not want to dwell, at this stage, on that aspect of the 1951 situation. Let us go back to the map and project

(2) Mr. Eban put on his map a small shaded bit of territory, not exceeding probably five per cent of the area of the demilitarized zone, which he described as property owned by Arabs. He did so in order to explain that the Arab property used or affected constituted only a minor percentage of the area. Together with the map he ventured to question our statement that over 99 per cent of the area of the demilitarized zone is owned by arabs and that Arab property will therefore be used or affected by the diversion of the river, either by working on it or controlling its irrigation and life in that area. His map representing Arab-owned property and his questioning of our statement regarding that property calls for some attention.

The plain fact is that over 99 per cent of the area of the demilitarized zone, not to mention Syrian territory affected by the diversion, is owned by Palestinian and Syrian Arabs. Syria has a legitimate interest in keeping the demilitarized zone intact and protecting the interests of its nationals both in the demilitarized zone and in Syrian territory.

We have a list of land titles which demonstrate the Arab interests. In fact, we have land titles to most of the demilitarized zone. However, there is a story regarding the Arab land titles which should be told to the Security Council. Some of the land titles of Arab owners were burnt by the Israelite military and police forces in the course of their raids on Arab villages, which burned houses and destroyed Arab life and property. These attacks were registered by United Nations observers. Other Arab land titles in the demilitarized zone were taken with their owners when Israelite forces kidnapped them to Israelite held territory. Many of them are today in Israel prisons or in the Israelite concentration camp of Shaab. Some of these titles are now in the possession of the Israelite authorities in Safa who put all sorts of difficulties in the way of persons and officials seeking to obtain or examine them.

(More)

If we continue to be in possession of titles to most of the land in the demilitarized zone, it is because most of the land in the zone is owned by Syrian citizens. Some Arab owners other than Syrians are now refugees in Syria. Nineteen persons were just lately driven out by Israel to be added to other refugees. Most of these refugees now residing in Syria are in possession of titles to the lands in the demilitarized zone from which they were forcibly ejected.

When Israel declares itself here in New York ready to assume what it calls a self-imposed obligation to respect Arab property as to irrigation or otherwise, we rightly look back to the area to see, in fact, what such self-imposed readiness actually means.

Why does Israel bring in its para-military forces to the demilitarized zone? General Bennike referred to that when he said, quote:

"Israeli workmen have crossed it to build the dyke in the western branch of the river, their power shovels, placed in the river bed and also on Arab land, have piled up boulders and soil on it (these have been to date removed to a large extent); heavy machinery has overturned the ground; trees have been felled; Israeli police guarding the site have use an old Arab mill as a bivouac."

They are there to protect the works--unilaterally undertaken and executed under force of arms. The Arabs of the area are not going to stand by as passive spectators when Israelite authorities come to steal the waters of the river from the zone. Such an act cannot be accomplished without force. Israelite forces are there to ensure the completion of the theft. This theft is an act of brigandage and greatly increases the already explosive tensions of the area which, in the interest of peace, need a quick, speedy and definite remedy by the Council.

3) The map shows an international boundary. This boundary in fact is no more. The whole question of territorial settlement is in abeyance. The boundaries to be considered are those of the demilitarized zone.

There are two minor points revealed by the map which must be mentioned before we proceed to make a more substantial observation. Israel put on the map Arab mills and called them abandoned mills. One might be led to believe that those mills had been abandoned by their owners and ceased to operate a long time ago. It is fit to explain here and now that these mills were only recently in operation, although, in his note of September 24, Mr. Sharette, referred to them as not being operative for a long time. He thus opposed his views to that of General Bennike on the matter. The fact is that these mills were only lately in operation and were abandoned either because their owners were driven away or because the Israelites have destroyed the dams in the Jordan river which channelled the

(More)

waters to these mills and furnished them with motive power. That was done largely on account of the Israelite works in the demilitarized zone area and as a result of a peculiar Israelite method of restoring normal civilian life to it, as provided for in Article V of the Armistice Agreement explained by Doctor Bunche's letter. The United Nations observers know better than Israel what the facts really are.

The small bit of territory, the shaded section of the map which is supposed to indicate property owned by the Arabs, takes on the map a special configuration; its boundaries seem to follow almost inch by inch the contours of the Israelite canal. As far as we now know, the boundaries of those Arab-owned lands do not follow the canal, as they appear to follow it on Mr. Eban's map.

We know and U. N. observers also know that Arab property is affected by the works undertaken by the Israelites. When over 99 per cent of the area is Arab-owned, that becomes unavoidable. However, all controversies about the ownership of the land is immaterial in our view because the demilitarized zone is a unit in the Armistice system, irrespective of who owns which plot of land. The question resides in the implementation of the Armistice Agreement with regard to the demilitarized zone, as an entity, not an individual plots of land.

