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## REPORT OF THE SUB-COMMITTEE ON THE PALESTINIAN QUESTION

Chairman: Dr. F. VAN LANGENHOVE (Belgium)

1. The Security Council, at its 375th meeting held on 29 October 1948, established a Sub-Committee composed of the representatives of Belgium, China, France, the United Kingdom and the Ukrainian SSR. The terms of reference of the Sub-Committee were provided for in the resolution (S/1062), which reads as follows:

## "THE SECURITY COUNCIL

"RESOLVES that a Sub-Committee be established, consisting of the representatives of the United Kingdom, China, France, Belgium and the Ukraine, to consider all the amendments and revisions which have been or may be suggested to the second revised draft resolution (S/1059/Rev.2), and in consultation with the Acting Mediator to prepare a revised draft resolution."

2. At the first meeting, held on 29 October 1948, the Sub-Committee elected Dr. F. Van Langenhove, the representative of Belgium, as its chairman. It decided that the meetings of the Sub-Committee would be open, and also that a summary record would be drawn up, which would not be circulated but which would be available to the members of the Sub-Committee for consultation. The Sub-Committee held four meetings on 29 and 30 October and on 2 November.

3. In his opening remarks, the Chairman stated that in accordance with the terms of reference given to it by the Security Council, the Sub-Committee was instructed to prepare, in consultation with the Acting Mediator, a revised draft of the joint draft resolution submitted by the representatives of China and the United Kingdom (S/1059/Rev.2). He recalled that at the 375th meeting of the Security Council only the representative of Syria had submitted formally an amendment (S/1061), and that the representative of France had made informally a number of suggestions. He proposed, therefore, that the Sub-Committee should in the first instance take up those paragraphs of the joint draft resolution to which some major substantive amendments or suggestions had been made. Consequently paragraph 5 of the joint draft resolution was discussed first.

4. In the course of a preliminary discussion regarding the fifth paragraph of the joint draft resolution, in which the representatives of the United Kingdom, China, France, and the Acting Mediator participated, the Sub-Committee sought to clarify the exact meaning and the implications of that

The representative of the Ukrainian Soviet Socialist Republic, having quoted a number of paragraphs from the verbatim record of the 367th meeting of the Security Council during which the resolution concerning the cease-fire (S/1044) had been adopted, stated that the draft resolution now presented by the representatives of China and the United Kingdom was in contradiction to and a violation of the resolution of 19 October. He declared that the resolution of 19 October provided in clear terms that after the cease-fire had been accepted by the parties, certain conditions might be considered as the basis for further negotiations, aiming at the prevention of similar incidents. This interpretation of the 19 October resolution was confirmed in unmistakable terms by the President of the Security Council, in his reply to the question posed on this subject by the representative of the Provisional Government of Israel. Under the circumstances, therefore, the representative of the Ukrainian Soviet Socialist Republic could not support the joint draft resolution submitted by the representatives of China and the United Kingdom, and had to oppose its adoption.

5. (a) The representative of China submitted an amendment to the fifth paragraph, which reads as follows:

"CALLS upon both parties to withdraw from any positions not occupied on 14 October;

"AUTHORIZES the Acting Mediator, if he deems it advisable, to propose rearrangement of positions occupied on 14 October, with a view to the establishment of a permanent truce line."

(b) The representative of the United Kingdom likewise submitted an amendment to the fifth paragraph of the joint draft resolution, which in its final form reads as follows:

"CALLS upon them to withdraw all forces which have advanced beyond the positions occupied on 14 October, and authorizes the Acting Mediator to establish provisional lines beyond which they shall not move any forces pending the establishment of permanent truce lines and neutral zones."

(c) The representative of France, who considered the idea of three distinctive stages and that of neutral or demilitarised zones as practical and advantageous, suggested three amendments to the fifth paragraph, the last of which reads as follows:

"CALLS upon the interested Governments:

(1) To withdraw those of their forces which have advanced beyond the positions held on 14 October, the Acting Mediator being authorized to establish provisional lines beyond which no movement of troops shall take place;

"(2) To establish, through negotiations conducted directly between the parties, or failing that, through the intermediaries in the service of the United Nations, permanent truce lines and such neutral or demilitarized zones as may appear advantageous, in order to ensure henceforth the full observance of the truce in that area. Failing an agreement, the permanent lines and neutral zones shall be established by decisions of the Acting Mediator."

6. The fifth paragraph, as revised by the representative of France, was supported by the representatives of Belgium, China, France and the United Kingdom, and was opposed by the representative of the Ukrainian SSR.

7. The Sub-Committee next discussed the sixth paragraph of the joint draft resolution. The representative of France proposed the omission from that paragraph of reference to Article 41 of the Charter. He considered that the third paragraph of the joint draft resolution covered fully but less rigidly the objectives which were aimed at in the sixth paragraph.

