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THE UNITED NATIONS' PEACEMAKING ROLE  
IN THE  
ARAB-ISRAELI CONFLICT BETWEEN 1967-1977

by

Ovadia M. Soffer

A dissertation submitted to the Graduate  
Faculty in International Politics in partial  
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1977

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Abraham Eisen  
Chairman of Examining Committee

Leo Siskind  
Executive Officer

Howard H. Lentner (Bar)

Ivo D. Duchacek (C/GSUC)

Hans Morgenthau (The New School)

Dean Benjamin Rivlin (GSUC)

Supervisory Committee

The City University of New York

Abstract

THE UNITED NATIONS' PEACEMAKING ROLE  
IN THE  
ARAB-ISRAELI CONFLICT BETWEEN 1967-1977

by

Ovadia M. Soffer

Adviser: Professor Abraham Bargman

The United Nations is empowered by the provisions of Chapter VI of the Charter to recommend terms of settlement but has usually restricted itself to peacekeeping measures of interposition to deter the resumption of hostilities. The Arab-Israeli conflict, however, provides an ideal case study of the United Nations potential in peacemaking inasmuch as United Nations Resolution 242 has been recognized by all parties concerned and other powers as the source of principles on the basis of which a settlement should be concluded.

Various prevailing alternatives to United Nations intervention are discussed and the Charter is briefly examined as a prelude to the analysis of the forces

operating within the United Nations with respect to the emergence and adoption of the terms of settlement embodied in Resolution 242 of November 22, 1967, and a study of the failure of the effort to implement these terms.

Forces acting on the United Nations, both from inside and outside the organization, especially the Third World, are thus analyzed for the purpose of studying the political process involved in efforts to revise the terms of settlement.

Finally, the charter role of the United Nations as peacemaker is reassessed in the light of the choice between persuasion and imposition as the key to settlement.

We conclude that in the absence of cooperation of the Superpowers or voluntary compliance by the disputants, the United Nations is likely to serve only as auxiliary to United States peacemaking rather than as the executive instrument.

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## INTRODUCTION

While the United Nations has achieved a good record as peacekeeper, i.e., preventing further hostilities through the interposition of international forces, its record as peacemaker, that is, the peaceful settlement of international disputes, has been a poor one.

The Arab-Israeli conflict has the distinction of being unique in United Nations annals because its peace-making function has been as significant as that of peace-keeping. Although the conflict has continued more or less unabated since 1947 when the United Nations decided to establish a Jewish state in Palestine, this study focuses on the efforts by the United Nations to seek a permanent settlement following the Six-Day War of 1967.

On November 22, 1967, the Security Council, after months of laborious negotiations, unanimously recommended terms of settlement as embodied in Resolution 242, which signalled a new effort by the United Nations to resolve the Arab-Israeli conflict and provided the initial basis designed to create the conditions for negotiated settlement

between the disputing parties in the Middle East. A little more than six years and one war later, the Security Council reaffirmed its previous action by unanimously adopting Resolution 338. As of this writing, the search for peace in the Middle East remains unresolved, and because of the involvement of the superpowers in the area, the conflict stands as a threat to international stability. Nevertheless, all parties concerned carry on the dialogue in terms of Resolution 242.

Resolution 242 fulfilled one of the necessary conditions according to this author's thesis upon which peacemaking is based. That thesis is not surprisingly that the superpowers--the United States and the Soviet Union--must support peacemaking activities through the United Nations for them to be successful. The story of the failure of the United Nations' peacemaking efforts from 1967 to 1977 is partly a story of the failure of the superpowers to give their continuing support.

There is another condition critical to the success of peacemaking efforts. As in any diplomatic undertaking, success relies upon the agreement of the disputants. Various activities and techniques of mediators are designed to bring about agreements--and the skill of the mediators

in using relevant techniques is important. But it is the author's thesis that it is in the hands of the disputing parties themselves that the keys to success lie.

Moreover, the United Nations' general membership provides mechanisms for appeal by one or the other of the disputing parties, further complicating peacemaking functions. That is, parties to a dispute who are dissatisfied with the progress or direction of negotiations may mobilize pressures through the General Assembly (particularly by a Third World coalition) as a bargaining tool in the negotiations to obtain more favorable terms of settlement for themselves. Forums controlled by the Third World countries which now constitute a majority at the United Nations are also a part of this political process. It is part of our thesis that this mobilization function of the United Nations may have impeded the implementation of Resolution 242.

Success in United Nations' peacemaking efforts in this case has thus been dependent upon four factors: support by the superpowers, agreement by the disputing parties, isolation of the dispute from extraneous pressures or accommodation to those pressures, and the skill of the mediators and the relevance of particular activities

and techniques employed in exercising the peacemaking function.

This dissertation analyzes United Nations' peacemaking efforts in the Middle East from 1967 to 1977 in terms of these four factors.

The author has himself been personally involved in the Arab-Israeli dispute at the United Nations for many years. While the writer is not neutral, he has nevertheless tried to be objective as a student of the problem. He has taken this opportunity to amalgamate the insights gained from his experience in international diplomacy with his graduate studies. Using his diplomatic experience and insights gained from more than ten years of work as a member of the Israeli delegation to the United Nations and other international forums, the author fully appreciates the tangled dynamics of international politics as they affect peacemaking generally and the United Nations specifically. One objective of this dissertation is to contribute to the understanding of how the extraneous political factors determine and shape the decision-making process at the United Nations. Throughout the dissertation, the author's main concern is to demonstrate that the political process inside the United Nations, whether in its deliberative or

executive mode, results from extraneous policies, interests, and behavior of three distinct groupings: the superpowers, the disputants, and Third World countries. This political process is examined at three different crucial junctures in the context of peacemaking: (1) the evolution of the terms of settlement, (2) the implementation of the terms of settlement, and (3) the efforts to revise the terms of settlement.

The study opens (Chapter I) with a discussion of the alternatives to the United Nations as a mechanism to peaceful settlement for the purpose of explaining why the United Nations became the focal point for settlement diplomacy.

It then proceeds (Chapter II) to an examination of the influence of the major power groups in the United Nations, particularly the superpowers, on the emergence of the terms of settlement in Resolution 242.

Chapter III is devoted to the attempt to have the United Nations serve as the executive agent for the implementation of Resolution 242 in the form of the Jarring mission. The failure of the United Nations' mediation is analyzed in terms of (1) the issues which divide the disputants, (2) the policies, strategies and tactics which

they adopted in pursuit of their separate goals, and (3) to the interaction of those policies, strategies and tactics with those of the superpowers.

Chapter IV consists of an examination of the efforts by the Arab states to revise the terms of settlement through the mobilization of third world countries both in the international conferences in which they participate, and at the United Nations.

Finally, Chapter V evaluates the logic and the spirit of the Charter's conception of the United Nations' role in the peaceful settlement of disputes in the light of the failure of persuasion and the possibility of coercion. In this connection, the study assesses in particular the potential strategy of the United States in relation to the United Nations given its emerging role as a third party in the implementation of Resolution 242.

In view of the author's main thesis, that owing to the institution as well as the power impediments to successful United Nations' independent role in the settlement process, the dissertation concludes by enumerating auxiliary functions of the United Nations which have been and likely will continue to be of use in the maintenance of peace, in the absence of settlement.

In this connection, this study can be distinguished from such works as Forsythe's United Nations Peacemaking: the Conciliation Commission for Palestine, and Lall's The United Nations and the Middle East Crisis, 1967, which are referred to in the text. These studies are in the tradition of the international organization literature which concentrates on what is said and done at the United Nations. This study, however, deliberately takes into account the foreign policy objectives of the disputants and the Superpowers. Moreover, it demonstrates that there is a mutual interaction between the foreign policies of concerned states and the actions or inaction of the United Nations. Indeed, we have attempted even to go farther to uncover the political tactics as well as the strategies which have been influenced by the functions of the United Nations in the settlement process. While the author began the study by sharing the conventional wisdom that the United Nations is not terribly important in these matters, he has emerged from the research convinced that none of the parties or the Superpowers believe that they can ignore the United Nations without adverse repercussions.

The author has relied on the following sources of information: (a) the available official documents, in-

cluding documents and statements from Israeli, Arab, United States, U.S.S.R., and United Nations sources; (b) the press of these countries; and (c) his personal day-to-day contacts with many national representatives and personnel of the United Nations Secretariat since 1968.

He has furthermore relied on the expertise of those who have devoted years of scholarly study to both the problems connected with United Nations conflict resolution and the Middle East dispute itself, as represented in published books, articles in journals, symposia, et al.

One of the major handicaps in pursuing a study of this and other contemporary subjects is that much of the relevant information is not publicly accessible. This limitation affects official documents in particular. For example, the official records of the United States Department of State are not made public for thirty years after the event, under Executive Order No. 1452 (June 1, 1972). Likewise, Soviet official records, as well as those of the disputants, are not published, for the most part. Therefore, much must be gleaned from statements appearing in the press of the different countries.

Fortunately for this study, the volatile Middle East is fertile in statements appearing in the public press

which serves, in lieu of the absence of diplomatic relations, as a communicating device across borders. Additionally, there has been an epidemic of leakages of official views to the press in democratic Israel which concerns not only official Israeli views, but also those of the Arabs as well.

Because of the constraints enforced by the relative lack of official documents, the author has compiled more than ten thousand public statements, and agrees with another Middle East specialist<sup>1</sup> that deductions based on those statements accurately represent positions of the parties.

The secondary literature is voluminous, attesting to the amount of discussion precipitated by the Arab-Israeli conflict and the problems arising from it.

## NOTE TO THE INTRODUCTION

1. Professor Y. Harkabi, a prominent Israeli specialist in Middle Eastern affairs, stated the following in a paper presented at a seminar held at the Van Leer Jerusalem Foundation on May 27-31, 1973:

Many Israelis treated Arab statements of their position in the conflict in a cavalier way, insisting that the Arabs are victims of their beautiful language, which makes them say what they do not mean--as opposed to other peoples, for whom languages is an instrument. Yet what the Arabs said, even if it was not indicative of their immediate intentions, was a faithful projection of their wishes, their dreams, and their attitudes.... In the last score of years, Arab ideology has been a better guide to the main thrust of Arab behavior in the Arab-Israeli conflict than have their diplomatic exchanges. (emphasis added)

## Chapter One

### ALTERNATIVE ROADS TO SETTLEMENT

Israel emerged the victor from the Six-Day War, thus changing the balance of power in the Middle East. The Arabs, unreconciled to this unilateral change, demanded the immediate restoration of the status quo ante; refused to enter into negotiations with Israel, or to renounce the state of war. Israel insisted on direct negotiations toward the establishment of peace, new and defensible boundaries, and her right to use international waterways in the region. The conflict threatened to erupt again into full-scale war, possibly involving the superpowers, unless a peaceful settlement could be arranged. Four alternative routes toward this goal are examined, vis., direct negotiations between the parties, imposition of terms by the superpowers, no outside intervention, and United Nations intervention. These are examined from the viewpoint of the political possibilities inherent in each.

#### I. Crisis Evolution

Israel emerged from the Six-Day War with Egypt, Jordan, and Syria on June 12, 1967, approximately four times larger and immeasurably stronger than she was when

the fighting began scarcely one week before. She was in control of about 47,000 square miles of Egyptian, Syrian, and Jordanian territory and the one million Arabs living there. She had, most importantly, gained secure, defensive lines along natural barriers--the Suez Canal, the Jordan River, and the Golan Heights. She had achieved an unprecedented degree of impregnability. The balance of power in the Middle East had swung in her favor. Her people and their leaders were determined to maintain the new status quo; not to bow to any pressures from whatever source to relinquish her gains until a durable peace could be arranged with her Arab neighbors. She had fought two other wars with them in the twenty years of her existence. Both times she had gained new borders which provided a greater measure of security from Arab attacks, only to have given them up on pressures from the United Nations or promises from the United States which were not kept. Now she would stand firm until a durable peace could be obtained. She believed that her Arab opponents would be interested in pursuing peace in order to retrieve their losses, since that they had no other alternative, having been so soundly beaten.<sup>1</sup>

But the Arabs could not accept this,<sup>2</sup> despite the fact that the air forces of all three countries were almost completely destroyed, large areas of their territories overrun, their armies and military equipment shattered, and their economies in shambles. They greeted Israeli expectations with defiance, determined to rise from their weakness

and once again renew their effort to win back their lands; rescue their people, and drive the hated Israelis from their midst. None of the defeated Arab governments fell from power. They banded together instead as never before. Oil-rich Saudi Arabia offered economic assistance to Egypt, for example, whereas she had earlier looked with some displeasure and suspicion at President Nasser and his association with the Soviet Union.

The prospects for a durable peace in the Middle East were, therefore, quite dim--just how dim may be more fully appreciated if one takes a closer look at the roots of the conflict in the context of world politics.

The struggle between Israel and the Arabs is but the manifestation of the ravages of a two-way struggle which has, in one way or another, touched most of the nations of the world. Like a cell dividing, the nations have, since World War II, been torn along both the East-West and North-South axes. The former represents the struggle between the Communist and anti-Communist powers led, respectively, by the superpowers, the Soviet Union and the United States; the latter, the struggle between the economically developed, industrialized nations of Europe and North America and the new, underdeveloped (so-called Third World) countries of Asia and Africa, most of which were, until recently, their

colonies.<sup>3</sup>

These international tensions have found explosive expression in the Arab-Israeli encounter. Israel, herself a product of the nationalistic impulse born of centuries of persecution of Jews, came into being in 1948, after World War II, at a time when similar nationalistic stirrings in the African and Asian colonies of the European powers succeeded in wresting national independence. Thus, scores of new nations came into being in the 1950s and early 1960s with a heritage of hostility toward their former masters. Some turned to Communism or the Communist powers which had for decades denounced the colonialist policies and practices of the West, for economic, military, or political support.

While for Jews--especially those of Europe who had been uprooted and devastated by years of the Nazi holocaust--Israel represented both a haven from future persecution and a rightful and devoutly sought return to a homeland from which they had been cast into Diaspora two thousand years before. In Arab eyes, Israel was and is an agent of the former hated colonial powers; planted by these powers in their midst against their wishes, to usurp their lands and displace their brothers. Israel, according to the Arabs, posed a threat to her neighbors, in her own right, as a highly industrialized and militarily powerful society

ever-hungry for new natural resources beyond her borders. In essence, the underlying issue making the Arab-Israeli conflict so intractable can be stated in these terms: two rival nationalisms contesting the same piece of land; in pursuing their contradictory goals, each nationalism has pretended that the other does not exist.

The Six-Day War had ramifications which far transcended the reversal of a local balance of power. It also produced repercussions in other theaters of international politics--the relations between the superpowers and within the United Nations. These changes, in turn, affected the outcome of the conflict.

Instead of peace, the Six-Day War only exacerbated the protagonists' mutual hostility; made their dispute less reconcilable, and gave new life to the stalemate which had persisted since Israel was brought into being by the United Nations in 1947. Neither of the two previous wars had been conclusive. The first erupted in May 1948, shortly after Israel declared her independence, and was brought to a halt by the intervention of a mediator appointed by the General Assembly of the United Nations to make peace. It resulted only in the signing of separate Armistice Agreements in 1949, with each of the states bordering on Israel--Egypt, Jordan, Syria, and Lebanon. The Agreements laid down what were expected to

be temporary lines, but the Arabs regarded themselves as remaining in a state-of-war with Israel. The Armistice notwithstanding, hostilities continued in one form or another--economic boycott, the blockading of the Suez Canal by Egypt to Israeli ships or ships of other nations bound for Israel, terrorist attacks on Israelis within Israel, et al. For the second time in less than two years, the United Nations attempted to settle the dispute, this time by the creation of the Conciliation Commission for Palestine (CCP) in 1949, but this effort failed after more than ten years.

The second major outbreak occurred in October 1956 when England and France captured the Suez Canal and Israel captured parts of the Sinai. This too was ended by the intervention of the General Assembly acting with the active support of the superpowers. No treaty was signed, however, and no change was made in the Armistice lines. Instead, the United Nations undertook to enforce the peace by stationing the U.N. Emergency Force (UNEF) between the opposing forces.

The Six-Day War resulted from the breakdown of these arrangements--the withdrawal of UNEF, resumption of the Egyptian blockade, and the massing of troops by the Arabs for another assault on Israel. This war was halted by the Security Council after repeated attempts to obtain a cease-fire, but one month after the end of that war new fighting

had begun on the Suez Canal front. It was, therefore, widely felt that, given the continued polarization of the contending parties, another perhaps larger and more devastating war, possibly involving the superpowers directly, would likely occur unless a formula or other alternatives for peaceful settlement could be found.<sup>4</sup> The possibilities were few; the probabilities were fewer.

## II. Alternatives for Crisis Management<sup>5</sup>

First, the slight possibility that the protagonists would of their own accord or with persuasion agree to negotiate with each other.

Second, the avoidance of any intervention from any source in the hope that the protagonists will weary of war in time, and agree to settle their differences.

Third, the imposition of terms of settlement by the superpowers.

Fourth, the intervention of the United Nations in a third effort to bring permanent peace to the Middle East.

Each of these possibilities will be appraised in detail with emphasis on the possibilities as they existed at the end of the Six-Day War.

### Alternative 1: Direct Negotiations

Of the four alternatives to be considered here,

this was the most preferred, both by Israel and the United States as offering the highest promise of a stable, long-term solution to the Arab-Israeli conflict. President Johnson emphasized it in his statement of June 19, 1967 (see footnote 26 below), and it was echoed by others, including the American Secretary of State, Dean Rusk, who said: "We do believe that those who live in the (Middle East) have the primary responsibility for finding answers ... (and for finding) some basis on which co-existence is tolerable, and that applies to both sides."<sup>6</sup> Israel had been urging her Arab opponents to adopt this method since 1948, but without success. Their rejection of Israel precluded any negotiations with her as implying legal, if not de facto, recognition of her existence.

Israel, having been twice frustrated in her efforts to obtain and retain defensible borders as a shield against unrelenting Arab attacks, insisted on: (a) full recognition as a sovereign state from the Arabs and their renunciation of all claims to the right to remain in a state of war with her, (2) permanent defensible boundaries, (c) the right to sail her ships through the Suez Canal and all international waterways in the area, (d) reunification of Jerusalem, and (e) Arab cooperation towards the resettlement of the Palestinian refugees displaced by the wars.

Abba Eban, Israel's Foreign Minister at the time, said on 11 November 1967:

It is impossible to return to the situation which existed before the hostilities, because in the meantime a new situation has arisen...

We are determined not to relinquish what we have gained....The next step must be direct contacts and negotiations with the governments of the area. What is required is direct negotiations, not outside mediation, and we are opposed to a settlement through United Nations forces.<sup>7</sup>

Levy Eshkol, Israel's Prime Minister, sounded the same note when he declared the following day:

We advocate a peaceful settlement with the Arab countries on a basis of direct negotiations.... A new situation has arisen in the area, and the state of Israel is not prepared to return to the situation prevailing a week ago.<sup>8</sup>

Typical of the Arab response to the Israelis is the following statement made on 9 June 1967, by President Nasser of Egypt:

We now have several urgent tasks before us. The first is to remove the traces of this aggression against us and to stand by the Arab nation, resolutely and firmly; despite the setback, the Arab nation, with all its potential and resources, is in a position to insist on the removal of the traces of aggression.<sup>9</sup>

Arab leaders later gave resounding support to this policy in a statement issued following a conference in Khartoum, Sudan, in September 1967. Among other things, they declared:

The Arab heads of state have agreed to unite their political efforts on the international and diplomatic level to eliminate the effects of the aggression and to ensure the withdrawal of the aggressive Israeli forces from the Arab lands which have been occupied since the 5 June aggression. This will be done within the framework of the main principles to which the Arab states adhere, namely, no peace with Israel, no recognition of Israel, no negotiations with it, and adherents to the rights of the Palestinian people in their country.<sup>10</sup>

Evidently, the immediate postwar climate was anything but propitious for negotiations--direct or indirect--between the belligerents. As the victor, Israel was satisfied to bide her time, whereas the Arabs, resentful and proud, though weakened, were unwilling to concede anything to Israel. On the contrary, as already indicated, they demanded that Israel withdraw its forces, unconditionally, to the 1949 Armistice lines and make restitution for all damages. Peace, as far as they were concerned, was out of the question. They would maintain their war status; refuse their recognition of Israel, and prepare themselves for the next onslaught of fighting. Israel was the aggressor. She was to be condemned, and not to be permitted to retain the fruits of her aggression. There must be a return to the status quo as of June 4, 1967, before the fighting began.<sup>11</sup>

#### Alternative 2: Non-Intervention in the Conflict

On July 8, 1967, less than a month after the last shot of the Six-Day War was fired, Israeli and Egyptian

forces again fired at each other across the Suez Canal, and an air battle was reported. Other incidents had occurred even earlier--on June 30th and July 1st, 2nd, and 3rd. So frequent and numerous were the incidents in violation of the cease-fire become that the Security Council was asked for and approved an observer team to be stationed along the Canal. Between June 5, 1967, and December 31, 1968, in addition to these, Israeli sources reported 1,288 acts of sabotage and terrorism, 920 of which occurred on the Jordanian border, 166 on the Egyptian border, 37 on the Syrian border, 35 on the Lebanese border, and 130 on the Gaza Strip. Israeli losses for this period were 234 dead and 765 wounded military and 47 dead and 330 wounded civilians.

The casualties continued to mount rapidly in the ensuing months due to action on the front lines and terrorist activities. Early in August 1969, Israeli sources reported that there had been 5,475 incidents since June 1967, involving 473 border crossings from Jordan, 45 from Lebanon, 58 from Egypt, and 76 from Syria at a cost of 401 Israelis killed and 1,551 wounded (as compared with 803 killed and 3,006 wounded during the Six-Day War).<sup>12</sup>

The most serious of the early post-war incidents occurred on October 21, 1967, with the sinking of the

Israeli destroyer Eilat by the Egyptians with a loss of 47 lives and 91 wounded.

It was plain that the Arabs, in their resentment and frustration, were intent on continuing warfare with Israel by any means, in the hope that they (the Arabs) would continue to press Israel and her supporters in the United Nations into submission.

It was, therefore, equally plain that inaction and drift would inevitably result in another large-scale and sustained war with a risk of superpower confrontation in a nuclear holocaust. To forestall such an outcome, the superpowers or the United Nations must once again intervene in the Arab-Israeli conflict.

### Alternative 3: Imposition of a Settlement by the Superpowers<sup>13</sup>

The inability of the protagonists to settle their dispute peacefully by themselves led to intervention by outside parties--mediation by the United Nations in 1948 and 1949, and failing that, the imposition of peace terms by the superpowers in 1956, which were disrupted by the Six-Day War.

The situation was even more conducive for peaceful settlement at the close of the Six-Day War than it had been heretofore, and so the reimposition of peace terms by the superpowers might, once again, have succeeded in bringing

peace to the area. The chief stumbling block toward this solution lay in the fact that the conditions which made cooperation between the superpowers possible in 1956, did not exist in 1967. The possibility that settlement terms would be worked out and imposed by the superpowers was inherent in the relationships between the superpowers and the parties in conflict. Egypt and the other "frontline" Arab states had for more than ten years before the war depended on the Soviet Union for the bulk of their military supplies, economic assistance, and political support. Israel had a similar dependency on the United States. The strength of this dependency status was an important factor in determining the relations between the superpowers themselves. Because the viability of this alternative is related directly to the willingness of the superpowers to cooperate, the tangled web of all of these relationships should be understood. We will review first the relations between the superpowers and their clients.

Russian interest in the Middle East can be traced back to the late eighteenth century. The focus of that early interest was the Dardanelles for the access it afforded to the Mediterranean. The Russians have also had a strong interest in the nations along her southern borders--Iran and Turkey. To these may be added other interests of more

recent origin, namely the spread of communism and Arab oil. In 1955, after Stalin's death, the Soviets sought to exploit the growing Arab nationalist movement to dislodge Western, i.e., British, influence in the Middle East by openly siding with the Egyptians. President Nasser had taken control of Egypt in 1953, and was intent on establishing a variety of socialism in that country. He, Nasser, was likewise eager to obtain Soviet help.<sup>14</sup>

The most tangible token of the new Soviet-Arab tie was the flow of arms, technical expertise, money, and credit to Egypt from the Soviet Union and her European satellites, later extended to Syria and Iraq as well.<sup>15</sup> It marked the entrance of the Middle East conflict into the East-West struggle.

Prior to 1955, it should be noted, the Soviet Union actively supported the establishment of the state of Israel in the United Nations against the wishes of the Arabs. It was also motivated, in part at least, by its desire to replace the British in the Middle East.<sup>16</sup>

The role of the United States in the area has been more complex.<sup>17</sup> Her relations with Israel and the Arabs have long been poised at opposite ends of a seesaw which teetered towards one or another, depending on the exigencies of the moment. The seesaw rested on the fulcrum of American

resistance to Soviet expansionism. The United States did not tolerate the hegemony of a hostile power in a region of such vital strategic economic importance.

At the same time, United States policy has been tempered by a desire both to preserve a balance between military, economic, and political support of Israel and keep friendship with the Arabs. In Israel's favor, she has sought steadily to guarantee Israel's military security and economic viability by the sale, gift, or loan of large amounts of arms, money, and credit. She has also advocated Israel's right to existence within secure boundaries, urging the Arabs to forego claims of belligerency and to join Israel in direct negotiations in search of a durable peace. She has consistently supported Israel in the United Nations on all substantive issues but that of the status of Jerusalem. On that question, she has sided with the majority against Israel. A measure of the strength and consistency of U.S. support of Israel is her voting record in the United Nations. This may be gleaned from a recent study,<sup>18</sup> according to which the United States voted identically with Israel in 59.6% of the resolutions voted on in the General Assembly and abstained in 19.1% of the resolutions which Israel opposed. By contrast, the Soviets voted with Egypt in every instance.

In the Security Council, the United States voted in favor of eight resolutions condemning Israel, but she abstained (against a majority) on seven others.

To counterbalance her commitment to Israel, the United States has made substantial amounts of arms and money available to the Arabs.<sup>19</sup> At times, chiefly during the presidency of Eisenhower, Kennedy, and the first term of Nixon, she pursued a policy of "evenhandedness" in the hope of winning Arab favor and weakening Soviet influence among them.

Driven by mutually conflicting goals in the Middle East (as elsewhere), the superpowers inevitably became adversaries. For ten years prior to the Six-Day War, their rivalry continued to grow and gather strength as they agreed to disagree. In only one instance during this period did they cooperate with each other on a Middle East matter, but even then without forfeiting their basic aims. This exceptional phenomenon occurred with respect to the 1956 war when the superpowers acted in concert to halt the fighting and compel the withdrawal of the British, French, and Israeli forces involved.<sup>20</sup> For the United States, this was a move to demonstrate her concern for the Arabs; for the Soviets, it was a continuation of their effort to drive the British and French out of the area. Together, the superpowers

succeeded in finally accomplishing this feat, only to have the United States take their place as the Soviet Union's chief opponent. This was the status quo between the superpowers on the eve of the Six-Day War a little more than a decade later.

After the war, the Soviet Union, as Stoessinger<sup>21</sup> points out, found itself on the losing side, but more deeply committed to her Arab clients than before. Shortly thereafter, it resumed massive shipments of arms to Egypt.

The United States, on the other hand, being on the side of the victor, saw an unparalleled opportunity to encourage a fundamental change in the relations between the Arabs and Israel. The halfway, palliative measures of the past were to be discarded in favor of terms arrived at by the contending parties--the Arabs finally to abandon their attitude of belligerency and recognize Israel; Israel to withdraw its troops to new, mutually recognized and acceptable borders. For this reason, she refrained from applying pressure on Israel to change its position in advance of such a settlement.

The attitudes of the superpowers are illustrated by several statements made shortly after, during, and in the days following the Six-Day War.

The Soviet Union two weeks before the outbreak stated:

A situation giving rise to anxiety as regards peace and international security has been taking shape in the Near East in recent weeks. After the armed attack by Israeli troops on the territory of the Syrian Arab Republic on April 7 this year, Israel's ruling circles have continued to whip up military psychosis in the country....It is quite clear that Israel could not act in this way had it not the direct and indirect encouragement of certain imperialist circles which seek to bring back colonial oppression to Arab lands. These circles regard Israel under present conditions as the main force against those Arab countries which are pursuing an independent national policy and resisting imperialist pressure.... The Soviet Union for decades has given all-around assistance to the peoples of Arab countries in their just struggle for national liberation against colonialism and for the advancement of their peaceful economy. No one need doubt that should anyone unleash aggression in the Near East he will encounter not only the united strength of the Arab countries, but also strong opposition from the Soviet Union and all peaceloving states.<sup>22</sup>

A similar statement appeared in Pravda while the war was in progress:

It is the duty of the United Nations Organization to condemn the aggressor. If the Security Council does not take the proper measures, grave responsibility will rest with those states which failed to fulfill their duty as members of the Security Council....If the Government of Israel does not stop the aggression and withdraw its troops behind the truce line the socialist states which signed this statement will do everything necessary to help the peoples of the Arab countries administer a resolute rebuff to the aggressor, to protect their lawful rights, to extinguish the hotbed of war in the Near East and restore peace in that area.<sup>23</sup>

Soviet Premier, Alexei Kosygin, in his address to the Fifth Emergency Special Session of the General Assembly, gave expression to Soviet post-war policy.

At any moment, as long as the Israeli troops continue their occupation of the territories they have seized, and until urgent measures have been taken to liquidate the aftermath of aggression, military conflict can erupt with new force at any minute....No nation wants war. Today no one doubts that should a new world war break out it would inevitably be a nuclear war....The nuclear age has created a new reality in problems of war and peace, it has placed an immeasurably greater responsibility on the states in everything that is relating to these problems. No political or military leader can argue against that if he has not lost the ability to think soberly....

If we analyze the events in the Near East, we cannot but reach the conclusion that the war between Israel and the Arab states is not the result of misunderstanding or lack of understanding of each other by the parties concerned. Nor is it just a local conflict.... (emphasis added)

There is irrefutable proof to show that Israel bears the responsibility for unleashing the war, for all who suffered from it and for its consequences....True to its principle of assisting victims of aggression, of supporting peoples who are fighting for their independence and freedom, the Soviet Union has come out strongly in defence of Arab states. We warned the Government of Israel, both before the aggression began and during the war, that if it decided to take upon itself the responsibility of unleashing a military conflict, it would have to pay full measure for the consequences. We still firmly adhere to this stand.... Only the withdrawal of Israeli forces from the areas they have seized can change the situation in favor of a detente and the creation of conditions for peace in the Near East....

Much depends on the efforts of the big powers. It would be good if their delegations also found a common language in order to reach decisions meeting the interests of peace in the Near East and throughout the world.<sup>24</sup>

It is evident from these excerpts that both the East-West and North-South tensions were intimately interlaced with the local tensions between Israel and her opponents.

The Soviet Union displayed uncompromising hostility towards Israel, and placed itself squarely on the side of the Arabs. Significantly, however, despite the militancy of the Soviet position, Mr. Kosygin noted the danger of nuclear war, and urged cooperation between the superpowers. In this connection it is noteworthy that the Soviet Union refrained from involving itself militarily in defence of the Arabs during the fighting phase, even though they were obviously being defeated. Hans Morgenthau, a seasoned and shrewd observer of the international scene, explained its restraint on this and other occasions as a manifestation of its need to preserve Israel.

For if Israel were to disappear tomorrow... the Soviet Union would lose the main lever it has in the Arab world. Since there is no love lost between the Arab world and the Soviet Union, once Israel disappears, the inevitable present dependence of the Arab states upon the Soviet union would necessarily disappear too, and there would be a break or at least a great lessening of ties between the Arabs and the Soviet Union.<sup>25</sup>

Kosygin and other spokesmen for the Communist bloc were not restrained in their demands in the United Nations and elsewhere that Israel be compelled to restore Arab territories and to return to the status quo of June 4, 1967; that these terms of settlement be, in other words, imposed on Israel.

The attitude of the United States during the early

post-war period was best expressed by President Johnson in a speech delivered on June 19, 1967. It embodied what he termed "five great principles of peace in that region."<sup>26</sup>

These principles were:

- first, the recognized right of national life;
- second, justice for the refugees;
- third, innocent maritime passage;
- fourth, limits on the wasteful and destructive arms race; and
- fifth, political independence and territorial integrity for all.

Until such time as a durable peace could be worked out, the United States, according to later statements by Secretary of State Dean Rusk and other American officials, would be opposed also to unilateral action by either side with respect to the status of Jerusalem, the disposition of the occupied territories, or the refugee problem.

