

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1951 No. 68

Overgelegd aan de Staten-Generaal door de Minister
van Buitenlandse Zaken

A. TITEL

*Handvest der Verenigde Naties; San Francisco, 26 Juni 1945.
(Palestina Resoluties)*

B. TEKST

De Engelse tekst (en vertaling in het Nederlands) van het Handvest is afgedrukt in *Staatsblad* No. F 321.

(c.—g. Zie *Tractatenblad* 1951 No. 44.)

J. GEGEVENS

1. De Veiligheidsraad van de Verenigde Naties heeft op 8 Mei 1951 met 10 stemmen vóór (waaronder Nederland) en een onthouding een resolutie inzake de Palestina-kwestie aangenomen, waarvan de Engelse tekst luidt als volgt (V.N. signatuur No. S/2130):

The Security Council,

1. *Recalling* its resolutions of 15 July 1948, 11 August 1949, 17 November 1950,

2. *Noting* with concern that fighting has broken out in and around the Demilitarized Zone established by the Syrian-Israeli General Armistice Agreement of 20 July 1949 and that fighting is continuing despite the cease-fire order of the Acting Chief of Staff of the United Nations Truce Supervision Organization issued on 4 May 1951,

3. *Calls upon* the parties or persons in the areas concerned to cease fighting and brings to the attention of the parties their obligations under article 2, paragraph 4 of the Charter of the United Nations and the Security-Council's resolution of 15 July 1948 and

their commitments under the General Armistice Agreement and accordingly calls upon them to comply with these obligations and commitments.

2. De Veiligheidsraad van de Verenigde Naties heeft op 18 Mei 1951 met 10 stemmen vóór (waaronder Nederland) en een onthouding een resolutie inzake dezelfde Palestina-kwestie aangenomen, waarvan de Engelse tekst luidt als volgt (V.N. signatuur No. S/2157):

The Security Council,

Recalling its past resolutions of 15 July 1948, 11 August 1949, 17 November 1950 and 8 May 1951 relating to the General Armistice Agreements between Israel and the neighbouring Arab States and to the provisions contained therein concerning methods for maintaining the armistice and resolving disputes through the Mixed Armistice Commissions participated in by the parties to the General Armistice Agreements;

Noting the complaints of Syria and Israel to the Security Council, statement in the Council of the representatives of Syria and Israel, the reports to the Secretary-General of the United Nations by the Chief of Staff and the Acting Chief of Staff of the United Nations Truce Supervision Organization for Palestine and statements before the Council by the Chief of Staff of the United Nations Truce Supervision Organization for Palestine;

Noting that the Chief of Staff of the Truce Supervision Organization in a memorandum of 7 March 1951, and the Chairman of the Syrian-Israel Mixed Armistice Commission on a number of occasions have requested the Israel Delegation to the Mixed Armistice Commission to ensure that the Palestine Land Development Company, Limited, is instructed to cease all operations in the demilitarized zone until such time as an agreement is arranged through the Chairman of the Mixed Armistice Commission for continuing this project, and,

Noting further that Article V of the General Armistice Agreement between Israel and Syria gives to the Chairman the responsibility for the general supervision of the demilitarized zone,

Endorses the requests of the Chief of Staff and the Chairman of the Mixed Armistice Commission on this matter and calls upon the Government of Israel to comply with them;

Declares that in order to promote the return of permanent peace in Palestine, it is essential that the Governments of Israel and Syria observe faithfully the General Armistice Agreement of 20 July 1949;

Notes that under Article VII, paragraph 8, of the Armistice Agreement, where interpretation of the meaning of a particular provision of the agreement, other than the preamble and Articles I and II, is at issue, the Mixed Armistice Commission's interpretation shall prevail;

Calls upon the Governments of Israel and Syria to bring before the Mixed Armistice Commission or its Chairman, whichever has the pertinent responsibility under the Armistice Agreement, their complaints and to abide by the decisions resulting therefrom;

