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REPORT OF THE SECRETARY-GENERAL SUBMITTED UNDER GENERAL
ASSEMBLY RESOLUTION 31/62 CONCERNING THE PEACE CONFERENCE
ON THE MIDDLE EAST

1. The General Assembly, in paragraph 1 of its resolution 31/62 adopted on 9 December 1976, requested the Secretary-General "(a) to resume contacts with all the parties to the conflict and the Co-Chairmen of the Peace Conference on the Middle East, in accordance with his initiative of 1 April 1976, in preparation for the early convening of the Peace Conference on the Middle East; (b) to submit a report to the Security Council on the results of his contacts and on the situation in the Middle East not later than 1 March 1977". In the latter part of December and in January, in pursuance of that resolution, I held initial consultations with the representatives of the parties and of the two Co-Chairmen at the invitation of the Government of Egypt, and after consultations with all the parties concerned I decided to visit the region in early February with a view to making contact in the area with the parties directly concerned before making my report to the Security Council.

2. I departed for the Middle East on 31 January and left the area on 12 February. During that period I visited Egypt, the Syrian Arab Republic, Saudi Arabia, Lebanon, Jordan and Israel. I held extensive consultations in those countries with the heads of State, heads of Government, foreign ministers and other leaders involved in the Middle East problem. I also met with Chairman Arafat of the Palestine Liberation Organization (PLO) in Damascus. At the termination of my visit to the region, I sent representatives to the respective capitals in order to keep the two Co-Chairmen of the Middle East Peace Conference informed of my consultations with the parties in the Middle East and to consult with them on the question of an early reconvening of the Peace Conference.

3. The main object of my mission was to get clarification of the views of the parties concerned as to the best course to follow in resuming the negotiating process and to consult with them as to the best means of overcoming the various obstacles in the way of that objective. My consultations also provided an opportunity for an exchange of views on the wider aspects of the Middle East problem itself. All the parties expressed their desire for an early resumption of the negotiating process through the convening of the Peace Conference on the Middle East. The problem, therefore, was to find agreement on the conditions under which the Conference could be convened.

Participation in the Peace Conference on the Middle East

4. The most immediate difficulty is the question of participation. The position of the Arab States is that the PLO should be invited to participate in any future meetings of the Peace Conference on the Middle East. The position of the Israeli Government is that the Conference should be convened on the original basis, namely, the letter of the two Co-Chairmen which I circulated with my letter of 18 December 1973 convening the Conference (S/11161). The participation would thus be the same as at the meeting of the Conference which took place in December 1973. The Arab Governments maintain that the PLO is the only legitimate representative of the Palestinians. Israel, on the other hand, is not prepared to recognize the PLO as the representative of the Palestinians but is prepared to negotiate with Jordan concerning the Palestinian question. Israel would not object to the inclusion of Palestinian representatives in the delegation of Jordan. The position of the PLO is that it must be invited to participate in the Geneva Peace Conference from the outset on an equal footing with all the other parties as the sole representative of the Palestinian people. I may add that this view was shared by all of the Arab Governments, especially as related to the importance of issuing a separate invitation to the PLO.

5. I discussed the question of participation at length with all of the parties in an effort to find means of overcoming this primary obstacle to reconvening the Conference. In this context, the possibility of the Conference discussing the question of participation as its first order of business in a resumed session of the Conference in accordance with the above-mentioned letter of 18 December 1973 or in a preparatory stage, the possibility of a unified Arab delegation and other procedural solutions were discussed. It would appear, however, at the present time that the difference between the parties on this matter is too fundamental to be bridged by procedural devices.

6. During my visit to Beirut the question of the participation of Lebanon in the Peace Conference on the Middle East was among the subjects discussed. The Government expressed its interest in participating, although it has not yet formalized its position on this matter.

Timing

7. The question of the timing of the convening of the Peace Conference was also discussed. In principle, all the parties concerned were in favour of convening the Peace Conference at the earliest possible date. The Government of Israel made it clear that it was prepared to attend a meeting of the Conference immediately, provided it was convened on the same basis as the first phase of the Conference in December 1973. The Arab States supported the convening of the Conference within the time-limit set by paragraph 2 of General Assembly resolution 31/62. The PLO stated that in the absence of an invitation and as long as the agenda of the Conference was not known, it was not able to express its view on the timing. My own impression is that the parties would be prepared to be flexible as regards timing, provided there is a prospect of the Conference being convened within a reasonable time-limit.

