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GENERAL

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CABLEGRAM DATED 26 JUNE 1951 FROM THE CHIEF OF STAFF OF THE TRUCE SUPERVISION ORGANIZATION ADDRESSED TO THE SECRETARY-GENERAL, TRANSMITTING A FURTHER INTERIM REPORT ON STEPS TAKEN TO GIVE EFFECT TO THE SECURITY COUNCIL RESOLUTION OF 18 MAY 1951 (S/2157)

I have the honour to submit for transmission to the President of the Security Council a further interim report on steps taken to give effect to the Security Council resolution of 18 May 1951 (S/2157).

1. On 23 May 1951 the Palestine Land Development Company ceased operation in connexion with the Huleh concession project on all Arab-owned land in the demilitarized zone, which land had been the subject of dispute since 12 February 1951.
2. The Chairman of the Syrian-Israel Mixed Armistice Commission then initiated an enquiry amongst Arabs whose lands lie along the Jordan River or contiguous thereto to determine if agreement were possible whereby acceptance of fair compensation or exchange of land within the demilitarized zone could be arranged to avoid jeopardizing restoration of normal civilian life.
3. The situation regarding the land in question may be summarized as follows:
 - (a) The land needed along the Jordan River for the proposed channel amounts to approximately 25 dunams, situated along the west and east banks in numerous small parcels for a distance of about three kilometres with 70 landowners involved.
 - (b) The land to be used during the period of construction of the embankments and to be eventually returned to the owners amounts to approximately 415 dunams, with 117 landowners involved.
 - (c) As there are many co-owners of lands in both groups mentioned in subparagraphs (a) and (b), the total number of landowners actually involved is 125.
4. The Chairman personally interviewed 28 Arabs who represented a total of 85 out of 125 Arab landowners. These 28, along with those they represented, appear from best evidence available to hold to 95 per cent of the Arab land

required for the proposed channel of the Jordan River, and to 90 per cent of the Arab land in the demilitarized zone required for temporary use while the embankments are under construction.

5. This group unanimously rejected any proposal relative to rental, sale, or exchange of any or all of their lands for other lands within the demilitarized zone.

6. The rejection of the Chairman's proposals may result in indefinite suspension of the "Project" as a project unless the parties can resolve their differences. Attention is invited to difference of opinion that exists between the parties in this regard as reported in paragraphs 2, 3, 4 and 5 of document S/2173 dated 29 May 1951. Due to the adamant stand of both parties, it is quite apparent that a dangerous situation may develop if the Palestine Land Development Company should decide to resume work on Arab-owned lands in the demilitarized zone before agreement is reached.

7. At an informal meeting of the Mixed Armistice Commission on 20 June 1951, the Senior Israel delegate rejected a suggestion advanced by the Senior Syrian delegate whereby an agreement could be reached between the parties in regard to the project. The Israel delegate rejected the suggestion as too limited in scope. However, he also added that his Government was prepared to enter into discussions with Syria which might lead to settlement of all outstanding problems that presently face both Governments.

8. Due to disagreement as to scope of an agenda, it appears unlikely that a suitable solution can be arranged through the Mixed Armistice Commission. Therefore, recourse may be sought under article VIII, paragraph 3 of the General Armistice Agreement by either of parties. If this method fails, then recourse may be sought under paragraph 4 which states "If the conference provided for in paragraph 3 of this article does not result in an agreed solution of a point in dispute, either party may bring the matter before the Security Council of the United Nations for the relief sought, on the grounds that this Agreement had been concluded in pursuance of Security Council action toward the end of achieving peace in Palestine".

9. With reference to the action of the Chief of Staff in authorizing the Palestine Land Development Company to resume work on land not under dispute, the following information was used in arriving at his decision (attention is invited to section IV of document S/2049 for pertinent details). It is to be

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noted that Syria at that time, in addition to the objections advanced regarding the project as a whole, also stated in paragraph 1 of section IV "The Syrian delegation further held that the work undertaken by the Israel authorities prevented many Arab residents of the demilitarized zone from resuming normal civilian life".

10. Paragraph 3, sub-paragraph A (b) of section IV of document S/2049 expresses my views on the question of the "Project" as a project. At no time, prior to submission of my memorandum, during the discussions that took place in the Security Council meetings which led to adoption of the resolution of 18 May 1951 (S/2157) was the question raised as to whether or not lands other than Arab-owned lands might be involved. Such a possibility was first raised on 18 or 19 May 1951. Not until I was in receipt of the Government of Israel's letter dated 22 May 1951, an excerpt of which is quoted in paragraph 7 of S/2173 was I officially aware that work in connexion with the project would be continued on other than Arab-owned land. Thus a new problem was introduced.

11. In accordance with the interpretation of article V of the General Armistice Agreement which is clearly enunciated in the explanatory note of 26 June 1949 (quoted in S/2157) the Chairman could not authorize the Palestine Land Development Company to continue its work on Arab-owned lands until such time as an agreement is arranged through the Chairman for continuing this project.

12. I invite attention to section IV, paragraph 2 of S/2049 in which the Chief of Staff made his interpretation of article V. Though not mentioned, his understanding of article V was based on the interpretation of this article as set forth in the explanatory note of 26 June 1949.

13. When it was learned that the Palestine Land Development Company could work on certain Israel lands without infringing on Arab land, the Chief of Staff then requested the Palestine Land Development Company again to stop all work on 5 June 1951 in the demilitarized zone in accordance with S/2157 until the Chairman had the opportunity to check as to whether lands on which work was resumed on 24 May could be considered as Arab-owned. This investigation was completed and as lands were not considered to be Arab-owned, permission was granted to the Palestine Land Development Company to proceed with work on 11 June 1951. This action was based on article V as interpreted by the final paragraph of the explanatory note of 26 June 1949.

General RILEY