After further discussion in which other amendments were submitted, the members of the Sub-Committee expressed their attitudes regarding this paragraph in the following way:

The representatives of Belgium, China and the United Kingdom were in favour of retaining the reference to Article 41, as in the revised text;

The representative of France was opposed to its retention and reserved his right to present again to the Security Council arguments in favour of omission, as well as for the deletion of the whole of the sixth paragraph should he find its deletion desirable.

The representative of the Ukrainian SSR was opposed to a reference to Article 41, as well as to any reference to Chapter VII

8. No amendments were submitted to the first and second paragraphs.

9. The representative of France considered that the third paragraph should be elaborated by reference to the resolution of 19 October. His proposal was opposed by the representatives of China and the United Kingdom. The representative of Belgium, as a compromise, proposed the following text to be added at the end of the fourth paragraph:

"following upon the resolution adopted by the Security Council on 19 October 1948;"

After a further exchange of views, the representative of France stated that he was prepared to include his reference to the 19 October resolution in the fourth paragraph, which was to read as follows:

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/"CONSIDERING

"CONSIDERING the resolution adopted by the Security Council on 19 October, and ENDORSING the request communicated to the Government of Egypt and the Provisional Government of Israel by the Acting Mediator on the 26th October (S/1058)."

The representative of the Ukrainian SSR considered that a reference to the resolution of 19 October should be made and supported the French amendment, provided that an additional reference be made to the interpretation given by the President of the Security Council to that resolution.

The Belgian amendment to the fourth paragraph was supported by the representatives of China and the United Kingdom; the representative of Belgium abstained on the French amendment as he felt the distinction between the two amendments was infinitesimal. The representative of the Ukrainian SSR opposed both amendments; and the representative of France reserved his position by maintaining his amendment.

10. The fifth paragraph was approved previously. Although the amendment submitted by the representative of Syria at the 375th meeting of the Security Council (S/1061) had not been discussed explicitly, it was considered by the Sub-Committee while it examined the various amendments submitted to the fifth paragraph as well as the views which had been expressed by the Acting Mediator.

11. Additional drafting changes were made in the sixth paragraph, replacing the words "should fail to comply with the preceding paragraph of this resolution", by, "should fail to observe the conditions prescribed in the two sub-paragraphs of the fifth paragraph", and the words, "time-limit", by, "time-limits".

12. The Chairman summed up the attitudes of the representatives to the whole draft resolution as amended as follows:

The representatives of Belgium, China, France and the United Kingdom supported the amended text, with reservations by the representative of France, as noted above:

The representative of the Ukrainian SSR was opposed to the draft resolution as a whole as explained in paragraph 4 above and reserved his right to submit to the Security Council a draft resolution embodying his views and reading as follows:

"THE SECURITY COUNCIL,

"TAKING INTO CONSIDERATION the conditions set out in the resolution of 19 October, which could be carefully examined as a basis for further negotiations between the two parties.

"CALLS UPON the two parties to begin negotiations, either directly or through the intermediary of a United Nations representative, on the basis of the aforementioned resolution, with a view to the peaceful settlement of unresolved questions, and

"INSTRUCTS the Acting Mediator to offer his good offices to the parties for this purpose and to assist in the conduct of such negotiations."

13. The amended draft resolution was approved with the reservations mentioned above, and reads as follows:

"THE SECURITY COUNCIL,

"HAVING DECIDED on the 15th July that, subject to further decision by the Security Council or the General Assembly, the truce shall remain in force in accordance with the resolution of that date and with that of 29th May 1948 until a peaceful adjustment of the future situation of Palestine is reached;

"HAVING DECIDED on the 19th August that no party is permitted to violate the truce on the ground that it is undertaking reprisals or retaliations against the other party, and that no party is entitled to gain military or political advantage through violation of the truce; and

"HAVING DECIDED on the 29th May that, if the truce was subsequently repudiated or violated by either party or by both, the situation in Palestine could be reconsidered with a view to action under Chapter VII of the Charter;

"ENDORSES the request communicated to the Government of Egypt and the Provisional Government of Israel by the Acting Mediator on the 26th October (S/1058) following upon the resolution adopted by the Security Council on 19th October 1948; and

"CALLS UPON the interested Governments:

(1) To withdraw those of their forces which have advanced beyond the positions held on 14th October, the Acting Mediator being authorized to establish provisional lines beyond which no movement of troops shall take place;

(2) To establish, through negotiations conducted directly between the parties, or failing that, through the intermediaries in the service of the United Nations, permanent truce lines and such neutral or demilitarized zones as may appear advantageous, in order to ensure henceforth the full observance of the truce in that area. Failing an agreement, the permanent lines and neutral zones shall be established by decision of the Acting Mediator; and

"APPOINTS a committee of the Council, consisting of the five permanent Members together with Belgium and Colombia, to examine urgently and report to the Council on the measures which it would be appropriate

to take under Article 41 of the Charter if either party or both should fail to observe the conditions proscribed in the two sub-paragraphs of paragraph 5 of this resolution within whatever time limits the Acting Mediator may think it desirable to fix."

14. The Sub-Committee approved this report at its fourth meeting, held on 2 November 1948.

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