Meanwhile, instead of a setback to Soviet interests in the Middle East, the Arab defeat opened new opportunities for Soviet entrenchment and expansion there as Arab dependence on the Soviets for arms deepened. Within a short time after the war, the Soviets had supplied arms to ten Arab states.<sup>27</sup> Her relationship with Egypt, Iraq, and Syria was especially strong, and therefore, a source of apprehension to the United States. As Forsythe stated,

The United States government, after assessing the results of these arming efforts, apparently came to the conclusion that Soviet influence was so pervasive that it had become the crucial element in

future Arab Israeli relations, and the Soviet actions constituted a direct threat to United States interests in the region.<sup>28</sup>

Herman Bilts, a prominent American diplomat and since 1970 a diplomatic advisor to the Commandant of the U.S. Army War College commented in the 1972 panel series of the Middle East Institute:

When the 1967 hostilities came to an end, the U.S. was faced with two choices. It could have tried to work for a return to the status quo ante. The second alternative was to try to take this opportunity and use it to find a genuine peace. It chose the latter. One prominent reason why it did so, was the growing recognition that only if it could somehow find a firm, definitive peace settlement would it be possible to contain the growing Soviet interest and influence in the Middle East. There was a strong feeling that simply trying to return to the status quo ante would further the Soviet opportunities in the Middle East rather than contain them. That was the overriding considerations on which the U.S. policy was based since 1967.<sup>29</sup> (emphasis added)

American opposition to Soviet entrenchment was the major motive in adopting the policies laid down in President Johnson's five principles. This conclusion is borne out by Eugene V. Rostow, former Undersecretary of State, who was intimately involved in shaping United States policy. In his view, the Soviets were determined to weaken or destroy Israel in its desire to control the Mediterranean.<sup>30</sup> The speed of Soviet advance in the Middle East provoked a review of American policy in the area which led to the conclusion that Western interests there were "threatened"

by "Nasserization," by which he apparently meant Soviet penetration and the new trends in Arab politics. The Arab-Israeli war should therefore not be perceived "as a local conflict but as a stage in a process which threatened the security of Europe and the United States in fundamental ways."<sup>31</sup> He also stated:

...the experience of the international community with the understanding which ended the Suez Crisis of 1956-1957 led to the conclusion that Israel should not be required to withdraw from the cease-fire lines except as part of a firm prior agreement which dealt with all the major elements of the crisis.<sup>32</sup>

With respect to Israel's permanent boundaries, he stated that the 1949 Armistice line

is not to be construed in any sense as a political or territorial boundary, and is delineated without prejudice to rights, claims, or positions of either party to the Armistice as regards ultimate settlement of the Palestine question.<sup>33</sup>

The Armistice Agreements were intended to expedite permanent arrangements leading to peace by negotiations among the parties.

At a later publication, Rostow summarized best the U.S. position in the wake of the Six-Day War.

U.S. Policy rested on a comment Dean Acheson once made--that those who come into a court of equity to seek equity must do equity; i.e. if the Arabs wanted any of their lands returned they would have to accept the inalienable right of Israel to exist, which the Security Council had been asking them and ordering them to accept for many years.

We thought we had squared the circle--by saying no withdrawal (emphasis mine) without a binding agreement of peace...we thought of this bargain not as a framework for negotiations but as the gage for peace...in other words no territorial return without peace...this because of the history of the settlement of 1957 and the fact that it was broken.<sup>34</sup>

In explaining the American thinking in the wake of the 1967 war, Rostow continued:

We can all agree that our conduct during the 1956 crisis was a serious error from the point of view of American foreign policy--an error that has produced a great deal of misery...the years 1947, 1948 and 1949 were the birth period of a consistent and coherent American foreign policy. But consistent as we have been in general, there have surely been deviations and variations and moments of weakness, and episodes of pure folly as well. Our conduct during the Suez crisis was one of those moments...when I was in the State Department in the late sixties, and the issue came up, one of the best foreign service officers brought me up the 1957 settlement in a big, thick, printed book of documents in the Middle East. The book had about 30 paper clips in it, scattered throughout the book, which marked the pages where the bits and pieces of the agreement could be found...there was no single paper that embodied the agreement. It was rather a scenario played out in public through statements that were made, and silences that were maintained. After 1957, the provisions of the agreement were broken, one by one, finally culminating in the closing of the strait. The event that marked the crisis of 1967.<sup>35</sup>

The U.S. position in the wake of the Six-Day War reflects, continues Rostow,

Dean Acheson's criticism of the behavior of our government during and after the Suez crisis...that there should be no Israeli withdrawal without a prior agreement of peace--that is, that the Arabs should do equity if they want equity.<sup>36</sup>

Hans Morgenthau has proposed these hypothetical scenarios with respect to the roles of the superpowers in the Middle East crisis:

1. The superpowers would disengage themselves from any involvement in the Middle East, and would leave it to the disputants to solve their problem.
2. The superpowers impose a settlement using, perhaps, the Security Council as the proper channel.
3. The superpowers would use their good offices to persuade the disputants to accept a compromise which, although it would fall short of their expectations, would nevertheless encourage a climate of mutual accommodation and ultimately peace. In order to achieve such a compromise, the interests of both of the superpowers will, perforce, have to converge. The United Nations could also have a role.<sup>37</sup>

As we have seen, however, the disagreement and rivalry between the superpowers continued. When, for example, it became clear that the Arabs would be defeated in the Six-Day War, the Soviets demanded the restoration to the status quo ante. They did not prevail, because the United States did not concur. The Americans thwarted any such move, including attempts to obtain United Nations condemnation of Israel as the aggressor. Israel was able to achieve all of its military goals despite Soviet threats of intervention, threats which were not taken seriously because of the risk of superpower confrontation.

It is abundantly evident that the fundamental disparity in the commitments and approaches of the superpowers

precluded any possibility of cooperation at a time when emotions were rising high, when all parties were still fresh from the fighting. As we will see, the urgency of peace would later, in 1967, bring the superpowers together in the purpose of exploring the possibility of finding mutually agreeable terms which their respective clients might be persuaded to accept.

In 1967, the United Nations still offered different views and a more balanced membership composition, as compared to the present, when a large majority of third world countries opposes the U.S.A. and sides automatically with the Arabs. It was then still possible for the U.S.A. to use the U.N. as the vehicle for the search of equitable peace in the Middle East, or in the words of Eugene Rostow:

Fundamentally, the U.S. goals were achieved because the United States conducted a far ranging diplomacy involving not only its European and Asian allies, but a great many other concerned countries around the world.<sup>38</sup> (emphasis added)

The U.S. position, which was confirmed then in the adoption of Resolution 242 rested, as Rostow saw it,

on the solid work of Atlantic cooperation, and especially the Anglo-American cooperation. In the whole history of the Middle East conflict, 1967 was the only occasion when the United States and its European allies were fully agreed in pursuit of concerted policy....I stress this point because the absence of allied unity is a formidable handicap to our diplomacy today, especially in the face of increasing Soviet and third world pressure....<sup>39</sup>

In 1967, the U.S. fully used the opportunities that the U.N. still offered to implement its policy imperatives. As will be discussed in Chapter Three, the U.S. position in the General Assembly eventually later eroded, such possibilities were exhausted as the Arabs were able to mobilize, since the early seventies, an automatic majority in their favor which opposed that of the U.S. and Israel. The U.S. henceforward was confined to a position of "splendid isolation," even in the Security Council, where it was often compelled to use its veto power while even some of her western allies voted differently. This forced the U.S. to act outside the U.N. using the U.N. not as an arena to forge alliances and execute policies, but merely as a forum for the adoption of resolutions, which were negotiated outside the U.N. between the two superpowers. Thus, resolution 338, adopted by the Security Council in the wake of the Yom Kippur War in October 1973, was negotiated and agreed upon in Moscow between the two superpowers, with the agreement of the disputants. This change has far-reaching implications for the Middle East role of the U.N. as a peacemaker. The Kissingerian "shuttle diplomacy" that emerged after the 1973 war and which produced the disengagement agreements between Egypt, Syria, and Israel in 1974, and the Interim Agreement between Israel and Egypt in 1975,

constituted a departure for the U.S., from involving the U.N. in the peacemaking process. In 1967 it was still possible for the U.S. to mobilize support at the U.N. for its quest for a permanent settlement in the Middle East, and the U.S. was then determined to exhaust this possibility.

The Israeli defeat of the Soviet Union's Arab clients in June 1967 presented both a great defeat and great opportunity for the U.S.S.R. It was a defeat because of the failure of massive Soviet military aid, Moscow's chief political asset in the Arab world, to prevent a disastrous military setback for Egypt and Syria. It demonstrated Moscow's unwillingness or inability to rescue its clients by direct military intervention, and the failure both of Soviet threats and diplomatic pressure subsequently to reverse the new reality created by the defeat of Soviet arms in Arab hands. The irony, however, is that the Arab debacle also provided the U.S.S.R. with its moment of greatest opportunity. While Soviet behavior in the crisis may have disappointed the expectations of some of its clients, Arab losses were so great and post-war Arab bargaining positions so weak, that their dependence on the U.S.S.R. was heavier than ever before. With this dependence came new opportunities for enlarging Soviet influence throughout the area. Therefore, the U.S.S.R.

avoided confrontation with the United States, which might have jeopardized these new opportunities.

Immediately after the war, the Soviets, fearing the possibility of a complete collapse of their position in Egypt, and that of the Nasser regime as well, rushed President Podgorny to Cairo to see what could be done to save the situation. Nasser desperately pleaded for Soviet military intervention to redeem Egyptian territory and national honor, Podgorny proposed a compromise wherein the Soviets pledged themselves to rebuild Egypt's armed forces, and to do everything to help Egypt recover its losses through an honorable political settlement.<sup>40</sup> Consequently, the U.S.S.R. intended to manage the crisis by buying time both for herself and her Arab clients at minimum loss.<sup>41</sup> The U.N. seemed to provide the most plausible formula for both face-saving and time buying. Thus, under the circumstances, the superpowers, though they did not share the same motives and surely not the same goals, considered the United Nations as the best alternative, and were determined to fully utilize it in order to contain the crisis that erupted after the Six-Day War.

#### Alternative 4: United Nations Intervention

The only widely accepted channel for collective action for dealing with the conflict was the United Nations,

which had been seized of the matter more or less continuously since Great Britain signified that it intended to surrender its mandate in April 1947. With one exception,<sup>42</sup> its efforts had been confined to "conflict management" or peacekeeping, the goals of which are "to limit, and if possible, to curtail the violence of a conflict already initiated" rather than "conflict resolution" or peacemaking, which aims to "resolve the basic, substantive issues of a conflict."<sup>43</sup> Peacemaking is the process in which the states or parties involved are induced to change the nature of their interaction. All conflicts are precipitated by the perception of incompatibilities in the political, economic, or cultural sphere, the attempt to adjust such differences forms the very substance of peacemaking.<sup>44</sup> The essential purpose of peacemaking is to promote positive interaction, not merely to deter negative behavior such as the termination of hostilities (enacting cease-fires or the supervision of truce or armistice lines to prevent the eruption of new hostilities) which for nineteen years constituted the U.N.'s chief method of dealing with the Middle East conflict. In this context, the former Secretary-General of the U.N., U. Thant, pointed out that peacekeeping would for a time, delay substantive efforts to end a dispute or even subvert such efforts.<sup>45</sup> Forsythe adds in the same order of thought that:

Certain values and certain elites are protected by any system of order. Thus all peacekeeping is policy-oriented rather than neutral, to some degree. Hence a problem arises when U.N. peacekeeping operations are based on the assumption that large-scale order can be obtained first and the issues of the conflict treated later.<sup>46</sup>

Alan James termed peacekeeping as "the patching up of international quarrels,"<sup>47</sup> a temporary relief as contrasted with peacemaking that aims to bring a definitive settlement to the dispute. He included in this list such activities as administration, supervision, sedation, obstruction, refrigeration.<sup>48</sup> This represents a wider interpretation of peacekeeping functions than is generally recognized. Nevertheless, none of these functions falls within the category of peacemaking which exceeds James' definition of "patching up" and is intended to resolve the conflict. Peacekeeping was also termed by the late U.N. Secretary-General Dag Hammarskjold as "preventive diplomacy." This form of diplomacy was later defined by the Secretary-General as, "United Nations intervention in an area of conflict outside of, or marginal to, the sphere dominated by Cold War struggles, designed to forestall the competitive intrusion of the rival power blocs into that area."<sup>49</sup> This definition seems to describe the U.N.'s peacekeeping efforts in the Congo, which was the subject of superpower rivalry. Adlai Stevenson's remark that "the only way to keep the cold war out of the Congo is to keep the

United Nations in the Congo,"<sup>50</sup> may have been good rhetoric, but was hardly an accurate description of what was then taking place in that strife-torn country. The U.N.'s focus in the last two decades, on "peacekeeping in the Middle East," as well as other regions in general, may be defined as the dispatch of internationally authorized personnel from third-party states to a holding action, physically or symbolically between two belligerents who acquiesce to this arrangement and in the ceasefire necessary for its initiation and continuation. Peacekeeping has not forestalled wars, but wars have sometimes triggered peacekeeping. Peacekeeping lies between Chapters VI and VII of the United Nations Charter. This is not the only way to characterize the practices here addressed or for that matter to depict their somewhat precarious Charter positions, but it does help both to distinguish peacekeeping from and relate it to two other notions.<sup>51</sup> Peaceful settlement, or peacemaking, is the subject of Chapter VI of the Charter; preventing war and enforcing peace is the declared purpose of Chapter VII. Peacekeeping outcomes are more modest than those expected from either Chapter VI (peacemaking) or Chapter VII (peacemaintaining). Whereas peacekeeping is directed at a situation of conflict in order to freeze it or keep it frozen, quite possibly along lines of a forcibly revised status quo,

in principle, peacemaking would yield a lasting political settlement demanding no continued third party activity between disputants, Chapter VII sanctions would either deter entirely or reverse gains resulting from a threat, or act of aggression against the status quo.<sup>52</sup>

Goodspeed described the object of peacemaking in these terms: "define the interests of the parties concerned in a controversy and then provide adequate procedures for settlement on the basis of rational argument."<sup>53</sup>

The main purpose of this study is to examine the efforts that were made in the United Nations since 1967, in the context of peacemaking, efforts that were aimed at defining the boundaries of the incompatibilities that characterized the interaction of the main protagonists in the Middle East-- their attitudes and perceptions towards the main issues in conflict, and the different approaches which governed their patterns of behavior--and to underscore a positive change in their underlying attitudes.

Although prior to 1967, the U.N. had achieved some success at peacekeeping, both in the case of the Middle East and other disputes, most notably by means of stationing observers or larger forces (e.g., the U.N. Emergency Force [UNEF] at the scene of the conflict), its peacemaking efforts in the Middle East had failed completely. Furthermore,

it had often garnered the distrust of both the Israelis and the Arabs, and it was inhibited by its intrinsic nature as a creature of sovereign states pursuing their own national goals in the swirl created by both the East/West and North/South struggles.

Some of these inhibiting factors require close examination in order to understand the manner in which the United Nations managed the post-war crisis.

Among the most important of these factors were:

(a) Charter weaknesses; (b) the changed composition of the membership of the U.N.; (c) the relations between the super-powers; and (d) the effect of these factors on the ability of the U.N. to execute its powers and perform its functions under the Charter.

#### Constraints on U.N. Intervention

##### Charter Weaknesses

One of the primary purposes of the United Nations, as stated in the first paragraph of Art. 1 of the Charter is "to maintain international peace and security." To achieve this goal, member nations are obliged "to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state." (Art. 2, par. 4) The Charter further requires that "all members

shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered." (Art. 2, par. 3) The Security Council has been given the primary responsibility for the maintenance of international peace and security (Art. 24, par. 1), and provided with sufficient powers to enforce the principles and provisions of the Charter, as stated in Chapters VI, VII, VIII, and XI of the Charter, to which all members of the United Nations agree in accordance with both Article 24, par. 2, and Article 25.

The specific powers given the Council by Chapters VI and VII may be divided into two categories: those powers that the organ may exercise for the purpose of bringing about a peaceful settlement or adjustment of a dispute or situation, and those which the Council may exercise for the purpose of maintaining or restoring international peace and security once there is a threat to the peace or a breach of the peace. Under the first group, the Council may investigate any dispute or any situation which might lead to international friction (Article 34). If necessary, the Council may either call upon the parties to settle the dispute by means of their choice (Article 33(d)), or recommend appropriate procedures and methods of adjustment (Article 36(1)), or recommend such terms of settlement as it may consider

appropriate (Article 37(2)). But the Council may also take binding decisions, and the members of the U.N. have agreed to accept and carry out the decisions of the Security Council in accordance with the Charter (Article 25). It is generally admitted that the Council may take decisions of a binding character only in case of "threats to the peace, breaches of the peace, and acts of aggression" (Chapter VII comes under the second category). The question whether such a situation exists must be decided by the Council itself (Article 39). Once the Council has come to the conclusion that a threat to peace or other pertinent conditions exist, it may either recommend or decide what measures shall be taken in order to maintain or to restore peace (Article 39). These measures may be either non-military (Article 41), e.g., interruption of economic relations and of communications with the country concerned, or military (Article 42). In addition, the Council may also decide upon provisional measures in order to prevent an aggravation of the situation (Article 40). Article 33, paragraph 1, of the Charter specifies various procedures which might be used to expedite pacific settlement as well as another of the U.N.'s primary purposes, namely, "to be a center for harmonizing the actions of nations in the attainment of (its) common ends." (Article 1, par. 4). The procedures

are as follows: "Negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements." Should these not prove suitable or adequate, the disputing parties are invited to use "other peaceful means of their own choice."<sup>54</sup>

It is evident that the Charter, by means of its provisions and procedures, has theoretically made it possible for the United Nations to prevent wars or limit hostilities by: (1) providing a forum for clarifying the issues in a dispute; (2) instituting enquiries and making recommendations based thereon; (3) mobilizing international pressure on one or all parties to a dispute; (4) applying sanctions of various kinds; (5) providing the machinery for negotiation, mediation, conciliation, or arbitration; (6) supervising disputing parties with respect to their adherence to the terms of agreements which may have been reached; and (7) enforcing its decisions by means of collective action in military terms.

Why has the United Nations not exercised all of its powers and employed all of the procedures in the case of the Middle East since 1948? The answer to this question lies in part in the Charter itself and the structure and function of the United Nations.<sup>55</sup>

Unanimity of great powers. Goodrich points out that of all of the provisions of the Charter drafted at Dumbarton Oaks, those dealing with pacific settlement are among the most poorly drawn. This was due, on the one hand, to failure to agree on the voting procedures in the Security Council, and on the other, to failure to "clarify the nature of the Security Council's task in performing the function of peaceful settlement." Concerning voting procedures, the drafters agreed to the principle that the unanimity of all of the permanent members was essential in any decision on collective enforcement of Council's decisions. This has made it possible for any one of the permanent members to veto any decision to which it is opposed. As a result of the second failure, there is confusion as to whether it is the role of the Council to act as a "policeman" or a "judge." Lack of agreement on this point has tended to further paralyze the Council in its efforts toward pacific settlement.<sup>56</sup>

In this context, it is noteworthy to emphasize that the international environment has changed drastically from that which the framers of the Charter had anticipated. Instead of the United Nations being an instrument of consensus formation among the big five, it became a contentious diplomatic arena within which the two major camps wrestled

for the attainment of conflicting goals and legitimization of differing positions.<sup>57</sup>

Thus, the constitutional scheme of the United Nations was built upon the political assumption that the great powers, acting in unison, would deal with any threat to peace and security, and that no threat would emanate from the great powers themselves. This scheme did not prove practicable. The great powers--particularly the U.S.A. and the U.S.S.R.--have not been able to act in unison when their divergent interests were at stake. The main threat to the peace and security of the world emanates from the great powers themselves. Thus, the constitutional scheme of the Charter has been defied by the political reality of the post-war world.<sup>58</sup> Few of the United Nations' founders at San Francisco were aware of the enormous proportions of the coming East-West struggle.<sup>59</sup> The U.N. was ill-equipped to deal with a world in which the unity would no longer exist. Roosevelt, prolonging the Wilsonian tradition, expected the U.N. to contribute decisively to the maintenance of peace by means of international law, tending to "outlaw" war.<sup>60</sup> James Barros relates the inability of the Security Council to function in the manner hoped for in the Charter not to any intrinsic weakness or malfunction of the Charter's articles, but to political

factors of the United Nations' external setting. One can argue, contends Barros, that the occasional limited success that the Security Council and the United Nations have been able to achieve reinforces the basic premise made prior to and during the San Francisco Conference in 1945: that power goes hand in hand with responsibility and that any successful functioning of such a world body as the United Nations would stand or fall on the ability of the great powers to arrive at a consensus both inside and outside the United Nations.<sup>61</sup>

The founders of the U.N., particularly the U.S.A., expected that the United Nations ability to keep the peace to remain limited.<sup>62</sup> Article 33 introducing Chapter VI on peaceful settlement, invites disputants to "seek a solution" first themselves; Article 52(2) enjoins members to try "regional arrangements" before appealing to the Security Council. It is difficult to escape the conclusion that for its three founders the United Nations was meant to serve as a forum of last resort. In no way was Soviet-American mutuality on the U.N.'s limitations more evident than in establishing unanimity rule, or "veto" in the Security Council.<sup>63</sup> Roosevelt, Churchill, and Stalin felt not only that the organization could not act without great power unanimity, but also that the Organization should not try to act when unity was lacking.<sup>64</sup>

U.N. recommendations for terms of settlement are not binding. Article 24 of the United Nations Charter assigns

to the Security Council "primary responsibility for the maintenance of international peace and security." In discharging this responsibility, the Council exercises the specific powers granted to it in Chapter VI and Chapter VII of the Charter. Chapter VI deals with pacific settlement of disputes, the continuance of which is likely to endanger the maintenance of international peace and security. The pertinent Articles in this chapter are 36(1) and 37(2).

Article 36(1) stipulates as follows:

The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

Article 37(2) provides as follows:

If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

There is common agreement that Security Council Resolutions under these Articles do not create legal obligations binding on United Nations Members. When acting under these Articles, the Council can only "recommend such terms of settlement as it may consider appropriate." Goodrich and Simons observe that:

Once the United Nations organ has adopted its recommendation or decision for the settlement or

adjustment of a particular dispute or situation, there remains the problem of implementation.... The Charter does not authorize the use of collective measures to enforce compliance with recommendations of the Security Council or the General Assembly....<sup>65</sup>

Goodrich states explicitly that: "...[B]oth the General Assembly and the Security Council lack authority to take legally binding decisions in the realm of peaceful settlement."<sup>66</sup>

The General Assembly has similar powers in the area of peaceful settlement, except that Article 12(1) forbids the General Assembly to "make any recommendation with regard to a dispute or situation in respect of which the Security Council is exercising...the functions assigned to it." The only exception to the prohibition of Article 12(1) is on the Security Council's own request. General Assembly resolutions have no "binding legal force" upon Members. They are "non-magisterial," of the nature of mere recommendations.<sup>67</sup> The General Assembly's powers with regard to the maintenance of international peace and security, including the formulation of the terms of settlement of disputes between States, do not extend beyond the making of recommendations. Indeed, since the Security Council's own powers in this regard under Article 37 are limited, the General Assembly's could not be expected to go further.

The Security Council, having no legal power to "impose" terms of settlement, no resolution on such a matter can be a "decision" binding on Members under Article 25. Resolutions stating terms of settlement under Chapter VI can be only recommendatory, just as the General Assembly action of the same purport<sup>68</sup> must be regarded as an exercise of the Security Council's "non-magisterial" powers under Chapter VI, and not of its "magisterial" powers under Chapter VII. Nor may the Security Council, any more than the General Assembly, convert what are mere recommendations into legal dispositions binding on the disputant States. The Statement of the Sponsoring Powers at San Francisco, asserting each organ's right to interpret the Charter as to its own function, was careful to add that "if an interpretation made by any organ...is not generally acceptable, it will be without binding force...."<sup>69</sup>

In sum, recommendations adopted under Chapter VI of the United Nations Charter do not impose any legal obligation on the parties concerned. The obligation of United Nations Members, under Article 25 of the Charter, to carry out the decisions of the Security Council, does not extend to resolutions which are mere recommendations. It should be noted, however, that such recommendations may exercise great political and moral pressure on the parties concerned.

Enforcement measures incomplete and unfulfilled.

Resolutions adopted by the Security Council within the framework of Chapter VII, which deals with "Action with respect to threats to the peace, breaches of the peace, and acts of aggression," are binding. Article 39, the key provision in this Chapter, provides as follows:

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 41 authorizes the Security Council to

decide what measures not involving the use of armed force are to be employed to give effect to its decisions....These [measures] may include... interruption of economic relations and of... means of communication, and the severance of diplomatic relations.

If such measures prove to be inadequate, the Security Council may, under Article 42, "take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security." The actual existence of a "threat to the peace, breach of peace, or act of aggression" is a precondition to the taking of enforcement measures under Article 39. Before taking any such measures the Council must formally determine the existence of a "threat to the peace, breach of the peace, or act of aggression,"

as provided at the beginning of Article 39.<sup>70</sup>

Article 40 provides as follows:

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

A strict, legal interpretation of Article 40 lends support, it seems, to the view that a formal determination under Article 39 is a condition precedent to action under Article 40. But the practice of the Security Council suggests otherwise. There are cases where the Council has called upon the parties concerned to comply with measures--such as to cease hostilities--which may only be understood as provisional measures within the meaning of Article 40, bearing no obligation for a prior formal determination under Article 39. It appears, therefore, that the competence of the Council to act under Article 40 does not depend on a prior formal determination under Article 39. On several past occasions the Council has reacted in the following ways to varying degrees of non-compliance with provisional measures taken by it under Article 40: (1) it has "reminded" the parties and

"reaffirmed" earlier resolutions calling for compliance with provisional measures; (2) it has "called upon" the parties to comply not only with earlier resolutions, but also with additional measures deemed (by it) necessary or desirable for meeting any changes in the situation; (3) it has "mentioned" possible further action on its part under Chapter VII without, however, citing any specific Article under which it might take such action in the event of failure by the parties to comply with the measures it adopted. The Council has rejected certain proposals for the institution of enforcement measures, whether such proposals explicitly cited a specific Article of Chapter VII or not.<sup>71</sup>

Goodrich comments that the full discharge by the Council of its responsibilities in dealing with disputes and situations was recognized as depending upon the completion of certain arrangements envisaged in the Charter which were left for subsequent action by the Council itself. It was understood at San Francisco that the power of the Council to take decisions binding upon members with respect to the use of military forces would depend upon the conclusion of special arrangements by which members would undertake to place forces and facilities at the Council's disposal. Article 43 of the Charter provides for the conclusion of such agreements between the Council and individual members

or groups of members.<sup>72</sup> One of the first actions of the Security Council was to direct the Military Staff Committee to establish the principles which should govern the conclusion of such agreements.<sup>73</sup> The Committee did not reach agreement on these principles because of divergence of views and interests between the U.S.S.R. and the other permanent members of the Security Council. These disagreements in the Military Staff Committee were mirrored in the Security Council when the Committee's report came before the organ for consideration. As pointed out by the Soviet Representative, the problem was primarily political rather than technical.<sup>74</sup> Goodrich sums up the situations as follows:

While the Security Council has achieved considerable success in containing and putting an end to armed conflict in situations where the vital security interests of the permanent members are not directly involved, it has never ordered the use of military measures for that purpose....Not only is the ordering of collective military measures precluded by the absence of special agreements under Article 43, but joint action by the permanent members, as authorized in Article 106, has been practically out of the question of mutual distrust....

In dealing with those disputes and situations in which permanent members have what they consider to be vital non-negotiable interests, the Council has been unable to take any decisive action.<sup>75</sup>

With respect to disputes and situations that involved direct and vital interests of the permanent members, particularly the U.S. and the U.S.S.R., the United Nations has found it impossible or inexpedient to take a decision or even, in

most instances, to undertake a serious discussion of the matter in question.<sup>76</sup> The successes of the U.N., limited as they have been, have been achieved in dealing with disputes arising from the liquidation of colonialism and the conflicts arising from the establishment of new boundaries between newly created states, which permanent members have not regarded as of such vital nature as to exclude some possibility of compromise. The Council has also undertaken in many cases to put an end to fighting. Here the degree of success has been quite uneven, in most instances, not going beyond the achievement of a temporary cease fire or truce or the supervision of such a truce. As Leland Goodrich put it:

On the basis of experience to date, one can conclude that the United Nations has been in some respects a much less effective organ for the maintenance of peace and security than was originally hoped. Primarily, this has been due to the divisions that have existed between the permanent members and the absence of a sufficiently strong overriding interest in the prevention and termination of local conflicts to enable them to accommodate their divergent national policies and attitudes...rarely has the Council been able to achieve a definitive settlement or accommodation. Consequently where it had some success in bringing "temporary relief"--in the form of cease fire or truce--it had failed in the final and most important aspect of the process, namely that of working out some basis of peaceful settlement or accommodations between the parties directly involved.<sup>77</sup>

The only exceptions have been the Indonesian case in 1947-1948,<sup>78</sup> and the Middle East dispute in 1967, which will be discussed in the

following section.

It is clear, however, that the provisions of the Charter are open to a variety of interpretations and applications, depending largely on the situation at hand and the purposes of the interpreter. In the absence of an authoritative interpretation, the play of forces and motives within the United Nations is, therefore, highly political in nature, a fact which places great importance on the relations between and among the member states, particularly the superpowers. The behavior of the United Nations in the Middle East conflict must, perforce, be viewed in the context of superpower rivalry. Whether the United Nations will act in any international dispute depends on the ability of the superpowers to agree to such action, and increasingly in recent years, on the growing influence of the so-called "Third World," consisting of the nations of Africa and Asia newly liberated from colonialism and, supposedly, not aligned with either of the superpowers.

#### Membership Change

By the late 1960s, the number of nations comprising membership in the United Nations had exceeded 120. Most of those admitted in the decade of the 1960s were the newly liberated states of Africa and Asia, often collectively referred to as Third World nations. Their

presence had a marked effect on the voting pattern in the General Assembly. According to John Stoessinger:

The most significant consequence of the Assembly's growing comprehensiveness has been the emergence of blocs and the development of bloc voting...In fact, the Assembly has begun to take on the complexion of a multi-party system. The uneven degree of discipline within each bloc or "party" has made the picture somewhat analogous to the French Parliament under the Fourth Republic. Roughly speaking, six blocs have emerged in the Assembly; the Afro-Asian bloc (the largest and least cohesive) has at times commanded over fifty votes; the Latin-American bloc has been able to muster twenty votes, the Atlantic Community eighteen, the British Commonwealth ten, and the Arab bloc ten. The most highly disciplined group has been the communist bloc which, not including Yugoslavia, has controlled nine votes...According to the voting rules of the General Assembly, important questions are to be decided by a two-thirds vote, and "other matters" by simple majority. In view of this fact it is clear that, under certain conditions, some blocs--singly or in combination with others--may exercise what amounts to a "collective veto" over decisions of the General Assembly.<sup>79</sup>

The new Afro-Asian nations were chiefly interested in economic development issues, and sought to use their power in the General Assembly to advance their national objectives in this sphere. They have sought out policies often discontinuous with the past goals of the superpowers. As a result, both "congruence and discontinuity" began to emerge in the international system as the smaller states realized their independence, not only in their domestic but also in their foreign policies as well.<sup>80</sup> Another observer commenting on this change stated:

In many respects, therefore, today's Assembly bears little resemblance to the body that once concerned itself primarily with questions of peace and security in an atmosphere dominated by the East-West rivalry. Its development has been a continuous struggle between the advocates of conflicting purposes or between those whose conceptions of the proper order or priorities are different, a struggle to determine which purposes and whose purposes the United Nations should serve.<sup>81</sup>

In effect, the weight of the Third World has counter-balanced the influence of the superpowers in the United Nations.<sup>82</sup> The change in the United Nations is symbolized by the growing importance of blocs, the trading of votes, and the linkage between bloc politics in the United Nations and such organizations as the Organization of African Unity.

