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REPORT BY THE SECRETARY-GENERAL ON THE PRESENT INABILITY OF THE
ISRAEL-SYRIAN MIXED ARMISTICE COMMISSION TO FUNCTION AND THE
ATTITUDES OF THE PARTIES THERETO

1. The following factual report is submitted at the request of the Security Council made at its 1312th meeting on 28 October 1966. The report relates to the question raised by the representative of Jordan in the Security Council at the 1310th and 1312th meetings of the Council. At the 1310th meeting of the Council the representative of Jordan included in his statement the following:

"The question of who is co-operating with the Mixed Armistice Commission in the area should also be clarified. Both parties claim that they co-operate, and each party imputes lack of co-operation to the other. I request a report from the machinery in the area to clarify this question, to disclose who is co-operating and who is not."

At the 1312th meeting of the Council the representative of Jordan repeated his desire for a report on the Israel-Syrian Mixed Armistice Commission (ISMALC) and the request was subsequently made by the Council for such a report.

2. The following report is based upon information supplied by Lieutenant-General Odd Bull, Chief of Staff of United Nations Truce Supervision Organization in Palestine (UNTSO) together with information available at United Nations Headquarters.

3. Since 1951, Israel has taken the position that the Mixed Armistice Commission is not competent to deal with issues pertaining to the Demilitarized Zone (D/Zone), asserting that these issues should be dealt with by the Chairman of the Mixed Armistice Commission and that he should contact the Israel delegation with a view to their settlement. As stated in the UNTSO Chief of Staff's report of 6 January 1955 (S/3343), Israel, in explaining its attitude, referred to article V, paragraph 5 (c) of the Israel-Syrian General Armistice Agreement.

In this provision Israel found a "limitation" of the competence of the Israel-Syrian Mixed Armistice Commission and a conclusive demonstration of the absence of any Syrian "locus standi" in the D/Zone on a claim for sovereignty, and concluded that it should uphold the "basic tenet of the armistice agreement - the exclusion of Syria from any rights within the demilitarized zone, even if this sometimes necessitates absents itself from meetings of the Mixed Armistice Commission at which Syria seeks to intervene in questions affecting the zone". (S/3343, para. 20.)

4. The Syrian position was summarized as follows in paragraphs 21 and 22 of S/3345. The Mixed Armistice Commission, being competent to supervise the execution of the provisions of the General Armistice Agreement, including article V, relating to the D/Zone, is empowered to deal with complaints submitted by the parties relating to the implementation of article V. Paragraph 5 (c) of article V of the Armistice Agreement refers to the responsibility of the Chairman of the Mixed Armistice Commission and United Nations Observers for ensuring "the full implementation" of the article, whereas the first paragraph of article VII provides that the Mixed Armistice Commission shall "supervise the execution of the provisions" of the Agreement.

5. It may be recalled that during the current series of meetings of the Security Council on the Palestine question, the representatives of Israel and Syria made references to the positions of their respective Governments regarding co-operation with ISMAC (see statements made by the representative of Syria at the 1308th meeting of the Council, S/FV.1308, page 57, and by the representative of Israel at its 1309th meeting, S/FV.1309, pages 81 and 82).

6. Complaints relating to the D/Zone were considered by ISMAC before 1951, but subsequent conflicting positions on the competence of the Mixed Armistice Commission in relation to the D/Zone have resulted in the inability of the Mixed Armistice Commission to hold regular meetings since 1951. The Syrian delegation refuses to withdraw complaints relating to the D/Zone from the list of complaints pending before the Mixed Armistice Commission, while the Israel delegation insists that such complaints be deleted. The last regular meeting of the ISMAC was held in 1951.

7. The total number of accumulated and outstanding complaints as of 14 October 1966 was as follows: Israel 35,485; Syria 30,600; total 66,085. No statistics exist of the total number of such complaints which relate to the D/Zone. However, a sample checking of the complaints filed in one week in January, March, June and September 1965 indicates that 96 per cent of the Syrian complaints and 71 per cent of the Israel complaints related to the D/Zone. A similar check in February, April, July and October 1966 indicates that 92 per cent of the Syrian complaints and 69 per cent of the Israel complaints related to the D/Zone. The resulting average in those two years, therefore would be as follows: 94 per cent of the Syrian complaints and 70 per cent of the Israel complaints relating to the D/Zone.

8. Since 1951, seventeen emergency meetings of the ISMAC have been held of which Israel failed to attend two. In connexion with emergency meetings Israel has maintained the same principle as for regular meetings, namely:

"a. Matters outside of the competence of the Mixed Armistice Commission cannot be discussed by the Commission except when there is agreement on it;

b. Any matters concerning the D/Zone are, according to article V of the General Armistice Agreement, within the competence of the Chairman and not of the Mixed Armistice Commission."

(Statement made at the emergency meeting held on 2 June 1954.)

9. The last emergency meeting of the Mixed Armistice Commission took place on 16 February 1960 at the request of the Syrian delegation, following the attack by Israel on the Arab village of Khirbet-at-Tawafiq in the southern D/Zone. Israel protested against the convocation by the Chairman of an emergency meeting scheduled to deal with a matter pertaining to the D/Zone. (S/4270, para. 81.) At that meeting, held in the absence of Israel, two resolutions were adopted, the first condemning the Israel attack against the village of Khirbet-at-Tawafiq during the night of 31 January-1 February 1960, the second the overflight of Syrian territory by the Israel Air Force on 1 February 1960 (S/4270, annex IV).

10. No other meeting either regular or emergency has taken place since February 1960, and neither party has requested the Chairman to convene a meeting since that time.

11. It is relevant to this report to note that the Security Council has given attention to the functioning of the ISMAC on several occasions in the past. For example, in its resolution 93 (1951) of 18 May 1951, the following paragraphs appear:

"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;"

Its resolution 111 (1956) of 19 January 1956 concludes with the following paragraph:

"9. Calls upon both parties to co-operate with the Chief of Staff in this and all other respects, to carry out the provisions of the General Armistice Agreement in good faith, and in particular to make full use of the Mixed Armistice Commission's machinery in the interpretation and application of its provisions."

In the Security Council's resolution 171 (1962) of 9 April 1962, is included the following paragraph:

"7. Calls upon the Governments of Israel and Syria to co-operate with the Chief of Staff in carrying out his responsibilities under the General Armistice Agreement and the pertinent resolutions of the Security Council, and urges that all steps necessary for reactivating the Mixed Armistice Commission and for making full use of the Mixed Armistice machinery be promptly taken;"

12. The inability of the Israel-Syrian Mixed Armistice Commission to function undebtedly weakens the efforts to maintain quiet along the line between Israel and Syria. As a result of this situation, matters which properly should first be considered in the ISMAC and which often might well be disposed of there, are brought instead directly to the attention of the Security Council where they can be considered primarily in a political context and atmosphere. The ISMAC, of course, is the machinery created by the parties and for whose operation they alone

are responsible. It is the product of their solemn undertaking in the General Armistice Agreement. Its effectiveness depends upon the willingness of the two parties to abide by the General Armistice Agreement and to participate fully in and co-operate with it. The several appeals of the Security Council to the parties to this effect have thus far been unavailing. Serious consideration might well be given now as to whether there might be some more fruitful approach to the goal of enabling the ISMAC to function effectively.