We have brought forth our observations in order to help explain the local conditions prevailing in the Zone and to throw light upon the real meaning of the restoration of civilian life in the zone, as Israel understands it. This alleged restoration of civilian life consists solely in providing Israel with an excuse to intervene unlawfully in the area and to undertake unilateral actions therein. Israel acts as though there has been a disposition of that territory in its favor, either by the Armistice Agreement or by some other arrangement, and behaves as if the rights, claim and positions safeguarded by the Armistice are, in reality, not safeguarded at all.

Those instances we have related are, Sir, indicative of a state of mind ready to undertake expansion, and aggression, a spirit and a state of mind with no sense of that very international responsibility which the Security Council should, to say the least, expect.

Now we come to the crucial issue explained by Mr. Eban's map and Mr. Eban's statement, I mean the diversion project. We have to discuss first, its scope and nature, secondly, its moral, a moral about which Mr. Eban so eloquently spoke, and thirdly, its juridical foundation or rather lack of foundation.

(More)

a. The present project is a hydro-electric project. As it now appears, it does not involve the use of water for irrigation purposes in Israeli-held territory, although it does take the waters from the demilitarized zone. A few months, or rather a few weeks ago, this same project was called by Israel the "Northern Irrigation project," irrigation being in this case its aim. Why has this apparent change in the purpose of the project been affected? Mr. Eban can perhaps give us the answer. He should. He knows better than anyone else the real reason for the change.

b. There is another project on the Jordan in that area among many others. This one is called the T. V. A. on the Jordan, for which Mr. Eric Johnston so hastily flew to the Near East recently. This one seems to be acquiring a new name: that of the "unified project" on the Jordan.

(More)

The two projects have this in common: they are both pushed with great haste and both are to be made largely with American money. Can these two projects, as they now stand, be integrated? They certainly cannot, and for the following evident reasons:

1. The T.V.A. on the whole stretch of its projected canals from the west of Lake Houleh down to the Jordan Kingdom, is an irrigation scheme. The Israelite project, as it now appears, is solely for hydro-electric purposes.
2. The canals of the T.V.A. start north of Lake Houleh at a height of over 200 meters above sea level. The Israelite project starts south of Houleh at an elevation of about 50 meters above sea level. The starting and termination points of the canals in the two projects, and the elevation of these canals, are different. It would appear physically impossible to make the two canals meet at any point or to integrate the two projects in that manner. Yet the two projects use the same waters which flow from North of Houleh, where T.V.A. starts, to the South of Houleh, where the Israelite project diverts the river.
3. The T.V.A. as a project is to be based on some kind of international multi-lateral agreement among all the countries of the Jordan area. The Israelite present project in that respect is a unilateral action, in that Israel refuses to admit the need for prior international arrangements. The politico-judicial basis of either of the two projects makes them at variance.
- c. The two projects, differing as they do in scope and purpose, in their physical set-up and in their politico-judicial basis, cannot be integrated. Yet Mr. Eban implied, in his statement, that they can be. But given these differences each project has to be metamorphosed into two other new projects if they are ever to be integrated.
- d. The waters of the Jordan can be taken to Israelite held territory from the Jordan at various points. They can be taken also to Syrian and Lebanese territory from the tributaries of the Jordan and also from the Jordan itself. They can also be taken to the Kingdom of the Jordan. We have our plans concerning a part of these waters but certainly we would not proceed to execute these plans except after prior agreement with those who are legitimately concerned. No unilateral action will be taken by Syria so long as others concerned are really ready to implement agreements. The Israelite representative told us that the interest of Syria resides solely in denying water to Israel. This is untrue. There is at present much more land irrigated in Syria from the Jordan to the South of Houleh and north of Tiberias than in Palestine. There are also other potential uses of Jordan water in Southern Syria.

(more)

Mr. Eban said that the Buteiha farms in Syrian territory now irrigated from the Jordan, do not use more than one and one half per cent of the waters, even if they are to be irrigated to the last inch. This statement is unfounded. The 6,000 acres of Buteiha now under irrigation use about 15 per cent of these waters, waters which could not be available to Syria if the Israeli project were executed. When the Israelite gates of Houleh were the Buteiha Farms in Syria lost about 70% of their Jordan waters. What would happen if these waters were diverted? Syria has a right, a usage and a claim both in the Demilitarized Zone for Syrian nationals and in Syrian territory, to say nothing of the potential uses of the Jordan waters.

e. What would happen if Israel were allowed to take away the waters of the river? To what purpose would it use these waters? No map, not even Mr. Eban's map, provides the answer. The many possibilities for the use of Jordan water in Israeli-held territory, the haste of Israel to divert the river before any agreement takes place concerning the T.V.A. or any other scheme, provide a better answer than Mr. Eban's map. Israel seeks, in all haste, to put before the world yet another fait accompli, so that no project except its own varied projects, declared or unavowed, can be realized. Once Israel has canalized the waters out of the Demilitarized zone, it can use them in the way it sees fit both for electricity and irrigation. Even their present project may realize that double aim. When the canal gets to the immediate Tiberian water shed it will be at the height of 40 meters above sea level. Lake Tiberias lies 200 meters below sea level. The difference in altitude between the projected canal and the shores of Lake Tiberias is therefore 240 meters. The lands lying between the level of the canal and the lake are so vast that probably more water would be needed to irrigate them in the summer than actually flows in the Jordan during the summer season, to say nothing of the possible use of water for hydro-electric power.

