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LETTER DATED 21 JUNE 1960 FROM THE PERMANENT REPRESENTATIVE OF
ISRAEL TO THE PRESIDENT OF THE SECURITY COUNCIL

In connexion with the letter dated 15 June 1960 from the representative of Argentina (S/4336), I am instructed to bring the following to your immediate attention.

The Government of Israel notes that in that letter the Government of Argentina invokes Article 34 of the Charter. That Article enables the Council, if it sees fit, to investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuation of the dispute or situation is likely to endanger international peace and security. Article 34 therefore contains a double limitation on the powers and functions of the Security Council. The first is that the only disputes or situations which can be dealt with under Article 34 are those the continuance of which is likely to endanger the maintenance of international peace and security. The second is that the action which the Council may take under that Article is limited to investigating whether the dispute or situation possesses that character.

The Argentine Government does not allege that the dispute or situation is one which is likely to endanger the maintenance of international peace and security. Instead it defines the question as "a political question.....which.....constitutes a precedent dangerous for international peace and security" and mentions "an atmosphere of insecurity and mistrust incompatible with the preservation of international peace".

Unilateral allegations of that character are not sufficient to bring the dispute or situation within the terms of Article 34 of the Charter.

For this reason, the Government of Israel considers that the complaint which is sought to be brought before the Security Council and the action which is requested from it, are beyond the Council's competence.

It is my Government's conviction that whatever difficulties may have arisen between it and the Argentine Government in this case, they can and should be settled by direct negotiation, and it does not share the view expressed in the Argentinian letter regarding "the failure of diplomatic representations". In this connexion, the Israel Government wishes to place the following on record:

(a) The Argentine Government's Note Verbale of 8 June 1960 (S/4334)

contained certain demands which were couched in the form of an ultimatum calling for compliance "within the current week".

(b) As the Government of the Argentine Republic is aware, simultaneously with the transmission to the Government of Israel of the Note Verbale of 8 June 1960, there was transmitted to the President of the Republic a letter from the Prime Minister of Israel, setting forth some of the basic considerations which have weighed with the Government of Israel, and it was hoped that those explanations would open the way for an amicable and direct settlement of the outstanding issues. The President's reply to that letter was transmitted to the Ministry for Foreign Affairs in Jerusalem only on 16 June 1960, after the Permanent Mission of the Argentine in New York had transmitted its request to the President of the Security Council.

(c) The hope that the way was opened for a direct settlement of the issue was strengthened by discussions in Buenos Aires which indicated that a settlement could be found by direct contact of the parties at the highest level. It was understood that direct contact of such a nature would pave the way for the settlement of the outstanding differences and that the formal reply to the Note Verbale of 8 June 1960 would be premature at that stage. It is for these reasons that the Government of Israel has withheld its reply to that Note.

(d) A meeting between the Prime Minister of Israel and the President of Argentina has been arranged to take place in Europe later in this week.

I would appreciate your circulating this letter to the members of the Security Council prior to the meeting of the Council, which has been scheduled for tomorrow morning, 22 June 1960.

Please accept, etc.

Michael Comay
Permanent Representative

