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President: Prince WAN WAITHAYAKON
(Thailand).

Tribute to the memory of Mr. Mamoru Shigemitsu, former Foreign Minister of Japan

1. The PRESIDENT: I am sure that my fellow representatives share the profound regret with which I learned of the death of Mr. Shigemitsu, former Foreign Minister of Japan, whom we welcomed only the other day as the head of the Japanese delegation leading Japan into the United Nations. I would therefore ask representatives to rise with me and observe one minute's silence as a tribute to his memory.

The representatives stood in silence.

2. Mr. SATO (Japan): May I be allowed to express the heartfelt gratitude of my delegation for the President's kind words of sympathy in connexion with the death of Mr. Shigemitsu. We were much moved by the tribute which he paid to Mr. Shigemitsu's memory. Coming, as it does, from him, it touches us deeply.

3. Mr. Shigemitsu was a diplomat of international fame, completely dedicated to the cause of peace. It is sad, indeed, for us to be deprived of this statesman at this juncture. However, the fact that he represented my country on the occasion of its admission to the United Nations was, I think, a fitting end to a great career. I know that Mr. Shigemitsu was deeply impressed by the United Nations and highly gratified by the cordial friendship accorded by the representatives assembled here. We who are left behind will endeavour to follow in the footsteps of Mr. Shigemitsu and to make ourselves worthy of this precious friendship, which we deem an inheritance from him.

AGENDA ITEM 66

Question considered by the first emergency special session of the General Assembly from 1 to 10 November 1956 (continued)

4. Mr. MAHGOUB (Sudan): When, on 17 January 1957 and the following days, the General Assembly discussed the draft resolution which it proceeded to adopt on 19 January [resolution 1123 (XI)], my delegation had not the slightest doubt that Israel would never change its position or for a moment entertain the idea of responding to or respecting General Assembly resolutions.

5. My delegation wishes to pay a tribute to the Secretary-General for responding promptly to the General Assembly's request and reporting, on the expiration of the five-day time limit set by the resolution, on Israel's position. There are two documents before us: the *aide-mémoire*, dated 24 January 1957 on the Israel position on the Sharm El Sheikh area and the Gaza Strip [A/3511]; and the report by the Secretary-General, also dated 24 January, in pursuance of the resolution of the General Assembly of 19 January [A/3512]. My delegation wishes to review these two documents and to discuss their contents. I shall start with the first.

6. In the first place, Israel's position on the Sharm El Sheikh area has not changed. Israel still speaks of what it calls "the simultaneous reconciliation of two objectives—the withdrawal of Israeli forces, and the guaranteeing of permanent freedom of navigation". [A/3511, para. 6.] In essence, this amounts to the imposition of a condition *sine qua non* for the withdrawal of Israel forces from the Sharm El Sheikh area and Egyptian territory. The imposition of such a prior condition is in direct contravention of the letter and spirit of all the previous resolutions adopted on this subject by the General Assembly, including the resolution adopted on 19 January.

7. In the second place, Israel alludes to Egyptian compliance with the decision of the Security Council of 1 September 1951 as having "legal and chronological priority over Israel's duty to fulfil recommendations in which Egypt has an interest". [*Ibid.*, para. 8.] This argument is a legal fallacy and is equally contrary to the letter and spirit of previous General Assembly resolutions.

8. In the third place, Israel seeks to change, or at least to modify, the functions of the United Nations Emergency Force, not only with regard to the Gaza Strip, but also with regard to the Sharm El Sheikh area. Israel's position on the Gaza Strip has not changed. In fact, Israel makes wild assertions about its right to continue the civil administration of the area—and for no other reason than that it occupied the area through calculated aggression.

9. These wild allegations and assertions by Israel have been negated in the well-considered and factually and legally documented report of the Secretary-General [A/3512]. I am greatly gratified at the fact that the Secretary-General has affirmed, beyond any doubt the description of him which I gave in my statement to the Assembly on 17 January [639th meeting], when I said that Mr. Hammarskjöld was the embodiment of neutrality in the highest world Organization. His report which is now under review is further evidence of that neutrality, which rises above any shadow of a doubt. It represents the judgement of an arbitrator who sees that justice is not only done, but manifestly done.

10. In paragraph 3 of his report, the Secretary-General states that "Israel has not fully complied with the requests of the General Assembly for withdrawal". He further affirms his views on "the urgency of the prompt conclusion of the first phases of implementation of the General Assembly resolutions, as expressed in the previous report (A/3500 and Add.1)". [A/3512, para. 4.]

11. The Secretary-General rightly comments that, in carrying out the policies of the United Nations, he "must act with scrupulous regard for the decisions of the General Assembly, the Security Council and the other principal organs". [*Ibid.*, para. 5.] The Secretary-General therefore proceeds to give the emphatic and considered opinion set out in sub-paragraphs (a), (b) and (c) of paragraph 5 of his report.

12. In effect, the Secretary-General overrules all the contentions and objections of Israel. He equally overrules the attempt of Israel to impose conditions for withdrawal. In the previous debates, as well as in its reply to the Secretary-General, as embodied in the present *aide-mémoire*, Israel, together with some other delegations, has sought to change or modify the functions of the United Nations Emergency Force, but the Secretary-General, in paragraph 7 of his report, again rightly overrules such conditions.

13. The Secretary-General considers the situation in Gaza in paragraphs 11, 12 and 13 of his report, from which it is clear that Israel must withdraw without asking for any conditions precedent. We must also conclude, from these observations, that the United Nations cannot interfere with the present Egyptian-Israeli General Armistice Agreement or vary the *de facto* situation in the Gaza Strip or the Sharm El Sheikh area existing at the time of the signing of that agreement, except with the consent of all the parties. It also makes it very clear that the functions of the United Nations Emergency Force and its character cannot be changed except with the consent of the Government where UNEF is supposed to operate.

14. In our opinion, any attempt by any delegation to introduce a modification of UNEF's character or functions would amount to nothing more than an attempt to create a world-wide force with world-wide authority to occupy and dominate countries without the consent of the people of the particular countries. That would mean that it would encroach not only on the sovereignty of those States, but also on their fundamental human rights.

15. In his report, the Secretary-General many times refers to the General Armistice Agreement between Egypt and Israel, dated 24 February 1949. I deem it necessary that a consideration should be made of the legal implications of this Armistice Agreement. I therefore beg to be allowed to make a few comments on the legal nature of the Egyptian-Israeli General Armistice Agreement in its bearing on the respective *de jure* positions of the parties thereto and on their rights and obligations.

16. It is an established rule of international law that while armistice agreements effect the cessation of hostilities, they do not effect a termination of a state of war as a *de jure* status. That can only be effected through a final peace treaty which puts an end to the state of war between the two parties, normalizes their relations and restores them to a state of peace, with all its necessary legal effects and implications.