In any of these cases, whether for hydro-electric power or irrigation or both, no water, or indeed very little water, would be left to flow to the Demilitarized Zone or to Syria. In case of irrigation no water would be left to flow to the Kingdom of Jordan by way of Tiberias. These possibilities are real, evident and imminent. Some of them, if realized, render other present possibilities of use impossible in the future. Hence the haste of Israel to put forth its project by unilateral action and the haste of Mr. Eric Johnston to sell his ideas in the East about the necessity of finding some arrangements, and the unfounded assumption of Mr. Eban that his project could be, as it now appears, integrated with other possible projects.

(more)

Mr. President all these projects are in themselves irrelevant to the discussion except in as much as they affect the Armistice Agreement which safeguards all claims, rights and positions until some form of agreement is arrived at. I had to speak about them only to that extent, and to lay before the Council the necessary information which would allow me to proceed therefrom to make the following conclusions in respect to our present complaint and deliberations. My conclusions are:

1) The project as represented by the information supplied to the United Nations Observers by the Israelites early in September, or as presented by the map and the contradictory statements of Mr. Eban, is being misrepresented in two ways: by the making of untrue assertions and by the withholding of information.

2) The Israelite project as it now appears is not final. The waters once channeled into Israelite-held territory can be used in various ways, to develop Israelite irrigation schemes, or to integrate their projects with the T.V.S. by modifying the T.V.A. in a way to suit the taste of Israel. In this case, more so than in the present project as it now appears, less water will be left in the bed of the Jordan.

3) Syria has a claim both on the potential use of the waters and on existing acquired rights of irrigation. Mr. Eban says that the Syrian claim has been made to deny the waters to Israel. This is untrue. The consent of Syria is a necessity to any project, whether that consent is to be based on the Armistice Agreement or on other more general foundations.

4) The United States takes an active interest in the area. Its interests may lead the United States delegation in this Council to seek to denature our present complaint based on the Armistice Agreement, so as to bring into the picture economic interests not based on the Armistice Agreement, to cause investigations of an economic nature to take place, or to try to bring about a decision whereby the Security Council would substitute itself for the parties concerned and thus render unnecessary their prior consent in dealing with the issue. Surely, such interests of the United States do not fall within the purview of the present issue and should not be allowed to influence it beyond measure.

5) No arrangement can be discussed or arrived at unless the Armistice Agreement is fully implemented by the Security Council and the consent of Syria to any modification of its rights, claims and position, as safeguarded by the Armistice Agreement, is secured. If the Armistice Agreement is not implemented or if a decision is taken beyond its scope, then the confidence of the parties which is required for arriving at some other arrangement will have almost completely vanished.

(more)

The full and unequivocal implementation of the Armistice Agreement is a prior condition, a condition sine qua non, to any other possible arrangement among the multiplicity of possible arrangements concerning the waters.

The Moral Aspect of the Project

Every time Israelite Authorities want to take a unilateral action such as the one they are now taking, they come to the Council in the hope of developing here a moral justification for their actions. We thus see Mr. Eban in the present discussion elaborating on the moral aspect of his present project. We have, therefore, to see the project in its real moral light, and not that falsely portrayed by the Israelite Authorities.

We have no objection to projects as such. We in Syria have a number of irrigation and hydro-electric projects in the course of execution or planning. The United States, the Soviet Union, Greece, Colombia, Chile and other countries have theirs. In Syria, as in other countries, we are utilizing our water resources as well as our money. Whenever a water course has international implications, we do not proceed to use these waters by unilateral action. We stop to find an arrangement suitable to all concerned and to obtain their express consent. We are not, like the Israelite authorities, trying to use an international river for our own sole purposes and ends, nor do we deny the right of other parties to consent. We are not using the money of other peoples, as Israel is doing, <sup>often</sup> money/obtained through the pressure of pressure groups. The lands we irrigate are lands rightfully owned by the individuals and the country of which they are citizens. The lands which may be irrigated in Israeli-held territory under this or other projects are lands more than 90 per cent of which have been confiscated from their Arab owners, who swarm around Palestine in numbers amounting to approximately a million destitute, uncompensated refugees. The accumulated toil of these refugees has gone to Israel in the form of farms, homes, roads, and other useful works. We are not turning any area to wasteland, as the present Israeli project will do in the Demilitarized Zone and in Syrian territory, if it is realized. We are not driving the rightful owners of such areas from their homes under any pretext such as a purported restoration of civilian life. We are not like Israelite authorities making projects to thwart other more beneficial ones.