This has, in turn, profoundly affected the ability of the United Nations to either prevent or shorten wars. Hans Morgenthau and other political scientists who share his view claim that only the superpowers, acting in unison, can achieve these results.<sup>83</sup> Consequently, the Security Council has remained the primary U.N. organ for maintaining international peace and security. Its pre-eminence in this sphere is illustrated by the United Nations handling of the Arab-Israeli conflict. Before the Six-Day War, both the Assembly and the Council were involved in peacemaking in the Middle East, e.g., the Assembly had laid down the partition plan in 1947. Since 1967, this role has been confined to the Council. Leland M. Goodrich and other students of

international politics believe that the United Nations relies on the superpowers and the Council for dealing with crisis situations.<sup>84</sup> Others maintain, however, that the influence of the small states and the Assembly in peacemaking should not be discounted.<sup>85</sup>

#### Superpowers Attitudinal Change

The changed composition of the membership of the General Assembly affected relations between the superpowers. Both superpowers have always pursued a policy of expediency based on their relative strength and influence in either the Security Council or General Assembly. After World War II and until the late fifties or early sixties, the Soviet Union found itself in a minority status, frequently supported only by its own satellite states. The United States, on the other hand, readily exploited its position as leader of the majority, to wage diplomatic war against the Soviet bloc. Few of the issues which came before the United Nations were unaffected by the rivalry between East and West, and from 1946 to 1954, the United States usually emerged as the victor. The Uniting for Peace Resolution adopted at the time of the Korean War is an example of the ability of the United States at an earlier time to influence the United Nations. That influence began to decline as more and more of the decolonized nations were admitted to membership. The

United States was no longer assured of obtaining a majority in the General Assembly, and consequently approached it with greater reserve.

On the other hand, the Soviet Union, no longer in the minority, underwent an opposite change in its attitude towards the Assembly. Although it continued to support the principle that the Council is the sole authority in matters of peace and security, it more and more exploited the political opportunities offered by a friendlier Assembly. Thus, it endorsed the initiatives of other members, the U.S. and Canada, who sought Assembly action on matters of international peace and security, i.e., as when the Suez issue of 1956 was moved to the Assembly in its first special emergency session under the Uniting for Peace Resolution, and again in 1967 at its fifth special emergency session. The Soviet ability to utilize the Assembly for political gains was made possible by the existence of the North-South struggle. Decolonization became an effective weapon with which to attack all of the former colonial states of the West. It also provided a point of departure for attacks on Western bases in former colonial lands.<sup>86</sup> One observer noted that "the Soviet Union perceives the Security Council as a 'forum of accommodation' and the General Assembly as an arena of conflict."<sup>87</sup>

On matters of peace and security in which the Soviet

Union and the United States may have strong interests, the trend continues, with exceptions for both powers, to turn to the Security Council rather than to the General Assembly. This has not necessarily produced satisfactory results for either, since the superpowers often disagree about specific solutions.

#### Disputants Attitudinal Change

The disputants, particularly the Arabs, have long manifested an ambivalent attitude towards the United Nations. The Arabs disputed its right, in the first instance, to decide the fate of Palestine when it adopted the Partition Plan in 1947, thereby allegedly ignoring the "inherent rights" of the indigenous Arab population.<sup>88</sup> Consequently, they rejected any resolution that implied legitimization of Israel as if in denial of the United Nations. On the other hand, they eagerly sought (and obtained) the support of the United Nations against Israel. In 1957, for example, Israel was compelled to withdraw from the Sinai and the Gaza Strip. Between 1957 and 1967, the United Nations condemned Israel on numerous occasions for its reprisals against guerrilla activities that originated in neighboring Arab states. As a result of the preponderance of Third World members in the Assembly, the Arabs have perceived the United Nations as an ally in the furtherance

of their goals.

Israel's position in the United Nations has, in turn, worsened as that of the Arabs improved. In effect, the numerous condemnatory resolutions of the Assembly have substantially isolated her, except for the support of the United States. The U.S. has vetoed, in the Security Council, every resolution which Israel considered detrimental to its security.<sup>89</sup>

Israel's attitude toward the United Nations has consequently grown more distrustful in direct relation to the majorities which the Arabs have been able to mobilize against her. After 1967, Israel avoided United Nations action, and made every effort--but without success--to prevent a debate on the Middle East. Whenever U. N. action was demanded by other nations, Israel preferred the Security Council. There, Israel could rely on United States support.

To sum up, the peacekeeping and peacemaking activities of the United Nations in the Middle East had been weak and ineffective because they were mired in the grip of the intense struggle between the superpowers on the one hand and the increasing role of the Third World in international affairs on the other.<sup>90</sup> This was the situation during the period of the escalation of tensions resulting in the Six-Day War.

## NOTES TO CHAPTER I

1. Policy Background, Embassy of Israel, Washington, D.C., 16/6/69, summarizing other policy background sheets published until then, since the Six-Day War.
  
2. Witness the following typical statements from Arab spokesmen shortly after the war:
 

A Saudi Arabian commentator observed that the Arabs had a right to recover all of Palestine, whether it was seized in the "recent aggression or in the aggression represented by (Israel's) presence in the occupied part of Palestine," (Radio Gedda, June 28, 1967, monitored by BBC on June 30th.)

Iraq's Prime Minister Yahya stated that his country's policy was "to erase the effects of the aggression and mobilize all resources for the recovery of Arab rights in Palestine (Radio Baghdad, July 26, 1967).

King Hussein of Jordan, in his address to the General Assembly of the United Nations, declared that it was the U.N.'s duty "to force the aggressor to give up his spoils of war." (A/PV. 1536, June 26, 1967).

According to a statement from the Syrian Bath Party, the Arabs had decided on an "absolute rejection of any attempts to impose solutions on the basis of the new fait accompli" (Radio Damascus, June 14, 1967).

President Bournedienne of Algeria said in a speech: "If we lost one battle, we will not lose the war...the war must go on...until right is restored to its proper place...until aggression is destroyed and until what has been imposed by brute force is undone...We must not lay down arms" (Radio Algiers, June 10, 1967, monitored by the BBC, June 13).
  
3. For an analysis of this situation, see Stoessinger, John G. The Might of Nations: World Politics in Our Time, 3rd ed. (N.Y.: Random House) Especially pp. 37-140.
  
4. "The Middle East situation was too critical and too fraught with destructive possibilities, capable of affecting both the peace of the world and the United Nations itself." Lall, Arthur. The U.N. and the Middle East Crisis, 1967. (N.Y.: Columbia University Press, 1968) p. 188.

5. The apposition of these alternatives is based entirely on the author's reflection and hindsight. He does not mean to imply that they (or others) were ever formally subjected, by the United Nations or any other responsible body, to the kind of examination made in this paper as part of a decision-making process prior to any action taken at the close of the Six-Day War. At least no evidence to this effect has been located.
6. (Dept. of State Bulletin, Sept. 25, 1967)
7. Davar, 12/6/67
8. Davar, 13/6/67
9. Pres. Nasser's Resignation Broadcast, Radio Cairo, 9/6/67
10. Earlier statements to this effect may be found in scores of speeches made by Arab leaders and representatives, both in the United Nations and elsewhere before the Khartoum Conference (See Footnote 2 for a brief sample.)
11. This is a brief resume of the Arab position as distilled from Arab statements made in the Security Council and during The Emergency Session of the General Assembly in June and July 1967, See the U.N. Chronicle IV, 7 and 8, July and August/September, 1967. pp. 6-31 and 3-32, respectively. See below for an analysis of both the Israeli and Arab positions.
12. The statistics have been taken from U.S. Senate Committee on Foreign Relations. A Select Chronology and Background Documents Relating to the Middle East. (2nd rev. ed. Wash., D.C.: Govt. Printing Office, February 1975).
13. In discussing this alternative, we have considered only those aspects of the foreign policies of the Soviet Union and the United States which were relevant to this thesis and which had a direct bearing on the actions of the United Nations. We do not intend to offer a thorough analysis of all aspects of the foreign policies of these nations. Such a subject deserves a separate study in its own right.
14. Laqueur, Walter. The Struggle for the Middle East; The Soviet Union in the Mediterranean, 1958-1968. (N.Y.: Macmillan, 1969) pp. 63-85. Also, Morgenthau, Hans, "The Ideological and Political Dynamics of the Middle Eastern Policy of the Soviet Union," in Confino, M. and

Shamir, J., eds. The U.S.S.R. and the Middle East (Tel Aviv: Israel Universities Press, 1973), pp. 71-76.

15. Economic assistance, in terms of credits and grants provided by the Soviet Union to the Middle East from 1954 to 1968, totaled about \$2.25 billion according to information from the U.S. State Dept. (See Communist Governments and Developing Nations: Aid and Trade in 1968. RM-RSE-65/69 series, no. RSE-65, 5 September 1969, p. 3) Data for military assistance are not available, but has been estimated at perhaps "worth as much as \$2,000 million if measured in terms of the cost of providing similar western equipment." (See Hunter, Robert K. The Soviet Dilemma in the Middle East Part I: Problems of Commitment. Adelphi Paper No. 59 (London: The Institute for Strategic Studies, September 1969), p. 12.
16. Ro'l, Yaacov. "Soviet-Israeli Relations, 1947-1954." pp. 123-46, and Hurewitz, J. C. "Superpower Rivalry and the Arab-Israel Dispute; Involvement or Commitment?" in Confino and Shamir, eds., op. cit. pp. 155-69.
17. See Badeau, John S. The American Approach to the Arab World. (N.Y.: Harper and Row, 1968) pp. 15-33. Also Nolte, Richard. "American Relations with the Arab States and Israel," in Finger, Seymour M., ed. The New World Balance and Peace in the Middle East-Reality or Mirage? (Rutherford, N.J.: Fairleigh Dickinson University Press, 1975), pp. 181-89.
18. Harbert, Joseph R. "U.N.-Middle East Voting Patterns of the Major Powers: 1967-1974." Middle East Review VII, (Spring/Summer 1973.)
19. See Near East Report (XVIII (Feb. 1974): 46-47, and U.S. Agency for International Development. U.S. Overseas Loans and Grants and Assistance from International Organizations. May 14, 1971, for data on both economic and military assistance, in terms of both credits and grants. For congressional activity in this field, see Kent, George. "Congress and American Middle East Policy." in The Middle East; Quest for an American Policy. ed. by Willard A. Boling (Albany, N.Y.: State University of New York Press, 1973) pp. 286-305.

20. See Robertson, Terrence. Crisis. The Inside Story of the Suez Campaign. (N.Y.: Atheneum, 1965). Also Campbell, John C. Defense of the Middle East; Problems of American Foreign Policy. rev. ed. (N.Y.: Praeger, 1960), pp. 99-120.
21. Stoessinger, John G. The Might of Nations: World Politics in Our Time, 3rd ed. (N.Y.: Random House), pp. 126-27.
22. Soviet Government Statement on the situation in the Near East, May 24, 1967, in Pravda, May 24, 1967.
23. Statement by the Central Committee of Communist and Workers' Parties and Governments of the People's Republic of Bulgaria...Pravda, June 10, 1967.
24. A.N. Kosygin. Speech at the Emergency Session of the U.N. General Assembly on 19/6/67, A/PV. 1526, June 19, 1967.
25. Morgenthau, H.J. "Big Power Confrontations in the Middle East." In Finger, S.M., Ed. The New World Balance and Peace in the Middle East: Reality or Mirage? (Rutherford, N.J.: Fairleigh Dickinson University Press, 1973), p. 70.
26. United States Policy in the Near East Crisis. U.S. Dept. of State (Washington, D.C.: Govt. Printing Office, Aug. 1967), pp. 16-18.
27. Horelick, Arnold L. "Soviet Middle East Policy; Origin and Prospects." In U.S. House of Representatives, Committee on Foreign Affairs. Soviet Involvement in the Middle East and the Western Response. Joint Hearings before the Subcommittee on Europe and Subcommittee on the Near East. 92nd Cong. 1st Sess. (Wash., D.C.: Govt. Printing Office, 1971), pp. 194-95.
28. Forsythe, David P. "The Soviets and the Arab-Israeli Conflict." World Affairs, CXXXIV (Fall 1971).
29. Bilts, H.F. The Nature of Soviet Aims and Interests in the Middle East, Middle East Institute, 1972 Panel Series (Panel 1) Washington, D.C., The Institute, January 26, 1972), p. 12.
30. Rostow, Eugene V. "NATO-Soviet Confrontation in the Middle East." U.S. Subcommittee on the Near East of the House Committee on Foreign Affairs; Hearings....., pp. 312-23.

31. Ibid., p. 315
32. Ibid., p. 317
33. Ibid.
34. Rostow, Eugene. The Middle East. Critical Choices for the United States, for the National Committee on American Foreign Policy, (Boulder, Colorado: Westview Press, 1976), pp. 177-79.
35. Ibid., pp. 51-54.
36. Ibid., p. 51.
37. In a conversation with the author on June 23, 1976.
38. Rostow, Critical Choices, op cit., p. 55.
39. Ibid.
40. Safran, N. Soviet Policy and Strategy, New Middle East, (March/April 1972).
41. See also Horelick, A. Soviet Policy Dilemmas in the Middle East, The Rand Corporation, Santa Monica, California, undated), p. 3.
42. The Conciliation Commission for Palestine, created by the U.N. in Dec. 1948, and considered to be inactive by the time of the Six-Day War.
43. Forsythe, David P. United Nations Peacemaking. The Conciliation Commission for Palestine. (Baltimore: Johns Hopkins Univ. Press. 1972) pp. 2-3.
44. Bercovitch, J. "The Resolution of International Conflicts: A Non-Traditional Approach to the Middle East Conflict," in International Problems, the Journal of the Israeli Institute for the Study of International Affairs, Vol. XVI, Spring 1977, p. 89.
45. U.N. Document A/6672
46. Forsyth, David P. op cit, p. 171
47. James, Alan. The Politics of Peacekeeping. (Praeger Inc., New York 1969), p. 12.

48. Ibid., pp. 130, 90, 260, 294, 327 respectively
49. Claude, I. Swords Into Plowshares: The Problems and Progress of International Organizations, 3rd Ed. (New York, Random House, 1964), p. 296. For a more detailed statement see United Nations, General Assembly, 15th Session, Introduction to the Annual Report of the Secretary-General on the Work of the Organization, Official Records, Supplement No. 1A (A/4390/Add:), 16 June 1959. See also GOAR, Sixteenth Session, Supplement No. 1A (A/4800) Add. 1.
50. U.N. Security Council Official Records, 16th Year, 934th Meeting, February 15, 1961, p. 9.
51. Sewell, James P. Keeping the Peace. (New Haven: Yale University Press, 1969), p. 2.
52. Sewell, James Patrick, "Policy Processes and International Organization Tasks," in Robert W. Cox, ed., International Organizations: World Politics (London: Macmillan, 1969). See also David P. Forsythe, "United Nations Interventions in Conflict Situations Revisited: A Framework for Analysis," International Organization, XXIII (Winter 1969), pp. 132-33.
53. Goodspeed, Steven, The Nature and Function of International Organization (New York: Oxford, 1967), p. 18.
54. For a useful discussion of the meaning of these procedures in United Nations' practice, see Goodrich, L. M., et al., Charter of the United Nations: Commentary and Documents. (3rd and rev. ed., N.Y., Columbia University Press, 1969), pp. 261-63.
55. Other factors are discussed in the following sections of the dissertation.
56. Goodrich, Leland M., op cit., p. 257.
57. Anabtawi, Samir, The United Nations and the Arab-Israeli Conflict of 1967. The Arab World, XIV (June 1967), p. 469.
58. Morgenthau, Hans. Politics Among Nations. (4th ed., Alfred A. Knopf, New York 1966), p. 465.
59. Stoessinger. The Might of Nations (3rd ed., N.Y.: Random House, 1969), p. 285.

60. Aron, Raymond. Peace and War (N.Y.: Doubleday, 1966), p. 568.
61. Barros, James. The United Nations, Past, Present and Future. (New York: Free Press, 1971), p. 7.
62. While Pressing his own argument for a concert of great powers capable of acting anywhere if necessary, to crush even a major peacebreaker, F.D.R. was asked if this meant that American troops would be sent overseas. The President immediately balked, admitting that he foresaw only the possibility of U.S. Naval and air detachments to support British and Soviet group forces. Robert Sherwood, Roosevelt and Hopkins, II (New York: Bantam, 1950), pp. 411-12.
63. Sewell, James Patrick. "Keeping the Peace: An Interpretation of Soviet and American Security Policies," in Rubinstein and Ginsburg, Soviet and American Policies in the U.N. (N.Y.: New York University Press, 1971), p. 133.
64. Inis, Claude. "The U.N. and the Use of Force," International Conciliations (March 1961), pp. 329.
65. Goodrich Charter of The United Nations, op cit., pp. 613, 229, 233.
66. Ibid., pp. 255, 260.
67. "No Peace--No War in the Middle East," in Moore, John Norton, The Arab-Israeli Conflict (Princeton University Press, Princeton, N.J., 1974), pp. 153-54.
68. Ibid.
69. UNCIO Documents 703, at 710, quoted in L. Gross, "Voting in the Security Council..." (1968) 62 American Journal of International Law 315, 319. See on the same point in the overall United Nations system, J.W. Halderman, "Some International Constitutional Aspects of the Palestine Case," Law and Contemporary Problems, Vol. 33, 1968, pp. 3-13.
70. Kelsen, The Law of the United Nations (1950) 95-96, p. 293.
71. See Repertory of United Nations Practice, Vol. II, nn. 81-84 at 377.

72. Goodrich, Leland M. "The U.N. Security Council," in Barros, James, The United Nations, Past, Present and Future (New York: Free Press, 1971), p. 47.
73. Security Council Official Records, 1st year, 1st series, no. 2, 23rd meeting (February 16, 1946), p. 369 in Barros, *Ibid.*, p. 48.
74. Security Council Official Records, 2nd yr., 1964 meeting (June 25, 1947), p. 1099 quoted in Barros, *Ibid.*, p. 48.
75. Barros, *op cit.*, p. 53.
76. The only exception being "the uniting for peace" resolutions of 1950 concerning Korea which was possible, among others due, to the absence of the Soviet Representative from the Security Council.
77. In dealing with the Indonesian question in 1947-1948, the Council, through its Good Offices Committee and the United Nations Commission on Indonesia, was able to assist the parties, in reaching agreement upon the basic principles of a political settlement and later in the second phase of the dispute, played an important role in bringing the parties to find agreement at the Round Table Conference in the Hague. This was according to Leland M. Goodrich, the only Council's major success in achieving a final peaceful accommodation of a dispute. See Barros, *op cit.*, p. 52. See Alstair M. Taylor, Indonesian Independence and the United Nations (Ithaca, N.Y.: Cornell University Press, 1960).
78. Barros, *op cit.*, pp. 55-57.
79. Stoessinger, John G. The Might of Nations (3rd ed., N.Y.: Random House, 1969), pp. 263-64.
80. Young, Oran. "Political Discontinuities in the International System." World Politics (April 1968), p. 370.
81. Russell, Ruth B. The United Nations and United States Security Policy. (Washington, D.C.: Brookings Institution, 1968), p.
82. Norman D. Palmer observed: "The variance in the representation of Africans and Asians has altered the balance of power in the world body, somewhat, by bringing great power hegemony over the United Nations to an end."

- Palmer, N. O. "The Afro-Asian in the United Nations," in Gross, Franz B., ed. United States and the United Nations (Norman, Okla.: University of Oklahoma Press, 1964) pp. 125-69.
83. "There is no evidence to show that the United Nations has prevented any war. There is, however, unmistakable evidence to show that it has materially contributed to the shortening of four wars: in Indonesia in 1948, in Palestine in 1949, in Egypt in 1956, and in Kashmir in 1965. It has been able to achieve these results because, as envisaged by the Charter, the great powers had a common interest in shortening these wars, or at least none of them had an interest in prolonging them. In similar circumstances the United Nations might be able to perform again a similar function of shortening the duration of a war....The Charter enables the United Nations--that is, the United States and the Soviet Union acting in unison--to prevent wars among the other nations. Morgenthau, Hans J. Politics Among Nations (4th edition, New York: Alfred A. Knopf, 1966), pp. 479-80. (emphasis added)
84. Goodrich, stated "The future of the United Nations will largely depend upon the attitude of the principal member governments. The attitudes of the permanent members will be the most decisive influence because they alone have it within their power to determine whether the Security Council plays an important and effective role or not. Their interest in the Security Council may well be decisively influenced by the extent to which the Security Council, by its composition and operating procedures, provides a forum where the representatives of the major powers can exercise the influence to which they feel entitled over the course of international affairs. Any attempt by the smaller states to use their voting power in the Council to serve their particular purposes, even to the detriment of major power interests, is likely to be self-defeating. The basic concept which the authors of the Charter had in mind in the establishment of the Security Council corresponds to the realities of international politics, and any attempt to circumvent it in the name of "sovereign equality" is likely to have serious consequences not only for the Security Council but also for the United Nations itself. See Barros, A. The United Nations, op cit., p. 59.

85. Even Dag Hammarskjold supported the expectations of the Small States. He stated: "I do not believe that the small nations have less of an understanding of central political problems of concern to the whole world than those who are more closely related to them and who traditionally wield greater power in the international councils. For that reason, I cannot...share the view of those who regard the possible influence of smaller Powers as a danger... Press Conference, Note to Correspondents No. 1983 (30 April 1959).
86. Spiro, Herbert J. World Politics: The Global System (Homewood, Ill.: Dorsey Press, 1966)
87. Aspaturian, V. "Soviet Foreign Policy at the Crossroads: Conflict and/or Cooperation," International Organization. (Summer 1969)
88. The Arabs also assert that Great Britain had no sovereign rights over Palestine; that it likewise had no authority to dispose of the land. See Linowitz, Sol M. "Analysis of a Tinderbox," American Bar Association Journal (1957) pp. 522-23.
89. However, the U.S. joined a Council consensus in censoring Israel's policy in the occupied territories in November 1976. This caused an uproar in certain U.S. circles and much alarm in Israel as a possible harbinger of change in the U.S. policy of befriending Israel.
90. See Forsythe, David P. Op Cit., p. 175.

## Chapter Two

## EVOLUTION OF THE TERMS OF SETTLEMENT

United Nations intervention is discussed, dwelling on the Security Council and General Assembly sessions from June to November 22, 1967 and leading to the adoption of Resolution 242. The U.N. sessions allowed an interplay of different positions on the settlement of the crisis that stemmed from the deliberations and the interaction of the main actors (disputants, superpowers, Third World countries). Such interplay helped shape the terms of settlement embodied in resolution 242. It also brought about an attitudinal change, if not in the basic perceptions of the disputants, at least in their agreement to move towards a definitive settlement of the dispute. The Resolution is scrutinized with emphasis on the differing interpretations of the principal issues and procedures involved as they are related both to political factors and accepted principles of international law and the U.N. Charter, particularly the admissibility or inadmissibility of territory acquired by war, the conventions with regard to the use of international waterways, treatment of war refugees. Attention is also given to the problem of the status of Jerusalem.

I. The Restoration of the  
Status Quo Ante vs. Settlement

Superpowers Approach

The key issue which confronted the United Nations in its peacemaking efforts during the five months following the cessation of fighting was the Soviet-Arab demand that Israel withdraw its forces unconditionally to the lines established by the Armistice Agreements of 1949, and make restitution for all damages incurred by the war. Their efforts to compel Israel to return to the status quo ante began as soon as it appeared that Israel would emerge victorious while the Security Council was in session between June 3 and June 14.

In the few days prior to the outbreak of fighting, the Council was virtually paralyzed by the Soviet Union and its Arab clients who, confident of victory, scoffed at warnings by the United States and others of impending catastrophe. Shortly after the fighting began and it became increasingly clear that the Arabs would be defeated overwhelmingly, the Soviets changed their tactics and demanded (in a draft resolution) the condemnation of Israel, an immediate cease-fire, and unconditional Israeli withdrawal.<sup>1</sup> The United States supported the call for a cease-fire, but refused to go along with the proposal for

unconditional withdrawal. She called instead

for discussions...among the parties concerned... looking toward the establishment of viable arrangements encompassing the withdrawal and disengagement of armed personnel, the renunciation of force regardless of its nature, the maintenance of vital international rights and the establishment of a stable and durable peace in the Middle East. <sup>2</sup>

Neither the Soviet nor the United States proposals were adopted by the Council. In addition, every Soviet effort to obtain the Council's support in condemning Israel was defeated.

Frustrated by their failure to persuade the Council to adopt their proposals, the Soviets demanded the reconvening of the General Assembly in emergency session where it could count on the sympathy of the Third World bloc of nations. It also, by this tactic, avoided confrontation with the United States, while taking full advantage of the Assembly as a forum in which it could propagandize its all-out support for the Arabs without having to resort to the use of force in support of Arab claims.

The Fifth Emergency Special Session of the General Assembly <sup>3</sup> therefore convened on June 17th and met intermittently until July 21, during which period it heard and debated the views of sixty-nine delegations representing all shades of opinion on five draft resolutions submitted for its consideration. These included the Soviet draft, <sup>4</sup>

the United States draft <sup>5</sup>, the Albanian, <sup>6</sup> the so-called Yugoslav or 17-powers revised draft, <sup>7</sup> and the so-called Latin-American or 20-power draft. <sup>8</sup>

In addition, two more draft resolutions dealing respectively with the status of Jerusalem and the refugees were also submitted. <sup>9</sup>

The first draft was introduced by Premier Kosygin with his speech of June 19 (see footnote 24). In summary, the resolution would have had the Assembly: (1) vigorously condemn "Israel's aggressive activities and the continuing occupation by Israel of part of the territory of the United Arab Republic, Syria, and Jordan"; (2) demand that "Israel should immediately and unconditionally withdraw all its forces from the territory of those States to positions behind the armistice demarcation lines...and should respect the status of the demilitarized zones as prescribed in the armistice agreements"; (3) demand that Israel make reparation in full for "all the damage inflicted by the aggression"; and (4) appeal to the Security Council to take "immediate effective measures in order to eliminate all consequences of the aggression committed by Israel."

The last point revealed a facet of Soviet policy which had been lacking in other Soviet pronouncements of that time, namely a willingness to resort to the United Nations

as a medium for international action. In other statements, they seemed to imply their determination to take unilateral action against Israel. In his address, Kosygin sounded a similar note when he said:

The government of the Soviet Union expresses the same hope that the General Assembly will take an effective decision ensuring...the restoration and consolidation of peace and security in the Middle East.

As Lall points out,

These words must have been carefully weighed. Kosygin could have stopped at the restoration of peace, but he spoke of consolidation and he brought in the concept of security. Implicit in the thought must have been some recognition that the Assembly would have to do more than merely restore the status quo as it had been on June 4, 1967.<sup>10</sup>

Also noteworthy in his speech was his call for cooperation with the United States:

Much depends on the efforts of the big powers. It would be good if their delegations as well found a common language in order to reach decisions meeting the interests of peace in the Middle East and the interests of universal peace.

In general, despite the severity of the Soviet Union's position with regard to Israel, these statements, coupled with its draft resolution, indicated her willingness to cooperate with the United Nations and the United States in reaching a peaceful resolution to the crisis.

The United States responded to the Soviet proposals with a draft resolution of its own introduced by Ambassador

Arthur Goldberg. This would have had the Assembly consider that since it is the "purpose of the United Nations to be a centre for harmonizing the actions of nations [its] objective should be achieved through negotiated arrangements with appropriate third-party assistance" based on five principles:

mutual recognition of the political independence and territorial integrity of all countries in the area, encompassing recognized boundaries [and] including disengagement and withdrawal of forces, freedom of innocent maritime passage; just and equitable solution of the refugee problem; registration and limitation of arms shipments into the area; and recognition of the right of all sovereign nations to exist in peace and security. [The Security Council would] keep the situation under careful review.

These five principles, it should be noted, were the ones put forward by President Johnson on June 19, the day before. In his speech introducing the draft resolution,<sup>11</sup> Ambassador Goldberg insisted that these principles pointed the way towards the ultimate solution of Arab-Israeli differences, and rejected the Soviet Union's one-sided condemnation of Israel and her recommendations for Israel's unconditional withdrawal and return to the status quo ante, as a return to the conditions which precipitated the Six-Day War and had fostered unrest and violence in the Middle East. There were legitimate grievances on both sides, which should be settled once and for all to the mutual satisfaction of all involved.

Although Ambassador Goldberg proposed third-party assistance, it is significant that he did not specify any steps that should be followed. Neither did he declare on the location of the boundaries or its corollary, the extent of Israeli withdrawal. These matters were to be left to the decision of the parties in direct negotiations.

#### Third World Approach

The Soviet and American proposals symbolized the polarization which had characterized the Middle East conflict from the beginning. Neither approach appealed to the majority of the delegates, particularly those representing the smaller powers, as the likely way to achieve peace. A compromise formulation was called for, one which would obtain the necessary two-thirds vote demanded by the Assembly's voting rules on all "important questions." The smaller powers proceeded to develop several alternatives.

The first of these was the Yugoslav draft resolution representing the views of seventeen non-aligned African and Asian (Third World) states.<sup>12</sup> This, like the Soviet draft, would have had the Assembly call on Israel "to withdraw immediately all its forces to the positions they held prior to 5 June 1967," and for it to request that the Secretary General "ensure compliance;" it requests further that he "designate

a personal representative who will assist him in securing compliance with the present resolution and be in contact with the parties concerned" and "to report urgently to the General Assembly and the Security Council on Israel's compliance with the present resolution"; and that the Security Council "immediately after the withdrawal of the Israeli armed forces has been completed," consider all aspects of the situation in the Middle East and seek peaceful ways and means for the solution of all problems--legal, political and humanitarian--through appropriate channels, guided by the principles of the Charter of the United Nations, in particular those contained in Articles 2 and 33."

This proposal represented a softening of the Soviet position in two respects. First, it encompassed the notion that an effort should be made by the Council to settle the basic issues separating the parties. Secondly, by means of this recommendation, it implied that Israel must be recognized. This latter view was explicitly stated by the Yugoslav Prime Minister, Mika Spiljak. In his address to the Assembly,<sup>13</sup> he acknowledged Israel, "whose existence we have never questioned." Nevertheless, the draft insisted on Israel's prior withdrawal as a condition for further progress of any kind towards peace.

## Disputants Approach

The Yugoslav proposals were totally rejected by Israel because of their demands for total withdrawal. By virtue of the implied recognition of Israel, they were not altogether acceptable to the Arabs. They were, however, closer to the views of the smaller states, and had, therefore, a better chance for passage by the Assembly.

They differed from the Arab position in another important respect, namely, in their endorsement of negotiations. The Arabs were totally opposed to this, a stand confirmed in September 1967, by the declaration which emanated from the summit conference at Khartoum, quoted above. Of the two drafts--that of the Soviet Union and the Yugoslav--the Arabs as a whole favored the former, even though it was less inflexible on the matter of negotiations than they wished.

Just as the Arab position was more forthright in its insistence on the immediate, unconditional withdrawal and condemnation of and rejection of any kind of negotiations with Israel than that of the Soviet Union, Israel's position was more forthright than that of the United States on withdrawal after negotiations, renunciation of Arab belligerency, secure and recognized boundaries, and maritime rights.<sup>14</sup>

Abba Eban provided a clear restatement of Israel's attitude in his response to Premier Kosygin's opening

remarks at the Fifth Emergency Special Session of the General Assembly, which convened on June 17th:

History summons us forward to permanent peace and the peace that we envisage can only be elaborated in frank and lucid dialogue between Israel and each of the states which have participated in the attempt to overthrow her sovereignty and undermine her existence. We dare not be satisfied with intermediate arrangements which are neither war nor peace. Such patchwork ideas carry within themselves the seeds of future tragedy. Free from external pressures and interventions, imbued with a common love for a region which they are destined to share, the Arab and Jewish nations must now transcend their conflicts in dedication to a new Mediterranean future in concert with a renaissance Europe and an Africa and Asia which have emerged at last to their independent role on the stage of history. <sup>15</sup>

He thus sounded again several of the enduring positions taken by Israel, namely, (a) direct negotiations, (b) non-interference from any outside source, e.g., the superpowers, in the process of seeking terms of settlement with the Arabs, and (c) no return to the status quo ante of June 4, 1967.

He reiterated this stand in a speech of Sept. 25, 1967, to the Twenty-second Plenary Session of the General Assembly:

On June 19th and on subsequent dates, I described my Government's views and policies on the Middle Eastern conflict. These have not changed....In negotiations with Arab governments we shall make viable and equitable proposals compatible with national honor and legitimate interests of all states. We shall also make suggestions for effective regional cooperation, and for the regional and international solution of population problems created by the wars and belligerent policies of the past two decades....

In short, we propose that a nineteen-year-old war be brought at long last to a permanent end by pacific settlement and direct agreement...We shall not commit the irrational course of returning to the political anarchy and strategic vulnerability from which we have emerged. National suicide is not an international obligation....

Compromise Attempt:  
Interplay of Actors and Approaches

A note of moderation between these opposed views was introduced by the Indian Foreign Minister, M. C. Chagla who, though he called for immediate withdrawal, did not demand condemnation.<sup>16</sup>

The Danish Prime Minister, Jens Otto Krug, emphasized "two main considerations"--the untenability of a return to conditions which had in the past provoked instability and the fundamental responsibility of the United Nations for "laying the foundations for a lasting peace based upon just and equitable solutions which are acceptable to all concerned."<sup>17</sup> In accordance with this, he ruled out both territorial aggrandizement by military force and the maintenance of a state of war between members of the United Nations. He was seconded in these views by Great Britain, Italy, and Belgium.