17. The preamble of the Armistice Agreement reads: "The Parties to the present Agreement, responding to the Security Council resolution of 16 November 1948 calling upon them, as a further provisional measure under Article 40 of the Charter of the United Nations and in order to facilitate the transition from the present truce to permanent peace in Palestine, to negotiate an armistice; having decided to enter into negotiations under United Nations chairmanship concerning the implementation of the Security Council resolutions of 4 and 16 November 1948 . . ." [S/1264/Rev.1.]

The preamble is clear in stating the character of the Armistice Agreement as a further provisional measure under Article 40 of the Charter. It is equally clear in defining the objective of the Armistice Agreement as the implementation of the Security Council's cease-fire resolutions of 4 and 16 November 1948.

18. It is my submission that no other interpretation of the character and the objective of the Armistice Agreement can be placed on the text of the preamble of the Agreement as a whole. It is relevant to mention that in article I, we read: "in recognition of the importance in this regard of mutual assurances concerning the future military operations of the parties", and in paragraph 3 of article IV we read: "The provisions of this Agreement are dictated exclusively by military considerations and are valid only for the period of the armistice." It is, therefore, very clear that the Armistice Agreement is a provisional military measure brought about under the auspices of the United Nations for the specific and exclusive purpose of implementing the cease-fire resolutions of the Security Council. It is merely a military *modus vivendi* concluded between the military representatives of the two parties.

19. We must distinguish between military operations and the rights of belligerency. Under the Armistice Agreement, the parties are obliged to suspend their hostilities and to cease all military operations. This, however, does not affect the exercise of their rights to defend their security and to take all the necessary measures towards that end. This view is supported by paragraph 2 of article I, which states:

"No aggressive action by the armed forces—land, sea, or air—of either party shall be undertaken, planned, or threatened against the people or the armed forces of the other . . ."

In paragraph 3 of article I it is further stated:

"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."

20. It is therefore my submission that the Armistice Agreement does not deprive the parties of the exercise of their belligerent rights.

21. I am surprised that Israel still seeks refuge and protection under the Armistice Agreement and the Security Council resolution of 1 September 1951 [S/2322] which called upon Egypt to terminate the restrictions on the passage of international commercial shipping and goods through the Suez Canal. The Armistice Agreement, in its preamble, stated the hope that its conclusion would "facilitate the transition from the present truce to permanent peace in Palestine", and the decision of the Security Council in 1951 calling upon Egypt to terminate the restriction on the freedom of passage through the Suez Canal envisaged conditions and were based on assumptions which have fundamentally changed. The record of

Israel's refusal to implement the decisions of the General Assembly and its violation of the Armistice Agreement before and after 1951 throw serious doubts on its right to invoke either the Armistice Agreement or the Security Council's decision of 1951. This record may account for the fact that the Security Council in 1954 refused to confirm its decision of 1951.

22. In my address on 17 January, I said that it was not the intention of my delegation to present before the Assembly a record of the previous convictions of Israel. But now, after Israel has been given a further chance to prove its good will and to respond to world opinion as expressed by the General Assembly by a majority of 74 to 2, I have no alternative but to cite the unpleasant and shameful record of Israel in the United Nations. This is not only to show that Israel does not in fact adhere to any agreement, but it is also aimed at proving that the conditions envisaged at the time of signing the Armistice Agreement on 24 February 1949 and at the time the Security Council adopted its resolution of 1 September 1951 have fundamentally changed to an extent to debar Israel from invoking any of the provisions embodied in either of them. This record includes breaches of the Armistice Agreement and convictions by the Truce Supervision Organization and the Security Council against Israel, as well as utterances of leading responsible members of the Israel Government.

23. Israel should not be judged by what its people profess to do, nor by the ideals to which it pays only lip service. The criteria of judgement should be its deeds since it came into being and the ways in which it has carried out its policies. No contrast is more vivid than that between the statements of the Israel leaders and their proclamations on the one hand, and what has followed on the other. Their proclamation of independence declares:

"The State of Israel . . . will promote the development of the country for the benefit of all its inhabitants; will be based on the principles of liberty, justice and peace as conceived by the Prophets of Israel; will uphold the full social and political equality of all its citizens, without distinction of religion, race or sex; will guarantee freedom of religion, conscience, education and culture; will safeguard the Holy Places of all religions; and will loyally uphold the principles of the United Nations Charter."

The first President of Israel stated:

"I am certain that the world will judge the Jewish State by what it will do with the Arabs, just as the Jewish people at large will be judged by what we do or fail to do in this State."

The Prime Minister, who is its present Prime Minister as well, wrote in its first Year Book:

"The State of Israel will be judged not by its wealth or military strength nor by its technology, but by its moral worth and human values."

24. These quotations give the impression of a determination for peace, equality and self denial for the sake of human happiness. Indeed, some people have been duped by them and lulled into a sleep which turned out to be a nightmare.

25. There is a long list of violations, of defiance of the United Nations and for what it stands and defiance of human standards and values. I am not going to review this list in detail, or cover the numerous items. I will confine myself to the question of the Arab

refugees and the violations of the armistice and its machinery.

26. It could not have been the intention of the United Nations when it adopted the partition resolution [181 (II)] to displace the Arab inhabitants. On the contrary, there were, what now look like wishful thinking, provisions for them to remain in their normal places of residence; and they were, moreover, given the right to opt for citizenship in the Arab State while residing in the Jewish State. This is provided in the partition resolution. But Israel saw to it that one million Arabs were forcibly removed from their homes and country. This did not take place at a certain point in time. Some of the Arab refugees were frightened and began to flee even before Israel formally proclaimed its existence and became a State. Others, as a result of a campaign of terrorization and expulsion, were forcibly removed from their homes and herded to the armistice demarcation lines. This was all premeditated and calculated.

27. The United Nations, which had never condoned such expulsions and equally never condoned such mass permanent exiles, acted by General Assembly resolution 194 (III) of 11 December 1948. This resolution called for the repatriation, settlement and compensation of those who did not wish to return. This provision has been recalled and reaffirmed by the General Assembly at every regular session held since 1948—seven times in the last seven years.

28. Israel has refused to comply with the provisions of these resolutions concerning repatriation or compensation. As soon as the armistice agreements had been signed and the stage set for progress towards a final settlement, Israel declared its opposition to the repatriation of the refugees. This was submitted in an official memorandum to the Technical Committee on Refugees of the United Nations Conciliation Commission for Palestine in July 1949 and confirmed by a statement of its representative in the *Ad Hoc* Political Committee, even as late as 18 November 1955.¹

29. Compensation did not meet a better fate. Israel failed to provide for compensation for their property. Even as late as March 1956, according to the report of the Conciliation Commission [A/3199, annex A] the Government of Israel declared its unwillingness "to come forward with a programme for compensation". The Commission reported that "it communicated to the Government of Israel its disappointment and regret over this new attitude".

30. I have, so far, been dealing briefly with the refugees, their repatriation and compensation. But let us look at the other side of the picture. Israel's disrespect for the armistice agreements and demarcation lines reveals its real intentions beyond any measure of doubt. The area of the parts of Palestine awarded by the General Assembly in its partition resolution to the "Jewish State" was approximately 5,600 square miles. But the area of the Israel-controlled territories of Palestine today is 8,048 square miles. The excess territories fall into three categories: territories reserved in the partition plan for the Arab State; parts of the Jerusalem area; and the demilitarized zones.