Let not Israel invoke morals. The lessons that Israel has to give are to be avoided for they can only be drawn from actions of an immoral nature, actions which are unjust and do not contribute toward peace and normal development. They indicate an irresponsible state of mind as to international issues which prove greed can lead only to expansion, aggression and trouble. This state of mind, if it is helped and encouraged to continue, will put the Palestine question at a beginning and not at an end.

This is the moral that can be deduced.

(more)

IV The right of Syria to consent and the so-called  
Syrian "veto"

Mr. Eban spoke at some length about a so-called "Syrian veto", as if Syria was a Great Power with a permanent seat in the Security Council. Again he resorted to rhetorical and propaganda effects to sustain an untenable thesis. The principle of the unanimity of the Big Five is a provision of the Charter which applies even to cases when one of them is not directly implicated. It is a rule of an organized cooperative body. The consent of Syria in the present issue is not a matter of voting but evidently a matter of the consent of a party to an agreement when the conduct of each one of the parties is a consideration for the other. The question is by no means a question of veto. It is the right of consent and agreement of two parties to an international contract as opposed to an unilateral breach of an agreement, as opposed also to the contention that the conclusion of new arrangements does not require the consent of the other side to the agreement. In the light of these facts the Israelite assertions about the Syrian veto appear to be really one-sided and absurd.

Israel seeks to modify the military objects of the Agreement, its very *raison d'être*, admitting no objection from our side and hence no need for our consent.

Israel opposes its authority to that of the United Nations Chief of Staff whose authority is essentially derived from the Armistice Agreement based on consent and should not therefore be modified except by the consent of the two sides.

Israel gives its own interpretation to the provisions of the Agreement for the restoration of normal civilian life in violation of the text of the Agreement to the explanatory note of Dr. Bunche and to the decisions of the United Nations Chief of Staff.

Israel disposes of, or puts under its control, territory and resources as if it had sovereign rights over them in spite of the fact that no right to such disposition or the exercise of acts of sovereignty has been admitted either by Syria or the Security Council.

Israel discards international agreements and refuses to consider itself as carrying out the obligations assumed by the Government of Palestine concerning the Jordan river. Yet Israel reverts to a doubtful administrative act of the Government of Palestine concerning the so-called concession of the Israelite company when the status of the demilitarized zone does not put that zone under Palestinian administration or legislation but under a special status described in Article V of the Armistice. Israel opposes an international administrative act to us but refuses to submit when international agreements are opposed to itself. An international administrative or legislative act such as a concession cannot in itself  
(more)

be held internationally valid without the consent of another country interested in it. This is all the more true in this case where Israel discards the international agreements involved.

Israel hides behind the company which acts as an Israelite agency under the authority of Israel and then comes into the zone to deal with individuals to the exclusion of Syria, the other party to that Agreement which created the demilitarized zone and the whole set up of juridical international arrangements concerning the zone and its inhabitants and status.

The Armistice Agreement freezes the situation until other arrangements are made. If Israel wants to modify the agreements and its objects properly, it should follow the procedure which expressly provided for the modification of the Agreement under Article VIII, instead of trying to modify it by unilateral, unjustified actions.

If the Agreement is to be interpreted in any of the issues the interpretation should take place not unilaterally, but in accordance with the provisions of Paragraph 8 of the Agreement which states:

"Where interpretation of the meaning of a particular provision of this Agreement, other than the preamble and article 1 and ii, is at issue, the Commission, in its discretion and as the need arises, may from time to time recommend to the Parties modifications in the provisions of this Agreement."

In all and each of these closely inter-related obligations under the Agreement, the consent of Syria, the other party to the agreement, as well as the consent of Israel, are both of essence. The question is not one of private individual ownership rights but is totally of an international nature, especially that no element of the Agreement could be properly divorced from the other and none of the issues involved could be properly separated.

This being the case, Israel seeks to deform and denature the authority of the United Nations Chief of Staff with a view to substituting it with an authority of its own which he does not possess.

#### V The Denaturing by Israel of the Authority of the United Nations Chief of Staff

Israel wants to avoid the Armistice Agreement in practically all its aspects, hence its denial of any need for Syrian consent. It has a special difficulty also with the authority of the United Nations Chief of Staff based on that Agreement.

The authority of the United Nations Chief of Staff is clear. We have explained in our previous statement how the United Nations Chief of Staff has a triple capacity consisting of presiding over and casting a determining vote in the M.A.C., of exercising his special attributes under Article V of the Armistice Agreement which makes him responsible for its implementation, and of commanding the Truce

(more)

Supervision Observers. He is the pivot on which the whole local international machinery works to keep the Armistice and the central piece of that machinery, connecting its various parts. Now Israel is trying hard to knock out that pivot so that the machinery may become ineffective, or may collapse, thus opening the way to Israelite unilateral actions. The United Nations Chief of Staff does not directly administer the demilitarized zone, nor does Israel, Syria or the Security Council. The Palestine Government does not administrate it anymore. The Palestine Government does not exist anymore. The administration of the Zone, in accordance with the Agreement and Dr. Bunche's letter, is on a local basis within the demilitarized zone.