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Terms of reference

8. Another matter which was discussed during the course of my contacts was the terms of reference of the Conference. In 1973, the Conference was convened on the basis of Security Council resolution 338 (1973). It seems to be generally accepted among the original participants in the Conference that resolution 338 (1973) remains the basis for convening the Peace Conference. In fact, the Government of Israel insists that this is the only basis on which the Conference can legitimately be convened. However, it was noted by the Arab Governments that since the adoption of resolution 338 (1973), the General Assembly had adopted resolutions pertaining to the Geneva Conference and that those should be taken into account.

9. In my conversations with the representatives of the PLO, they made clear its position that resolutions 242 (1967) and 338 (1973) cannot be considered a legal basis for the Geneva Peace Conference, since resolution 242 (1967) had been superseded by General Assembly resolutions 3236 (XXIX) and 3376 (XXX). In this regard, the position of the PLO is that, in principle, it is keen on participating in any conference on the Middle East, irrespective of its feelings as regards the basis of the Conference, because it is a party directly involved. However, before taking a final decision to participate, the PLO would wish to know the agenda of the Conference.

Agenda and organization of work

10. Although the agenda and organization of work of the Conference can be fruitfully discussed only when the problems of participation have been overcome, these matters were to some extent explored in the course of my discussions on the general problem of convening the Conference. It is clear that there is a divergence of views on several aspects of this matter which will have to be resolved before the Conference can get down to its work. On the question of working groups, the Arab side expressed a preference for working groups organized on a functional rather than a geographical basis in which all of the parties would participate, on the grounds that the problem of the Middle East is indivisible. On the other hand, the view was expressed in Israel that negotiations should take place within the Geneva framework on a Government-to-Government basis according to the specific issue involved.

11. Israel regards the Geneva Conference as a continuous ongoing process, within which framework negotiations could take place in different forms and, if necessary, in different places, according to the aspect of the problem involved. Israel prefers a comprehensive solution of the Middle East problem. If, however, in the present circumstances, this cannot be achieved, it is prepared to work out limited arrangements within the framework of the Geneva Peace Conference. For their part, the Arab side emphasized that their interest is to work out a comprehensive settlement, within the Geneva framework and under United Nations auspices, involving, in the first place, the solution of the Palestinian question and the withdrawal of Israel from the occupied territories.

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Possible interim arrangements

12. Even though there has been no convergence of views as to a number of differences which will have to be resolved before it is possible to convene the Peace Conference on the Middle East, all concerned agree that it is of crucial importance to preserve the momentum towards a resumption of negotiations and to avoid a hiatus in the efforts to achieve this objective. In this context, various possible interim measures which might be considered if no early agreement on reconvening the Conference could be reached were discussed. Among these possibilities was some form of preparatory working group to be set up in the United Nations Secretariat under the Secretary-General's auspices to maintain contact with all the parties and with the Co-Chairmen on the problems of reconvening the Conference, with a view to their early resolution. This would be largely a formalization of existing activities.

13. Another possibility mentioned was the formation of a contact group in Geneva consisting of the representatives of the two Co-Chairmen, of the Secretary-General and of the parties concerned in order to explore further the procedural problems involved in convening the Conference. A further possibility which came up in discussion would be the setting up of an interim conference secretariat to maintain contact with the parties and the Co-Chairmen and to work on the preparations for the Conference, including the agenda, the rules of procedure and the organization of the work. The general feeling about such interim measures seemed to be that while it would be desirable to maintain the present contacts on an informal basis, it would not seem advisable to formalize them at the present stage.

Consultations with the Co-Chairmen

14. By identical letters dated 6 January 1977, I transmitted to the two Co-Chairmen of the Geneva Peace Conference the text of General Assembly resolution 31/62 of 9 December 1976. I also informed them of my plans regarding the resumption of my contacts with the parties and the Co-Chairmen along the lines of my initiative of 1 April 1976. On 21 January 1977, the Minister of Foreign Affairs of the Soviet Union, Mr. A. Gromyko, in response to my letter, set out the position of the Soviet Union with respect to the convening of the Geneva Peace Conference, as well as the general problem of the Middle East.