31. The occupation by Israel of these excess territories took place in four stages: before the withdrawal of the British forces; between mid-May 1948 and the signing of the armistice agreements in 1949; during

¹ Official Records of the General Assembly, Tenth Session. *Ad Hoc Political Committee*, 17th meeting.

the armistice régime; and after the invasion of Egypt on 29 October 1956. I will confine myself to the third stage, that is, the occupation of the excess territories during the armistice régime. This stage shows a succession of acts of aggression by Israel while it professed to be innocent and non-aggressive. May I say in passing that the occupation and annexation of these excess territories has never been condoned by the United Nations and that several orders have been issued by the United Nations at each stage for the withdrawal of Israel from these territories, but in vain.

32. Israel's seizure of territories while the armistice agreements were in force from 1949 until the repudiation by Israel of the Egyptian-Israel General Armistice Agreement in November 1956 was confined to the occupation and the remilitarization of the demilitarized zones. These were given a clearly defined special status. The Agreement provided in paragraph 5 of article VIII:

"The movement of armed forces of either party to this Agreement into any part of the area . . . for any purpose . . . when confirmed by the United Nations representatives, shall constitute a flagrant violation of this Agreement."

33. Despite all the safeguards and clear definitions, Israel has asserted that these were integral parts of the State. These claims were reported by the United Nations Truce Supervision Organization on several occasions. Needless to say, on each occasion the military penetration of Israel forces into the area took place without any regard for the agreements, reminders by the United Nations or its staff and at times over their dead bodies.

34. The Israel forces occupied areas in the demilitarized zones established by the Egyptian-Israel Armistice Agreement and the Israel-Syrian Armistice Agreement. The reports of the mixed armistice commissions and of the Chief of Staff of the Truce Supervision Organization, and the resolutions of the Security Council during the period, are illustration enough. Each of these by itself shows the Israel behaviour and regard for United Nations resolutions, the armistice agreements and the Truce Supervision Organization. The attitude of Israel towards United Nations personnel and agencies in Palestine manifested itself in concrete action. There was the assassination of the United Nations Mediator, the late Count Folke Bernadotte, the hindrance of the work of the truce observers, the firing at them, the obstruction and restriction of their movements, their detention and threat to life—all these are covered in the records of the Conciliation Commission and the Security Council.

35. Unfortunately, no complete tabulation of casualties suffered by all parties since 1949 has been prepared or published by the United Nations. Two long-term tabulations have, however, been recently made public: one of them by the Jordan-Israel Mixed Armistice Commission shows that between 1949 and 1954 there were 34 Israelis killed and 134 wounded, while the Jordanian casualties were 127 killed and 118 wounded. The second tabulation is embodied in the report of 17 October 1956 submitted by Major General Burns [S/3685]. According to this report, the total number of military and civilian casualties suffered by Egypt, Syria, Jordan and Lebanon in 1955 were 297 killed, 222 wounded and 120 captured, while Israel casualties amounted to 63 killed, 172 wounded and 3 captured. From 1 January to 30 September 1956, the

casualties in Egypt, Syria, Jordan and Lebanon numbered 199 killed, 197 wounded and 8 captured, while Israel casualties amounted to 58 killed, 160 wounded and 3 captured.

36. It is a matter of record that all attacks conducted by the regular armed forces have come from the Israel side. According to the records of the United Nations, the regular armed forces of Israel have launched at least twenty-two military attacks on neighboring Arab countries since the signing of the armistice in 1949. There were four condemnations of Israel by the Security Council: the resolution of 18 May 1951 [S/2157], the resolution of 24 November 1953 [S/3139/Rev.2], the resolution of 29 March 1955 [S/3378], and the resolution of 19 January 1956 [S/3538].

37. This is, briefly, Israel's record of achievement. It cannot be denied. It cannot be contradicted. But, in spite of it, Israel tries to pose as a Government whose only wish is peace and whose only desire is protection against an aggressive Arab people. The final utterance which will, no doubt, debar Israel from invoking the provisions of the Armistice Agreement comes from its Prime Minister, Mr. Ben Gurion, when addressing the Knesset on 23 January 1957 on his foreign policy. He said: "But the 1949 Armistice Agreement has been violated and broken and is beyond repair." It is my respectful submission that the Prime Minister of Israel should have added that such violation and such breach of the Agreement came from Israel and ultimately culminated in the invasion of Egypt on 29 October 1956.

38. A further point which was raised by Israel and is alluded to by the Secretary-General in his report is the question of the Gulf of Aqaba and the Straits of Tiran. The reference has been mainly made to the right of innocent passage through the gulf and the straits. I do not intend to enter into a detailed and substantial discussion of the nature and extent of the right of innocent passage in international law. It is, as is rightly pointed out by the Secretary-General, still a legal controversy. The International Law Commission and the Sixth Committee of the General Assembly have been trying hard during the last eight years to reach agreement on this and other controversial issues of the law of the sea. The controversial character of innocent passage is vividly illustrated by the fact that the International Law Commission itself has more than once changed its stand on the various issues involved. In the commentary on article 24 contained in the final report on the law of the sea, the International Law Commission states that:

"At its sixth session, in 1954, the Commission took the view that passage should be granted to warships without prior authorization or notification. At its seventh session, in 1955, after noting the comments of certain Governments and reviewing the question, the Commission felt obliged to amend this article so as to stress the right of the coastal State to make the right of passage of warships through the territorial sea subject to previous authorization . . ." [A/3159, pp. 22 and 23.]

39. While there is this controversy over the right of innocent passage, it is worth mentioning that the right of the coastal State to take the necessary steps to defend its security is an established rule of international law, and has been reaffirmed by article 17 of the draft articles on the law of the sea prepared by the International Law Commission [*Ibid.*, p. 19.]

40. I did not intend to go into all this legal discussion, in the hope that a decision might be given by the General Assembly on the disputed right of innocent passage through the Gulf of Aqaba and the Straits of Tiran or through the Suez Canal—passage through which is governed by the Constantinople Convention of 1888^a and regulated by public international law to which I need not allude here—but I have simply reviewed the law to show how controversial the matter is and that if any State is aggrieved or claims any rights of innocent passage or otherwise, the right place for such a dispute is the International Court of Justice which was established by a Statute which forms an integral part of the United Nations Charter. Those who seek a decision on such matters in the General Assembly or the Security Council merely intend to obscure the issues before this Assembly and to delay unduly its deliberations. We are only concerned here with the unconditional withdrawal, as provided for by previous resolutions.

41. It is my submission that Israel stands convicted before this Assembly. It has utterly refused to carry out any of its resolutions from 2 November 1956 up to the present moment. What are we to do? Shall we close our eyes and let Israel endanger world peace?