We have seen that the real authority of the United Nations Chief of Staff is utterly disliked by Israel. Therefore, Israel sought to destroy it by two means: one of them is hold that his authority is limited to what each of the sides, at every stage of the implementation of the agreement, concedes to him. That would amount to an absurdity. The other way was to hold that his actions are inconsistent or that the issue in question is extraneous to the agreement. This line of reasoning has been proved as being absurd by the notes exchanged between General Bennike and Mr. Sharette as well as by the discussions in the Council.

Now Israel tries to denature his authority and to form an almost new and altogether unfounded conception of it. They are now trying to introduce a theory whereby the real and existing authority of the United Nations Chief of Staff under the Armistice Agreement would be replaced by a non-real one. He is not to be really responsible for the implementation of Article V on his own authority, but to become the custodian of the rights of Syria and the Arabs, while not becoming the custodian of the rights of the Israelite Authorities and the Israelites. This notion of his being a custodian has no basis whatsoever in the provisions of the Agreement or in Dr. Bunch's letter.

(more)

Its absurdity becomes more glaring when we look into the inherent contradiction in the Israeli notion. It seems from the Israelite statements that the United Nations Chief of Staff should be a one-sided and strange custodian, in the sense that, he can preserve, exercise or dispose of Arab rights, claims and positions but not those of the Israelites. Israelite rights in contradistinction to Arab (Syrian or non-Syrian) rights can only be preserved, exercised or disposed of by Israel. Once such an Israelite view of the authority of the Chief of Staff is recognized then he is supposed to deal with Israel without the consent of those concerned. He becomes a kind of instituted mandatory agent without the consent of those whom he would represent.

This custodian theory is not new to the Israelite way of thinking and acting. They apply it to the Arab refugees whereby an Israelite custodian of Refugee property is instituted and enabled to dispose of that property in favour of the Israelite authorities or Israelite companies and individuals.

The present trend in Israelite thinking is based on the assumption that what is being done illegitimately in Israelite-held territory should also be done even in the demilitarized zone so as to serve in either case the interests of Israel.

Yet this cannot be done in the demilitarized zone. It has its own special status as provided by Syria and the Israelite Authorities by mutual consent.

(more)

VI

The Military Implications of the Present Situation

Mr. President:

In my statement of October 30 before the Council, I took the opportunity to present the foundation, scope and contents of the Syrian complaint. Mr. Eban's statement, however, attempted to denature this complaint and to bring into the debate extraneous issues. Therefore, we find it again necessary to refer to and develop some considerations we forwarded in our previous statement about the military aspects of the question. While so doing, I will also refute the denaturing allegations of the Israelite Representative concerning the military aspects and whatever other allegations he made which have not yet been dealt with, in the preceding part of my statement.

The status of the Demilitarized Zone has been determined by Article V and other articles of the Armistice Agreement as consisting of the following basic elements:

1. The absence of military or para-military forces of either one of the two sides.

2. The conservation of the zone so as to fulfil its main function of separating the two sides and minimizing friction. This provision of Article V is naturally construed in relation with other provisions of the agreement such as those safeguarding the rights and positions of the two Parties and ensuring under Article I the respect of the right of each Party to its security from fear of attack by the armed forces of the other.

3. Owing to the fact that the questions of sovereignty and general questions of jurisdiction, administration, citizenship and the like have been held in abeyance under the Armistice, and that no disposition of territory took place in favor of either side, the Administration of the Zone was established on a purely local basis.

4. The local administration was to be undertaken by the villages and settlements. No Israelite or Syrian authority, therefore, should in any way affect the administration of the Zone. No administration or legislative measure either of Syria, Palestine, or the Israelite authorities are applicable to the Zone. The police are local and should not be, in any way, attached to the Israelite or Syrian police. The United Nations Chief of Staff has a power of supervision but he has no direct power of administration over the area.

5. The United Nations Chief of Staff has the responsibility to implement Article V, a responsibility which was given to him by the two sides acting in

(more)

common consent under the Armistice. His responsibility having its basis in the consent of the two sides is limited by that mutual consent and continues to be so.

The status of the Demilitarized Zone derives from the principle text of Article V and other provisions of the Agreement. These texts have been rendered more explicit by Dr. Bunche's note which is governed by the text of the Agreement and should be understood as a comment on it.

Dr. Bunche's letter reads inter-alia as follows:

"The question of civil administration in villages and settlements in the demilitarized zone is provided for, within the framework of an Armistice Agreement, in sub-paragraphs 5(b) and 5(f) of the draft article. Such civil administration, including policing, will be on a local basis, without raising general questions of administration, jurisdiction, citizenship, and sovereignty.

"As civilian life is gradually restored, administration will take shape on a local basis under the general supervision of the Chairman of the Mixed Armistice Commission.