There were other views, chiefly those of France, which were in favor of a solution imposed by the key powers,<sup>18</sup> but it was the Latin American bloc which sponsored a draft resolution which, although not adopted, was, because of its

moderation, to win the greatest number of votes than all of the others proposed. It would have had the Assembly both request "Israel to withdraw all its forces from all the territories occupied by it as a result of the recent conflict" and "the parties in conflict to end the state of belligerency"; reaffirm "that no stable international order can be based on the threat or use of force"; request the Security Council "to continue examining the situation in the Middle East with a sense of urgency, working directly with the parties and relying on the presence of the United Nations" to ensure withdrawal and an end to belligerency, "guarantee freedom of transit on the international waterways of the region, the full solution of the refugee problem, establishment of demilitarized zones and the internationalization of Jerusalem."

The resolution introduced by Nicanor Coste Mendez, Foreign Minister of Argentina, contained elements present in the other proposals, was noteworthy for its emphasis on juridical principles based on the Charter and international law, blended with practical steps which could be taken to implement them. The principles involved were the prohibition of the use or threat of force, the role of the Security Council, and untrammelled use of international waters; the practical steps involved the establishment of demilitarized

zones and the appointment of a mediator.

It was clear when the moment arrived for a vote on the various proposals which had been advanced, that the Yugoslav and Latin-American drafts were the only viable alternatives available to the Assembly.

Speaking for the United States, Ambassador Goldberg rejected the Yugoslav draft, because it failed to link the termination of Arab belligerency with Israeli withdrawal.

Ambassador Goldberg found fault with the non-aligned draft in that it did not couple withdrawal with the surrender of claims of belligerency, "claims which are among the leading cause of all the troubles in the past."<sup>19</sup>

By contrast, Gromyko, the Soviet Foreign Minister, stated:

This draft resolution (the Yugoslav) quite correctly puts into the first place the question of the withdrawal of Israeli troops from the territories they now occupy. Only this decision can bring about the normalization of the situation in the Middle East. The aggressor, Israel, cannot be allowed to wait for a price. This is a question of principle."<sup>20</sup>

However, both the U.S. and the Soviet Union departed from the positions of their client states--the U.S. on the questions of the refugees and the status of Jerusalem and the Soviet Union, on the question of the recognition of Israel, thereby moving toward mutual accommodation. This became clear as Gromyko continued:

During the discussions and conversations between representatives of various countries a wish was very frequently expressed to try even now to bridge the gap and come to decisions on other questions relating to the Middle East. The draft resolution presented by the non-aligned countries also meets this wish....the troops must be withdrawn immediately and then there will be a much more peaceful atmosphere than now in order to achieve progress in all the other questions--I emphasize the word "all" questions--which have accumulated on the sidelines. Then there would be revealed those possibilities which have been provided for in the draft resolution of the non-aligned countries (the Yugoslav).<sup>21</sup>

Still sufficiently far apart to render agreement and cooperation between them unlikely, the United States announced that it would support the Latin-American draft, and the Soviet Union endorsed the draft of the non-aligned states. Frequent (and possibly frantic) efforts were made by members of the opposing blocs in meetings outside the General Assembly chamber to find the phrase, the nuance, the modification in either draft which would induce compromise. Several of the non-aligned states did adopt positions intermediate between the drafts, but these efforts failed in the ensuing vote.<sup>22</sup> The vote revealed complete deadlock, and the General Assembly recessed for a week in the hope that further negotiations among the parties would result in the reconciliation of the differences between the draft resolutions. There was, in particular, some hope that the impulse toward accommodation made evident in the statements of the representatives of the superpowers could eventually prevail, and that the

General Assembly might yet succeed in rescuing what appeared to be a hopeless situation. Negotiations between Soviet and American representatives, specifically Secretary of State Dean Rusk, Ambassador Goldberg, Soviet Ambassador Anatoly Dobrynin, and Soviet Foreign Minister Andrei Gromyko, did finally result in another draft resolution in which the United States was induced to depart from the principles laid down by President Johnson, a fact which aroused considerable anxiety among the Israelis.

The draft, in sum, would have had the Assembly declare "that peace and final solutions of the problem can be achieved within the framework of the Charter of the United Nations"; affirm the Charter principles of "withdrawal without delay by the parties to the conflict of the forces from territories occupied by them in keeping with the inadmissibility of conquest of territory by war"; acknowledge that each member state of the United Nations "enjoys the right to maintain an independent national State of its own and to live in peace and security; and renunciation of all claims and acts inconsistent therewith"; and request the Security Council

to continue examining the situation in the Middle East...working directly with the parties and utilizing a United Nations presence to achieve an appropriate and just solution of all aspects of the problem, in particular bringing to an end the long-deferred problem of the refugees and guaranteeing freedom of transit through international waterways.

By supporting this draft, the United States, according to Gideon Rafael, Israel's Permanent Representative at the United Nations at the time, abandoned "not only the call for a lasting peace but even the demand for the termination of the state of war, while supporting a precipitate withdrawal by Israel."<sup>23</sup>

Ambassador Goldberg, however, described it as follows in his address to International Platform Association in Washington, D.C., on July 17, 1967:

It provided that the withdrawal of Israel's troops would be linked with the acknowledgement by every member of the U.N. in the area that each enjoys the right to maintain an independent national state of its own and live in peace and security and with a renunciation of all claims and acts inconsistent therewith--meaning particularly all claims or acts flowing from an asserted state of belligerency.<sup>24</sup>

The draft was not submitted to a vote due to its rejection by the Arabs.

In the final analysis, Arab inability or unwillingness to facilitate a resolution of the crisis by agreeing to a coupling of Israeli withdrawal with the forfeiture of all claims to belligerency led the General Assembly to suspend its involvement in this matter on July 21. The Middle East problem was once again turned over to the Security Council "as a matter of urgency."<sup>25</sup>

Although the Assembly failed to settle any of the issues, the very thoroughness and intensity of the negotiations among delegates of all persuasions was, at least temporarily,

beneficial in that it fostered a greater community of views. This was made manifest in the large vote given the Latin-American draft resolution as compared with the vote for the other proposals. Another benefit which accrued from the debate was universal agreement that the Middle East problem required urgent solution and that the United Nations could not shirk this responsibility. There was also almost universal acceptance of the principles that no territory could be won by war, and that flexibility be maintained in the negotiation procedures to be employed.

It can also be said that the Charter itself figured more significantly in the discussions of the General Assembly than heretofore. In this sense, the debate was raised from the level of mere rhetoric which characterized much of the previous efforts in the United Nations to a discussion of the principles of international law. This benefit was the direct effect of introducing the Charter in the Latin-American draft resolution.

Finally, a closer look at the record of performance of either the Security Council or the General Assembly with respect to the Middle East reveals that at no other time did so great a shift in the attitudes take place as during the Fifth Emergency Session of the General Assembly. The shift, at least in public statements, was apparently

induced by the trend of the debates themselves as well as behind-the-scenes maneuvers--involving: (a) the statements made by all the participants, Third World nations included, (b) the defeat of all of the pro-Arab proposals which advocated the restoration of the status quo ante without prior negotiations.

The shift was due to three factors:

1. The inability of the Arabs to dislodge Israel militarily;
2. The refusal of the United States to impose a solution; and
3. The inability of the Arabs to obtain the support of the majority of Third World countries to support their claim for unconditional restoration of the status quo ante

The situation with respect to the latter would change drastically by 1973, at the time of the Yom Kippur War. In the intervening years, the Arabs would automatically and routinely be able to muster a majority in the Assembly.

In 1967, however, there was still the possibility of an interplay of many points of view, an interplay of forces independent of bloc voting characteristic of the Assembly in later years, which permitted the evolution of Resolution 242 to which we turn next.

## II. The Emergence of Resolution 242

When the Security Council met on November 7th, the debate centered first on two draft resolutions, one advanced on November 7th jointly by India, Mali, and Nigeria,<sup>26</sup> and the other by the United States.<sup>27</sup> Later, two additional draft resolutions were submitted, by Great Britain on November 16th,<sup>28</sup> and by the Soviet Union on November 20th.<sup>29</sup> Although the three-power draft embodied several principles of the Latin-American draft which were widely accepted by the Assembly, it nevertheless called specifically for Israeli withdrawal "from all the territories occupied as a result of the recent conflict."

The draft submitted by the United States was a product of consultations with Egyptian and Jordanian representatives. With it, the United States moved closer to the Arab position in that it took a firmer stand on withdrawal and a weaker one on direct negotiations. It, however, avoided specific mention of Israeli withdrawal, and did not specify the territories involved.

Lord Caradon, the British Ambassador to the United Nations, produced a proposal which contained formulations from both the American and three-power drafts. He inserted into the preamble a phrase concerning the "inadmissibility of the acquisition of territory by war," and in the operative

paragraph of the draft, he defined the functions of the Special Representative to be appointed by the Secretary-General, namely, that he was to promote agreement between the disputants; that any terms of settlement be acceptable to them.

The latter change was included at Israel's insistence that the draft be based on the following five principles:

- (a) The central objective is the establishment of a just and lasting peace between Israel and the Arab states
- (b) The withdrawal of Israel forces from the cease-fire lines should take place only after secure and recognized boundaries had been agreed upon within the terms of a peace treaty...
- (c) Peace must be the outcome of an agreement between the parties, achieved through free negotiations and not by outside imposition...
- (d) Guaranteed freedom of navigation through all the international waterways in the area without limitations or reservations
- (e) The United Nations Special Representative would be authorized to render good offices to the parties and not to act as a mediator presenting them with proposals of his own.<sup>30</sup>

Essentially, the draft prepared by Lord Caradon was modelled on the American draft. It differed from the latter in its omission of a provision which called for a halt in the arms race in which both superpowers had been long engaged. Such a provision was contained in the draft resolution submitted by the Soviet Union on November 20th. Ambassador Goldberg stated the American position on the content of the resolution in succinct terms.

To seek withdrawal without secure and recognized boundaries, for example, would be just as fruitless as to seek secure and recognized boundaries without withdrawal. Historically there have never been secure and recognized boundaries in the area. Neither the Armistice lines of 1949 nor the cease-fire lines of 1967 have answered that description. Now such boundaries have yet to be agreed upon. An agreement on that point is just as essential to a just and lasting peace, just as withdrawal is. Such boundaries cannot be determined by force. They cannot be imposed from the outside. For history shows that imposed boundaries are not secure and secure boundaries must be worked out and recognized as part of the peacemaking process.<sup>31</sup>

The Arabs persisted in demanding unambiguous wording-- Israeli withdrawal "from all of the territories occupied in the recent conflict"; Israel continued to demand the phrase "recognized boundaries," and the omission of the definite article "the" before the word territories. It is worthwhile to note the battle on the insertion of the definite article "the" before the adoption of Resolution 242. Lord Caradon urged Israel's acceptance of the insertion of a single little word, the definite article "the" before the word "territories" so that the text would read "withdrawal of Israeli forces from the (emphasis mine) territories." Israel objected adamantly to this change claiming that it would alter the very significance of the Resolution in terms of its most essential points. He also tried to enlist the U.S. delegation to make Israel yield. But the U.S. declined, making it clear that it would withdraw its support from the

British draft, if it were to be changed by the omission or addition of even one single word.<sup>32</sup> The Soviets too tried through dilatory tactics, on November 17th, they sprang a new draft of their own which forced the Security Council to adjourn for consultation. During the interval, the U.S.S.R. made a concerted effort to press the U.S. to accept the wording "withdrawal of Israeli forces from all the territories." They carried out their fight to include the definite article "the" to the highest level in Washington. Kosygin exchanged messages with President Johnson to that effect, but to no avail because the U.S. declined to agree to a change even of an iota in the British draft.

When it became clear that the United States would support only the British draft, which was submitted formally on November 16th (assuming that it would not be changed in any particular way), it was the only draft to be voted on during this session of the Council, and adopted unanimously. The passage was facilitated by the discovery that its very ambiguity opened up the Pandora's Box of a variety of interpretations, thus enabling each delegation to support it without prejudice to its interests.

The resolution, as adopted, is as follows:

The Security Council.  
Expressing its continuing concern with the grave situation in the Middle East.

Emphasizing the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area can live in security.

Emphasizing further that all Member States in their acceptance of the Charter of the United Nations have undertaken a commitment to act in accordance with Article 2 of the Charter,

1. Affirms that the fulfillment of Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of both the following principles:

(i) Withdrawal of Israeli armed forces from territories occupied in the recent conflict;

(ii) Termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force;

2. Affirms further the necessity

(a) For guaranteeing freedom of navigation through international waterways in the area;

(b) For achieving a just settlement of the refugee problem;

(c) For guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones;

3. Requests the Secretary-General to designate a Special Representative to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution;

4. Requests the Secretary-General to report to the Security Council on the progress of the efforts of the Special Representative as soon as possible.

The Resolution was "accepted" by Israel, Egypt, Jordan, and Lebanon with statements which revealed that no true meeting of minds had occurred. Israel's Abba Eban declared: "For us, the resolution says what it says. It

does not say that which it has specifically and consciously avoided saying."<sup>33</sup>

He, thus, corrected the previous comment by the Indian ambassador, Gopalaswami Parthasarthi, that

It is our understanding that the draft resolution... will commit (the Council) to the application of the principle of total withdrawal of Israeli forces from all the territories--I repeat, all the territories--occupied by Israel as a result of the conflict which began on 5 June 1967."<sup>34</sup>

The Egyptian delegate, Foreign Minister Mahmoud Riad, indicated that Egypt would still be bound by its principles, namely, "that the first step towards peace lies in the full withdrawal of the Israeli forces" and "the inalienable rights of the people of Palestine, recognized and continually reaffirmed by the United Nations."<sup>35</sup> While the Jordanian representative agreed with his Egyptian colleague, he added:

We, for our part, share with the members the genuine desire to establish conditions in our area conducive to peace, based on justice and on the fulfillment of the legitimate rights of our people.<sup>36</sup>

Of the Arab principals, only Syria rejected the resolution. Her representative demurred, stating

The test of the success or failure of any major resolution can be measured only by its results. The future will prove whether or not the resolution... will secure the cause of peace in the Middle East.<sup>37</sup>

President Nasser, speaking to the Egyptian National Council on November 23rd, the day following the adoption of

the Resolution, stated:

Our actions will be bound by nothing but our principles. What has been taken by force will be restored by force only. Any resolution adopted by the Security Council means nothing by itself. The obscure and stylized sentences in which United Nations Resolutions are generally phrased are not of primary importance. What matters is what actually happens. The British proposal is not sufficient to provide a solution to the crisis. Egypt cannot obtain guarantees except those provided by its forces and military preparation.

Two basic principles are beyond argument:

(a) Total Israeli withdrawal from all territories and every inch of land belonging to Egypt, Jordan and Syria;

(b) We will not permit Israel's passage through Suez, whatever the price. Passage through the Canal is an inseparable part of the Palestine problem.

We are bound by the four principles laid down by the Khartoum Conference: No recognition of Israel, no peace with Israel, and no negotiations; and the Palestine problem should not be treated with a free hand since it belongs to the Palestinians themselves.<sup>38</sup>

This statement is quoted at length because it reveals an attitude which the Arabs later condemned Israel for taking. Obviously, Nasser did not deem Resolution 242 as binding. Neither did Israel.

What significance could then be attached to their acceptance of the Resolution? The answer to this question must be sought in the text of the Resolution, in the debates preceding the adoption of the Resolution, and later comments made by those who participated in them. Neither at the time of its adoption, nor within the Resolution itself, is it explicitly stated whether it is a "recommendation" or a

"binding decision" of the Security Council. If the Council acted under Chapter VI of the Charter, the Resolution is the former; if under Chapter VII, it is the latter. A determination is important in the light of charges of non-compliance which have frequently been levelled by both sides against each other.

The Security Council is charged under Article 24 of the Charter with the "primary responsibility for the maintenance of international peace and security." It relies on the powers cited in Chapters VI and VII to carry out this function, specifically Article 36, paragraph 1, and Article 37, paragraph 2 of Chapter VI, which respectively are as follows:

The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment"

and

If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

It is commonly agreed that Security Council Resolutions taken under these Articles are recommendatory in nature and not legally binding. That this is the case with respect to Resolution 242 is indicated by the language of the Resolution itself. It "expresses" its "concern" with the Middle East conflict; "emphasizes" principles; "affirms" and "requests"

in that order. At no point does it "call upon" or "demand" anything from anyone. In addition, the Council refrained from labelling Israel as the aggressor in the matter, and it instructed the Special Representative to seek "agreement" between the parties.

Lord Caradon referred explicitly to Chapter VI when he submitted his draft to the Council.<sup>39</sup> Mr. Adebo, the Nigerian ambassador, stated:

It may be that at some time in the future the Security Council will feel that the situation in the Middle East requires action under Chapter VII.... We hope that a decision under Chapter VI, such as we recommend, will be complied with genuinely by both parties so that there will be no question of anybody asking for action under Chapter VII of the Charter.<sup>40</sup>

Ambassador Goldberg asserted: "We were guided throughout by certain axioms of negotiation, axioms which stemmed in part from the unanimous view that the Council should act under Chapter VI of the Charter."<sup>41</sup>

It is, therefore, evident that the Resolution is not legally binding on the disputants. Nevertheless, it has been argued by the Soviets that the Resolution is based on Articles 39 and 40 of Chapter VII, and is therefore binding. This argument has been effectively demolished, however.<sup>42</sup>

The acceptance of the Resolution by the disputants, therefore, turned on their own interpretation of it, either as a whole or of its separate parts. As a result, it has,

before and since its adoption, been enveloped in a semantic fog and a swarm of differing and contradictory interpretations and arguments, not only with respect to its content but also the procedures to be followed in implementing it. Nothing less was to be expected, given the deliberate ambiguities which were written into it.

It was also apparent that in their weakened condition, the Arabs would not be able to enforce their demand for the swift restoration of the status quo ante. The prospect for obtaining sufficient support within the United Nations toward this end likewise seemed dim. The Soviets, despite frequent veiled threats against Israel and her supporters, urged moderation upon their Arab clients. A temporary shift did occur in the Arab position. For a time they departed from their firm demand for the unconditional restoration of the status quo ante, and agreed to U.N. mediation towards a definitive settlement. They continued to refuse to negotiate directly with the Israelis, however, but agreed to cooperate with the United Nations, in the form of the Jarring Mission, to seek terms of settlement in accordance with Resolution 242. With Jarring's failure, the Arabs and Soviets resumed their former positions, a situation which led to the Yom Kippur War of October 1973.

It is interesting to note that the process of attitude

change which occurred as a result of the interaction among the different groupings at the U.N.: disputants, superpowers, and Third World countries.

With respect to its content, there was a sharp division of opinion over the relationship of suggested terms of settlement to the principles of the Charter, including (a) the termination of claims to belligerency, (b) the acquisition of territory by force, (c) the self-determination of peoples, and (3) regard for fundamental human rights.

Procedural disputes broke out over the willingness of the disputants to take the initiative in making concessions, and their willingness to negotiate face-to-face without preconditions on all the principal issues in dispute, leading toward a legally binding settlement.

Dissension arose also over the intent of the Resolution, and whether or not it was to be accepted as a "package." Israel viewed the Resolution as a framework or set of guidelines for seeking terms of settlement, whereas the Arabs considered it as the embodiment of the terms of settlement. On this basis, Israel rejected any unilateral action on her part prior to negotiations and the signing of a peace treaty with each of her Arab opponents. This attitude was consistent with her view that the Resolution

is recommendatory in nature. Were it legally binding, the Security Council would have ordered the disputants to accept its "principles" and "necessities," and would not have found it necessary to employ the services of a Special Representative to assist them to reach a mutually acceptable agreement. Because it is not self-executing, it must be accepted as a set of recommendations or frame of reference to be used by the Special Representative. This was Israel's position, later confirmed to the Security Council. <sup>43</sup>

The Arabs have claimed that the Resolution was not intended to be interpreted as a whole. Rather, each of its provisions, in their view, was intended as a specific demand to be executed by the disputants in the order in which they appear without regard to its overall purpose. Consequently, Israel was obliged to withdraw her forces first "from territories occupied in the recent conflict." This view is contradictory to the statement made by Lord Caradon, its author, before the vote on its adoption in which he asserted:

the draft resolution is a balanced whole. To add to it or detract from it would destroy the balance and also destroy the wide measure of agreement we have achieved together. It must be considered as a whole as it stands. I suggest that we have reached the stage when most, if not all, of us want the draft resolution, the whole draft resolution and nothing but the draft resolution. <sup>44</sup>

The most intense dispute arose over the meaning of the preamble and the two principles cited in the Resolution,

namely, Israeli withdrawal and the termination of Arab belligerency against her. The preambular phrase stressing the "inadmissibility of the acquisition of territory by war" stirred questions about the intent of the Security Council. Did the Council mean by it that Israel had illegally occupied the territories? The answer to this question may be arrived at by consideration of the circumstances which led to the occupation of the territories, the nature of the occupation, and the rights of the Arabs to the land in dispute.

Before entering into an examination of the circumstances under which Israel was led to the occupation of the Sinai Peninsula, the Golan Heights, the West Bank, and the Gaza, it should be pointed out that Article 2, paragraph 4 of the Charter of the United Nations provides that

All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any manner inconsistent with the Purposes of the United Nations.

This provision embodies the principle laid down by the Kellogg-Briand Pact of 1928, which attempted to outlaw war and was later incorporated in the Lima Declaration on Non-Recognition of the Acquisition of Territory by Force (1938) and the Charter of the Organization of American States (1948). The acquisition of territory by conquest is defined as

the taking of possession of territory of an enemy state by force; it becomes a mode of acquisition of territory--and hence of transfer of sovereignty--only if the conquered territory is effectively reduced to possession and annexed by the conquering state.<sup>45</sup>

The applicability of this principle to the Arab-Israeli conflict lies in the fact that Israel is a widely-recognized member of the United Nations, and that it has been the object of armed attack and economic boycott by the Arabs (contrary to the precepts contained in the United Nations Charter) from 1948 to just prior to the outbreak of the Six-Day War (and since). Arab actions include the blockade of the Straits of Tiran by Egypt, bombardment from the Golan Heights by Syria, numerous terrorist guerrilla attacks staged in both Jordan and Syria, among others. These acts, as Julius Stone has noted,<sup>46</sup> fall within the definition of aggression long championed by the Soviet Union itself, and were sufficiently damaging to the people and substance of Israel to provoke her by invoking Article 51 of the Charter, to act in lawful self-defense. She occupied the territories in an effort to protect herself against threatening adversaries. In doing so, she acted in accordance with the General Assembly's "Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Between States" of October 24, 1970, which upheld the legality of military occupation.

Although some Israeli leaders have advocated and do advocate annexation of some of the territories, notably in the euphoria of victory,<sup>47</sup> it has not been the official policy of the government. That policy was enunciated by Abba Eban in his nine-point peace plan submitted to the General Assembly on October 10, 1968, as follows:

Within the framework of peace, Israel would be willing to replace the cease-fire lines by permanent, secure and recognized boundaries with each of the neighboring Arab states, and to carry out the disposition of forces in full accord with the boundaries agreed upon under the final peace. By this means, the central purpose of the Security Council Resolution of 1967 would be fulfilled.<sup>48</sup>

In its adherence to this policy, Israel has not annexed any of the occupied territories (or administered territories, as they are referred to in Israel) pending final settlement. The Security Council, significantly, accepted the phrase "inadmissibility of the acquisition of territory by war," but rejected the formulation which appeared in the draft submitted by India, Mali, and Nigeria denouncing the "occupation or acquisition of territory by military conquest" (emphasis added).

The Arabs and their supporters have, nevertheless, argued that Israel's occupation is in effect an armed attack on them justifying their continued use of armed force until their territories are relinquished.<sup>49</sup> Ambassador Goldberg

(among others) have countered by noting:

It is . . . strange that the concept of the inadmissibility of acquisition of territories by war is insisted and relied upon by the Arab states and the Soviet Union. The Arab states acquired territory as a consequence of the 1948 war, contrary to the U.N. Partition Resolution. The Israelis also acquired additional territory in the aftermath of this war, which they justify on the basis that they were willing to abide by the partition lines but were forced to war and acquired territory as a result of the attack upon them by the Arab states. 50

Article 1 of the Resolution couples the principles of Israeli withdrawal and the termination of Arab belligerence as two preconditions for a "just and lasting peace." Differences over the interpretation of the phrase dealing with Israeli withdrawal were based on discrepancies between the English and French texts of the Resolution. In 1967, these were the only working languages of the Council. The English text states "withdrawal of Israeli armed forces from territories occupied in the recent conflict," while the French version speaks of "retrait des forces armées Israéliennes des territoires occupés lors du récent conflit." The French text is closer to both the India-Mali-Nigeria and the Soviet drafts, neither of which were voted upon.

In appraising the Council's intent with respect to Israeli withdrawal, it should be borne in mind first that the original draft upon which it voted was in English. Second, it is interesting to compare Lord Caradon's text

with the wording of those which the Council rejected,  
as follows (emphasis added):

The Security Council...demands that Israel should immediately and unconditionally remove all its troops from the territory of these states and withdraw them behind the armistice lines...<sup>51</sup>

Israel's armed forces should withdraw from all the territories occupied as a result of the recent conflict.<sup>52</sup>

Withdrawal of armed forces from occupied territories...<sup>53</sup>

The parties to the conflict should immediately withdraw their forces to the positions they held before 5 June 1967.<sup>54</sup>

By rejecting the latter versions, the Council was evidently deliberate in refusing to prescribe the terms of settlement of the territorial dispute, preferring instead to leave the terms of that settlement to future negotiations between the disputants. This was, apparently, Abba Eban's own view when he said: "For us, the resolution says what it says. It does not say that which it has specifically and consciously avoided saying."<sup>55</sup>

George Ignatieff, the Canadian representative, concurred having stated: "If our aim is to bring about a settlement or a political solution, there must be withdrawal to secure and recognized borders."<sup>56</sup>

On the other hand, it is equally evident that the Soviet Union and the Arabs were intent on circumscribing the

terms of settlement by insisting on precision in the phrasing of the item on withdrawal. Vasily Kuznetsov, the Soviet representative, declared: "There is certainly much leeway for different interpretations that retain for Israel the right to establish new boundaries and to withdraw its troops only as far as the lines that it judges convenient." 57

Similarly, the Syrian representative, George J. Tomeh, observed:

While there is a mention of the withdrawal of Israeli forces, this reference is almost nullified by the absence of any time limit or any *modus operandi*....Even in the very mandate entrusted to the special representative-to-be, the call for withdrawal of the Israeli occupying forces is not provided for. 58

Clearly, then, the Council intended that the "secure and recognized boundaries" to which Article 1 refers must first be established via negotiations before withdrawal can take place. Thereafter, according to Article 2 (c), "demilitarized zones" would be created to safeguard the new borders. This is probably the temporal sequence which the framers of the Resolution envisioned in its implementation. Since Israel's borders as established by the U.N. Partition Resolution were nullified by the war of 1948, she has never had permanent borders recognized by her Arab neighbors behind which her people could feel secure. Resolution 242 presented an opportunity for such borders to be drawn up by those states

directly involved. As Ambassador Goldberg stated during the Council debate:

Now such boundaries have yet to be agreed upon and agreement on that point is an absolute essential to a just and lasting peace, just as withdrawal is. Secure boundaries cannot be determined by force, they cannot be determined by unilateral action of any of the states, and they cannot be imposed from the outside. For history shows that imposed boundaries are not secure and that secure boundaries must be mutually worked out and recognized by the parties themselves, as part of the peacemaking process.<sup>59</sup>

By linking Israeli withdrawal with the cessation of Arab belligerency, the Council was therefore making recognition of Arab defiance of Article 2 of the Charter vis-a-vis Israel and invoking the most basic principle of the United Nations as expressed in the different paragraphs of that Article. Specifically, paragraph 1 asserts the "sovereign equality" of all member states; paragraphs 3 and 4 enjoin member states from employing armed force in the resolution of international disputes.

The Resolution goes even further: It provides for "acknowledgement of the sovereignty, territorial integrity and political independence of every state in the area." "Acknowledgement" is an explicit act. Under the terms of this principle, it is clear that such acknowledgement is to be part and parcel of peace.

Moreover, the Resolution prescribes respect for and

acknowledgement of the right of every state in the area to live in peace. This right is accorded by the Resolution the same force as the right to sovereignty, territorial integrity, and political independence. It is, thus, recognized as an essential element of the basic right of existence.

The right is further qualified by the words "within secure and recognized boundaries." While it is obvious that withdrawal under the Resolution can take place only to secure and recognized boundaries, it is equally obvious from the text that withdrawal is dependent not only on the determination of such boundaries but on the establishment of peace as a whole.

In the Arab view, however, the doctrine of the "inadmissibility of the acquisition of territory by war" combined with the fact that they have signed only Armistice Agreements and not a permanent peace treaty with Israel leaves them in a state-of-war with Israel, and provides sufficient justification for continued armed attack on her. It is interesting to note that the Arabs have excluded themselves from the applicability of this doctrine to the lands seized by Egypt and Jordan during the war of 1948.

#### Principles

Article 3 of the Resolution provides for a Special Representative to the Middle East to be appointed by the

Secretary-General in order that he "promote agreement and assist efforts to achieve a peaceful and accepted settlement." As noted earlier, the United Nations had tried twice before--in connection with the 1948 war and again with the Conciliation Commission for Palestine--and both of these efforts were initiated by the General Assembly. Count Folke Bernadotte was appointed United Nations' mediator representing both the Security Council and the assembly in 1948 as an active negotiator empowered to make suggestions and submit proposals. The Conciliation Commission consisted of "three states members of the United Nations," to replace the mediator.<sup>60</sup>

By contrast, the Special Representative was an agent of the Secretary-General, not of the Security Council, and was empowered only to use his good offices to bring the disputants together in other ways to promote negotiations between them toward a final settlement agreeable and acceptable to all concerned. His purpose, therefore, was to promote agreement between the parties, and not to work out an agreement. He was not to be a party to the agreement. He was to assist efforts by the states themselves to achieve a peaceful and accepted settlement.

The phrase "assist efforts" would have been more precise had they read "assist their efforts" or "assist them." However, had the Resolution intended any meaning

other than the above, the inclusion of the term "efforts" would have been superfluous. "Assists efforts" aims at defining the character and purpose of the contacts "with the states concerned."

The facts that it is the Secretary-General who designates the Special Representative and that it is the Secretary-General who reports to the Security Council emphasized that the handling of the Arab-Israeli conflict was to enter upon a new phase in which the Council aimed to relieve itself of further action on the conflict. It was to be the states themselves who were to take the initiative with the assistance of the Special Representative. If this, indeed, was the purpose of the Council, it was bound to be frustrated, as we will discover in the following chapter.

Given the basic differences between the parties and the continued lack of progress towards settlement, the meaning of their acceptance of the Resolution remains unclear. On the other hand, none of the parties has repudiated it. It remains the only basis for settlement, and was reiterated by the Council in its Resolution 338 following the Yom Kippur War of 1973.

It appears reasonable to surmise, therefore, that although the provisions of the Resolution were, as we have seen, themselves unacceptable in that they were individually

the subject of great controversy. The presentation of the Resolution offered a welcome opportunity for both a breathing spell as well as for a new beginning to the disputants and the superpowers.

For the Israelis, whose official policy was based on the bedrock of deep distrust of the Arabs and the United Nations may be symbolized by the popular slogan that a square mile of territory is worth more than a a thousand pages of Arab assurances, acceptance of the Resolution did not signify an immediate change in the status quo.

The Arabs found the Resolution acceptable as a face-saving measure, in that it contained phrases regarding Israeli withdrawal and the inadmissibility of territory acquired by force, which were favorable to their view. It was the best that they could expect until such time when, in their estimation, they could once again try by military means to extract better terms (See Chapter Three).

The superpowers were content with the Resolution, because it permitted them to continue to support their respective policies and clients, and consequently, to remain polarized, without risking military confrontation.

Finally, the Security Council was satisfied that it had arrived at an optimum solution in the Resolution, and gratified that it could rest from its labors with respect

to the Middle East while the disputants themselves wrestled with differences between them. That the Council was guilty of optimism on this score would become clear as the Special Representative undertook to bring the parties together.

#### Issues

Of the five substantive issues of the Arab-Israeli conflict, the Resolution dealt, either explicitly or implicitly, with four. Two--the termination of the state of belligerency (or recognition of Israel by the Arabs) and the question of Israel's boundaries (including demilitarized zones)--have been dealt with in the foregoing section. Three others: (a) Israel's navigation rights, (b) the refugee problem, and (c) the future status of Jerusalem (which was explicitly omitted from the Resolution) will be examined here.