42. This case is no longer the case of Egypt alone. It is no longer the case of the Arab countries. It is no longer the case of the African and Asian group. It has become, through the uncompromising and disrespectful attitude of Israel, the case of all the Members of the United Nations assembled here. Israel has gone beyond all expectations—or perhaps has acted true to its undisguised principle of non-adherence to logic or reason—and has defied the authority of the United Nations. It has defied the principles and objectives set out in the Charter and has stood alone to defy the United Nations, to which it owes its very existence.

43. I am not saying this without reason, for Israel, as I stated before, is an artificial creation and a child of opportunity. It was created by the General Assembly resolutions of 29 November 1947 [resolution 181 (II)] and 11 December 1948 [resolution 194 (III)]. In admitting Israel to membership of the United Nations, the General Assembly did not neglect the special relationship which existed between Israel's very existence and previous resolutions of that body, nor the special obligation of Israel to implement those resolutions. The preamble of its admission resolution [273 (III)], adopted on 11 May 1949, stated:

“Recalling its resolutions of 29 November 1947 and 11 December 1948 and taking note of the declarations and explanations made by the representative of the Government of Israel before the *Ad Hoc* Political Committee in respect of the implementation of the said resolutions . . .”

44. But what did Israel do? Immediately after its admission, Israel repudiated its agreement to accept the resolutions of 29 November 1947 and 11 December 1948 as a basis for discussions aiming at a final settlement of the outstanding problems.

45. In view of the previous record of Israel and of its behaviour in the present invasion of Egyptian territory, in view of its utter refusal to honour any of the resolutions of this General Assembly, I am sure no one of the representatives here will rise to defend Israel, despite the charm and magic of Israel which

made it go back on all its obligations and disobey all the directions of the United Nations without being condemned or reprimanded.

46. Israel has, in the past, threatened the peace in the Arab countries only. It disrupted all the Arab families of Palestine and rendered one million Arabs homeless, destitute refugees. Apparently the thirst of Israel for blood and the pleasure it takes in human misery has not yet been satisfied. Israel now dauntlessly strives to threaten world peace. It will not hesitate to witness the atrocities of a third world war and to render the majority of the human race homeless, destitute refugees.

47. I appeal to the world conscience and public opinion, represented in this General Assembly, to condemn Israel as mercilessly as Israel has brought misery, and is still trying to inflict misery on the members of the human race. I appeal to all the representatives to condemn Israel and to withhold any assistance—financial, economic or military—from Israel. If Israel alone stands to defy and disregard the United Nations, it deserves nothing but condemnation, with the severest penalties, and if possible to be disregarded and discarded.

48. Mr. GUNewardene (Ceylon): I do not propose to delve deep into the history of Arab-Israel relations on this occasion. There have undoubtedly been violations of the Armistice Agreement on both sides. Suffice it to say that a state of belligerency had existed for quite a number of years, culminating in the aggression on Egyptian territory by Israel forces.

49. This Assembly was seized of this problem of invasion and this Assembly, in unmistakable terms, called upon the aggressors to withdraw from Egyptian territory. The resolution [1123 (XI)] of 19 January 1957, which I had the honour to move on behalf of a number of delegations, was a further invitation to Israel to comply with the wishes of this Assembly. That was the fifth resolution dealing with the subject. It is therefore a matter of great regret that Israel has not seen fit to comply with the wishes of this Assembly, in spite of the number of opportunities given to it to show its good faith.

50. I would not call the *aide mémoire* presented by the representative of Israel [A/3511] a statement of conditions. I would call it a statement of his case in which he tries to make out that Israel does not definitely refuse to carry out the wishes of the Assembly, and he attempts to explain the conditions which existed before and those which exist today, so that the Assembly, in considering the case, may give some measure of justice to Israel. I am afraid that that attitude is not the correct one and that it will not help the peaceful solution of the problem. Mutual recrimination will not help much either. Hard words will not help us. We are now faced by a situation which is pregnant with dangerous consequences and which can materially affect the peace of the world. In a situation such as this one, a dispassionate examination of the position is called for. A display of emotionalism on either side would only make the solution more difficult.

51. I am sorry to say that the case of Israel is mostly a case of past history in connexion with the two areas covered by the resolution of 19 January 1957, that is, the areas of the Gulf of Aqaba and the Gaza Strip. It is useless for the Government of Israel to maintain that it is necessary for it to hold the narrow strip along the western coast of the Gulf of Aqaba so as

^a Convention respecting the free navigation of the Suez Maritime Canal, signed at Constantinople on 29 October 1888.

to have free navigation. That position would be tantamount to making use of the aggression order that Israel might acquire what it has not been able to acquire by peaceful means.

52. Free navigation, of course, is something that most nations would concede in a given set of circumstances. I have not the slightest doubt that the Arab nations themselves would favour such a situation, provided that the circumstances existed which would make it possible to allow free navigation to Israel.

53. Therefore the first position that Israel should take in these circumstances is to withdraw its forces immediately from the area.

54. I have no doubt that a state of blockade has existed for about six years. We are quite sorry that such a situation should have existed. But this is certainly not the method for extracting rights. This would be encouraging and giving moral sanction to an illegal and immoral act which we Member nations of this Assembly cannot on any account condone. To make use of the picturesque words of the Secretary-General himself:

“The United Nations cannot condone a change of the *status juris* resulting from military action contrary to the provisions of the Charter. The Organization must, therefore, maintain that the *status juris* existing prior to such military action be re-established by a withdrawal of troops, and by the relinquishment or nullification of rights asserted in territories covered by the military action and depending upon it.”
[A/3512, para. 5 (a).]

55. Obviously, that territory around the Gulf of Aqaba is Egyptian territory; there is no vestige of right by which Israel can retain its forces there in order that a right which is not available to it at law can be obtained.

56. I could quite understand the position if, after the withdrawal of troops, Israel should state its case for equitable treatment. Most of us will concede that freedom of navigation in the Gulf of Aqaba, through the Straits of Tiran, will be necessary for the existence of Israel, but that is an equitable consideration which has to be taken into account. Whether it is a legal right is debatable. As was pointed out by the representative of the Sudan, the question of free navigation involves complexities of law. The International Law Commission has not come to any conclusion. Perhaps it would be a matter for reference to the International Court of Justice. A case definitely is there. While the rights of free navigation are in doubt, it is for both parties to exercise their rights—Egypt to exercise its legal rights, and Israel to exercise the rights it thinks it has—cautiously and carefully. It is a matter solely for arrangement and for settlement between the two nations. If the United Nations can be of any help in the solution of that problem, I have not the slightest doubt that it will accept that responsibility.

57. However, it is not simply a matter of the United Nations forcing a decision on Egypt or Israel. For a solution of all these questions, full agreement is essential. Surely relations have been strained so much between Egypt and Israel that it is necessary that Israel at least should now make a gesture of obedience to the wishes of the General Assembly. The resolution that was passed on 19 January was passed by an overwhelming majority—by seventy-four nations, with two nations abstaining and only two nations against. Surely Israel must hearken to the voice of world public opinion

expressed in such unequivocal terms. That will be the first step that Israel should take before talking of settlement of outstanding issues. It is an elementary requirement.