"The Chairman of the Mixed Armistice Commission, in consultation and cooperation with the local communities, will be in a position to authorize all necessary arrangements for the restoration and protection of civilian life. He will not assume responsibility for direct administration of the zone."

Commenting on the special administrative status of the Demilitarized Zone the United States Delegation in the Council stated inter-alia on 16th May, quote:

"From the foregoing it seems clear that the Armistice Agreement provides for the gradual restoration of normal civilian life in the zone and that this gradual restoration is without prejudice to the ultimate settlement. The agreement also provides that the Chairman of the Mixed Armistice Commission, who is the Chief of Staff of the United Nations Truce Supervision Organization or an officer designated by him, is responsible for ensuring the full implementation of Article V and is also empowered to authorize the return of civilians to villages and settlements in the zone and the employment of limited numbers of locally recruited civilian police for internal security purposes.

"It is my Government's view that Article V of the Armistice Agreement formally establishes that the United Nations Chairman of the Mixed Armistice Commission, and not Israel or Syria, is the responsible party for general supervision of the administration of the demilitarized zone. This authority has been acquiesced in by both parties. It is believed that this situation obtains until Israel and Syria reach an agreement to the contrary, or a modification of the Armistice Agreement is made. In the individual villages and settlements in the demilitarized zone, it seems clear that the local authority lies with the local officials, either Arabs or Israelis, but outside of their immediate jurisdiction it would not appear from the agreement that they could undertake activities in the demilitarized zone contrary to the requests or recommendations of the Chairman of the Mixed Armistice Commission."

(more)

Sir Gladwyn Jebb, on behalf of the United Kingdom stated inter-alia, as follows, quote:

"His Majesty's Government in the United Kingdom regards the question of sovereignty in the demilitarized zone as being perfectly clear. The General Armistice Agreement, together with Mr. Bunche's interpretative note of 26 June 1949, which was formally accepted by both governments as an authoritative commentary on the Agreement, must be interpreted as meaning that, so long as the armistice continues in force, neither government exercises sovereignty in the demilitarized zone."

He further stated:

"In the view of my Government, therefore, both the Governments of Israel and Syria have a duty under the Agreement to assist the Chairman of the Mixed Armistice Commission to organize the administration of the demilitarized zone on a purely local basis; to abstain from any effort to assert their sovereignty in the zone, for example, either through the use of centrally controlled police forces or the general direction of the local administrations from outside the zone; and to refer all points of difficulty or matters which give rise to dispute between them to consideration and decision by the Chairman of the Mixed Armistice Commission. We believe that they must abide absolutely by the decisions of the Chairman, and that they must give him their full cooperation in the discharge of his responsibilities under the General Armistice Agreement "

Paragraphs 10,11 and 12 of the decision of May 18th, 1951, inasmuch as they are relevant to the present situation, seem to have been forgotten by Mr. Eban. In fact, he tried to avoid the decision and resorted to only opinions expressed in the discussion.

It is evident, therefore, that the Demilitarized Zone has its own administration and does not in any respect whatsoever fall under any national jurisdiction and administration, or administrative and legislative measures coming from beyond the zone. All its civilian life is to be restored and run locally, according to its own status. The United Nations Chief of Staff has a power of supervision. Both sides have the power to consent or object to any changes made in both the military and civilian status of the Zone, a status which they established by their agreement and assumed an equal and mutual obligation to respect. Thus no side to the Agreement can in any way exercise any of the attributes of administration or sovereignty. Only by respecting the status of the Demilitarized Zone can it be maintained as a buffer between the two sides while all the claims, rights and positions of both sides are safeguarded until, between them, an arrangement is arrived at within or beyond the Armistice. This naturally excludes any unilateral action. On all these matters, the duties and obligations of the two sides are of equal value. Israel has no right in that respect which Syria does not have, nor can Syria claim any right which it denies to Israel. We do not deny the right of Israel to object or consent to any action we might see fit to be taken.

(more)

Both Syria and Israel, as two sides to an agreement, are guardians of that agreement. Any unilateral change to be undertaken by one side can call for the objection of the other side. Indeed it is the duty of the other side to denounce any unilateral action. That duty is based on the need and will to keep the Agreement and implement it.

The Agreement itself provides for its proper interpretation and its possible modification by the methods established in Articles VII and VIII.

The Armistice, thus, freezes the situation on the front until such times as the common and mutual consent of the two sides alters it.

Why did Syria intervene in the present case? If we were to heed Mr. Eban we would have no right to intervene as a party to the Agreement. According to him our attitude is one of mere obstruction. But obstruction to unilateral and unwarranted actions is a laudible duty and an endeavor to maintain the Armistice. We intervened for positive reasons mentioned in our previous statement. Such reasons include, among others, the preservation of the status of the zone, and its military functions, as well as the rights of Syria. We have thus intervened to keep the military situation intact as the Armistice has established it.