It was not to be expected that in the absence of agreement with respect to the principles cited in the Resolution, that progress would be made in meeting the necessary conditions for peace which it specified.

Israel's navigation rights. Paragraph 2(a) of the Resolution concerning "freedom of navigation through international waterways in the area" took cognizance of numerous acts by Egypt restricting the movement of Israeli shipping

and other Israel-bound ships in the Suez Canal, the Straits of Tiran and the Gulf of Aqaba since 1948, and was one of the immediate causes of the Six-Day War. Any mutually agreeable and acceptable settlement would, of necessity, put an end to all forms of economic warfare. Blockade of shipping was particularly irksome to Israel.

As with all matters--substantive and procedural--which involve the protagonists in this conflict, this one turned on conflicting interpretations of international law as expressed in several documents.

The oldest of the documents is the Constantinople Convention of 1888,<sup>61</sup> which established rules governing the use of the Suez Canal. Article I of this document states unequivocally,

The Suez Maritime Canal shall always be free and open, in time of war as in time of peace, to every vessel of commerce or of war, without distinction of flag. The Canal shall never be subject to the exercise of the right of blockade.

Further, in Article IX, it charges the Egyptian government with the responsibility "for enforcing the execution" of the treaty.

Israel has contended, therefore, that Egypt has repeatedly violated this treaty; that particularly since 1956, when Egypt nationalized the Canal, it has acted in accordance with the principle of territorial sovereignty with

respect to Israel and capriciously and arbitrarily ignored the principle of internationally upheld by the treaty

Egypt has justified its actions by (a) pointing to the fact that Israel was not signatory to the Constantinople Convention, and therefore could not claim any rights under it, and (b) that, in the state of war, which it asserted existed between Israel and Egypt, she had the right to act in self defense and in defense of the Canal.

The speciousness of the Egyptian contentions will readily be granted in view of the sweeping nature of Article I of the Convention and the illegality of the maintenance of a state of belligerency between or among member states of the United Nations.

The second document pertinent to this dispute is the Geneva Convention on the Territorial Sea and the Contiguous Zone of 1958, Article 4 of which provides:

There will be no suspension of the innocent passage of foreign ships through Straits which are used for international navigation between one part of the high seas and another part of the high seas or the territorial sea of a foreign state.

Egypt has not ratified this convention. Nevertheless, it has claimed that the Straits of Tiran, which guard the Gulf of Aqaba, are territorial waters, passage through which can be granted only in time of peace. Since she is at war with Israel, this is patently impossible. Furthermore,

Israel has no riparian rights to the Gulf having occupied the city of Elath illegally in March 1949, in violation of the Armistice of February 1949.

Israel has argued that her presence in Elath is legal, based on the fact that it was established prior to the Armistice Agreement with Jordan in April 1949, which conceded the city to Israel, and has been widely recognized by the international community. Furthermore, the Gulf falls into the category of waterways described in Article 4 of the Geneva Convention, being a natural outlet to the "high seas."

A third document is the Security Council Resolution 95 of 1 September 1951,<sup>62</sup> which admonished Egypt to desist from "interfering with the passage through the Suez Canal of goods destined for Israel," and to comply with the terms of her Armistice Agreement with Israel of February 1949. According to Israel, that agreement not only suspended hostilities, but terminated the state of belligerency, and therefore Egypt's activities restricting Israeli shipping were in contravention of the Armistice terms. In Egypt's view, of course, the state of belligerency had never been terminated, and could be terminated only upon the signing of a peace treaty.

Finally, of course, there is the Armistice itself, which Israel signed with Egypt which pledged both parties to

cease all acts of hostility, and was expected, by Israel at any rate, to lead to a peace treaty soon thereafter.

It was the Danish Prime Minister, Jens Otto Krog, who introduced the issue of maritime freedom during the discussions of the Fifth Emergency Special Session of the General Assembly. He was seconded by the British Foreign Secretary, George Brown. The phrase "Freedom of innocent maritime passage" appeared in the draft resolution offered by the United States,<sup>63</sup> following President Johnson's recommendations of 19 June. Another version appeared in the Latin-American draft resolution of 30 June, which read "Guarantee freedom of transit on the international waterways in the region." Interestingly, the issue was ignored in the draft resolutions submitted by the Soviet-Arab blocs except for that prepared by India, Mali, and Nigeria, and submitted to the Security Council in November. It affirmed "There should be guarantee of freedom of navigation in accordance with international law through international waterways in the area" (emphasis added). When it was pointed out that the phrase "in accordance with international law" introduced a degree of ambiguity, it was willingly dropped by the authors.

The draft resolution submitted to the Council on 7 November by the United States contained the phrase as it appeared in Resolution 242. In commenting on it, Ambassador

Goldberg declared that

the needs of the international community and of all nations to free access to international waterways, and the needs of peace in the Middle East, are not in conflict: they are inseparable from each other; they must be attended to together.<sup>64</sup>

In the course of the debate in the Council, there was never any doubt that the term "international waterways" applied to the Straits of Tiran and the Suez Canal. Ambassador Goldberg made this perfectly clear in the statement cited above. The Israel Minister for Foreign Affairs emphasized in his speech before the Council on 22 November that what is essential is "free navigation for all shipping, including that of Israel, in all the waterways leading to and from the Red Sea."<sup>65</sup>

The refugees. The two major issues of the Arab-Israeli conflict have been and continue to be, the land occupied by Israel and the fate of the Arabs who left the land which now comprises Israel--either voluntarily out of fear or on the advice of their leaders, as Israel claims--(a situation about which there is conflicting evidence), or because they were forced to do so by the Israelis, as the Arabs claim. From the point of view of the displaced Arabs, their struggle is irredentist in nature, a struggle for national liberation. Their aspirations are to retrieve their former lands and possessions, and they have, via the Palestine

Liberation Organization (PLO), turned to the Arab states for assistance toward this goal. These states have in turn, according to Israel, eagerly exploited their plight for selfish reasons, thereby greatly increasing the complexity and difficulty of the Arab-Israeli problem, rendering solution less probable. One widely respected observer has commented:

It seems not impossible that the Arab States will be persuaded to make a declaration of non-belligerence and the Israelis to withdraw from the conquered lands. Even so, the basic dilemma of Israeli policy remains. The Palestinian Arabs are the estranged neighbours with whom Israel must be reconciled...<sup>66</sup>

In pressing this case, the Arabs have invoked several international covenants, agreements, and declarations. One is the American Declaration of the Rights and Duties of Man adopted in 1948. Article VII of this document states:

Every person has the right to fix his residence within the territory of the state which he is a national, to move about freely within such territory, and not to leave it except by his own will.<sup>67</sup>

Another is the Universal Declaration of Human Rights, Article 13 of which asserts that everyone has "the right to freedom of movement and residence in any state" and the "right to leave any country including his own, and to return."<sup>68</sup>

A third document, the International Covenant on Civil and Political Rights of 1966, provides for similar rights if they do not conflict with "national security, public order,

public health or morals, or the rights or freedom of others."<sup>69</sup>

They have also referred to Article V of President Wilson's Fourteen Points,<sup>70</sup> the Atlantic Charter,<sup>71</sup> and various articles of the United Nations Charter in addition to a host of resolutions adopted by the General Assembly since 1948. In the Arab view, these documents attest to the right of the refugees to choose for themselves between repatriation or compensation by Israel for lands and possessions of which they were deprived.

The chief instrument fashioned by the Arab states to implement their claims is the Palestine Liberation Organization, itself a coalition of militant Palestinian groups. It was founded in 1964 by the Arab League as a result of decisions taken at the Arab Summit Conference of December 1963, in Algiers, to represent the "Palestine nation." Its purposes are stated in the Palestinian National Charter,<sup>72</sup> adopted in 1968, by the National Congress of the PLO. Article 9 of the Charter states:

Armed struggle is the only way to liberate Palestine and is therefore a strategy and not a tactic. The Palestinian Arab people affirms its absolute resolution and abiding determination to pursue the armed struggle and to march forward toward the armed popular resolution, to liberate its homeland and return to it...

The nature of the armed struggle is described in Article 10 as follows:

Commando (terrorist) action constitutes the nucleus of the Palestinian popular liberation war. This requires its escalation, comprehensiveness, and the mobilization of all the Palestinian popular and educational efforts and their organization and involvement in the armed Palestinian revolution. It also requires the achieving of unity for the national struggle among the different groupings of the Palestinian people, and between the Palestinian people and the Arab masses, so as to secure the continuation of the revolution, its escalation, and victory.<sup>73</sup>

The composition of the Palestinian people is defined in Articles 5 and 6, respectively:

The Palestinians are the Arab citizens who were living permanently in Palestine until 1947....Whoever is born to a Palestinian father after this date within Palestine or outside it, is a Palestinian.

Jews who were living in Palestine until the beginning of the Zionist invasion will be considered Palestinians.

Having taken this uncompromising stand, the PLO rejected Resolution 242, and has, in addition, exerted its influence on other Arab states in order to inhibit their cooperation with respect to any efforts to seek political settlement. Each of the Arab states is represented by one or another of the groups comprising the PLO, and in their turn, attempt to influence it in accordance with their own domestic politics. Consequently, the PLO has become, in microcosm, an arena in which the divisions between and among these states are contested.

Israel's position,<sup>74</sup> briefly, has been that the status of the refugees (as other matters of substance) is part of a

total settlement; that it was not responsible for the mass exodus of Arabs during the 1948 war; that the Arabs have deliberately refused to help alleviate the problem in order to be able to exploit it; that, while it is willing to permit some refugees to return (assuming they would be willing to live in peace), it favors the resettlement of the majority of the refugees within the Arab world; and that it would cooperate with other nations in providing compensation for refugees not willing to return.

In 1949, Israel offered to take back 100,000 refugees, and resettle them "in areas where they would not come into contact with possible enemies of Israel," but the offer was rejected by the Arabs. By means of an agreement between Israel and Jordan, negotiated by the International Red Cross in 1967, 50,000 of the refugees displaced by the Six-Day War were allowed to return to the West Bank. Israel had also released £2,790,000 of Palestine refugees' bank accounts by 30 June 1960,<sup>75</sup> and by admitting 20,658 by 31 August 1967.<sup>76</sup>

Estimates of the number of refugees vary with the sources, but according to official United Nations data,<sup>77</sup> there were 1,540,694 registered refugees. The report warns (p.72) that this figure may be inaccurate in that it does "not necessarily reflect the actual refugee population owing

to factors such as unreported deaths, false registrations or undetected absences from the area of UNRWA sections." Of these, 457,300 were officially registered in permanent camps, 49,000 in Israel. The remainder have settled in other parts of the Middle East or elsewhere.

The United Nations does not assess its members for funds to support the refugees in camps. It is, therefore, interesting to note that seventy percent of these funds have been volunteered by the United States alone.<sup>78</sup>

Israel's claim that the Arabs have deliberately refused their cooperation in improving the living conditions of the refugees or assisting them in other ways in order to keep this issue alive is borne out by their rejection of all proposals made by UNRWA and the Conciliation Commission for Palestine.<sup>79</sup> It has even been reported that "Individuals living in Arab states face the threat of death by the Palestinian organizations if they attempt to settle their claims (with Israel)."<sup>80</sup>

The United Nations first became involved with the refugee problem in November 1948, when it created the United Nations Relief for Palestine Refugees (UNRPR), which in December 1949, gave way to the U.N. Relief and Works Agency (UNRWA) by means of Assembly Resolution 302 (IV) (1949). Before that, on 11 December 1948, the Assembly created the

Conciliation Commission for Palestine by its Resolution 194 (III) (1948) for the purpose of settling the Arab-Israeli conflict. Article 11 of that resolution, which states that

refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable dates, and that compensation should be paid for the property of those choosing not to return, and for loss of or damage to property which, under principles of international law or in equity, should be made good by the governments or authorities responsible"

has been the basis of many other Assembly resolutions, and also has been invoked by the Arabs in accusation of Israel, despite the fact that they voted against it.

After the Six-Day War, the Security Council passed Resolution 237, 14 June 1967, in which it called upon Israel

to ensure the safety, welfare and security of the inhabitants of the areas where military operations have taken place and to facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities.

Resolution 242 states simply the necessity "for achieving a just settlement of the refugee problem," avoiding specific recommendations. By avoiding reference to past resolutions, it apparently hoped to establish the basis for new imaginative and constructive thinking on how the question could be solved.

Jerusalem

Although Jerusalem is not present, by name, in Resolution 242, the question of its status hovers in several

places in the text. It has been one of the most formidable issues dividing Arabs and Jews for decades before the partition of Palestine.<sup>81</sup> At the core of the dispute is the control of Jerusalem and its Holy Places. The growing rivalry between the Jews and the Arabs before Partition and between Israel and Jordan thereafter for control of the city was among the factors which led Great Britain to surrender its mandate on Palestine.

Jerusalem has for centuries been a religious symbol of unrivalled importance to the Jews. It is also the locus of many shrines and sites of religious significance to Jews, Muslims, and Christians. Because of its religious interest, Jerusalem is an active center of tourism, and a prime source of foreign exchange. Sovereignty over Jerusalem and its Holy Places has, therefore, been contested for decades before the British surrendered their mandate over Palestine. Since 1947 and the U.N. partition of Palestine, its status became deeply enmeshed with the other issues of the Middle East conflict. The U.N. (and the League of Nations before it) were in favor of territorial internationalization or sovereignty to be exercised by an international body such as the U.N. Israel--and for a time, Jordan too--opposed this. Israel favored control over the Holy Places only by an international organization in functional internationalization.

The Partition Resolution, which was adopted by the General Assembly, provided for the control of Jerusalem as a corpus separatum by the United Nations through its Trusteeship Council. The Arabs were displeased, but Israel accepted this plan as the price for national independence. However, the Arab attack on Jerusalem, which occurred after the British troops were withdrawn in May 1948, resulted in the disruption of the plan and the appointment of Count Bernadotte by the United Nations to mediate a settlement. The control of Jerusalem was divided by the Armistice Agreement of April 1949, between Israel and Jordan--Israel incorporating the western or Jewish portion and Jordan the Old City or eastern portion. Count Bernadotte recommended in September 1948, that sovereignty over Jerusalem be turned over to Jordan. This was rejected by Israel.

Following this rejection, he revised his recommendation in favor of U.N. control with local autonomy for the Arab and Jewish quarters. Both Israel and Jordan were opposed to this plan, and it was shelved. The General Assembly, acting on his suggestion, created the Conciliation Commission for Palestine by Resolution 194 (III) of 11 December 1948, for the purpose of promoting a settlement. It, by means of this resolution, provided again that sovereignty over Jerusalem was to be vested permanently in the United

Nations with local autonomy for each group. The Israelis were determined to retain control over western Jerusalem, which they had wrested from Jordan in the recent war and which they were determined would become their capital, while the Arabs (except for Jordan), who earlier opposed territorial internationalization, reversed their position and now favored it.

Jerusalem was proclaimed Israel's capital in 1950, a status which gradually won recognition from many powers, despite the commitment of the U.N. to internationalization. The city remained divided for seventeen years until Israel captured the eastern sector, and it was reunified with the western sector in June 1967.<sup>82</sup>

Thus far, we have considered the Israeli-Arab aspect of the dispute over Jerusalem, but it should be noted that the Vatican was also concerned and deeply involved in determining its fate, chiefly by means of influencing the vote of Catholic members of the U.N., e.g., France, Latin-American countries, et al., in favor of territorial internationalization.

In addition, the superpowers were variously engaged in the struggle. The United States, like the U.N., has consistently opposed unilateral decisions by Israel, and has so voted in the United Nations; the Soviets, in their eagerness to see the British permanently ousted from the Middle

East, initially favored the Israeli position, but as she underwent a fundamental change of policy in the mid-Fifties, her championing of the Arab cause extended to Jerusalem.

Only two resolutions relating specifically to Jerusalem resulted from the United Nations debates following the Six-Day War. Both were proffered by Pakistan during the Fifth Emergency Special Session of the General Assembly. The first, Resolution 2253 (ES-V) 4 July 1967, called upon Israel to "rescind all measures already taken and to desist forthwith from taking any action which would alter the status of Jerusalem," was adopted by a vote of 99-0, with 20 abstentions.

Israel has denied that she has officially annexed the Old City or Arab portion of Jerusalem,<sup>83</sup> but her critics did not relent. Ten days later, the Assembly adopted Resolution 2254 (ES-V),<sup>84</sup> which criticized Israel for not complying with the previous resolution. The vote in the second instance was also 90-0, with 18 abstentions.

Thereafter, the United Nations, for several years, passed resolutions censuring Israel and calling on her "to rescind" and "to desist,"<sup>85</sup> but no other decisions have been made.

## NOTES TO CHAPTER II

1. S/7951/Rev. 2, June 13, 1967.
2. S/7952/Rev. 2, June 9, 1967.
3. For a lucid description of the proceedings of the Security Council and the General Assembly prior to, during and following the Six-Day War, see Lall, Arthur. The U.N. and the Middle East Crisis, 1967. (N.Y.: Columbia Press, 1968).
4. A/L. 519, June 19, 1967.
5. A/L. 520, June 20, 1967.
6. A/L. 521, June 26, 1967.
7. A/L. 522, Rev. 3, July 3, 1967.
8. A/L. 523, June 30, 1967.
9. A/L. 527. Rev. 1 and A/L. 526, both of July 1, 1967.
10. Lall, Arthur, Op Cit., p. 125.
11. A/PV. 1527.
12. First submitted on June 22, 1967, and revised three times on June 30, July 1, and July 3.
13. A/PV. 1529, p. 51.
14. See also the following Assembly documents: A/V. 1526, June 19, 1967, pp. 26, 37, 38, 46, 48, 56, 58, 68-70, 61, 62; A/PV. 1527, June 20, 1967, p. 26, p. 31, pp. 32-35, p. 36.
15. A/PV. 1526.
16. A/PV. 1530, p. 76.
17. A/PV. 1529, p. 37.
18. A/PV. 1531, pp. 41-42.
19. A/PV. 1540, June 28, 1967, pp. 6-7.
20. Ibid.
21. Ibid., p. 29.

22. On July 4, votes were taken on the non-aligned, Soviet and Latin American resolutions. The vote on the non-aligned draft resolution was 53-46-20, a majority but not 2/3 required. Soviet proposal was voted upon by separate operative paragraphs: (1) relative to condemnation failed by 57-36-23; (2) which urged immediate and unconditional withdrawal was rejected 48-45-22; (3) concerning restitution by Israel was turned down by a vote of 54-34-28; and operative paragraph (4) which appealed for continued use of the Security Council to eliminate the consequence of Israeli aggression was voted down by 54-36-26. No vote was taken on the draft in its entirety. The Latin American draft resolution failed to get the necessary 2/3 majority by a margin of 57-43-20. The Albanian draft resolution which was more severe than the Soviet draft resolution in its insistence on condemning Israel failed by a vote of 22-71-27. A Cuban amendment to the non-aligned draft which called for the condemnation of Israeli aggression and its principal instigator, the imperialist government of the United States of America against the Arab states and immediate withdrawal of 20-78-22. Finally, an Albanian amendment to the draft introduced by Yugoslavia which urged the strong condemnation of Israeli aggression was defeated by a margin of 30-66-20. Year Book of the United Nations, 1967. (United Nations, New York: Office of Public Information, 1969), pages 209; 220-221.
23. Rafael, Gideon. "U.N. Resolution 242: A Common Denominator," New Middle East, June 1973, pp. 28-29.
24. Dept. of State, Bulletin, LVII, No. 1470 (Aug. 18, 1967).
25. A/Res/2256 (ES-V), July 21, 1967.
26. S.C. document S/8227.
27. S.C. document S/8229.
28. S.C. document S/8247.
29. S.C. document S/8253.

30. Rafael, Gideon, Op Cit., pp. 30-31.
31. S/PV. 1377, p. 37, 15/11/67.
32. Rafael, Op Cit., p. 31.
33. S/PV. 1382, p. 51.
34. Ibid., p. 28.
35. Ibid.
36. Ibid., p. 76.
37. Ibid., p. 69.
38. Radio Cairo 23 November 1967.
39. S/PV. 1379, p. 6.
40. S/PV. 1373, p. 12.
41. S/PV. 1377, p. 33.
42. See Shapiro, Amos. "The Security Council Resolution of November 22, 1967--its legal nature and implications," Israel Law Review 4:229-41, 1969; Stone, Julius. "The November Resolution and Middle East Peace: Pitfall or Guidepost," University of Toledo Law Review, 1970. pp. and Lapidoth, Ruth. "U.N. Resolution 242," The Wiener Library Bulletin. XXVII 1/2, pp. 2-8.
43. S/PV. 1418, pp. 68-70 (1968).
44. S/PV. 1382, p. 31, 22/11/67.
45. Hackworth, G.L. Digest of International Law, v. 1, p. 427.
46. Stone, Julius, Op Cot., p.

47. "The frontiers of 4 June are dead, and we shall never go back in reverse to the previous situation." Moshe Carmel, Minister of Development and Tourism, quoted in Davar 26/11/67. "We must take measures to establish ourselves on a long term, lest we be regarded in the areas we hold as a temporary and ephemeral element; it must be apparent that we intend to stay in these areas." Israel Galili, Information Minister, quoted in Davar, 6/12/67.
- "Our right to the Land of Israel and to national security is undeniable. For this reason, Israeli control over all territories that the enemy used as bases for aggression must be maintained.
- "If the final decision were up to Gahal, it would await all territories occupied during the Six-Day War, and the entire Sinai peninsula, in particular, for ever." Menahem Begin, Minister without Portfolio, quoted in Davar, 8/1/69.
48. GADR A/PV. 1686, 1567.
49. See e.g., Bassiouni, "Some Legal Aspects of the Arab-Israeli Conflict," The Arab World, 14 (Special issue on the Arab-Israeli Confrontation of June 1967).
50. Goldberg, A. "Withdrawal Needn't Be Total; An Interpretation of Resolution 242," Washington Star-News 9/12/73. If the Arab claims to territories they gained in 1948 are valid, Israel's are equally so.

51. Soviet draft resolution (S/PV. 1358, 13 June 1967).
52. Draft resolution submitted by India, Mali, Nigeria (S/8227, 7 November 1967).
53. U.S. draft resolution (S/8229, 7 November 1967).
54. Soviet draft resolution (S/8253, 22 November 1967).
55. S/PV. 1382.
56. S/PV. 1373.
57. S/PV. 1373.
58. S/PV. 1382.
59. S/PV. 1377, p. 38.
60. G. A. Resolution 194 (III), 11 December 1948.
61. Convention Respecting the Free Navigation of the Suez Maritime Canal, Constantinople, 29 October 1888 in Staff of the Senate Committee on Foreign Relations. A Select Chronology and Background Documents..., 2nd rev. ed. (Wash.)
62. S/2322.
63. A/L. 520. June 20, 1967.
64. S/PV. 1377, p. 41.
65. S/PV. 1382, p. 46
66. Hourani, Albert. "Palestine and Israel," Observer (London) 3/9/67, in Lacquer, W., ed. The Israel-Arab Reader. 3rd ed. (N.Y.: Bantam Books, 1973) p. 279.
67. "American Declaration of the Rights and Duties of Man, Adopted at Bogota, Colombia, May 2, 1952," Documents on American Foreign Affairs, Vol. X, ed. by Raymond Deanett and Robert Turner. (Boston: Princeton University

- Press for the World Peace Federation, 1948), pp. 28-32.
68. A/810, 10 December 1948.
  69. A/6316, 16 December 1966.
  70. Whiteman, Marjorie M. Digest of International Law 5, (Washington, D.C.: Dept. of State Publication 7873, 1965), p. 42.
  71. Ibid., p. 44.
  72. See Lacqueur, W., ed. Op Cit., pp. 366-71.
  73. Forsythe, p. 202-203.
  74. For a concise and comprehensive statement of the refugee problem from the Israeli point of view, see Aspects of the Palestinian Problem, rev. ed. Information Briefing #209 (Jerusalem: Israel Information Centre, 1975) 39pp. Also, Eban, Abba. "The Refugee Problem" in Lacqueur, W., ed. Op Cit., pp. 151-64.
  75. A/4573, 14 November 1960.
  76. Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, 1 July 1966-30 June 1967. A/6713.
  77. Ibid., for 1972/73. A/9013. 1973.
  78. "Arab countries have made wretchedly inadequate contributions toward the financing of UNRWA... Israel's contributions have been on a higher scale than those of Arab countries--since the 1967 war Israeli services and direct contributions to UNRWA have between them totalled around \$3 million a year. The Soviet Union and Soviet bloc as a whole have contributed nothing whatever." Prittie, Terence. "The U.N. and the Palestinian Refugees," Middle East Review VII: 3/4, Spring/Summer 1975, p. 55.
  79. Ibid., pp. 55-56.
  80. "UNRWA: A Background Note," Middle East Review VII:3/4, Spring/Summer 1975, p. 51.

81. For a comprehensive history and analysis of this issue, see Boors, H. Eugene. The Jerusalem Question, 1917-1968. Hoover Policy Study No. 1 (Stanford, Calif.: Hoover Institution Press, 1971) 175 pp. Also, Breacher, Michael, Decisions in Israel's Foreign Policy (London: Oxford University Press, 1974) pp. 9-55.
82. On June 27, 1967, the Israeli Knesset passed three enabling laws for the administrative reunification of Jerusalem, the most important being the Law and Administration Ordinance Law.
83. S/8052 and A/6753, 10 July 1967.
84. A/L. 528. Rev. 2, 14 July 1967.
85. S/Res. 252, 21 May 1968; S/Res. 267, 3 July 1969; S/Res. 298, 25 September 1971.

## Chapter Three

IMPLEMENTATION OF THE TERMS OF SETTLEMENT:  
THE JARRING MISSION

The procedures and policies followed by Ambassador Jarring in pursuit of his mandate, as stated in Resolution 242, are discussed and analyzed in connection with the positions taken by the disputants and the superpowers. Emphasis is placed on Jarring's efforts to arrange either direct or indirect negotiations between Israel and the Arabs, and the causes of his failure to do so.

Prompted by this failure, the superpowers attempted to achieve a common policy in favor of the resumption of the Jarring mission. This effort took the form of negotiations between the superpowers (two-power talks) and simultaneous negotiations among the United States, the Soviet Union, Great Britain, and France (four-power talks). These efforts, likewise, failed. Emphasis in this section is on the respective positions of the powers, and the reasons of their failure to cooperate.

The United States then attempted unilaterally to pressure Israel to accede to a settlement on terms perceived by Israel as being favorable to the Arabs. These efforts

took the form of the Rogers Plan and its extensions. These attempts collapsed when the Soviet Union decided to assist Egyptian forces, causing a reversal in American policy.

Finally, the reasons for these repeated failures are discussed, with emphasis on the Jarring mission and the role of the mediator, and the manner in which it was influenced by the political maneuvering and manipulation of the United Nations by the superpowers. The role of the superpowers as mediators is evaluated.

#### I. The Goals of the Jarring Mission

Promptly upon the adoption of Resolution 242, the Secretary-General responded to the request of the Security Council, as stated in the third paragraph of the Resolution, by appointing Gunnar V. Jarring as his Special Representative. Jarring, a seasoned diplomat who had served as Sweden's delegate to the United Nations from 1948 to 1964, and was then his country's ambassador to the Soviet Union, had played an important part in the peaceful resolution of the Kashmir dispute between India and Pakistan in 1957, and was, therefore, schooled in the techniques of mediation of international conflicts. His instructions were "to proceed to the Middle East" to establish and maintain contacts with the states concerned in order to promote agreement and assist

efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles of the Resolution" (S/8259 of 23 November 1967).

Despite the wide divergence in the interpretation of these "provisions and principles" discussed in the previous chapters, there was hope, in some quarters at least, that a permanent settlement was possible. Arthur Lall, formerly Indian Ambassador to the U.N., was one who was optimistic. In his opinion, Resolution 242 signified

a new level of achievement in international diplomacy in regard to the Middle East. Such an achievement generates its own momentum. There is no reason to expect that this momentum will immediately falter. There is probably available a time span of a year or two during which the new phase can be consolidated by tangible steps in the Middle East compatible with the resolution. Undoubtedly Gunnar Jarring's task will be arduous and delicate in the extreme. There will be rebuffs and retractions of position. These will not undo the chances of success as long as the Security Council remains firm in its position."<sup>1</sup>

Such optimism notwithstanding, the Jarring mission was in difficulty even during the process of birth. Although there was broad support (particularly in the West) for some kind of U.N. intervention,<sup>2</sup> there was little or no consensus on such crucial questions as the role of the Special Representative or the procedures to which he should adhere. The Resolution offered no guidance whatever. The debates leading to its adoption were similarly vague. Everyone agreed to

the goal of a "just and lasting peace," but the path to this goal was not charted.

The American draft resolution (A/L 1520, June 20, 1967) stated only that the goal was to be achieved "through negotiated arrangements with third-party assistance." It did not elaborate on the nature of the "assistance." The gap was closed to some small degree in the second American resolution (S/8229, November 7, 1967), according to which the Special Representative was to "establish and maintain contacts with the states concerned with a view to assisting them in the working out of solutions..."

The Soviet draft resolution (S/8253, November 20, 1967) was no less vague. Although it did not call for a Special Representative,<sup>3</sup> it would have had the Council deem it necessary to continue its consideration of the situation in the Middle East by "collaborating directly with the parties concerned and making use of the presence of the United Nations with a view to achieving a just solution of all aspects of the problem..."

India's Foreign Minister, M. C. Chagla, thought that the goal of the mission should be the reduction of tensions in the Middle East and the protection as well as the repatriation of the Arabs under Israeli occupation.<sup>4</sup> Accordingly, the draft resolution sponsored by India and seventeen other

Third World nations (A/L. 522, Rev. 3, July 3, 1967) while it, likewise, refrained from asking for the services of a Special Representative, did ask that the Council "consider all aspects of the situation in the Middle East and seek peaceful ways and means for the solution of all problems-- legal, political and humanitarian--through appropriate channels..."

This group later changed its position radically with the draft resolution submitted by India, Mali, and Nigeria (S/8227, November 7, 1967). The concluding paragraph of that document would have had the Secretary-General dispatch a special representative to "coordinate efforts to achieve the purposes of this resolution and to submit a report to the Council within thirty days."

Finally, the Latin-American draft (A/L, 533, June 30, 1967) would have had the Council "continue examining the situation in the Middle East with a sense of urgency, working directly with the parties..." It did not mention a Special Representative.

Given these disparate approaches to the problem of mediating the conflict, the ambiguities implicit in Resolution 242, and the diametrically opposed views of the disputants and the superpowers on every aspect of the problem, Jarring's subsequent difficulties were easily predictable. He did,

as Lall foresaw, indeed experience rebuffs, unending frustration, and ultimately, the failure which Lall thought unlikely.

## II. The Jarring Mission from Stalemate to Stalemate

The Jarring mission may be said to have undergone three phases.<sup>5</sup> The first phase encompassed the period from December 1967 to November 1968, the second, from January 1969 to April 1969, and the third, from June 1970 to November 1971. Each of these phases was marked by a distinctly different political climate, and motivated by different goals.

Initially, there appeared to have been tacit agreement among all the parties concerned, i.e., the superpowers as the disputants, that Jarring be permitted an opportunity to explore the positions of the parties and to try to bring them together, by means of persuasion, without interference or intervention from outside sources. Following his failure to achieve this, the second phase was one in which there was a sustained effort by the "big powers" to agree among themselves on ways of implementing the terms of settlement embodied in Resolution 242, which would then be imposed on the disputants. Their failure in this effort led to the third phase, in which the United States attempted, unilaterally, to forge a peace agreement. But this, too, collapsed.

We now turn from this broad outline to a detailed examination of the Jarring mission.

A. Phase I -- Persuasion

Jarring took up his duties on November 26th when he arrived at U.N. headquarters in New York. Shortly thereafter, he met with representatives of Israel, Egypt, Jordan, and Lebanon, all of whom agreed to participate in discussions under his auspices leading to an agreement on a "just and lasting peace." In order to be close to the scene of conflict, he established his own headquarters in Nicosia on the island of Cyprus.

At his first meeting with the Israeli representative, Abba Eban, he was confronted with a problem which was to dog his efforts continually, and which eventually brought about their collapse. This was the matter of procedure, namely, the manner in which the parties were to arrive at implementation of the terms of settlement. It lay at the core of the Arab-Israeli conflict. Israel, as was well known, was (and is still) in favor of face-to-face negotiations with each of her opponents;<sup>6</sup> the Arabs preferred, insisted on outright withdrawal of Israeli troops from the territories occupied by Israel and re-patriation of the Arab refugees to negotiations, but not face-to-face negotiations since this would imply their recognition of Israel.