58. As I freely maintain, there are many nations that have expressed views in sympathy with the position of Israel and in favour of a sympathetic consideration of the case for free navigation in the Gulf of Aqaba. These views have been expressed here. But that does not by any means establish for Israel a right to free navigation. If Israel wishes to obtain such a right, it must be in agreement with Egypt, Jordan and the other countries round about. For that purpose, an atmosphere of good will has first to be created.

59. It is in the interests of Israel itself that it should hearken to the voice of world public opinion. Small States, such as Israel and Ceylon, must lean heavily on the United Nations, on the good will of the world. It is therefore imperative that on this occasion Israel should hearken to the voice of the United Nations, expressed so emphatically. Then, and then only, can all other questions be considered.

60. It is also suggested that there can be simultaneous withdrawal of Israel forces and deployment of United Nations forces. That, again, is a condition that cannot be established except with the good will, with the consent and with the concurrence of Egypt. If it is conceded that the territory around the Gulf of Aqaba is Egyptian territory, which admits of no doubt, then no foreign forces, whether Israel forces or United Nations forces, can be there except with the express consent of the Egyptian Government. The United Nations cannot deploy even the United Nations forces without the express consent of Egypt. Whether it is necessary in the interests of peace that the United Nations forces should be deployed is a matter for consideration, but that consideration can come only after the Israel forces have been withdrawn. That is also a matter for negotiation with Egypt.

61. No negotiation can take place between Israel and Egypt unless all the sovereign rights of Egypt are restored. That is a *sine qua non*. So far I cannot see the vestige of a legal or moral claim for the position that Israel takes. Israel certainly arouses our sympathy. I certainly see that Israel has many difficulties, but those difficulties cannot be solved by obstinately adhering to a position which is not warranted by any law. That does not help it in the slightest degree.

62. As regards the Gaza Strip, the position is defined by an Armistice Agreement, the only legal document we have, a document subscribed to by both Egypt and Israel. Even if it has been violated with impunity, that fact does not establish any right for Israel to take the law into its own hands. The only way to restore peace is by the United Nations insisting upon the observance of the Armistice Agreement. The fact that the position has deteriorated does not warrant a further deterioration. The General Assembly must take cognizance of that fact.

63. It is maintained that the Gaza Strip is not Egyptian territory, and this has been submitted to us in a very subtle way by the representative of Israel. It has been stated that the area has never been part of Egypt and that its inhabitants are not Egyptian citizens. Does that make a difference? Israel and Egypt voluntarily entered into the Armistice Agreement, as a result of which a demarcation line was drawn. The Secretary-General deals with this matter in paragraphs 10 and 11 of his very clear report [A/3512].

64. According to the terms of the Armistice Agreement, it admits of no doubt that the Gaza Strip is within the control of Egypt. That is a position that was created by the common consent of both parties. Whatever the reason may be, if, after that, Israel comes into possession of that strip and says "possession is nine-tenths of the law", we, as Members of the United Nations, should not be prepared to subscribe to a wilful and wanton violation of the Armistice Agreement.

65. Of course, the fact that a change in circumstances has taken place is, if necessary, again a matter for consideration by the United Nations and a matter for negotiation between Egypt and Israel. Israel cannot claim as a matter of right that it should remain there and be responsible for the administration and control of that area. It has been further stated by the Israel Government that before it moves Israel forces out of the Gaza Strip, it will be necessary for it to come to a working arrangement with the United Nations. In other words, the United Nations is called upon to sanction an action which is not warranted by the Armistice Agreement. It is called upon to be a party to the violation of the Armistice Agreement and to help Israel to continue to take advantage of the results of that violation.

66. It is certainly not a matter for negotiation in that sense. Israel must go behind the armistice lines. There can be no alternative for it. Once Israel goes behind the armistice lines, surely it would be a matter for Egypt again, and for the United Nations, to consider what steps can be taken for the better protection of the interests of the people who live in that region.

67. The fact that Israel has conferred certain benefits on the people of that area does not in itself constitute a valid, legal, material or moral right for it to remain there. It would be like the case of a person who forcibly enters somebody's land, puts up a fine building and then says "the land belongs to me, the building belongs to me, and I shall not move out of it". I do not know of any law which permits such a situation. Improvements have been effected in the name of humanity, says the Israel Government. It contends that it is satisfied that it has done a humane job so far, that the interests of humanity have been served, and that the people living in that area have been cared for.

68. But it is time for Israel to quit that territory and to leave the management of that area to those who are entitled to it, namely, the Egyptians. I have not the slightest doubt that Egypt will be only too glad to come to working terms with the United Nations and, perhaps, to seek United Nations assistance. But that is not a matter, again, for Israel to stipulate. Israel cannot stipulate that Egypt shall enter into negotiations, with regard to the disposition of that area, with the United Nations, because Israel is a party to the Armistice Agreement which determines the control of the Gaza Strip. In those circumstances, it is a matter of great regret that Israel should persist in this attitude.

69. I speak as a friend of Israel, keen on cultivating friendly relations. I feel a great deal for the difficult position in which Israel finds itself, but that does not warrant its taking advantage of the sympathy of many nations of this world to defy law, convention, and all that one may call moral. That is the greater reason why Israel, if it depends on the good will of the nations of the world, should observe the law, observe

the conventions, observe the Armistice Agreement and give the fullest effect to all moral considerations.

70. In those circumstances, I would address yet another appeal to the Government of Israel not to endanger the peace of the world in the pursuit of fancied rights. It is a dangerous position in which to place the whole world. We all know that the situation in the Middle East is pregnant with dangerous consequences. I think that Israel will be big-hearted enough to consider that the peace of the world deserves a more careful and cautious consideration of its own position. I do not have the slightest doubt that, if the matter is dispassionately and calmly considered, the Israel Government will find that it has a duty which it owes to the United Nations, a duty which it owes to the world, and a duty which it owes to the preservation of peace in this world, not to persist in the attitude it has taken.

71. I am not at this stage asking the United Nations what should be done. No purpose is served through retaliatory measures; I am not urging or arguing for that. I am asking for a peaceful consideration of the whole subject. I know that the problem is not a simple one. The whole Middle East question, including the Palestine question, requires careful consideration. I would be the first to plead for that; but that consideration becomes impossible while Israel persists in its present attitude.

72. As a preliminary condition for the examination of all outstanding issues, Israel must, in conformity with law, in conformity with the resolutions of this Assembly, withdraw its forces without conditions, without demur.

73. I must congratulate the Secretary-General on the very clear document which he has placed before us in his report, which sets out most clearly the legal position on the question at issue. He has also presented us with some constructive views. I, for one, would like to endorse fully the objectives which the Secretary-General has in mind. I have not the slightest doubt that the United Nations will give him full authority to carry out the aims and objectives that he has envisaged in this report.