Mr. Eban avoided these points. He went ahead to refer the general military questions not controlled by the Armistice Agreement such as measures which may allow Israel "to wage a successful war." Such general measures as training more troops, building up armaments, establishing industries for increasing the military potential, and the like are not under discussion. Israel is taking such measures to enable it to wage a successful war. We did not bring a complaint on this basis.

The essence of the issue are those actions both within the Demilitarized Zone and based on the Zone, unified in their processes and effects, which unilaterally change the military situation set by the Armistice and effect rights safeguarded by the Armistice.

Mr. Eban told us that the armed forces of either side are forbidden to enter the Zone. But armed forces controlled by Israel are in the zone, forces of police, agricultural command and other formations. Israel cannot undertake the works in the Demilitarized Zone without the use of such forces.

Mr. Eban then turned to explain further how the Israelite activity is militarily beneficial for the purpose of the Armistice. He maintained that instead of having the river as one obstacle in the Demilitarized Zone, Israel, by digging canals, would be increasing the obstacles. The real existing obstacle, however, is the waters in the bed of the river in the demilitarized zone, which are to be diverted.

(more)

Some questions about the canals arise. By whom, where and for what purpose are these canals being dug, and who would control them and the flow of the waters in them? He avoided all these questions. It is evident from General Bennike's report and our statement that these are questions which must be really dealt with.

The diversion of the waters from the river bed in the Demilitarized Zone and the control of the waters and canals by Israel, have their military affects which we mentioned in our previous statement and which may now be briefly recalled so as to remind the Council of them in the light of the Israelite assertions.

If the Jordan River is diverted as Israel is trying to do the following results, among others, would necessarily ensue:

The River, as an obstacle for the movement of troops, where it now flows, would be within the range of fire of our artillery and infantry in case Israelite forces move to attack. When the river is removed from the Demilitarized Zone to Israel the whole defense set-up would be changed. This military change is aggravated by the very fact that there would be no water flowing in its present bed, or little water, which makes the bed easy to cross both for ordinary infantry and mechanized units, tanks and other means of combat.

The new canal in Israel would remain an obstacle but that, too, is a military gain to Israel because Israel would control it, and can throw over it at will, bridges for the use of its own forces while no such bridges could now be built in the Demilitarized Zone over the river nor could they be charted and prepared.

What is equally important would be the possibility for Israel if the works are completed, to dry the present bed of the river or the new canal at will, and thus to obtain the possibility of forming an obstacle at the time and place that befits its own plans in case of action. It can do so because the works are intended to regulate the flow in the old or the new bed to be created.

The control of the course of the river and the possible use of the canal to be made by Israel as a military factor helps it greatly to economize its forces in that area so as to use them elsewhere.

The River now separating the two sides and minimizing friction would be removed."

The Israelite representative also told us that the questions of military changes and advantages were only relevant under the Truce and are irrelevant under the Armistice Agreement, because, he maintained, that the Armistice superseded the truce by virtue of a Security Council decision of August 1949. The decisions of the Security Council do not replace the Armistice. Whether or not the Armistice supersedes the Truce in the sense of abrogating it, as Mr. Eban thinks, is a matter

(more)

of no practical importance, because the Armistice Agreement itself is an adequate basis for our reasoning and that of General Bennike. Its provisions, truce or no truce, make unwarranted such military charges as those now contemplated. It unequivocally safeguards the positions of the two sides, and their security.

Article I, paragraph 3, states, quote:

"The right of each Party to its security and freedom from fear of attack by the armed forces of the other shall be fully respected."

Article V was the basis for General Bennike's findings. Yet there is no basis for the Israelite belief that the Armistice annulled the principles laid down by the truce; it continued them. In fact, the whole International Supervision Organization continues to function under the name of the United Nations Truce Supervision Organization. Article II of the Armistice Agreement itself preclaims, quote:

"The principle that no military or political advantage should be gained under the truce ordered by the Security Council is recognized."

Why is this principle recognized in the Agreement as a part of it? Is it recognized in order to discard it? How could this be conceivable when the whole armistice was made, as stated in Article I, paragraph I, on the basis that, quote:

"The injunction of the Security Council against resort to military force in the settlement of the Palestine question shall henceforth be scrupulously respected by both Parties."

What was that injunction about if it was not about a Truce of 1948 preceding the armistice?

The recognition of this principle in that explicit manner was made in the Syria-Israeli Armistice in particular. There were special reasons for it in the Syrian-Israeli Armistice, one of which, it would appear from the Armistice negotiations, was that Syria held territory of the Demilitarized Zone and would not have withdrawn from it were it not for the consideration of the Armistice Agreement, including its Article II.

We need not go any further in dealing with this point unless Mr. Eban comes back to it. We are now satisfied to say that the very provisions of the Armistice itself allow no military changes or advantages in or based on the Demilitarized Zone, without the mutual consent of the two sides. We have suggested changes ourselves and when Israel objected to them we refrained from taking any unilateral action. Why does not Israel behave in the same manner?