Eban recommended, as a first step, that the Israelis and Egyptians meet to discuss the agenda for future meetings. He recommended that this agenda include the following four items:

1. Political and juridical problems. The replacement of cease-fire arrangements by peace treaties ending the state of belligerency, ending all hostile acts and threats, and embodying a permanent undertaking of mutual non-aggression.

2. Territorial and security problems. The determination of agreed territorial boundaries and security arrangements. Agreement on this measure would determine the deployment of armed forces after the cease-fire.

3. Navigation problems. Practical methods should be discussed for ensuring free navigation for all states, including Israel, in the Suez Canal and the Gulf of Aqaba when the cease-fire is replaced by peace. In the light of tragic experience, it is evident that international declarations cannot by themselves solve this problem. Concrete measures and guarantees are required.

4. Economic problems. Proposals for terminating boycott practices and instituting normal economic relations.<sup>7</sup>

In a later interview,<sup>8</sup> Eban elaborated on Israel's "methodology of establishing peace." It consisted of four stages. The first is negotiation under agreed chairmanship;

the second, agreements on "agreed and secure boundaries"; the third, contracts in which the separate agreements on "boundaries, security arrangements, deployment of forces, free passage, must be embodied in a peace treaty, on the signature of which we would pass from the state of war to a state of peace," and the fourth, implementation of the agreements. This methodology, he declared,

is absolutely compatible with general international principles and with all peacemaking precedents. It happens that it is also compatible with the Security Council Resolution....This is a model of peacemaking procedure which is impeccable on international grounds.

However, Egypt rejected all discussion prior to the withdrawal of Israeli forces to pre-Six-Day War lines. Mr. Mahmoud Riad, Egypt's Foreign Minister, insisted that this was a "basic and preliminary step to a peaceful settlement in the Middle East," and he was echoed by other Egyptian leaders, such as H. Heikal, editor of Egypt's most influential newspaper.<sup>9</sup>

Israel's proposal for a meeting with Egypt was followed on January 7, 1968, by a proposal for a similar meeting with Jordan. It was essentially the same as that with Egypt, but dealt, in addition, in greater detail with economic and refugee issues and with the special problem of the status of religious and historic sites. These matters were a reflection of the intrinsically different relationship

between the two nations. The additional clauses included the following:

Humanitarian problems: In the proposed negotiation, high priority should be given to a solution of the refugee problem with international and regional cooperation.

Religious and historic sites: Access to sites of special religious significance should be discussed. The Government of Israel clarified its views on this subject in several verbal and written communications in the United Nations.

The proposal also included the necessity for curbing the activities of the fedayeen, guerrilla groups such as El Fatah, which were headquartered in Jordan, as well as violations of the cease-fire violations which were increasing in frequency and violence.

Commenting on the importance of peace with Jordan as distinct from peace with Egypt or Syria, Eban, in the same interview, stated:

...it is not true that the Egyptian side is more "important" for us. I think the urgencies are greater here where we live. After all, what are the problems with (Egypt)? There is the desert between us, and we are firmly there until there is peace. It a strategic or security issue. But the profound human issues relate to the question how we live with the Arabs on both sides of the Jordan. The Jordan-Israel complex is absolutely decisive. Moreover, there is reason to believe that there is a kind of agreement between Cairo and Amman, giving precedence to the central sector. (Egypt's)

philosophy is that the whole conflict arises out of what they call the "Palestine problem." If that were solved, the relations between Israel and the Arabs on both sides of the Jordan would be adjusted and then we would have struck at the very heart of the problem....I have the view--I think most of the Powers have--that we will not get a settlement with (Egypt) on the problem of the Sinai, free passage and the Canal while the problem of the Palestinians and the West Bank is unsolved....There may be an internal Arab policy which gives the "Palestinian problem" priority. The most crucial thing to do, if we can, is to get a settlement here where we live.

However, Jordan, like Egypt, refused to consider discussions with Israel in the absence of prior Israeli withdrawal. These rejections were made to the accompaniment of a barrage of statements emanating from numerous Arab sources, all disparaging Jarring's efforts to promote negotiations between the parties in accordance with the Resolution as well as the Resolution itself.<sup>10</sup>

Thus, Egypt's Riad claimed that "Jarring's task is to implement the U.N. decision concerning unconditional Israeli withdrawal."<sup>11</sup> (emphasis added)

Egypt's true intentions concerning new boundaries for Israel were made clear in another article by Heikal in which he stated:

Our slanderers say that the Security Council resolution stipulates a withdrawal to secure and recognized borders. Our reply is: the resolution demands a withdrawal and denounces the occupation of territory by armed forces.<sup>12</sup>

Jordan, as the weak partner, had no alternative but to go along. Her attitude was revealed soon after Jarring's appointment. "The Jarring mission is based on the British resolution which was passed unanimously by the Security Council to bring about the withdrawal of the Israeli occupation forces from Arab lands."<sup>13</sup>

Although Lebanon had no territory under occupation, and was not involved in negotiations, her attitude was identical: "President Helou is determined not to adopt a position contrary to the principles of the Khartoum Conference."<sup>14</sup>

Accordingly, Arab pronouncements concerning the mission were generally skeptical, if not pessimistic. Even before Jarring could get himself underway, he was greeted with Egyptian disparagement. Heikal commented:

With all our esteem for the Swedish diplomat, Gunnar Jarring,... (it must be stated that) the task that has been imposed upon him is nearly doomed to failure....It would be very difficult for us to imagine a path we could follow that would lead to the success of his mission.<sup>15</sup>

Nevertheless, the Arabs welcomed his intervention for the numerous opportunities it afforded them for publicizing their cause within the United Nations and elsewhere, and for the time it provided them to rearm themselves for the "military solution" which Nasser had sworn to in November 1967.

Evidence of this may be gleaned from the fact that, although the prospect for agreement with Israel seemed poor, they refrained throughout this first period from activating the United Nations in their behalf. Furthermore, they were interested in keeping the Jarring mission alive and, at the same time, preventing a settlement.

This was made evident by the decision reached by the Egyptian Foreign Ministry in May 1968.

Addressing a meeting of ministry officials, Mahmoud Riad disclosed, inter alia, that Jordan had requested that Egypt prolong the life of the Jarring mission because it feared that "its termination would leave the Palestinians with no option but to surrender to Israeli terms." He disclosed further that the termination would leave "only a military option for the Arabs for which they were not prepared"; (emphasis added) that "Jordan had no adequate military capability, and knew itself unable to fight."<sup>16</sup>

Riad explained also that Egypt was willing to accept Resolution 242 only after she satisfied herself that, given the various interpretations placed on it, the situation was so confused and controversial that Egypt would run no risk of having to execute any provisions with which she did not agree. At the same time, her apparent willingness to accept

the mission and to make concessions, would enhance her standing in the world. "They think that Egypt made a concession, and the longer they cling to this impression, the better" he said. "Meantime, Egypt must continue to demand concessions in return."

Finally, he revealed the keystone of Egypt's strategy, which was to create an international climate, by political means, in which the United States would be compelled to pressure Israel to withdraw. Unless the United States did so, there would be no hope for the Jarring mission. He acknowledged, however, that the U.S. was not likely to do this. Egypt would, therefore, insist on establishing a timetable for Israeli compliance, but would resist any request that she offer any concessions in return.

In his predicament as to how he could persuade the parties to agree to implement the Resolution, Jarring decided on a direct appeal for assurance that they would abide by the terms of the Resolution. If this was forthcoming, it would provide the basis for discussions. Both Egypt and Jordan responded positively, even going so far as to indicate their willingness to enter into indirect negotiations without prior Israeli withdrawal if Israel would declare "in clear language" that she intended to implement the Resolution.

Israel replied (on February 19, 1968) that though she

preferred face-to-face talks, she would also cooperate if, at a later date, the indirect negotiations would give way to direct negotiations. Israel also noted that Egypt had thus far avoided using the precise language of the Resolution in offering her cooperation, that she has

not yet agreed to a process of negotiation without which, of course, a declaration of willingness to fulfill the Resolution is of no substantive effect. The Resolution is a framework for agreement. It cannot be fulfilled without a direct exchange of views and proposals leading to bilateral contractual commitments.

She observed also that Egypt's affirmative response to Jarring's appeal was meaningless as long as Egypt continued to subscribe to "sharply different" interpretations of the Resolution, and that it would be unrealistic to ignore such differences.

Having received such responses--as favorable as they were unexpected--Jarring, in apparent disbelief, concluded that it would be wise to obtain further confirmation. He, therefore, devised a letter which would be sent to the Secretary-General notifying him that, having obtained assurances of cooperation from the parties, he had invited them to meet with him "for conferences within the framework of the Security Council resolution," and that they had accepted his invitation.

When he presented a draft of this letter to the

Egyptian representative for his approval, he was told that Egypt would no longer be satisfied with Israeli assurances; that Israel had, in recent statements, indicated that she was still pursuing a policy of expansionism. Mere assurances of intent were no longer adequate. Israel must demonstrate that she is seriously interested in implementing the Resolution by actually withdrawing her forces. Peace could then "be arrived at by the implementation of the other provisions of the Security Council's resolution under the Council's guidance."

The Jordanian reaction was less explosive (or evasive). Jordan was ready to agree with Jarring's draft letter provided that the wording be changed to read that the parties had "declared their readiness to implement the resolution."

Israel accepted without qualification.

Jarring continued cautiously to probe, however. In further discussions about his draft letter and the proposed meeting, he attempted to obtain a more precise understanding of Israel's acceptance of the resolution. He also wished to ascertain whether the Arabs would be willing to meet with the Israelis. But instead of clarification, he only stirred up more doubts. With the passage of time, new complexities and obstacles appeared. Both Egypt and Jordan suggested revisions of the text of the letter to include such contro-

versial matters as a timetable for implementation and other modifications which led Israel to believe that a joint meeting would no longer be in prospect. The project was eventually abandoned altogether. In lieu of joint meetings, Jarring decided to revert to the techniques of holding separate meetings without formal invitation, but even these were delayed until later in the year.

Had Jarring succeeded in obtaining unanimous agreement to the meeting he proposed in his draft letter, it may well have provided the necessary impetus for attaining a mutually satisfactory settlement. As far as Israel was concerned, the success of Jarring's effort to arrange a joint meeting was of the utmost importance. In it lay the key to the future of the Jarring mission, which the Israelis, unlike their opponents, wished to prosper. Abba Eban put it succinctly in the following exchange with a reporter in the interview cited above, which occurred when the draft letter was still under discussion:

Reporter: The last time we met I got the impression that you felt our main concern about the Jarring mission would be to make sure that when it fails--and it has failed--blame for the failure would be pinned on the other side. I felt you assumed it would fail. Is this an accurate appraisal of your attitude, and if it is, does it still hold?

Eban: No. I would like to see the mission succeed. If we were to get direct meetings between Israel and the Arab states under his chairmanship, this would be a new development in Middle Eastern history, especially as this time the meeting would not be about armistice terms but about the establishment of a just and lasting peace. It would be a historic event...<sup>17</sup>

At approximately the same time, President Nasser was telling his people:

As you know we lost the major part of our military power. We accepted the political solution experiment for several reasons (referring, no doubt, to Resolution 242). At that time we had no alternative to talking about a political solution; we had no armed forces to depend on. At the same time we are not advocates of war for the sake of war--not at all. If we can obtain our rights through political action, as it happened in 1957, fine; if not, we have no alternative but to struggle for our rights and to liberate our land...We realized from the beginning, as we were trying a political solution, that it was a difficult and thorny road because our enemy was drunk with victory. We know that the principle that what has been taken away by force cannot be regained by anything but force is a sound and correct principle in all circumstances. But we tried sincerely and are still trying sincerely on a basis from which we do not deviate. This basis is clear and definite in UAR policy: no negotiations with Israel, no peace with Israel, no recognition of Israel, and no deals at the expense of Palestinian soil or the Palestinian people.<sup>18</sup>

Jarring's inability to persuade the parties to accept his invitation to the face-to-face meeting projected in his draft letter was, therefore, damaging, if not fatal, to his mission. Nevertheless, he continued his efforts. He met with Foreign Ministers in Europe and the Middle East

for a second round of discussions in August 1968, and was able to obtain some additional clarification of their respective positions by the time that the twenty-third session of the General Assembly convened in New York in September. These meetings were resumed during that session, but bore little fruit. If anything, they served chiefly as opportunities for the restatement, amplification, and worse, crystallization of differences. The Arabs again raised the controversy as to whether Resolution 242 required Israel to withdraw from all occupied territories, and in so doing, in effect, retreated to their original position. It meant a blow to any small progress he had been able to make thus far, and he was impelled to undertake a third round of discussions with all of the parties early in 1969, to determine whether there were still grounds upon which to continue his efforts. He was forced to the conclusion that further activity on his part would be futile, and on April 5, he decided to return to his post in Moscow. With this, the first phase of the Jarring mission came to an end.

#### B. Phase II -- Pressure

The absence of outside pressure, namely pressure from the superpowers, was made possible, in the case of the United States, by the deepening involvement in the Vietnam

War and the desire not to implicate herself further in the Middle East and risk an open rupture with the Soviet Union.<sup>19</sup> The latter, for its part, welcomed the Jarring talks for the same reasons that Egypt did. The Soviets needed this time to speed Egyptian rearmament. They, likewise, refrained from forcing the issue by bringing the matter back to the Security Council for fear of either compelling a settlement by a change in the guidelines inherent in Resolution 242, or in other ways, suspending the talks. They were intent on recapturing their prestige and position in the Arab world as well as the world-at-large.

In essence, therefore, the Jarring mission became for all, instead of an instrument for seeking reapproachment, the focus for gaining time, a raison d'etre for the temporary non-renewal of hostilities between the disputants and a shield against superpower confrontation. It provided a convenient respite, or in other words, it was a "holding technique" which the protagonists were willing to employ for their own purposes.<sup>20</sup>

Of course, as has been noted, the Arabs and the Russians did not waste time in re-arming Egypt.

But in the interval between the beginning of the first phase and the opening of the second, the Arab-Israeli conflict had deteriorated once again into open warfare

along the Suez Canal. Nasser had launched the War of Attrition, his "military solution," and the Nixon administration had replaced the Johnson administration in Washington. Thus, two fundamental changes had occurred which bore heavily on the course of the Jarring mission.

The net effect of these developments was a shift from non-intervention to a massive effort on three fronts simultaneously to compel Israel to accept settlement terms which she considered favored the Arabs and were in violation of the guidelines set forth in Resolution 242.

First, the rearming of Egypt emboldened Nasser (with Soviet blessings) to launch the so-called War of Attrition in May 1969, along the Suez Canal to liberate the occupied territories. At the same time, guerrilla warfare on other fronts increased in intensity. To all intents and purposes, Israel was again involved in full-scale warfare, and was again provoked to retaliate by means of air attacks on the Egyptian heartland. The success of these attacks forced Egypt to seek (successfully) the active assistance of the Soviet military.

Second, the "big powers"--France, Great Britain, the United States, and the Soviet Union--sought to apply diplomatic pressure. Acting on a suggestion from France, they held a series of meetings, both quadrilateral and

bilateral (U.S. and U.S.S.R.) beginning early in 1969, in order to thresh out a common policy on settlement terms which would then be imposed on the disputants. Although Jarring at first disapproved of outside intervention as an effort to bypass his mandate and Resolution 242, he later welcomed it as a possible boost to his attempt to persuade the disputants to come together and resume the talks. When the "big powers" failed to agree on settlement terms, the Nixon administration decided to intervene unilaterally to renew the mission and to bring an end to the fighting. While it succeeded in the latter, the mission, after two false starts, remained mired in the same bog. Furthermore, the United States effectively reversed its position with respect to the mission following Soviet active involvement in the fighting. This involvement made it imperative for the administration to reassess its policy in order to counteract the Soviet involvement.

Third, the United Nations actively re-entered the fray for the first time since the war to bring to bear its weight of opinion and influence on Israel. It acted in response to Egyptian demands when, as during the Six-Day War, Egypt again made recourse to diplomacy to stem the Israeli tide on the battlefield. This time, the General Assembly debated the Middle East situation, and adopted

Resolution 2628 (XXV). Significantly for Israel, the vote on this resolution indicated that support for her among the nations of the Third World had completely eroded since June 1967. Many of the nations with which Israel had continued to enjoy good relations had voted against her, for the first time. This development further strengthened Israel's suspicion of the world organization, and weakened her trust in its Special Representative.

As a result of this three-pronged pressure, Israel found herself in greater isolation; ever more on the defensive in a hostile world, and less willing to compromise her position.<sup>21</sup>

The second phase opened with another attempt to break the stalemate. Jarring again undertook a tour of the Middle East capitals in March 1969, during which he submitted a questionnaire to each of the parties in the hope of eliciting any changes in attitude which may have developed in the months that had elapsed since the last formal exchanges and which might offer some encouragement for future efforts.<sup>22</sup>

The replies he received revealed no change in the respective positions. Jarring, therefore, concluded that further efforts would be both inopportune and fruitless, and suspended his activities on April 5, 1969. At this juncture,

the settlement of the conflict was left to other forces. For one, it became the focus of efforts of the "big powers." (See Two- and Four-Power Talks below.) At the same time, Egypt recommenced large-scale fighting on the Suez front, fighting for which she had been preparing since the Six-Day War. (See War of Attrition below.), while on the diplomatic front, she reactivated the United Nations. (See Back at the United Nations and The Rogers Plan below.)

The dismal close of the second phase, therefore, marked a crucial turning point in the history of the Middle East conflict. It created a vacuum which provoked pent-up pressures to both military and political action, which served only to worsen the conflict, further isolate Israel, and render peaceful settlement more difficult than before. Had Jarring persisted in his efforts, he might, in time, have succeeded in achieving a compromise and, thus, kept these pressures at bay. Yet on examination, he had indeed few alternatives. Acting, as he did, as an agent of the United Nations, which in Resolution 242 was operating under Chapter VI of the Charter, he could neither threaten the parties with punishment nor offer rewards for their compliance. To do this, he would have needed the support of all of the member governments, which he did not have. Obviously, his failure was due, basically, to the fact that neither side

in the conflict could or would agree on the interpretation of the Resolution. Neither could see that its interests would be promoted by accepting the suggestions or recommendations that were put forward. Neither would they risk a radical change in their relative power positions. The Arabs could count on both the support of the Soviet Union and a majority of the member nations of the U.N.; Israel could rely on the support of the United States. This alone bred a reluctance to surrender or compromise. In such a situation--influence vs. counter-influence--Jarring found himself limited to appeals to self-interest, abstract justice or logic, forms of persuasion which could not transcend fear and anxiety, and reliance on whatever strength was already in possession.

Jarring might have appealed to the Security Council for guidance as to other methods which could be applied toward the implementation of the Resolution, but to have done so on his own initiative, and without the support of one or both of the disputants, may have been foolhardy. He might also have simply declared that his efforts had failed, and thereby risked reopening the matter before the Council and the resumption of hostilities, as well.<sup>23</sup> He might also have appealed directly to the superpowers, but in doing so, assuming that they would cooperate, he risked bypassing the

Resolution altogether, a step which Israel would have considered hostile.

Consequently, he was left with only one other viable choice. He might have reactivated the "Rhodes formula," which was successfully employed in the negotiations leading to the Armistice Agreements of 1949.<sup>24</sup> One can only speculate why he did not take this step.

Finally, while Jarring may have been under some compulsion from the Soviets, he was also being pressed by the United States to undertake a more active and substantial role on the assumption that his failure to make progress would inevitably lead to heightened tensions and possible confrontation with the Soviet Union, with which it hoped to improve relations. The policy pursued by the United States was still based on Johnson's five principles as embodied in the Resolution. Namely, that nothing less than a permanent contractual peace be the outcome of Jarring's efforts, and that Israel's interest in obtaining negotiations--direct or indirect--was the optimum path to permanent peace. She, therefore, refrained from putting any pressure on Israel to desist from this course. Israel, in turn, felt no need to yield to Soviet-Arab threats.

The United States was also opposed to involving the Security Council, wishing to avoid another verbal confronta-

tion and the possibility of further deterioration in the relations between East and West. She felt that a public debate, which was bound to become heated if not venomous, given the preponderance of anti-Israeli sentiment, was neither in her or Israel's interest, and would probably result in making Jarring's work more difficult.

#### The War of Attrition<sup>25</sup>

If peaceful confrontation was unobtainable on the diplomatic front, there were numerous deadly confrontations between Jews and Arabs everywhere else--particularly along the cease-fire lines. According to Israeli sources, 1,288 separate acts of sabotage and terrorism had been perpetrated on the Israelis by Arabs between June 5, 1967 and December 31, 1968. By August 1969, 401 had been killed and 1,551 wounded in border incidents. Such incidents had doubled in 1969.<sup>26</sup>

On April 22, 1969, and again a few months later, on July 7, Secretary-General U Thant reported to the Security Council that the cease-fire no longer held, but that a "virtual state of war" existed along the Suez Canal. Syria joined the fighting by launching an air attack on Israeli emplacements on the Golan Heights, thereby making it a two-front attack on Israel. With Israeli retaliation, by way of air forays deep into Egypt and Syria, the fighting assumed the character of full-scale war. In fact, Nasser,

having failed to oust the Israelis by force via the Six-Day War, or later by diplomacy, and fearing that the Israeli occupation would acquire de facto legitimacy, had indeed launched the so-called War of Attrition against Israel. The deliberateness with which this fourth war was planned is evident from a series of statements made by Nasser early in 1969, such as the following:

Brothers...., the so-called Middle East crisis, which is in fact our natural and rightful struggle, is now entering a very important and serious phase....There was no danger in the situation we faced immediately after the setback simply because we had no material power to resist and deter the enemy....There the possibility of a clash was remote, but now the possibility of a clash exists, because our situation is different from what it was then....

There was a time when we used to ask our soldiers at the front to account for their actions if they fired at the enemy on sight, for we were not prepared for complications. Now the picture has changed. We ask every soldier at the front to account for his action if he sees the enemy and does not fire at him.<sup>27</sup>

We must know that we are in a state of war....At the beginning of last month, our armed forces said that they were ready. We have been aware and have learned from Israeli leaders' statements that the Israelis seek complete calm on the front so that they can strengthen their fortifications and turn the cease-fire line into permanent borders.

Our armed forces have therefore begun to implement their plan. They began its implementation at the beginning of last month--rather at the beginning of March.... (their) objective has been to destroy the Bar Lev Line which Israel says is indestructible and impregnable.<sup>28</sup>

King Hussein of Jordan said:

The question remains as it has been--resistance in the occupied territories, confrontation of the danger, and efforts to reach an honorable and just solution by political means while at the same time preparing for the worst in case such a solution is not achieved, so as to regain the lost land and save our people and Jerusalem."<sup>29</sup>

Voices from other sectors of the Arab world spoke in similar vein, and in a growing chorus. Nasser, early in April, asserted bluntly that the cease-fire was null and void.

Initially, the Soviet Union deplored the resumption of hostilities. An article in Pravda flatly condemned Arab "adventurists" who were intent on starting another war with Israel, and indicated that the Soviets would continue to seek a "political solution."<sup>30</sup> They were, indeed, wary of being drawn into another military catastrophe which they felt was probable if not inevitable. While they had hastened to rearm the Egyptians in an attempt to regain their prestige in the Arab world after the war, they had been cautious in not providing them with enough of the right kind of weapons to enable the Egyptians to cross the Suez Canal. The Soviet position was, therefore, one of appearing to support the Arabs ambitions while attempting to prevent them from realizing them.<sup>31</sup>

In addition, the Soviets had very recently entered into discussions with the United States, France, and Great

Britain in the hope of working out a "political solution" (See Two- and Four-Power Talks below), and did not welcome the disruption caused by Nasser's decisions to force the issue at this juncture.

The Arab states, being clients or protegés of the Soviet Union rather than its satellites, were in a position to make independent decisions. As Nadav Safran has written:

Thanks to his regulated responsiveness to the Soviet interest in Egypt's progress toward socialism, Nasser was able to induce the Soviets to accommodate him in all the moves he sought with regard to the conflict with Israel, and to make them accommodate their interest in the reopening of the Suez Canal to his own concepts as to how this was to be achieved.<sup>32</sup>

The Arabs were, of course, also aware of the "big four" talks, but were fearful of possible American influence in the bargaining away of the occupied territories. They were also aware of the new policies of the Nixon administration which had recently taken office, and declared the need for "...new initiatives and new leadership on the part of the United States in order to cool off the situation in the Middle East."<sup>33</sup> The movement apparently seemed to them to be appropriate for sufficient tension to influence the "big four" sufficient to bring about an imposed peace. They had behaved in a like manner on earlier occasions in order to influence the decisions of the United Nations, and were simply acting in accordance with a well-established pattern.

Despite their public protestations, there is reason to believe also that the Soviets had, in fact, secretly encouraged Nasser to launch his war in order to create a crisis atmosphere in which the United States would be provoked to pressure Israel.<sup>34</sup>

The Israelis were alert to the possibility of collusion between the Soviets and the Arabs. The sudden reversal of Egypt's position with respect to Jarring's proposal for a joint meeting may, in itself, have presaged a change in tactics. Israel, therefore, began to fortify her installations on the West bank of the Canal by erecting a string of strong points named after Bar Lev, the chief architect and Israel's Chief-of-Staff. In order to relieve Egyptian pressure on the Bar Lev Line, she launched a series of air raids deep into the Egyptian heartland with telling results, destroying in the process, important military and industrial complexes, including Soviet supplied missile installations.

So effective were the Israeli raids that by early 1970, the Egyptians were again compelled to seek Soviet help. Nasser appealed to them not only for supplies but for their active participation in combat. The Soviets acceded to their wishes on both counts on a wholly unprecedented scale. Not only were the Egyptians provided

with sophisticated weaponry, but also with thousands of technicians, soldiers, and pilots to operate the planes and the missiles.<sup>35</sup>

The net result of the Soviet influx was the near paralysis of Israel's military potential. The power balance shifted to the Egyptians because Israel feared to engage Soviet soldiers in direct combat on the one hand, and on the other, the new and better missiles which the Soviets succeeded in placing close to the Canal destroyed the effectiveness of the air attacks.

Hostilities ceased on August 7, 1970, upon the adoption of a 90-day standstill cease-fire, which was prompted by the intervention of the United States

The Americans had been greatly disturbed by Nasser's reversal of the hostilities. With the United States hopelessly involved in the Vietnam War, Nasser may have counted heavily on the new Nixon administration's announced policy of "evenhandedness" in the Middle East and growing impatience with Israel's reluctance to compromise, to press Israel more forcefully to come to terms with the Arabs. It should also be remembered that the U.S. was, at this time, actively seeking an imposed solution via the "big four" talks in an effort to forestall a confrontation

with the Soviet Union. The eruption of the fighting and the Soviet's massive participation in the fighting was perceived as a threat to this basic objective. The Americans, therefore, urgently desired to eradicate the Arab-Israeli conflict as a source of possible confrontation and the opportunity which had also given the Soviets to thoroughly entrench themselves in the Middle East.<sup>36</sup>

When the United States expressed her displeasure upon Nasser's calculated and unilateral cancellation of the cease-fire, the Egyptians tauntingly replied:

The American State Department spokesman expressed his concern over the (Egyptian) statement that there is no cease-fire line. It is very strange indeed that America should display such fears....It is worth noting in this respect that the Security Council's cease-fire resolution of 7th June 1967 did not define a specific line corresponding with the positions which the Israelis currently hold and have worked continuously ever since that day to consolidate and fortify. The Security Council's cease-fire resolution moreover was not intended as a permanent resolution, to remain in force indefinitely, but was a preliminary measure designed to end hostilities, pending the adoption of another resolution to supplement the first and oblige the aggressor to withdraw from the territories he occupied.<sup>37</sup>

Underlying this purely legalistic argument was a basically anti-American attitude which was expressed by Heikal. The United States, in his view, was in no hurry to find a solution to the crisis as long as Israel remained militarily strong and that she was using Israel as an instrument for selfish purposes in the Middle East. Israel

must therefore be liquidated.<sup>38</sup>

Nevertheless, as the year advanced and the War of Attrition intensified, the United States continued to press forward in her search for a peaceful solution without insisting on complete surrender by Israel. She was determined to achieve this either in concert with the Soviet Union and the other major powers, or unilaterally, if need be.

#### Back at the United Nations

As the military crisis deepened, a growing turbulence was felt at the United Nations. Far from being relieved of the labor of peacemaking, the Security Council was drawn inevitably deeper into the vacuum created by Jarring's failure. Ignoring the facts well-known to all concerning Egypt's role in provoking hostilities, the Security Council delivered itself of no less than thirteen resolutions from July 1, 1967 to September 1, 1970, in all of which it warned, deplored, or condemned various acts of Israel taken in retaliation against the Arabs. The General Assembly adopted eleven resolutions bearing a similar message. No resolution was passed by either body which was in any manner critical of the Arabs.<sup>39</sup>

Whether in the Council or the Assembly, the debates attending the passage of the resolutions tended toward

acrimony, and were barren of any constructive results. The Council was concerned chiefly with violations of the cease-fire, specifically with Israel's retaliatory strikes at Jordan and Lebanon where the terrorists (fedayeen) were sheltered (Resolutions 248, 256, 262, 265, 270, 279, and 280). Two resolutions dealt with Israel's assumption of the administration of Old Jerusalem (Resolutions 252 and 287), and two deplored the fact that Israel mounted a military parade in that city on May 2, 1968 (Resolution 250 and 251). When the Al Az Sa Mosque was damaged by fire on August 21, 1969, the Council reinvoked the principle of the inadmissibility of the acquisition of territory by military conquest, and condemned Israel for failing to comply with its previous resolutions (Resolutions 271). In one instance, the Council was troubled by Israel's reluctance to permit entry of a Special Representative of the Secretary-General for the purpose of reporting on Israel's treatment of the Arabs in the occupied territories (Resolution 259). Only one resolution refrained from citing Israel specifically, although criticism of Israel was implied. Resolution 258 was "gravely concerned" with the "deteriorating situation in the Middle East." Of all the resolutions adopted by the Council, this was the Council's only official acknowledgement of fact that the Jarring mission was foundering. In adopting

it by an almost unanimous vote (only Algeria abstained), the Council reaffirmed Resolution 242 and urged all the parties to extend their fullest cooperation to the Special Representative of the Secretary-General in the speedy fulfillment of the mandate entrusted to him under that resolution.

With the exception of two resolutions (2253 [ES-V] and 2254 [ES-V]), with which the Assembly dealt with the status of Jerusalem, the Assembly was concerned only with the humanitarian problem of the refugees. None of the resolutions adopted during this period was addressed to the Jarring mission or the War of Attrition, which its failure provoked. The item "The Situation in the Middle East" was on the agenda of the twenty-second session (1968), but was not considered at that session. It was also on the agenda of the following session, but by general agreement, it was again deferred to the next regular session.<sup>40</sup> However, the Assembly created a Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories by its Resolution 2443 (XXIII) on December 19, 1968. This resolution cited the International Conference on Human Rights held on May 7, 1968, which, inter-alia, expressed "grave concern at the violation of human rights in the Arab Territories occupied by Israel." It was adopted by a vote of 60 in

favor, 22 against, and 30 abstentions.

At the twenty-fourth session, the Assembly adopted Resolution 2535 (XXIV) after considering a report of UNRWA. The first preambular paragraph of 2535-B called attention to the difficulties experienced by the Arab refugees by Israel's denial of their inalienable rights under the Charter of the United Nations and the Universal Declaration of Human Rights. This resolution was adopted by 48 votes in favor, 22 against, and 47 abstentions.

The growing pro-Arab alignment within the United Nations and the adoption of what was perceived by Israel as one sided resolutions merely demonstrated to Israel the improbability that she could ever obtain a fair hearing in that organization, and was further proof of the strength of the Arab-Soviet coalition ranged against her. Israel's attitude toward the United Nations, which had for long been tinged with sarcasm, anger, and distrust, stiffened during this period, so that the peacemaking efforts of the Jarring mission became ever more suspect. To illustrate, the Israeli representative, addressing himself to the vote on the Assembly's adoption of Resolution 2535B (XXIV), shrugged it off by stating: "the resolution must therefore be considered only for what it is: an expression of the views of the Arab states and those who joined them in the vote."<sup>41</sup>

Abba Eban stated it more bitingly in a remark made at Lydda Airport as he was leaving Israel for the United States on December 11, 1969.

Nothing that the United Nations agrees to can surprise me....The United Nations agrees to whatever the Arab-Communist bloc desires United Nations' approval for, whether it is logical or not.<sup>42</sup>

The mutual interaction between Israel and the United Nations therefore followed the usual pattern: U.N. actions result in Israeli perception of unfriendliness leading to Israeli hostility followed by U.N. critical resolutions, etc.