74. The position is not so impossible as one would imagine. What does Israel demand? Israel's case is that the moment its forces move out of the narrow strip along the Gulf of Aqaba, Egyptian forces will move in and will continue to blockade Israel. On the other hand, Egypt has not sent one single soldier to the Sinai peninsula up to now, although it has the right to send them. There has been no military occupation of the peninsula since the Israel withdrawal from the area which it occupied; there are only a few members of the military police. If there should be any effort on the part of Egypt to attack Israel, that would be the occasion for Israel to appeal to the United Nations. If and when Egyptian forces land in that area and make it a springboard for action against Israel, then it will be for Israel to appeal to the United Nations.

75. I am afraid that Israel is prejudging the whole issue and asking the United Nations to go along with its judgement. We are not going to be parties to it at all. The same applies in the case of the Gaza Strip if it continues to be a place from which inroads are made on Israel territory.

76. But surely we are now reconsidering the whole position. I am perfectly convinced that both the Egyptian Government and the Israel Government are anxious to avoid any kind of border raids, and that an

undertaking in that direction will be given. If the Armistice Agreement is observed, article 1 thereof constitutes a non-aggression pact. All that is required is a reaffirmation to the effect that both parties would abstain from border raids. There is a Truce Supervision Organization functioning in that area, so that the United Nations will be informed immediately regarding the development of a situation.

77. In my opinion, it would be wise for Israel to accept the assumption that Egypt is just as anxious for peace as Israel, and is prepared to assist in maintaining the peace of the world. We must proceed on mutual trust. If we do not, there will be a repetition of the old story. I am not prepared to go deep into the history of the relations which existed between the two countries. On this occasion, we should take steps to see that the whole history of the situation is forgotten.

78. Israel has a classic chance to prove its good faith, an opportunity to comply with the resolutions of the General Assembly, to have its position considered by the nations of the world. When that is done, I have not the least doubt that Egypt will accept its responsibility. That is the only way in which Israel and Egypt, as well as the other Arab nations, can achieve a durable peace. Therefore I would make one further appeal to Israel to carry out the requirements of the resolutions on which the Secretary-General has reported so clearly.

79. Mr. RIFA'I (Jordan): For the past three months, the Assembly has been discussing the question of the military aggression against Egypt, which aggression continues to be maintained by Israel on Egyptian soil. Certain representatives, in the course of the debate, have ventured into various avenues and dealt with several matters aside from the specific issue under consideration. The Israel representatives have followed a system of deviating from the real issue and diverting the attention of the Assembly to other problems. The Jordan delegation wishes to point out that the only item on the agenda of the General Assembly for today is that which was transferred by the Security Council to the first emergency special session.

80. What we are discussing today is the same topic that was discussed by the Security Council at its meetings on 29 and 30 October 1956. At that time, the discussion did not involve the question of Israel's right to free navigation in the Gulf of Aqaba or in the Suez Canal; nor was the debate concerned with the future and administration of Gaza; neither did it include the problem of the Palestine refugees, or any other major aspect of the Palestine question as a whole. We were only considering, as we are still considering, a state of emergency arising from military operations conducted against Egypt by Israel, France and the United Kingdom. The French and British forces having withdrawn unconditionally, the only matter which remains for our consideration is the failure of Israel to comply unconditionally with the Assembly's resolution regarding withdrawal.

81. Therefore any attempt to switch our present debate in the direction of the issues which I have just mentioned will not only be a diversionary method of approach but also will not fall within the scope of the present item under discussion.

82. We submit that the discussion of problems such as those included in the Israel *aide-mémoire* [A/3511] should not be allowed, since those problems do not

constitute a subject for a general debate. This is not the place or the time for discussing those side issues. Our immediate problem is to see Israel invading forces behind the armistice lines, without attaching any strings to such withdrawal. Moreover, in our debate in this Assembly last week, there were no arguments which stood on solid ground against the basic argument that Israel's withdrawal should be complete, unconditional and immediate, and not linked to any other problem.

83. The General Assembly, in a vote which was unanimous except for France and Israel, adopted a resolution which called upon Israel to complete its withdrawal unconditionally. That clear-cut resolution was the outcome of a long debate during which the Israel arguments were exhausted. Forty-nine speakers joined in that debate of last week. There remains no justification whatsoever for the expression or repetition of any views if they are going to contradict the basic rule of prompt and unconditional Israel withdrawal behind the armistice lines.

84. We meet today to discuss the Israel refusal to withdraw, in the light of the report of the Secretary-General and the Israel *aide-mémoire*. From these two documents, and from the statement which Mr. Ben Gurion, the Israel Prime Minister, made before the Israel Knesset on 23 January, it becomes clear that Israel refuses definitely to evacuate the territories it occupied beyond the armistice demarcation line.

85. The present Israel defiance would not have been expressed so vigorously, had the General Assembly taken adequate measures against Israel when the Israel non-compliance was brought to its attention last week. The Jordan delegation was quite convinced that mild resolutions would have no effect on Israel, but we readily accepted the advice of our friends, who preferred to give Israel another chance to accomplish its withdrawal.

86. Now we come here again to face a more serious situation. The position of Israel before 23 January was not clear enough as to its final stand in respect of the decision on withdrawal. Israel used that occasion to make vague and contradictory statements and to follow tricky methods with the purpose of escaping its responsibilities. This time Israel emphatically declares its determination not to leave the Gaza Strip and not to withdraw from Sharm El Sheikh without guarantees. Furthermore, Israel wishes to charge the United Nations Force with additional powers which it claims are necessary, and at the same time takes the liberty of determining the position and tasks of that Force.

87. The procedure which Israel follows in refusing to withdraw indicates that its plans are not accidental but are part of wider schemes meant to serve distant objectives. We witnessed at the end of October how Israel was used as a tool for aggression against Egypt with the aim of retarding Arab progress. We do not want to believe now that Israel is being used again as a means to transform the United Nations Emergency Force into an international force of occupation. It would be ridiculous to end the military occupation by France, the United Kingdom and Israel of Egyptian territory and replace it by the military occupation of a force representing eighty Members of the United Nations. The sovereignty of Egypt and that of any other State could never be subjected to such attempts. Any Member who might be thinking along these lines would be not only contradicting the principles of the

Charter but also risking the future of the United Nations and the complete collapse of the Organization.

88. The functions of the United Nations Emergency Force were clearly defined in the report of the Secretary-General of 6 November 1956 [A/3302] and in his present report [A/3512]. They are limited in scope and temporary in nature, with a specific task to accomplish. The Force was not meant to influence the military or political balance in the area. Nor was it meant to serve aims other than that of securing a cease-fire and the immediate withdrawal of foreign troops from Egyptian territory behind the armistice lines. The position which the Force finally takes up will be at the Egyptian-Israel armistice line, in such a way as to bestride that line. Therefore it cannot be transferred, under the terms of its present task, to other armistice lines in the Palestine area, but must be confined to the Israel-Egyptian line. It also cannot take up a final position on Egyptian territory with which Israel has no armistice line whatever. We should remember, in this connexion, that the Sharm El Sheikh area is an Egyptian territory on an Egyptian coast where no armistice line exists, and that no Israel borders extend to that point. The area is far beyond the scope of the permanent stationing of the United Nations Force, and beyond the claims of Israel under the provisions of the Armistice Agreement.