When the question of military advantages arose in 1951 with regard to the defensive area beyond the Demilitarized Zone, both sides sought and obtained the verdict of the United Nations Chief of Staff General Riley. He ruled that no military advantage applied in that case to one side which did not equally apply to the other. Whether his ruling on that situation was right or wrong, the fact nevertheless remains that both sides considered the matter relevant to the Armistice and hence sought and obtained a ruling. With regard to the present situation, General Bennike in his report dealt sufficiently with this matter and we need not quote him here.

Why does not Israel now consider the question of military changes relevant to our consideration, now that its undertakings change and effect the Demilitarized Zone itself?

It is now evident that the military considerations in an Armistice are paramount and that the considerations we have mentioned are definitely relevant and proper.

VII

Mr. President:

The decision of the Security Council taken on October 30 to stop the works is not being fully implemented with the spirit and thoroughness which it implied. The works in the demilitarized zone have continued, though on a lesser scale than before. Outside the demilitarized zone, the same works are being carried out, according to our information, with accelerated efforts on a large scale. When Mr. Eban told us in the Council that it has always been the policy of his Government to suspend the works and to facilitate the international consideration of them, we might have thought that it would at least be its policy after the decision of the Security Council. The works to divert the river, whether in the demilitarized zone or beyond it, are one process with one purpose and effect. They are all aspects of the same policy and unilateral action which Israel is undertaking and which ought to have been suspended, while the question is being considered by the Council on its own merits.

The continuation of the works is indeed indicative of the Israelite state of mind, recalcitrant as it is and lacking in any real sense of international responsibility. I bring this matter now to your consideration. It urgently calls for quick, real and definite international actions.

VIII

Mr. President:

At this stage of debate, I would like to state in conclusion the following:

1. The Israelite action to divert the Jordan River from its bed without any prior arrangement based on the consent of each of the two sides to the Armistice in an unwarranted, unilateral action with grave military and other consequences. Both the action and the consequences are a breach of the Armistice.

2. The present Israelite project is not the only one that the Israelite authorities or other authorities can do for utilizing the Jordan waters. It is not a unique constructive effort. There are many other projects which the present project, were it executed, would thwart and render impracticable. All these projects and plans whether of Syria, the Israelite Authorities or the United States of America, should be kept as tentative plans until such time as suitable international arrangements are arrived at by consent of the authorities concerned. The present contemplated diversion of the river almost amounts to a fait accompli. We have no quarrel with projects as such, our quarrel is with unilateral action which unjustly affect each and every other project under consideration.

(More)

3. Once the Armistice is fully, unhesitatingly and unequivocally implemented, two fundamental results will have been obtained which are a prerequisite to the maintenance of peace in the area:

A. The door to arrogant unilateral actions and accomplished facts would be closed. Once that door is definitely closed, then the thinking might really turn towards seeking arrangements which would effectively take into consideration the legitimate rights of all those concerned.

B. The full implementation of the Armistice would not only maintain peace but it would also contribute to confidence in international arrangements and the authority of international institutions and law. That confidence is badly needed and is an essential prerequisite for dealing with Near Eastern issues.

4. The Israelite Authorities undoubtedly seek to free themselves of the Armistice, by interpreting it or modifying its very objects, whenever that Armistice does not suit the Israelite purposes. How can such a state of affairs continue without creating increasingly grave and nefarious results?

If Israel would like the Agreement to be properly interpreted then it should find remedy in Article VII which provides for the procedure of interpretation. If it wants the Agreement or its objects properly modified then it should avail itself of Article VIII which provides for possible modification. Israel does not do so. It takes the way of unilateral interpretations and modifications of the Agreement which should be definitely barred by the Security Council.

5. The Security Council with all its high authority certainly would not alter the Agreement by its decisions or substitute their decisions for the consent of the Parties. Its decisions would be naturally intended to implement the Agreement. The various interests which Syria, the Israelite Authorities, the United States or any other country may have are not elements of the issue now before us, except to the extent that these interests may affect the Armistice Agreement itself, and the rights, claims and positions safeguarded by the Armistice Agreement until other arrangements are arrived at by the mutual and free consent of the two parties to that Agreement.

6. Once the Armistice Agreement is fully implemented, then other extraneous issues may be considered, each on its own merits, between those legitimately concerned.

- - -

(More)

Mr. President:

Syria was compelled to bring this issue to the Security Council by the duty we so strongly feel to preserve peace in the Near East. Peaceful solutions and healthy progress can only result from peaceful conditions and actions. We should not be forced out of peace by expansionist, unilateral, aggressive actions. Help us to preserve peace and to keep the Armistice Agreement, its only bulwark, real and effective. The Council with its high authority can preserve the sanctity of agreements and the effectiveness of international responsibility and create confidence. The Parties and the Council can thus serve the very purposes of the Charter.

\* \* \*