### III. Big Powers Efforts in Support of the Jarring Mission

The breakdown of the Jarring mission in April 1969, occurred shortly after the Nixon administration took office. This change in the government of the United States brought with it a change in policy and methods for finding a solution to the Arab-Israeli conflict. Whereas the policy of the United States during the last eighteen months under President Johnson was marked by a close understanding and convergence with Israeli policy, the first year of the Nixon administration was one during which the new government attempted to: (a) improve the relations with the Arabs, and (b) wean Egypt, Jordan, and Syria away from Russian influence. To achieve this, the United States resumed the evenhanded approach to the parties in conflict in the Middle East.

At the same time, the new administration sought a more cooperative relationship with the Soviet Union in order to reduce the risk of nuclear confrontation. The significance of this effort for the Middle East, and for Israel in particular, lay in the possibility that the super-powers would achieve a common policy leading to an imposed peace, a possibility abhorrent to Israel but desired by the Arabs.

In taking this more "balanced" approach, the United States did not entirely forsake the policy of the Johnson administration, but opted in favor of a more aggressive attempt to break the impasse between Israel and the Arabs and reactivate the Jarring mission. The method of action chosen first to implement the new policy was that of super-power cooperation.<sup>43</sup>

#### Two- and Four-Power Talks

The pursuit of change in the Middle East began even before President Nixon took office. After his election in November 1968, he appointed William Scranton as his personal representative to visit the Middle East and make recommendations as to possible new approaches. Scranton visited Egypt and Jordan, and came to the conclusion that the United States should adopt "a more evenhanded policy," one

that would "take into consideration the feelings of all persons and countries in the Middle East and would not necessarily espouse one nation over another."<sup>44</sup>

In the last days of the Johnson Administration, French President De Gaulle proposed talks by the United States, Great Britain, France, and the Soviet Union as a means for stimulating a settlement, but the proposal had not been implemented. The Soviets also seemed to be interested, but the Johnson administration warned that the idea was not workable.<sup>45</sup> Nevertheless, President Nixon, as another sign of his eagerness to promote better relations with the Soviet Union, announced on March 4 that the United States was pursuing discussions with the other "big four" powers; that the talks would take place among the United Nations representatives of the four nations in New York City. He also said that the United States would not agree to an "imposed" settlement, but that the talks were for the purpose of finding areas for discussion between the disputants and that "an absolute guarantee to a peaceful settlement, a major power guarantee of the settlement" could result.<sup>46</sup>

The process began on March 23, 1969, taking the form of two sets of talks: one between Joseph Sisco, Assistant Secretary of State, and Soviet Ambassador Anatoly Dobrynin

in Washington, and the other on April 3, in New York among the permanent representatives of the "big four."<sup>47</sup> These talks took place in the context of the War of Attrition that had shortly before been launched by Nasser.

Israel greeted this development with disapproval and skepticism.

The four-power initiative cannot but seriously weaken the mission of Ambassador Gunnar Jarring.... If the Jarring mission has not, to date, met with success, it is because Arab governments have found avenues of escape away from a direct peace commitment with Israel. The Jarring mission would lose all its purpose as defined by the Security Council resolution if it were to be obscured again and again by a pluralism of initiatives outside the region, at U.N. headquarters or elsewhere....It is through four-power talks that the Soviet Union hopes to win a political arrangement on Nasser's terms, impose it upon Israel, itself become a force and a component of such an arrangement, consolidate its own position and presence in the Mideast with juridical sanction, and thus be in a position of strength and independence of which it has hitherto been deprived....French policy towards Israel disqualifies that country equally from playing any positive role for peace."<sup>48</sup>

In addition, Israel felt that the four-power talks could "globalize" the conflict, that a multilateral agreement would not root out the basic problems affecting Arab-Israeli relations; that it enhanced the risk of superpower confrontation, and was skeptical about major power guarantees in view of the failure of such guarantees in the past, viz., the guarantees offered by the United States in 1957 and the failure of the United Nations to prevent the Six-Day War.

Israel, in any case, refused to have anything to do with intermediary arrangements, but it would welcome the four-power talks if by this means the disputants could be persuaded to cooperate with the Jarring mission, based only on Resolution 242.<sup>49</sup>

In the concurrent two-power talks held in Washington, the United States aimed at this goal, but the Arabs preferred the probable results of the activity in New York.

Jarring himself held the view that the talks might be useful if they led to an appeal to the parties to cooperate with him, but any attempt to revise the terms of reference of his mandate could destroy the unanimity achieved for Resolution 242, and that the powers could not give him directives on the substantive issues which lay entirely within the framework of his mission.

The Soviet Union, early in 1969, made known its interest in promoting a great power initiative when its proposal for a Middle East settlement surfaced in the Beirut daily, Al Anwar.<sup>50</sup> The proposal included the following parts: (a) affirmation by Israel and the Arab states of their acceptance of Resolution 242, and the establishment of a timetable for its implementation; (b) agreement by both sides to implement the Resolution; (c) termination of the state of war by both sides, and recognition of the sovereignty

of all states in the area; (d) settlement of the boundaries, navigation and refugee issues; and (e) restoration of the status quo as of June 4, 1967, with United Nations forces stationed at Sharm al-Shaykh to insure free passage.

The American position during the bilateral and quadrilateral talks was presented by Secretary of State William Rogers at his first formal press conference early in April. He described the talks as an effort to "reconcile" the differences between the disputants and to "influence" a settlement, by "the force of reasoning and the force of public opinion." He stressed that the United States was interested in eventual direct negotiations and some form of United Nations' guarantee.<sup>51</sup> According to Atherton, who was the Assistant Secretary of State for Near Eastern and South Asian Affairs, the United States hoped to seek agreement among the major powers

on a framework for the negotiations that we all felt had to then go forward in the context of the Jarring mission. In other words, not to impose a settlement, not to write up a settlement and simply put a blueprint on the table, but to try to get some more precision in an agreed interpretation of the ambiguity of certain paragraphs of Resolution 242.<sup>52</sup>

On the substantive matters--boundaries and Jerusalem-- Secretary Rogers declared a few days later, the United States supported the view that new borders for Israel should not reflect the weight of conquest, but that "rectification"

of the 1967 cease-fire lines was essential in the interest of mutual security. Israeli withdrawal to the new borders should be linked with a contractual commitment to peace with the Arabs. Jerusalem should be "less unified," by granting Jordan a role in its civic, economic, and religious affairs, namely joint Israeli-Jordan control.<sup>53</sup>

The Arabs, deeply involved in stepping-up hostilities in their War of Attrition, were initially unhappy with the notion of big power intervention, particularly with the possibility that the United States view in support of negotiations would prevail. Anwar Sadat, for example, speaking as a member of the Arab Socialist Union's executive expressed this attitude when he declared:

Our policy is clear and open. Two years after the defeat, we are able to declare frankly that neither Gunnar Jarring nor the Four Powers will determine our fate. This is our campaign, and we are determined to liberate our country.<sup>54</sup>

But Nasser himself stated: "We attach many hopes to world opinion, the U.N., the Security Council and the forthcoming meetings and deliberations in New York of the four great powers..."<sup>55</sup> It should be noted, however, that he had expressed a less sanguine opinion a few days earlier when he said:

I wish the radio, television, press and even Arab politicians would not use the term "the big four powers." We are not interested in the big powers. Their record shows that they forced us to

accept the Zionists existence. It shows that they were intent on dividing us and setting up small states in many areas of the world to serve their own purposes."<sup>56</sup>

The Arabs were, therefore, ambivalent in their attitude towards the four-power talks. While Heikal hailed them as a "clear victory for the Arab campaign to persuade the world that the present state of the Arab-Israeli conflict is not a local problem, but one endangering world peace,"<sup>57</sup> others held that:

We know clearly that America is well aware that the Arabs reject its proposals...refuse to hold negotiations, sign a peace treaty with Israel and recognize it...America knows this and knows, too, that the Soviet proposals are the outer limit of what the Arabs would be prepared to accept.<sup>58</sup>

It is not surprising that, given these divergent approaches to seeking a common ground, the talks would fail, just as Jarring's efforts failed. Israel rejected the Soviet proposal as the Arabs did the American one, and so the big powers could not reach agreement. The four-power talks adjourned temporarily on July 1, 1969, while the United States and the Soviet Union continued to confer in the hope of breaking their own deadlock. Late in July, it appeared that a break was in the offing. A United States spokesman, however, alluding to this possibility, ascribed any optimism to the fact that the bilateral talks had not broken down.<sup>59</sup> In reality, little or no progress had been

achieved. As one source expressed it: "We'll get out of the starting gate. And we're well short of the finishing line. We have not yet even hit the stretch."<sup>60</sup> The United States and the Soviet Union had only reached an understanding that a settlement must be "contractual" rather than imposed, and that it should be a so-called "package deal." Beyond that, their differences on the other substantive issues remained unresolved. In January 1970, the Soviet Union rejected the American proposals.

The four-power talks were resumed in mid 1970, for the purpose of drawing up a set of guidelines for Jarring, but not on the ambassadorial level. The ambassadors turned the talks over to their deputies, which was symbolic of the extent to which they had been downgraded. But this effort also succumbed to lack of agreement. They were finally suspended by the United States on October 6, 1970. In announcing the suspension, the State Department gave as the reason the fact that Egypt had violated the cease-fire which had supposedly gone into effect only two months before. The suspension was only temporary, however. The talks were renewed in December at the ambassadorial level, but were suspended permanently in early 1971 when a controversy developed over the Jarring memorandum, which is discussed below.

The bilateral talks continued in a desultory manner until September 1971, when it became apparent to all that they would remain barren of any fruitful outcome. Speaking of them years later, Atherton described them as "useful."

I think they produced a certain amount of common ground between us on what we were trying to achieve, but they did not produce complete agreement either between us or between the parties concerned.<sup>61</sup>

Interestingly in this connection, the Soviets proved to be more flexible in behind-the-scenes negotiations than it seemed they were, judging by their public statements. Early in the bilateral talks, they were reported to have "moved significantly closer to the American position on the issues of withdrawal and the future of Jerusalem,"<sup>62</sup> but with time their attitude hardened, and nothing came of it.

#### The Rogers Plan

In the frustration engendered by the demise of the big-power efforts and the intensifying hostilities, the United States abandoned multilateral diplomacy, and embarked on a course of unilateral action in pursuit of the policy which would improve the standing of the United States among the Arabs. A set of positions known as the Rogers Plan of 1969, evolved out of the two- and four-power talks. As Atherton described it, the Rogers Plan

did not appear full-blown from nowhere. In effect, it was the result of positions that we developed and

put forward over time during the bilateral talks with the Soviet Union and also the Four-Power talks in New York....We viewed it at that time not as a blueprint for a settlement to be imposed, but as a framework that, if others would accept it, both major powers and the parties themselves, it would provide a fair and equitable basis for negotiating the details of a settlement.<sup>63</sup>

The plan was announced publicly by Secretary Rogers on December 9, 1969, after having revealed it to the Soviets in October. He proclaimed the intention of the Nixon administration "to play a direct role in seeking a solution," and proceeded to spell out the significance of the policy of evenhandedness insofar as the new administration was concerned.

Our policy will continue to be a balanced one. We have friendly ties with both Arabs and Israelis. To call for Israel withdrawal as envisaged in the U.N. resolution without achieving agreement on peace would be partisan toward Arabs. To call on the Arabs to accept peace without Israel withdrawal would be partisan toward Israel. Therefore, our policy is to encourage the Arabs to accept a permanent peace based on a binding agreement and to urge the Israelis to withdraw from occupied territory when their territorial integrity is assured as envisaged by the Security Council resolution....

Whenever and wherever Arab states which have broken off diplomatic relations with the United States are prepared to restore them, we shall respond in the same spirit....Meanwhile we will not be deterred from continuing to pursue the paths of patient diplomacy in our search for peace in the Middle East. We will not shrink from advocating necessary compromise, even though they may and probably will be unpalatable to both sides...<sup>64</sup>

A peace agreement, he said,

must be based on clear and stated intentions and a willingness to bring about basic changes in the

attitudes and conditions which are characteristic of the Middle East today.

Peace must be secured by "arrangements more reliable than those which existed in the area in the past," arrangements which the parties are best qualified to work out with Jarring's help.

Israel's borders and her withdrawal to them must likewise be established and agreed upon by the parties, but they should not reflect the weight of conquest. They should be confined to "insubstantial alterations required for mutual security. We do not support expansionism." But having said this, he went on to specify that, in order to achieve peace, Israel would be required to withdraw from Egyptian territory, "to the international border between Israel (or Mandate Palestine)...which has been in existence for over half a century." In effect, Rogers specified the terms of settlement favored by Israel's opponents.

A few days later he went even further when the details of a draft proposal for an Israel-Jordan peace agreement was unveiled.<sup>65</sup> This proposal provided for inter alia: (a) virtually complete withdrawal and for Jordanian control of West Bank; (b) Jordanian participation in the governing of Jerusalem; and (c) the right of choice by the refugee population between repatriation to Israel or resettlement elsewhere, with compensation for forfeited property to be paid . . .

by Israel.<sup>66</sup> King Hussein hailed this proposal as a "step forward."

Israel speedily rejected both proposals.<sup>67</sup> In an official statement, dated December 10, 1969, she declared in part:

The government of Israel discussed in special meeting the political situation in the region and the latest speech of the United States Secretary of State on the Middle East. The government of Israel states that the tension in the Middle East referred to by Mr. Rogers derives from the aggressive policy of the Arab governments: the absolute refusal to make peace with Israel and the unqualified support of the Soviet Union in the Arab aggressive stand. Israel is of the opinion that the only way to terminate the tension and the state of war in the region is by perpetual striving for a durable peace among the nations of the region, based on a peace treaty reached through direct negotiations which will take place without any prior conditions by any party. The agreed, secure and recognized boundaries will be fixed in the peacetreaty. This is the permanent and stated peace policy of Israel, and is in accordance with accepted international rules and procedures.<sup>68</sup>

In question between the two governments was not only the meaning of a negotiated settlement, but also the significance of the right of all states "to live in peace within secure and recognized boundaries," as stated in Resolution 242. Israel emphasized the aspect of security, while the United States considered "recognized boundaries" to be paramount. The boundaries, in order to be "recognized" should not, according to the United States, "reflect the weight of conquest." Security would be guaranteed by

outside parties, an arrangement which Israel had found untrustworthy in the past.

Israel's rejection of the second of Rogers' proposals was even more sharply worded:

Israel will not be sacrificed by any power or inter-power policy and will reject any attempt to impose a forced settlement upon her....The proposals submitted by the United States cannot but be construed by the aggressive Arab rulers as an attempt to appease them at Israel's expense.<sup>69</sup>

These exchanges and others that followed widened the rift, and led to other attempts by the United States to pressure Israel, such as threats to withdraw economic, military, and diplomatic support. Never before had the relations between the two countries reached such a critical point. Were it not for the Russian outright rejection of the Rogers Plan in January 1970,<sup>70</sup> and their decision to send troops to Egypt in March, U.S.-Israeli relations might have worsened.

The Russian rejection was provoked by the furious indignation of the Arabs at any attempt to interfere with their latest war effort.

The plan to reach an Israel-Jordan settlement is a stupid one, as far as text and content are concerned. Its purpose is to break up Arab unity.... Such a plan...is no more than an impudent American provocation, showing that Washington does not understand the Arabs' strong determination and complete recognition that war is inevitable.<sup>71</sup>

A few days later, President Nasser added: "...we now feel our strength and strong determination. We will not accept any

solution that may cause us to renounce any part of our land, and insist on the restoration of the rights of the Palestine people."<sup>72</sup>

It was apparent that the Arabs craved a free hand to prosecute the war, and that Israel was equally determined to resist. An attempt by Eban to restore the cease-fire was rebuffed by the Israeli cabinet in February. Instead, the fighting was carried to the vicinity of Cairo itself, while almost half of Israel's budget was allocated to defence expenditures. Soviet military personnel exposed to Israeli air attacks began to suffer casualties. As the war intensified, so did the risk of American involvement. Having been compelled to shelve the previous Rogers' Plan, a new initiative was deemed necessary, and thus began the third and most puzzling phase of the Jarring mission.

The United States government decided to take matters into its own hands. The goal was twofold: to bring hostilities to an end, and revive the Jarring mission. In pursuing it, the United States turned from the policy of cooperation with the Soviet Union and pressure on Israel to one of resistance to further Russian entrenchment in the Middle East and substantial cooperation with Israel. Henry Kissinger, then Presidential Advisor on national security affairs, remarked in an off-the-record press conference:

"We must expel the Russians from Egypt."<sup>73</sup> Earlier, President Nixon himself averred:

As the Soviet Union moves in to support (Egypt) it makes it necessary for the United States to evaluate what the Soviet Union does, and once that balance of power (between Israel and the Arab states) is upset we will do what is necessary to maintain Israel vis-a-vis its neighbors."<sup>74</sup>

The first move taken by the United States in this direction was a letter from Secretary Rogers addressed to both Israel, Jordan, and Egypt, dated June 19, 1970, in which he proposed a cease-fire along the Suez Canal and the Jordan River. The letter was brief:

...The United States puts forward the following proposal for consideration: (a) that both Israel and (Egypt) subscribe to a restoration of the cease fire for at least a limited period; (b) that Israel and Egypt (as well as Israel and Jordan) subscribe to the following statement which would be in the form of a report from Ambassador Jarring to the Secretary-General, U Thant:

Egypt (Jordan) and Israel advise me that they agree:

- (a) That having accepted and indicated their willingness to carry out Resolution 242 in all its parts, they will designate representatives to discussions to be held under my auspices, according to such procedure, and at such places and times as I may recommend, taking into account as appropriate each side's preference as to method of procedure and previous experience between the parties;
- (b) That the purpose of the aforementioned discussions is to reach agreement on the establishment of a just and lasting peace between them based on (1) mutual acknowledgement by Egypt (Jordan) and Israel of each other's sovereignty, territorial integrity and political independence, and (2) Israeli withdrawal from

- territories occupied in the 1967 conflict, both in accordance with Resolution 242;
- (c) That, to facilitate my task of promoting agreement as set forth in Resolution 242, the parties will strictly observe, effective July 1 until (at least) October 1, the cease-fire resolutions of the Security Council.<sup>75</sup>

Egypt and Jordan signified their acceptance on July 22 and July 26, respectively, Israel, still smarting from the recent friction with the United States, initially rejected the proposal. It was not until late in July, upon the receipt of a letter from President Nixon,<sup>76</sup> accompanied by veiled threats of a suspension of military assistance, that Israel finally indicated her acceptance.<sup>77</sup> Golda Meir, in a statement to the Israel Knesset, reported:

- On 31 July 1970, the Government of Israel resolved:
1. Having considered the appeals of the President of the U.S.A., and while continuing its commitment to its basic policy guidelines and authorized statements, the Government has resolved to reply affirmatively to the latest peace initiative of the Government of the U.S., and to designate, at the appropriate time, a representative for peace negotiations without prior conditions under the auspices of Ambassador Jarring, within the framework of Security Council Resolution 242, and with the aim of reaching a binding contractual peace agreement between the parties.
  2. Israel's position in respect of a cease-fire on all fronts, including the Egyptian front, on a basis of reciprocity, in accordance with the resolution of the Security Council, remains in force. Taking into account the clarifications provided by the Government of the U.S. on the subject, Israel is prepared to reply affirmatively to the proposal of the U.S. concerning a cease-fire (for three months at least) on the Egyptian front.<sup>78</sup>

The clarifications referred to in paragraph two of this statement, were assurances that:

- (1) more Phantoms and new Shrike missiles would be provided;
- (2) Nixon's letter constituted U.S. Government policy towards Israel and the settlement of the conflict;
- (3) the Rogers Plan (of 1969) would be frozen and
- (4) the United States would veto any anti-Israel resolution concerning the terms or procedures for a settlement which would otherwise be approved by the Security Council.<sup>79</sup>

Assurance was given with respect to points 1 and 2 but not 3 and 4. However, the cease-fire did take hold on August 7, and the parties completed arrangements to meet with Jarring in New York. Shortly after the cease-fire went into effect, Egypt and the Soviet Union took advantage of the lull in the fighting to strengthen their defenses by installing the most sophisticated of Russian missiles close to the Canal. Israel thereupon accused Egypt of having violated the terms of the cease-fire and refused to participate in the talks. In a note to Jarring on September 6, Israel stated:

Israel's acceptance of the United States peace initiative according to its decision of 4 August 1970...are still in effect.

The Government of Egypt has gravely violated the

cease-fire standstill agreement, and this violation is continuing without letup.

The strictest observance of the ceasefire standstill agreement is one of the central elements of the American peace initiative and of the talks under the auspices of Ambassador Jarring. Therefore, so long as the ceasefire-standstill is not observed in its entirety, and the original situation restored, Israel will not be able to participate in these talks.

The General Assembly rose to Jarring's rescue with the passage of Resolution 2628 (XXV), another landmark in the tortured diplomatic history of the Arab-Israeli conflict.

In the resolution, the Assembly re-emphasized the principle of the inadmissibility of conquered territories and the necessity for Israeli withdrawal; reiterated the other principles embodied in Resolution 242; gave recognition to "the rights of the Palestinians (as an) indispensable element in the establishment of a just and lasting peace." (This pleased the Arabs greatly.) It also called for the resumption of the Jarring talks, and recommended the extension of the cease-fire for three months. The resolution was adopted by a vote of 57 with 16 against (including Israel and the United States).<sup>80</sup>

The extension of the cease-fire was agreed to. Jarring, acting in the wake of the Assembly's action, once again invited the parties to talks. All eventually agreed. In his letter of invitation to Israel he stated, inter alia:

When I met you last on 5 November 1970, to consider the question of Israel's return to the discussions, I noted your concern about the influence of the debate of the General Assembly on the Middle East question and of its Resolution 2628 (XXV). I wish to assure you in this connection that I am proceeding on the basis that there is no change in my mandate, which I continue to regard as having been defined in Security Council resolution 242 (1967).

The renewal of the talks, for the third time, was made possible, in part, by the de-escalation of hostilities, but chiefly by the reconfirmation of assurances to Israel and resumption of American aid. Israel's Prime Minister, Golda Meir, personally received these assurances from President Nixon in a visit to Washington in December.<sup>81</sup> Another but lesser factor, was the possibility that the death of President Nasser in September, and his replacement by Anwar Sadat, might produce some softening of Egypt's policy.

#### IV. The Jarring Mission: The Decisive Phase

Jarring met both in New York and Jerusalem with representatives of both sides early in January 1971. Israel submitted a series of papers in which she restated the "Essentials of Peace." The Arabs too submitted position papers; however, these series of papers were merely re-statements of previous positions. The Arabs contrived to obfuscate matters,

by making the Israeli presentations public and using other tactics such as threatening to resume the fighting and appealing for "big four" intervention. The negotiations, such as they were, deteriorated swiftly.

Secretary Rogers openly criticized Jarring's handling of the talks when he commented:

A mere exchange of papers is not the way to proceed. Negotiations should now take part on a more active basis...with oral exchanges in private sessions. The way to discuss those areas of disagreement is to do it actively, and not to be tied down to exchanging views on paper...<sup>82</sup>

Such remarks from a high American official should have given Jarring pause, particularly when coupled with the recent apparent change in American policy in the Middle East and the collapse of the efforts of the "big four." It is, therefore, difficult to understand why he did what he did next.

To break the impasse, Jarring adopted what was for him a radically new tactic--that of interposing substantive recommendations of his own. Accordingly, with "big four" approval,<sup>83</sup> he submitted identical copies of a memorandum to each of the parties on February 8, 1971. The memorandum proposed the simultaneous commitment to and execution of a plan whereby: (a) Israel would withdraw her forces from Egyptian territory to their positions as of June 4, 1967,

with the understanding that satisfactory security arrangements would be made, and (b) Egypt would commit herself to a peace treaty with Israel, to terminate all claims of belligerency against Israel, to recognize Israel and to take the responsibility for suppressing terrorist activity launched from within her borders aimed against Israel.

One week later, Egypt signified her acceptance of Jarring's recommendation with the usual proviso: that Israel should declare its willingness to withdraw from the Sinai Peninsula and the Gaza Strip and would agree to a just settlement of the refugee problem. It was a cause of wide rejoicing by many over the fact that Egypt in declaring her agreement omitted, for the first time, her insistence on the prior withdrawal of Israel, and referred to Israel by name.

There was some relief in Israel over this latest development. One of Jarring's primary purposes in making his recommendations was to persuade the parties to forego their insistence on priorities--withdrawal followed by negotiations or vice versa--in favor of simultaneous execution of the terms of settlement. He had succeeded in eliciting Egypt's unprecedented consent "to enter into a peace agreement with Israel." Yet, as Israel perceived it, she was being asked to give up her single most powerful trump card,

her hold on Arab land, in exchange for an Egyptian promise to sign a peace treaty. Furthermore, Israel balked at the requirement for the repatriation of the refugees.

Israel, therefore, felt it necessary to reject the proposal. In addition to the reasons for her rejection, which have been stated, Israel felt strongly that Jarring had "overstepped his mandate" in making substantive recommendations: that these recommendations were ultra vires. Jarring was not authorized by anything in Resolution 242 to propose substantive recommendations to the parties.<sup>84</sup>

Some Americans and other Western diplomats were among those who rejoiced over Egypt's seemingly newly acquired flexibility in dealing with Israel, and so it was not surprising that they were critical of Israel's refusal to cooperate and her censure of Jarring.<sup>85</sup> As Atherton put it

...a new idea came along about that time, just at the time that the Jarring mission had become completely paralyzed by the effort that Jarring made to get simultaneous commitments from Egypt and Israel to a formula of his own. This was a formula to which the Egyptians replied, as we characterized it at the time, in a more positive way than the Israelis, in the sense that the Egyptian reply did say that they were, under certain conditions, ready to enter a peace agreement with Israel--the first time that an Arab government had formally, on the record, stated this for all the world to see and hear. And it had always been one of the things that we had been told, and I think quite rightly so, Israel felt was necessary before there would be any evidence of a psychological change in the Arab frame of mind.

The Israeli reply, while positive in many ways, did conclude with this final sentence: Israel will not return to the lines of 4 June 1967. We said at that time that we felt this was unnecessarily negative, that our interpretation of Resolution 242-- while it does not endorse those lines of June 4th, the old armistice lines, as the only secure and final and recognized borders--certainly does not preclude those lines and therefore go beyond what we had felt was an equitable interpretation of Resolution.<sup>86</sup>

Abba Eban summed up Israel's response to this criticism when he quipped:

...(Egypt) seems to ask us for unconditional surrender, whereas we ask for unconditional negotiation. I would say that there is a very large difference between those positions.<sup>87</sup>

Elsewhere in this same document, he explained Israel's attitude towards Jarring's aide-memoire and Egypt's response, in greater detail.

....Faced with the positions and the demands for preconditions formulated by (Egypt), Israel formulated its basic positions. (It) Did not ask Egypt to accept them as preconditions. We have said that these are Israel's positions, and we are now ready to enter into meaningful negotiations on all subjects relevant to a peace agreement between the two countries. And having laid down what we thought should be the correct formulation of the principles of the peace agreement, and since some of these principles obviously have to be spelt out and are not self-executing, we added in the operative paragraph that now that both parties have presented their basic positions, they should now pursue their negotiations in a detailed and concrete manner so as to cover all the points listed in their respective documents with a view to concluding a peace agreement....Our central position is that the peace settlement must be negotiated and agreed in all its parts by the two governments.<sup>88</sup>

The impasse resulting from this disagreement has never been breached; the Jarring mission simply faded away, but the cease-fire remained in effect on a de facto basis until the outbreak of the Yom Kippur War in October 1973.

Any attempt to explain or rationalize Jarring's willingness to risk the ultimate disruption of his years of effort must rely entirely on speculation.<sup>89</sup> He may perhaps have been under pressure from the Soviets to achieve a breakthrough, and thought this might best be accomplished by proposing recommendations which would also have the approval and support of the United States. Either he was unaware of recent American policy changes, which seems inconceivable, or had misread them entirely, also inconceivable in view of his long experience in international affairs. It is not known whether he consulted directly with the White House before issuing his memorandum or only with the State Department. If the latter, it is reasonable to assume that there was possibly a divergence of views between the White House, where policy is made, and the State Department bureaucracy. Such divergence is known to have existed in the past.

Interviewed by the author on the 29th of April 1977, about the motives that led Jarring to submit his memorandum despite the apparent U.S. lack of support, a highly

informed U.N. official who was personally involved in the process of negotiations gave the following assessment of Jarring's motives. After three years of possible diplomacy, Jarring came to the conclusion that the only way to break the deadlock was to force the parties to define their positions concerning the two major issues that separated the parties. The Israelis wanted an assurance that Egypt was ready to commit itself to peace with Israel, and Egypt wanted an Israeli commitment to withdrawal. Jarring figured that the Israeli-Egyptian borders presented fewer problems than the west bank or the Golan Heights, therefore it was safer for him to take the initiative on this front. Furthermore, Jarring assumed from his contacts with the "big-four" at the Permanent representatives level at the U.N. that there was a consensus according to which the definitive borders on the Israeli-Egyptian sector should not differ from the former international frontiers. He felt safe in presenting a plan that did not differ in essence from the Rogers Plan, which was then considered the only official American plan for settlement in the Middle East. The U.N. official went on to stress the fact that Jarring felt at the time that his memorandum did not present a definitive

plan. He thought that once the parties gave their consent to the framework presented in his memorandum (Egyptian commitment for peace and Israeli commitment for withdrawal), negotiations could then start to settle the other pending issues, such as navigation rights, security guarantees, etc. The U.N. official dismissed the author's deduction from the statements cited above that Jarring did not have American support; he emphasized that Jarring kept close contacts with the representatives of all four powers, and his memorandum was in line with his assessment of their position.

It is now an established fact that the U.S.A. did not stand behind Jarring's initiative, and this accounted for the failure of the Jarring mission. Thus, U.N. mediation will not succeed unless the U.N. agent obtains the full support and cooperation of the superpowers. One could thus assume that even if the U.S., initially, gave its tacit consent to Jarring's initiative, it was obviously not ready (due perhaps to policy reassessment) to join with the U.S.S.R. and other big powers to enforce them. Furthermore, there always exists a possibility that at the bureau-

cratic level, the State Department interpreted the U.S. position differently. Henry Kissinger, who at the time headed the National Security Council, was responsible then for the shaping of U.S. policy.

Until the official records are published, we can only assume (following current theoretical studies on decision making)<sup>91</sup> that the bureaucratic level at the State Department may have encouraged Jarring to submit his memo, hoping to build up pressure and in this way influence the decision-making process at the National Security Council and at the White House.

The United States made one unilateral effort to promote a settlement when it served as the middleman between Egypt and Israel throughout most of the remainder of 1971, in connection with the reopening of the Suez Canal.

The idea of reopening the canal was broached by President Sadat.<sup>92</sup> It would be the first stage of a settlement in which Israel would withdraw partially from the canal

and Egypt would reopen the Canal to commercial traffic.

Although as Prime Minister Meir noted in a speech to the Knesset on February 9, 1971, that no mention was made specifically of Israeli shipping or of Egypt's ultimate commitment to a peace agreement, Israel accepted Sadat's proposal and agreed to exploratory talks. Secretary Rogers exploited this opportunity to see if the talks could be expanded into negotiations on final settlement terms. During a CBS interview with correspondent Marvin Kalb on July 16, 1971, he remarked:

As a result of the initiatives that President Nixon and his administration have taken, for the first time (emphasis added) there are some prospects for peace, and we are going to do everything we can to bring it about.

He suggested that instead of making visits to Jerusalem and Cairo, in which he and his assistants had been engaged and, in effect, acting as messengers between the parties, further exploration would be enhanced if the parties would agree to meet with him at a site of their own choosing,

...the idea being that the two parties would send delegations to the same city and hopefully even to the same hotel, if not into the same room, and that the American middleman would then try to get a process of round-the-clock negotiating going to see if the differences on this issue couldn't be hammered out.<sup>93</sup>

But this proposal was never implemented, at first, because of Israeli questioning, and later, because Sadat

feared that if an interim agreement were reached, it might forestall efforts toward a permanent solution. Sadat repudiated his own suggestion, and the matter lay dormant until it was revived in 1974, during the negotiations following the Yom Kippur War.