89. The United Nations Force which would follow the withdrawing Israel forces from Sharm El Sheikh would move thereafter to take up its final position at the armistice line, which does not extend to any point along the western coast of the Gulf of Aqaba. Thus the Force cannot be used to influence any military or political balance in the area, or to force a settlement of political conflicts or legal issues recognized as controversial, or to take ultimate positions in territories other than those on both sides of the Egyptian-Israel armistice line. These principles were fully illustrated by the Secretary-General in his latest report and in those which preceded it. In other words, the United Nations Force cannot be used to bring about any change in the *status quo* which existed in the area prior to the Israel aggression of 29 October 1956.

90. It should also be noted that the Palestine area is governed by an armistice system dictated exclusively by military considerations. This fact keeps the political rights in the Palestine question recognized and safeguarded, and at the same time does not allow further military advantages. This point is thoroughly explained in paragraph 13 of the Secretary-General's report [A/3512]. To these rules we might add the principle which has been stated in successive cease-fire orders of the Security Council and reaffirmed on several occasions—the principle that no party is entitled to gain military or political advantage through a violation of the truce.

91. Thus, there remains no argument under which Israel could ask for any advantage or any change in the situation existing prior to its latest aggression.

92. The Israel theory on the Gaza area is indeed ridiculous. Israel complains that Gaza has been a centre of what it calls *fedayeen* gangs. The presence of the United Nations Emergency Force astride the armistice line will, in a practical manner, prevent these *fedayeen* from crossing the line. But Israel knows better than anyone else that these *fedayeen* are the rightful owners of the country where Israel, by a series of wanton acts of aggression, established what it calls today the State of Israel. When, despite all

the hard measures taken against him by the Arab governmental authorities, a *fedayeen* crosses the line, he does so to reach his own property and his own homeland. If these *fedayeen* are disturbing Israel, Israel in turn is disturbing the whole Arab world. If the *fedayeen* have previously made certain incursions across the armistice demarcation line, Israel's so-called army has launched scores of open murderous attacks upon defenceless Arab villages and has killed as many persons as it has been able to kill. Israel cannot complain when it is accused; Israel can claim no rights since it has denied all rights to others.

93. Israel proposes a change in the *status quo* which existed in Gaza. It is trying to determine a new future and a new administration for that area, in order to make matters easy and convenient for Israel. It appears that Israel's thoughts are finding an entry into the minds of some delegations here. I should like to tell those who feel sympathetic towards such ideas that Gaza is a part of Arab Palestine, that it belongs only to its own Arab inhabitants, and that the Arabs alone will determine its future. Neither the United Nations nor any other authority can change the Arab régime of that part of Palestine and place it under foreign administration.

94. Before the status of Gaza is determined, the status of other areas under Israel occupation must be determined. Israel cannot claim any right as regards those areas, even under the partition scheme. These areas exceed the amount of land given to Israel in the 1947 resolution. They are governed by an armistice arrangement. If Israel has declared that the Armistice Agreement is no longer valid, then Israel must relinquish those areas and withdraw behind the partition lines. The fact that Israel has declared the Armistice Agreement to be invalid means that the only formal line which is left for defining the territories under Israel control is the line set by the United Nations in 1947.

95. It might be useful to remind Israel that it has no right to establish itself in any part of Palestine. If Israel tries to challenge Egypt's right in Gaza, it had better remember that, under the laws of justice and equity, it is denied every political right in Palestine. The nine years that have passed since Israel's usurpation of Palestine are too short a period of time for Israel to seek additional pieces of land in Palestine. In reading Israel's note to the Secretary-General, one is amazed to find the statement that the Gaza area has never been a part of Egypt—as if Israel means to say that it is a part of Israel.

96. On 15 October 1956, Mr. Ben Gurion declared in the Israel Parliament that Gaza did not belong to Egypt and that Jordan had no right in Palestine. It looks to me as though it is part of Israel's programme to turn to the western bank of the Jordan after it has finished with Gaza, and apply in Jordan the same methods which it has applied in Gaza. At any rate, we are fully aware of Israel's intentions in the Arab homeland.

97. Indeed, the Israel note uses rude language in criticizing Egypt for not having developed—to use the words of Israel—"the political freedom or economic welfare" of the refugee population and the permanent residents of the Gaza zone. The note goes on to say that Israel will contribute to the permanent settlement of these refugees. What hospitality! What generosity the Zionist Government is now offering the Arabs of Palestine in their own native land! Is it not enough

that Israel drove out hundreds of thousands of Arabs to meet their sad destiny? Israel does not need to add to this the fate of 300,000 Arabs in the Gaza Strip.

98. What is happening in the towns of Gaza, Khan Yunis, El Arish and Deir el Balah and other villages in the Gaza area, under Israel's occupation characterized by atrocities and crimes, is as barbaric and brutal as what happened during the past incidents of Deir Yassin, Lydda, Kafr Qasim, and others. The aged and respectable are killed publicly. Young men are assassinated before the very eyes of their parents. Houses are inspected day and night by Israel soldiers. Women are beaten to death. We receive letters and other reliable information reporting the killing of individuals whom we know and other individuals about whom we know. But still Israel wants to administer Gaza for the welfare of its Arab population.

99. Israel's defiance as regards withdrawing unconditionally not only is directed against Egypt or against the Arabs, but also is a challenge to the authority and prestige of the United Nations. It is a challenge to the General Assembly, to the Secretary-General and to every Member State which called upon Israel to withdraw immediately and unconditionally behind the armistice lines. In our meeting today, we should determine what effective measures the General Assembly should take against Israel to convince Israel that it must obey the decisions of the international community.

100. To uphold the dignity of this Assembly, Members should consider whether Israel is qualified to maintain its membership of the United Nations, or whether punitive measures should be taken against it for its persistent defiance and continued violations.

101. I should now like to give a brief sketch of Israel's record of violations, which proves that Israel is unsuitable for membership of the United Nations.

102. Before Israel came into existence, there were merely terroristic organizations which led wide campaigns against the peaceful Arab inhabitants of Palestine and caused them much death and destruction.

103. The moment it was born, Israel applied methods of murder and intimidation and succeeded in uprooting the whole Arab nation of Palestine and throwing out 900,000 Arabs.

104. After the Armistice Agreement of 1949 was concluded, Israel continued to expel more of the Arabs who were left within the territory held by Israel.

105. Israel occupied territories exceeding the amount allotted to it under the resolution of 1947, namely, western Galilee and the territory to the west of Jerusalem, including Lydda, Ramleh, Jaffa and other villages. It should be recalled in this respect that the land owned by the Jews in Palestine at the time of partition was only 8.7 per cent of the area given to Israel by the resolution of 1947, and 5.8 per cent of the total area of Palestine.

106. It occupied the western sector of Jerusalem and declared the city to be the capital of its State, in complete disregard of the verdict of the United Nations.

107. It occupied areas in the demilitarized zones in the south and in the north of Palestine, in violation of the provisions of the General Armistice Agreement and in defiance of the relevant decisions of the Security Council.