15. Following consultations with Soviet officials in Moscow, it emerged that the Soviet Union remains committed to the position of principle outlined in its proposal of 2 October 1976, which is contained in document A/31/257 and S/12208 of 7 October 1976. The Soviet Union favours an over-all Middle East settlement in the interest of a stable peace in the Middle East and of international security as a whole. Accordingly, it makes an urgent appeal for the resumption of the work of the Geneva Conference without delay on the basis of United Nations resolutions. It suggests that the Geneva Peace Conference can be held in two stages and attaches importance to the representation of the PLO at the Conference on an equal footing with the other parties concerned.

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16. On the eve of his departure for the Middle East, Mr. Cyrus Vance, Secretary of State of the United States, on 14 February 1977, responded to my letter of 6 January 1977, expressing his Government's support for my own efforts concerning the resumption of the negotiating process. At the conclusion of his visit to the area from 14 to 21 February, I was again in touch with the Secretary of State. The Secretary informed me that he found a clear determination among all the Parties to make a serious effort for peace. He found agreement among the parties that, if procedural questions can be resolved, they are prepared to go to Geneva to discuss the substantive issues without preconditions. In Mr. Vance's talks the principal substantive issues were agreed to be the nature of peace, withdrawal/territorial boundary questions, and a settlement of the Palestinian problem. It was apparent to the Secretary of State that the principal procedural problem that must be resolved arises from the differences among the parties over the question of Palestine participation at the Geneva Conference. On the issue of timing, the United States has found a consensus that all concerned should work toward reconvening the Geneva Conference in the second half of 1977. It is the stated intention of the United States to work with the Governments in the area to make progress this year toward Middle East peace.

Observations

17. While the immediate purpose of my consultations was to discuss the early convening of the Peace Conference, the wider problems of the Middle East were also discussed. I do not believe that the Council will expect me at this stage to attempt to provide a detailed report on the Middle East question, but it may be of some value to record briefly my own impressions of the attitudes now current among the parties to the Middle East problem.

18. As I have stated before, there can be no doubt that all concerned are earnestly desirous of moving toward a negotiated settlement. In order to achieve this, however, it will be necessary to make a determined effort to overcome the lack of confidence, and the mutual distrust and fears of all the parties as to the consequences of making compromises and concessions. In the existing situation, lack of communication and understanding presents a major obstacle in the way of efforts to establish a just and lasting peace in the area. I have done my best during my conversations to try to bridge this gap by conveying faithfully the views of each side to the other. I know that several concerned Governments are also making efforts in this regard.

19. The main elements of the Middle East problem remain intractable and extremely difficult to deal with. On the other hand, there is, I believe, an increasing consciousness in the area that an opportunity now exists to resume negotiations in a meaningful way and that, if this opportunity is not seized, there are grave dangers that the situation will deteriorate once again, with incalculable consequences not only for the Middle East but for the international community as a whole.

20. As I have said earlier, the immediate problem in reconvening the Peace Conference is the participation of the PLO and the representation of the interests and rights of the Palestinian people. Although I have explored with the parties

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the possibility of surmounting this obstacle by various arrangements, I do not believe that it can be surmounted by purely procedural means without certain changes in attitude on all sides. Such changes would involve mutual recognition of the legitimacy of the claims of the different parties in suitable forms and with adequate guarantees and an effort on all sides to define more clearly the shape of an ultimate peace settlement in the Middle East. Obviously, the attitude of the PLO toward Israel as reflected in the Palestine National Charter (formerly called the Covenant), the attitude of Israel toward the PLO and the nature and context of the Palestinian entity in a future settlement are among the key issues where adjustments of attitude would have an important bearing on the prospects of success of the Peace Conference.

21. Without such basic changes in attitude it will be difficult to make progress in resolving the substantive aspects of the Middle East problem. I discussed these questions at some length with my interlocutors in the Middle East. I hope very much that, through further efforts on all sides, it will prove possible to bring about the adjustments which are indispensable to further progress in solving the problem.

22. However great the difficulties may be, I am convinced that we must maintain the movement toward peaceful negotiation for a just and lasting settlement and, specifically, intensify our search for means through which the Peace Conference on the Middle East can be convened at the earliest possible date. We must seize the opportunities that exist, however far apart the positions of the different parties still are. Neither the parties in the Middle East nor the international community as a whole can afford a continuing stalemate. It is vital that we catch the prevailing spirit of moderation and realism before it evaporates and assist the parties to channel that spirit into the arduous process of negotiation.

23. I shall continue my own contacts with the parties and the two Co-Chairmen in order to keep myself informed of their positions in the light of developments since my visit to the Middle East. I shall not fail to inform the Council of further developments.