Considers that it is inconsistent with the objectives and intent of the Armistice Agreement to refuse to participate in meetings of the Mixed Armistice Commission or to fail to respect requests of the Chairman of the Mixed Armistice Commission as they relate to his obligations under Article V and calls upon the parties to be represented at all meetings called by the Chairman of the Commission and to respect such requests;

Calls upon the parties to give effect to the following excerpt cited by the Chief of Staff of the Truce Supervision Organization at the 542nd meeting of the Security Council on 25 April 1951, as being from the summary record of the Syria-Israel Armistice Conference of 3 July 1949, which was agreed to by the parties as an authoritative comment on Article V of the General Armistice Agreement between Israel and Syria:

"The question of civil administration in villages and settlements in the demilitarized zone is provided for, within the framework of an Armistice Agreement, in sub-paragraphs 5(b) and 5(f) of the draft article. Such civil administration, including policing, will be on a local basis, without raising general questions of administration, jurisdiction, citizenship, and sovereignty.

"Where Israeli civilians return to or remain in an Israeli village or settlement, the civil administration and policing of the village or settlement will be by Israelis. Similarly, where Arab civilians return to or remain in an Arab village, a local Arab administration and police unit will be authorized.

"As civilian life is gradually restored, administration will take shape on a local basis under the general supervision of the Chairman of the Mixed Armistice Commission.

"The Chairman of the Mixed Armistice Commission, in consultation and co-operation with the local communities, will be in a position to authorize all necessary arrangements for the restoration and protection of civilian life. He will not assume responsibility for direct administration of the zone."

Recalls to the Governments of Syria and Israel their obligations under Article 2, paragraph 4 of the Charter of the United Nations and their commitments under the Armistice Agreement not to resort to military force and finds that: (A) Aerial action taken by the forces of the Government of Israel on 5 April 1951, and (B) Any aggressive military action by either of the parties in or around the demilitarized zone, which further investigation by the Chief of Staff of the Truce Supervision Organization into the reports and com-

plaints recently submitted to the Council may establish, constitute a violation of the cease-fire provision provided in the Security Council resolution of 15 July 1948 and are inconsistent with the terms of the Armistice Agreement and the obligations assumed under the Charter;

Noting the complaint with regard to the evacuation of Arab residents from the demilitarized zone: (A) Decides that Arab civilians who have been removed from the demilitarized zone by the Government of Israel should be permitted to return forthwith to their homes and that the Mixed Armistice Commission should supervise their return and rehabilitation in a manner to be determined by the Commission; and (B) Holds that no action involving the transfer of persons across international frontiers, armistice lines or within the demilitarized zone should be undertaken without prior decision of the Chairman of the Mixed Armistice Commission.

Noting with concern the refusal on a number of occasions to permit observers and officials of the Truce Supervision Organization to enter localities and areas which were subjects of complaints in order to perform their legitimate functions,

Considers that the parties should permit such entry at all times whenever this is required, to enable the Truce Supervision Organization to fulfil its functions, and should render every facility which may be requested by the Chairman of the Mixed Armistice Commission for this purpose;

Reminds the parties of their obligations under the Charter of the United Nations to settle their international disputes by peaceful means in such manner that international peace and security are not endangered and expresses its concern at the failure of the Governments of Israel and Syria to achieve progress pursuant to their commitments under the Armistice Agreement to promote the return to permanent peace in Palestine;

Directs the Chief of Staff of the Truce Supervision Organization to take the necessary steps to give effect to this resolution for the purpose of restoring peace in the area and authorizes him to take such measures to restore peace in the area and to make such representations to the Governments of Israel and Syria as he may deem necessary;

Calls upon the Chief of Staff of the Truce Supervision Organization to report to the Security Council on compliance given to the present resolution.

Requests the Secretary-General to furnish such additional personnel and assistance as the Chief of Staff of the Truce Supervision Organization may request in carrying out the present resolution and the Council's resolutions of 8 May 1951 and 17 November 1950.

Uitgegeven de twaalfde Juni 1951.

De Minister van Buitenlandse Zaken,
STIKKER.