108. It challenged all the repeated and reaffirmed resolutions of the General Assembly which recognized

the rights of the Palestine Arab refugees to repatriation and compensation.

109. Besides the denial by Israel of the rights of the Palestine Arab refugees, Israel adopted measures and promulgated the laws enabling its authorities to seize, control, confiscate, and sell Arab refugees' property under its control.

110. Israel is violating basic human rights. The small Arab minority in Israel live under specially promulgated laws whereby their personal freedom is restricted, and they are considered class B citizens.

111. Under the armistice system which governed the situation in the Palestine area, Israel never followed a proper conduct. The Israel authorities interfered in or interrupted the functions of the Mixed Armistice Commission. They detained United Nations observers on several occasions, fired on them and threatened them. Israel also paralysed the Mixed Armistice Commission. In various cases, the Israel delegates walked out, boycotted or did not permit meetings.

112. The murderous and unprovoked military attacks by Israel against the Arab borders are well known, and the condemnations of the Security Council are on record.

113. The climax of Israel's violations was the last wide-scale aggression against Egypt, which was denounced by the whole world.

114. Israel has declared that the Armistice Agreement with Egypt has become a fiction and no longer has validity. By so doing, Israel has returned matters to a state of war, since it has repudiated the armistice system.

115. Lastly, there is the present defiance by Israel of the resolution adopted last week by seventy-four Members and the previous similar resolutions in which it was called upon to withdraw unconditionally.

116. This is the history of Israel; in short, it is a chain of serious violations. If we overlook one, we cannot overlook the other. The question therefore arises as to whether this General Assembly will yield to the arrogance of Israel and keep silent about its challenges.

117. It has become quite easy to understand the conduct and attitude of Israel. Mr. Ben Gurion, the Prime Minister of Israel, explained his policy in a clear and short manner. In his book, *Rebirth and Destiny of Israel*, he states: "Force of arms, not formal resolutions, determine the issue."

118. While it is easy to understand Israel's policy, it is not easy to understand the attitude of some big Powers in view of the latest defiance by Israel. What is the stand of these Powers, which seem concerned about the Middle East in respect to the aggressive policy of Israel? How would they prove their good intentions towards the Middle East? What is seen nowadays is that the Arab world has become a target of aggression from everywhere, aggression against the Arabs in Algeria, aggression against Egypt, aggression in Palestine, and aggression in Yemen. Imperialism and world Zionism join hand in hand to declare war against the Arabs on all fronts. It is not difficult to understand Israel. It is a destructive element that has invaded the Middle East and undermined stability and peace in our area. But it is difficult to understand why those Powers which declare their concern about the welfare of the Middle East keep on appeasing Israel and trying to solve its difficulties, ignoring the suffering of the Arabs and forgetting their rights. Even in the present defiance of Israel, the trend of thought

of these Powers is how to meet the requirements of Israel, the aggressor, and not how to compensate Egypt, the victim, for its heavy losses.

119. The present situation created by Israel is a test, and a major one, for those who uphold the principles of the Charter and who care for safeguarding peace in the Middle East. The test is whether to accept the challenge of Israel and allow its aggression to pay, or whether to force it to implement the terms of unconditional withdrawal. On our part, as Arabs, we will not compromise our rights and sovereignty. We will never accept the settlement of matters by aggression or the threat of force. Israel must withdraw unconditionally because it has committed an act of aggression. If it does not carry out its obligations, and if this General Assembly fails to defend its own word and prestige and compel Israel to withdraw immediately and unconditionally, then, I am afraid, hostilities will break out again in the Middle East.

120. Mr. SHAHA (Nepal): We have before us the Secretary-General's report in pursuance of the resolution of the General Assembly of 19 January. We were pained to hear that at the expiration of the time limit set by the General Assembly in that resolution Israel had not yet complied with the request of the Assembly, and that its forces were still stationed in Egyptian territory. In the light of paragraph 5 (a) of the Secretary-General's report, it is incomprehensible that the United Nations could possibly enter into any negotiations prior to the withdrawal of the Israel troops behind the armistice line.

121. We have carefully studied the *aide-mémoire* on the position of Israel. That position seems to be that as long as a policy of belligerency is maintained by Egypt, and until Egypt suspends the economic boycott and blockade of shipping to Israel, and until Egypt agrees to a policy of simultaneous liquidation of belligerency, Israel will not be able to withdraw its forces either from the Gaza Strip or from the Sharm El Sheikh area. In short, Israel's contention is that there should be a guarantee of permanent freedom of navigation in the Straits of Tiran and the Gulf of Aqaba, which, in its opinion, are international waterways in which the right of innocent passage exists.

122. In this connexion, the question of the United Nations Emergency Force becomes extremely delicate and important. The Israel delegation is quite right in pointing out that "more clarity and precision are needed in defining its character, its functions and, above all, the duration of its tenure and the conditions for the termination of its assignments". [A/3511, para. 12.]

123. With regard to the Gaza Strip, Israel's approach has been that this territory has never been a part of Egypt and that its inhabitants are not Egyptian citizens.

We know that the Armistice Agreement cannot recognize a change in the *de facto* régime in any case. The bypassing of that agreement will not only seriously jeopardize the peace of the Middle East but will also create a serious world situation.

124. We pointed out before that the first thing that the Government of Israel should do was to withdraw its forces. All other matters are quite irrelevant to the question of withdrawal, which should take place immediately. We have also stated that any legitimate claims of the Government of Israel—for example, the right of free navigation in the Gulf of Aqaba and the Straits of Tiran—could be decided after the withdrawal takes place.

125. If Israel persists in occupying these territories, it will lose the moral support of the other nations. In case Israel does not withdraw and seeks to lay down conditions for the withdrawal of its troops from the Egyptian territory which is at present under its occupation—namely, the Gaza Strip and Sharm El Sheikh area—we feel that the settlement of the whole question will be delayed, to its own disadvantage.

126. Secondly, we think that it would be inconsistent with the prestige of the United Nations and with the canons of international morality to allow the aggressors, as it were, to reap the fruits of their aggression. If the United Nations were to consider now the question of guarantees for Israel, it would appear to the world that Israel had actually been allowed to gain certain benefits as a direct consequence of its invasion. In other words, the Israel invasion would seem to stand vindicated.

127. It is for this reason that we feel there should be an unconditional withdrawal of the Israel forces. All other matters should be considered only after the withdrawal has taken place.

128. As I have repeatedly suggested, this is not the time for the Assembly to attempt a political settlement of the issues involved, which must await the cooling down of passions which have been aroused by the act of invasion on the part of Israel.

129. The question of the United Nations Emergency Force is a delicate one. In any case, the Force should not be allowed to assume the functions of an occupying force in a foreign territory. If such a situation is created, the United Nations prestige itself will suffer, as it would be contrary to the principles of the Charter to allow any agency created by the General Assembly to infringe upon the sovereignty of Egyptian territory.

130. We therefore firmly believe that the General Assembly should give this matter careful consideration and arrive at a decision which will prompt Israel to comply with the decision of this Assembly.

The meeting rose at 12.55 p.m.