Two events occurred in 1972, which drastically altered (temporarily, at least) the constellation of forces in the Middle East and, therefore, the context of negotiations on the Arab-Israeli conflict. The first was the Summit meeting in Moscow in May, between President Nixon and the Soviet leaders, which resulted in an agreement to defuse tensions between the superpowers (detente). In effect, the agreement to cooperate more or less bound the superpowers to refrain from permitting local conflicts anywhere in the world to become causes of confrontation between them. Although they reached no agreement on principles concerning the Middle East, the troubles in that area were, by virtue of their agreed-upon self-restraint, needed (seemingly) from super-power politics.<sup>94</sup>

The second major event was the expulsion of the Soviet forces from Egypt by President Sadat in July due, inter alia, to his disillusionment with them, on the one hand, and on the other, his desire to exploit closer relations with the United States as a lever against Israel.<sup>95</sup>

In the meantime, the United Nations made further attempts to revive the Jarring mission, but without success.<sup>96</sup> Although Jarring travelled to the Middle East at the behest of the Assembly's Resolution 2799 (XXVI), he refused to disavow his aide-memoire of February 8th; Israel continued to refuse to accept it as binding, and there the matter has stood.

#### IV. The Jarring Mission in Retrospect

The imperviousness of the Arab-Israeli conflict to sustained and persistent attempts at amelioration or settlement is deep-rooted. Jarring's failure was but the culmination of a long series of failures, but because his was the most recent, most ambitious and longest sustained effort, its demise provoked a more profound sense of frustration, discouragement and hopelessness among the parties and the world-at-large than previous failures. While some, chiefly the Israelis, placed the blame on his shoulders for errors of judgment in the handling of a delicate situation, the blame cannot be attributed entirely to him.

Other, more powerful factors militated against his success. Primary among these was the refusal of the super-powers to cooperate, a factor which transcends in importance the inability of the parties to overcome their differences.

A second principal factor was the paralysis of the United Nations in the face of superpower rivalry.

This section is devoted to an examination of the interplay of these three factors--Jarring, the superpowers, and the United Nations--in the breakdown of Jarring's efforts to implement Resolution 242.

#### A. Persuasion Without Power

Mention should, first of all, be made of the fact that the intractability of the Middle East conflict is not quite unique in the annals of the United Nations. One other international dispute, the Cyprus question, has proven to be equally difficult of resolution and as longlived. It may, therefore, well be necessary to institute a close study of the theory and practice of conflict-resolution in order to devise an effective strategy to bring these and other equally difficult international conflicts to a peaceful conclusion. While this is not the place to undertake such a study, nevertheless, it is useful to analyze the role and techniques of mediation, particularly as practiced by Jarring, as a tentative introduction to such a study.

Recognition should first be made of the fact that not all international conflicts are amenable to peaceful settlement. The Arab-Israeli conflict may well fall into

this hopeless category, but whether it is or not cannot be known with certainty until or unless the full catalog of peacemaking techniques have been applied to it. Israel may, for example, have been unrealistic in its unwavering insistence on a negotiated peace treaty in the light of the evidence that peace treaties have become less frequently employed as a means of terminating conflict.<sup>97</sup>

Granted, however, that it is possible to arrange a peaceful end to the Arab-Israeli conflict with the assistance of a U.N. mediator, why indeed did Jarring fail?

To answer this question, it is necessary to delve into the role of mediation and the repertoire of the tactics and techniques available to a mediator working within the context of the United Nations from the point of view of Jarring's resourcefulness in exploiting these tactics and techniques. After all, one of the basic differences between the disputants lay in their perception of Jarring's role, and it should also be remembered that similar differences existed among the members of the General Assembly and the Security Council.

A mediator is a third party who is accepted by both sides to a dispute for the purpose of assisting them, in either face-to-face or indirect negotiations, to reach a mutually agreeable solution of the problems giving rise to

the dispute. He may function either as a mere bearer of messages between the parties or as a provider of such technical services as a meeting place, clerical assistance, etc. In the latter case, he is considered to be supplying "good offices." Alternatively, he may contribute his knowledge, prestige, and experience in offering substantive suggestions to the parties.

At this point, it should be abundantly clear that Israel welcomed Jarring's "good offices" only. She preferred that he exert his efforts toward the goal of arranging face-to-face meetings with her opponents and that he refrain from involving himself in substantive matters. However, if face-to-face meetings were not to be possible, she would have favored his acting on her behalf with respect to questions of substance. <sup>98</sup> The Arabs, on the other hand, viewed his role differently. Since they rejected direct negotiations until the end, he should have in their view confined himself to the mechanics of Israeli withdrawal from the occupied territories, and the repatriation of the Arab refugees, etc.

#### 1. Functions of a Mediator

It is generally agreed that a mediator is employed in a dispute in order that: (a) he may be able to create a climate in which the high emotions usually generated by a conflict may be stilled sufficiently to permit a rational

assessment by the parties involved of both the advantages and disadvantages to them of either continuing or settling the dispute; and (b) of assisting the parties to an agreement by serving as a middleman, that is, by providing a channel of communication between them; and (c) by assisting them in pursuing the process of making mutual concessions. It is a role which most often requires a large capacity for patience, perseverance, and sensitivity to the needs (psychological as well as material) of both sides, and to the nuances of their perceptions of the issues (expressed or tacit). It is also a role which requires a great deal of persuasive ability to help the parties overcome the often considerable emotional obstacles without jeopardy to his own role.

In other words, a mediator must be able to (a) facilitate communication between the opposing sides, particularly when no direct communications exist, and (b) facilitate concessions by helping to create greater flexibility on the part of the adversaries.<sup>99</sup>

A mediator may also suggest new ideas or proposals as a means of keeping discussions moving, or may assist the process of negotiation by suggesting agendas, separating the easier from the more difficult issues, or recommending "packages" containing concessions and gains for both sides. Oran Young has also suggested that a mediator may attempt to

clarify the issues in dispute by clear-cut statements describing his own interpretations of the issues and putting forward basic principles or procedures by means of which a solution may be reached. <sup>100</sup>

It is useful to remember, with respect to the role of a mediator, that, as Stein has pointed out: <sup>101</sup>

Peace is not the absence of conflict. It is rather a change in the rules for managing conflict.... The issue is not the presence or absence of conflict; it is the method of handling conflict which distinguishes peace from war.... Effective conflict management does not imply simply a reduction in the intensity of means used by the participants. Rather, the nature of the conflictual relationship must be changed so that the parties may focus constructively on the issues in dispute and arrive at mutually satisfactory compromises.

## 2. Characteristics of a Mediator

We have already pointed out some of the more essential qualities which a mediator should possess--patience, perseverance, sensitivity. There are others to consider, such as personal prestige and experience, etc.,--attributes of his background. In addition, the manner in which a mediator may be perceived by the disputing parties may well be governed both by the auspices under which he functions, as well as his mandate--the extent and type of instructions he may have received from the body which appointed him to this role. We will discuss these factors below, but the point to be made here is that the success of his mission may hinge

directly on how he is perceived by the parties.

For example, Frederick E. Podell and William M. Knapp have suggested the possibility that the parties may be more willing to make concessions through an intermediary in the belief that concessions offered directly to the opposing side may arouse greater expectations for additional concessions, whereas those made to the intermediary will not produce such expectations.

An intermediary may also be judged by his display (or lack) of impartiality with respect to the opponents or the outcome of the dispute; the degree of flexibility he evidences or resourcefulness in the use of new techniques or strategies, and, of course, whether or not he shows mature judgment, a trait the value of which is self-evident.

Although impartiality on the part of a mediator may at first blush seem to be a sine qua non,<sup>102</sup> there is ample evidence that this need not be the case. In the context of the Arab-Israeli conflict, good examples of the successful use of a biased mediator was the case of Count Folke Bernadotte, who managed to negotiate the Armistice Agreements of 1949, despite the fact that both sides distrusted him, and another is the "shuttle diplomacy" undertaken by Secretary of State Henry Kissinger in 1973/74. Also worthy of recalling in this connection was Secretary Rogers' intervention in 1970, in

which he was able to bring the War of Attrition to an end. In all three cases, the biases of the mediators were well known to the adversaries. For example, both Rogers and Kissinger, as American diplomats, were considered by the Arabs to be in favor of the Israelis, while the Israelis suspected Count Bernadotte as favoring Great Britain at a time when the British were opposed to the establishment of Israel.

These mediators were "acceptable" to the parties in all probability because other alternatives were less palatable to them at the time, or because, as Young indicated, the benefits derivable from having their services outweighed the disadvantages.<sup>103</sup>

In 1970, both Egypt and Israel were ready to accept American mediation in order to stave off a situation along the Suez Canal which could only become more costly for both, and there was, in addition, the growing risk of superpower confrontation.

However, even in such instances, a biased mediator's acceptability must still be earned, by demonstrations on his part, that he is sincerely motivated to help both adversaries, as Kissinger did in 1973 and 1974.<sup>104</sup>

Flexibility of maneuver is an undoubted asset in any negotiating process. In the context of the United Nations,

this freedom is governed by the type of mandate which a mediator is given which constitutes his terms of reference. Some hold that a general mandate provides for greater flexibility; others, that a specific mandate is better designed for conflict resolution since it represents the achievement of a consensus in support of a specific settlement.<sup>105</sup>

There is a risk, however, that, as Forsythe has stated:

A specific mandate for a U.N. peacemaking organ increases the probability that the disputant with the stronger bargaining position will oppose the U.N.'s recommendations. The more powerful disputant or disputant-in-possession usually views with disfavor third-party efforts at conflict resolution.<sup>106</sup>

In addition, a specific mandate may become obsolescent if the dispute under consideration, viz., the Arab-Israeli conflict, perseveres over an extended period during which the U.N. body which has provided the mandate follows the usual tendency to repeat earlier resolutions, in whole or in part, for reasons of legal consistency. This phenomenon has been abundantly present in the Middle East situation.

In the event of protracted negotiations plus the usual complications attendant on conflict resolution, the mediator may, in an effort to break the deadlock, resort to strategies, tactics which overstep the bounds of his mandate, therefore exposing himself to charges of acting ultra vires, and providing an excuse for the disputants to perhaps abandon the negotiation in favor of another, more compatible course

of action. This was the fate ultimately of the Jarring mission after Ambassador Jarring decided to issue his aide-memoire of February 8, 1971.

### 3. Mediating Techniques

A conflict between two parties at any level in any environment precipitates a disruption in their relationship. The mediator must, therefore, address himself to this matter, i.e., its source and how and why it developed, and the conditions necessary for its amelioration. He must, in other words, manipulate the conflict situation in such a manner as to promote an atmosphere in which it may be defused and a resolution achieved.

Forsythe has identified ten modalities which have been available to United Nations mediators for use in formal negotiations as follows, listed in the order of increasing involvement in the mediation.<sup>107</sup>

a. Serve as a symbol of U.N. interest: Little or no contact with the disputants, a time-wasting measure or "holding technique" practiced in the hope that the conflict may evaporate in time.

b. Initiate procedural suggestions: An effort to encourage negotiations between the parties, but not to deal with matters of substance.

c. Clarify issues: An effort to separate the issues from the accompanying propaganda, and to attempt to obtain agreement on the minor issues as a first step. Fisher<sup>108</sup> claims that a belligerent situation may be altered if the "conflict is fractionated," i.e., large issues transformed into smaller ones, or the issues defined in narrower terms. For example, an issue may be seen either in terms of a principle or as an application of a principle, thereby reducing flexibility, as a procedural precedent or the precedent minimized, etc.

d. Interpret issues: The mediator may state his own interpretation of key issues to bring the parties closer together.

e. Submit reports: An effort to clarify matters by providing factual data.

f. Submit policy recommendations: An effort to prevent disagreement by proposing new solutions.

g. Mobilize persuasion: Seek the support of other interested parties, e.g., the superpowers, to persuade the disputants to accept the new proposals.

h. Promise rewards--threaten deprivations: An attempt to "tighten the screws" by offering quid pro quos, threatening to withhold certain benefits which may be obtained by acceptance of proposals or to exact certain

punishments for refusing to accept them.

i. Mobilize pressure: A more severe application of persuasion.

j. Mobilize force: The ultimate strategy which would require authorization from the Security Council in accordance with Chapter VII of the Charter and, therefore, unanimity rarely attained.

These alternative modes of action present the spectrum of a mediator's choices with respect to conflict resolution. Depending upon the nature of the conflict, he may utilize one or more of them. Under certain conditions, only the latter two or three may prove effective if the necessary authorization to employ them can be obtained. Laid before us in this way, it is possible to evaluate Ambassador Jarring's performance in better perspective. But, before turning to that, we should also consider the tactics open to mediators.

#### 4. Tactics of Mediation

The tactical vocabulary of mediation is fairly limited. Much depends on the skill of the mediator, which is of critical importance to the successful outcome of peacemaking cannot be overstated. This arises from the fact that most disputes are charged with intense bitterness, and it is incumbent on the mediator to overcome this and other evidences

of negativism. In many cases, the parties do not negotiate with each other in good faith. It is also, therefore, necessary to create a climate in which the good faith essential to any negotiation may be restored. The application of appropriate tactics may help to overcome the reluctance of parties to make concessions if they happen to be in a superior position, the parties-in-possession, and by the same token, disadvantaged parties who may otherwise feel that they have little to lose by holding back may be moved to compromise, assuming there is no threat to their security.

The tactics under consideration here are those which affect the nature of the negotiation, e.g., secret vs. public diplomacy, or the timing of the negotiation.

If the negotiations are shielded from public scrutiny, it is probable that the parties may be more flexible in their attitudes. With greater flexibility, the negotiation will undoubtedly be better able to focus on factual matters, and therefore enhance the possibility of settlement.

On the other hand, publicity may be used as a weapon (or threat) to move an intractable party to accept a solution proposed by the mediator.

The "timing" of a negotiation is also crucial to its outcome. Contrary to the widely-accepted notion, a greater possibility of conflict resolution exists where passions are

heated. If enough time is allowed to pass before negotiations are begun and the parties permitted to cool, there is a risk that their positions may harden.<sup>109</sup> Delay may, therefore, be fatal to successful negotiations, as Forsythe has shown in his study of the workings of the Conciliation Commission for Palestine.<sup>110</sup>

By the same token, an early tactical success may contribute greatly to the skill and prestige of the mediator, thus opening the way towards later success.

Negotiations are sometimes hampered by the rigid reliance on one or another decision-making structure, e.g., the use of conferences. Mediators' alertness to other possibilities suitable to the parties at different stages of the negotiation may be salutary.

Finally, not only is it essential for the mediator to keep the channels of communication open at all times, it is equally important to make the best possible use of them. The goal of negotiations is to promote positive behavior rather than to deter negative behavior. Rather than using threats to achieve their ends, disputants should be encouraged to offer assurances. By this means, a recalcitrant party may be persuaded to compromise on a narrow issue in return for a concession on a related issue. As Stein points out, "Such a tactic emphasizes potential

mutual gains without threats of loss. It encourages change in policy positions and change in the attitudes of the opponent simultaneously..."<sup>111</sup>

In retrospect, Ambassador Jarring was not able to function, to persuade the disputants to assemble in one place for face-to-face talks, and had, therefore, to confine himself to acting as a message-bearer. With this constraint upon him, it was virtually impossible to employ most of the techniques cited above. He was further hampered (and this was critical to his mission), by not having been able to muster the support of both the United States and the Soviet Union to make it possible for him to either mobilize persuasion, mobilize pressure, or even to promise rewards and threaten deprivations. When he attempted to submit policy recommendations in the form of the aide-memoire of February 8th, he garnered the displeasure of Israel for having departed from his mandate as stated in Resolution 242, and with it, lost his acceptability as a mediator for acting ultra vires insofar as she was concerned. It will be recalled that most of his effort was toward achieving clarification of the issues, and that by requesting them to state their views in response to questionnaires. Had Jarring been able to obtain the full support of both superpowers, he could, in all probability, have succeeded in getting negotiations started,

at the very least. But, though the Soviet Union was supportive of his mission, he erred in assuming that he had American support also. However, the United States withdrew from active support following the introduction of Soviet military personnel into Egypt in 1970. In order to persuade Israel to resume the Jarring talks, President Nixon pledged that he would not cooperate with any U.N. attempt to force Israel to withdraw her forces from the occupied territories in July 1970.

In sum, Jarring was perceived by both sides as lacking sufficient power to make his views prevail. Persuasion without power is not persuasive enough.

His failure, it is apparent, was due not only to his own mis-step. More importantly, it was linked to the failure of the United Nations itself, which in turn is linked to the inability or unwillingness of the superpowers to coordinate their policies. It was they who held the initiative. Their failure to coordinate their policies permitted their respective clients to behave intransigently, and effectively to reduce Jarring's (and by extension, the United Nations') influence.

The United Nations, as a result, served as little more than a forum for or focus of superpower disagreement. As Oran Young has described it:

The political activities of the (United Nations) therefore centered on acrimonious debates over irreconcilable postures on issues such as the condemnation of Israel, demands for withdrawal of troops to pre-war boundaries, calls for reparations, measures to end the state of belligerency in the Middle East, and the appropriate format for negotiations aimed at achieving a political settlement. In the upshot, the political organs of the United Nations devolved into mere arenas for rhetorical sparring, a process which led to acute paralysis from the point of view of bringing effective pressure to bear on both Arabs and Israelis to work toward a genuine settlement.... On the other hand, (these) conditions did allow the United Nations to recapture some of the service functions in the Middle East which had been dealt a severe blow by the earlier destruction of UNEF.<sup>112</sup>

It is, by now, a truism, that when the superpowers agree or, at least, acquiesce, the United Nations is given potency for action, but when disagreement prevails, it is rendered into little more than a noisy forum. Primarily for this reason, the United Nations has been unable to achieve a good record as peacemaker in conflicts marked by fierce antagonism.

On the other hand, the record achieved by the superpowers acting as mediators is impressive. Most of the wars, chiefly regional, that have been terminated since 1945, have been brought to a conclusion as a result of either the formal or informal participation of the superpowers in the imposition of the terms of settlement.<sup>113</sup>

This is due, as Stein has written, to the desire of the superpowers to "encapsulate" their own conflict, i.e.,

to put an end to international conflagrations before the flames affect their own relations, most particularly when the local parties happen to be client states. It is a pattern which Stein identifies as "the logic of divergent interests" whereby the client states hold the superpowers hostage "through their capacity to determine the issues which catalyze (wars). Those issues which are largely irrelevant to the superpowers in their context, are highly salient (to their clients."<sup>112</sup> Although the superpowers cannot erase conflicts between or among their clients, they can exert great influence on them to cooperate in focusing on the issues and facilitating negotiations, as when the United States and the Soviet Union insisted on the adoption by Israel and Egypt of the cease-fire, both in June 1967 and October 1973.

Superpowers as mediators may provide other services to the disputants normally supplied by a mediator appointed by the United Nations, but more effectively, e.g., clarification of issues. Because they are not bound by any mandate, they may freely (and usually do) make substantive proposals and initiate strategies of conflict reduction with a flexibility of action usually denied to U.N. mediators.

It would seem, therefore, that the resolution of the Arab-Israeli conflict may yet be achieved through the active

mediation of one (the U.S.A.) or both superpowers acting in concert, if this is possible. There is undoubtedly great need for such superpower intervention, but barring this possibility, it may yet also be possible for United Nations' mediation to succeed, given the proper superpower backing.

Barring this eventuality, the Arab-Israeli conflict may yet be resolved by a mediator skilled in the use of tactics and hastened on his course by the fortuitous concatenation of positive attitudes on the part of the superpowers and the eagerness of both the Arabs and Israelis to turn their swords into ploughshares.

## NOTES TO CHAPTER III

1. Lall, A. The U.N. in the Middle East Crisis, 1967, (N.Y.: Columbia University Press, 1968), p. 279.
2. All but three of the draft resolutions submitted during the Emergency Session of the General Assembly and the Security Council session in November called for the continued involvement of the U.N. A few called specifically for a Special Representative to be designated by the Secretary-General. The sole exceptions were the Soviet drafts, A/L 519 and S/8212, and the Albanian draft, A/L. 521.
3. The Soviets were interested only in the unconditional withdrawal of Israel and a rapid return to the status quo ante. They had no need for a Special Representative whose function, according to Soviet Deputy Foreign Minister V. V. Kuznetsov, was merely to "paper over Israel's aggression." See U.N. Chronicle, IV: 11, December 1967, p. 12 -- U.N. GAOR 1530th plenary meeting, 21 June 1967, pp. 14-15.
4. U.N. Chronicle, IV:7, July 1967, p. 44 -- U.N. SCOR 1373rd meeting of 9/10 November 1967.
5. It may be argued that since it has never been officially suspended, that it is currently in its fourth phase.
6. Davar, January 28, 1968.
7. All quotations dealing with the Jarring mission discussed in this section have been taken, unless otherwise noted, from the Report by the Secretary-General on the Activities of the Special Representative to the Middle East. S/10070, 4 January 1971, and additions therefor dated 1 February 1971 and 5 March 1971. Also S/10403, 30 November 1971.
8. Jerusalem Post, June 4, 1968.

9. Al-Ahram, February 2, 1968.
10. Jerusalem Post, June 4, 1968.
11. Al-Ahram, January 1, 1968.
12. Al-Ahram, February 2, 1968.
13. Radio Amman, December 14, 1967.
14. Al-Nahar (Beirut), January 19, 1968.
15. Al-Ahram, December 15, 1967.
16. See article by Alfred Friendly in the Washington Post, August 18, 1968.
17. Jerusalem Post, June 14, 1968.
18. President Nasser's speech at the National Congress of the Arab Socialist Union at Cairo University, July 23, 1968.
19. Jordan, Amos R.; Badeau, John S. "American Interests in the Middle East," in Middle East Institute Panel Series VI, pp. 9-12. (Washington, D.C.: Middle East Inst., 1972)
20. "Holding technique" has been defined as a "time-wasting device (designed) to maintain a legal entree (for the U.N.) into (a) conflict in the hope that the disputants' attitudes will change over time and that the U.N. organ (in this instance, the Special Representative) can undertake increased activity at a later date." See Forsythe, David P., United Nations Peacemaking: the Conciliation Commission for Palestine. (Baltimore: Johns-Hopkins University Press, 1972), pp. 13-14.
21. Johnston, Scott D. "Israeli Perceptions and Dimensions of the Arab-Israeli Conflict," in Middle East Institute. The Arab-Israeli Conflict and American-Soviet Confrontation in the Middle East, 1972 Panel Series III. Boston: February 8, 1972 (Wash., D.C., The Institute, 1972), pp. 16-17.
22. See Appendix I for the text of the questionnaire and the responses to it.

23. There's reason to believe, from statements in the Soviet press, that the Soviets were indeed pressing Jarring to submit a report to the Council, and even threatened to do so themselves. The threat was never carried out, however. See their statement of March 30, 1968, in Moscow News. Also, Ivanov, K. "Israel, Zionism and International Imperialism." International Affairs, (June 1968).
24. The "Rhodes formula," so called after the Island of Rhodes where Ralph Bunche, U.N. mediator, set up his headquarters. This was the last time that Israelis and Arabs met face-to-face officially. On that occasion, the various delegations took up headquarters in the same hotel as Dr. Bunche, but on different floors, in order to avoid direct contact. Eventually, however, they were induced to meet face-to-face for discussions in Dr. Bunche's sitting-room.
25. It is useful to recall, in considering the events of this period, that there were three important changes of government during the year, viz., President Nixon took office in the U.S.; Golda Meir became the Israeli Prime Minister due to the death of Ben Eshkol, and Hafiz al-Hasad took control of Syria via a bloodless coup.
26. U.S. Senate Committee on Foreign Relations. A Select Chronology and Background Documents Relating to the Middle East. (2nd rev. ed. Washington, D.C.: Gov't Printing Office, February 1975), pp. 47, 52, 55.
27. Nasser speaking to the Arab Socialist Union Congress, Radio Cairo. March 30, 1969, quoted from BBC Monitoring Service.
28. Nasser speaking at the aircraft plant at Helwan, May 1, 1969, quoted from BBC Monitoring Service.
29. Radio Beirut, April 1, 1969, quoted from the BBC Monitoring Service.
30. Pravda, June 6, 1969.
31. Huretis, Robert E. "Notes on the Soviet Strategic Presence in the Middle East and Mediterranean." In The Nature of Soviet Aims and Interests in the Middle East. 1972 Panel Series. Panel I. (Middle East Institute, January 26, 1972) (Washington, D. C.: The Institute), p. 5.

32. Safran, Nadav. "Soviet Policy and Strategy." In The Arab-Israeli Conflict and American-Soviet Confrontation in the Middle East. Middle East Institute, 1972 Panel Series. Panel III. (Washington, D.C.: The Institute, February 8, 1972) p. 7.
33. New York Times, January 27, 1969.
34. Insight Team of the London Sunday Times. The Yom Kippur War. (N.Y.: Doubleday, 1974), p. 29.
35. For a full account of the Soviet involvement, see Becker, A.S., and A. L. Horelick. Soviet Policy in the Middle East (R-504-FF). Rand Corporation, 1970, pp. 58-62.
36. Jordan, Amos A., Jr. "The Arab-Israeli Conflict and U.S.-U.S.S.R. Rivalry." In Strategic and Political Dimensions of Soviet-American Rivalry in the Middle East. (Middle East Institute - 1972 Panel Series. Panel VI. (Washington, D.C.: The Institute, 1972) p. 17.
37. Al-Ahram, April 26, 1969.
38. Heikal, H. "Strategy of the War of Attrition." In Laqueur, W. The Israel-Arab Reader. (3rd ed., rev. and enl. N.Y.: Bantam Books, 1976) pp. 424-25.
39. The resolutions were as follows: Security Council -- 248 (March 4, 1968), 250 (April 27, 1968), 251 (May 2, 1968), 252 (May 21, 1968), 256 (August 16, 1968), 258 (Sept. 10, 1968), 259 (Sept. 27, 1968), 262 (Dec. 31, 1968), 265 (April 1, 1969), 267 (July 3, 1969), 270 Aug. 26, 1969), 271 (Sept. 15, 1969), 279 (May 12, 1970), 280 (May 19, 1970). General Assembly -- 2252 (ES-V), 2253 (ES-V) and 2254 (ES-V) all of July 4, 1967, 2256 (ES-V) July 21, 1967, 2257 (ES-V) Sept. 18, 1967, 2354 (XXII) Dec. 18, 1967, 2341 (XXII) Dec. 19, 1967, 2443 (XXIII) Dec. 19, 1968, 2452 (XXIII), Dec. 19, 1968, 2535 (XXIV), Dec. 10, 1969, 2546 (XXIV), Dec. 11, 1969.
40. See Assembly document A/AC. 183/L.3, March 11, 1976, pp. 15-16.
41. Ibid., p. 17.
42. Davar, Dec. 12, 1969.

43. Atherton, Alfred L., Jr. "The Nixon Administration and the Arab-Israeli Conflict." In Finger, Seymour M., Ed. The New World Balance and Peace in the Middle East: Reality or Mirage. (Rutherford, N.J.: Fairleigh Dickinson University Press, 1975), pp. 196-205.
44. New York Times, December 19, 1968.
45. New York Times, January 4, 1969.
46. New York Times, March 5, 1969.
47. They were Ambassador Armand Bernard (France), Jacob Malik (Soviet Union), Lord Caradon (Gt. Britain), and Charles W. Yost (U.S.).
48. Embassy of Israel. Washington, D.C., Policy Background, April 11, 1969.
49. Ma'ariv, January 22, 1969.
50. "Since the Soviet Union was unwilling to risk confronting the United States, and was clearly unable to compel Israel to accept a 'political solution' which the United States opposed, the urgent need to secure Israeli withdrawal led the Soviet Union at the end of 1968, to seek U.S. collaboration in working out and imposing on Israel a settlement that would satisfy minimal Arab demands. While the tactic was designed to preserve the political base upon which Moscow rested its hopes for ultimately expelling the United States from the region, temporarily at least, Moscow sought to act in concert with Washington." Becker, A.S., and A.L. Horelick, *op cit.*, p. 68.
51. New York Times, April 8, 1969.
52. Atherton, Alfred L., Jr., op cit., p. 193-99.
53. New York Herald-Tribune, April 14, 1969.
54. Mena, Cairo, April 9, 1969.
55. Radio Cairo, March 30, 1969, quoted from BBC Monitoring Service.
56. Radio Cairo, March 24, 1969, quoted from BBC Monitoring Service.

57. Al-Ahram, May 16, 1969.
58. Akhbar al-Yom, Cairo, June 28, 1969.
59. Christian Science Monitor, July 27, 1969.
60. New York Post, July 28, 1969.
61. Atherton, Alfred L., Jr., op cit, p. 197.
62. New York Post, June 5, 1969.
63. Atherton, Alfred L., Jr., op cit, p. 199.
64. U.S. Senate Committee on Foreign Relations, op cit, pp. 263-68.
65. New York Times, December 22, 1969.
66. New York Times, December 22, 1969. This plan is sometimes referred to as the Yost Document after Charles Yost, who was the then U.S. Representative to the United Nations.
67. For a detailed report of the Israeli reaction to the Rogers Plan, see Brecher, Michael. Decisions in Israel's Foreign Policy. (London: Oxford University Press, 1974) pp. 454-517. For Egypt's reaction, see Heikal, M. The Road to Ramadan. (London: Collins, 1975), pp. 90-93.
68. Jerusalem Post, December 12, 1969.
69. Jerusalem Post, December 23, 1969.
70. New York Times, January 12, 1970.
71. Radio Cairo, December 22, 1969.
72. Radio Cairo, December 26, 1969.
73. Jerusalem Post, July 10, 1970.
74. See Keesing's Contemporary Archives, 1970, for full text.
75. Jerusalem Post, July 21, 1970.

76. President Nixon assured Israel of: "(1) U.S. recognition of the need to preserve the Jewishness of Israel; (2) U.S. acknowledgement that Israel's borders would not be the same as those of June 4, 1967; (3) ...the U.S. would not be a party to an imposed solution; (4) (of) support for a peace settlement upon secure and recognized boundaries, as the outcome of negotiations between the parties to the conflict; (5) agreement that Israeli troops would remain on the cease-fire lines until contractual peace agreement was signed; (6) (of) a pledge to maintain the balance of power in the Near East...and to continue the supply of arms to Israel; and (7) (of) a promise of continuing large-scale American economic aid." Brecher, M., op cit, p. 493.
77. Brecher, M., op cit, pp. 490-96.
78. Government of Israel Press Bulletin, August 4, 1970.
79. Brecher, M., op cit, pp. 495-96.
80. Resolution 2628, November 1970.
81. Abba Eban, commenting on this development in a press interview on December 30, 1970, after Meir's return to Israel, stated: "Israel and the United States agreed upon negotiations on borders--no dictation on these from outside, no withdrawal of Israeli troops prior to mutual agreement on borders by negotiating parties. Israel rejected United States' proposals of late 1969; rejects concept of imposed settlement; holds that negotiations be concerned with positions and proposals and not with territorial proposals of outside parties."
82. Columbia Broadcasting System (CBS) interview, January 23, 1971.
83. See S/PV. 1725, June 14, 1973.
84. See Appendix II for the full text of Jarring's memorandum and the reactions thereto.
85. New York Times, February 13, 1971.
86. Atherton, Alfred L., Jr., op cit, p. 204.
87. Eban, Abba, Press conference, March 8, 1971.

88. Ibid.
89. Under a long-standing rule of the U.S. Department of State, diplomatic correspondence and other papers relating to foreign affairs are not made public for 30 years after the event (Executive Order No. 11652 of June 1, 1972).
90. At least from what one could deduce from the American and Israeli official public statements quoted in footnotes 81 and 87.
91. See the Bureaucratic Politics Paradigm in Allison, Graham: "Conceptual Models and the Cuban Missile Crisis," in Hanrieder, Wolfram F., Comparative Foreign Policy. (New York: David McKay Company, Inc., 1971), pp. 360-71.
92. Sadat stated, in broaching this idea for an interim settlement: "We believe that through the Suez initiative we shall pass from the Jarring efforts and mere pronouncements toward the implementation of the Security Council resolution." Radio Cairo, Feb. 4, 1971.
93. Atherton, Alfred L., Jr., op cit., p. 201. Obviously, he had the Rhodes formula in mind.
94. See text of joint communique, May 29, 1972 in Dept. of State Bulletin, June 26, 1972, p. 902.
95. Heikal, M., op cit., pp. . Also, Slonim, Shlomo. United States-Israel Relations, 1967-1973; A Study in the Convergence and Divergence of Interests. Jerusalem Papers on Penal Problems (8) (Jerusalem: Hebrew University. September 1974), pp. 31-34.
96. Resolution 2799 (XXVI), December 13, 1971, and Resolution 2949 (XXVII), December 8, 1972.
97. Stein, Janice G. "War Termination and Conflict Reduction, Or How Wars Should End," Jerusalem Journal of International Relations. (Fall 1975), p. 3.
98. See Johnston, Scott D., op cit., p. 13.
99. Touval, Saadia. "Biased Intermediaries: Theoretical and Historical Considerations." Jerusalem Journal of International Relations. (Fall 1975), pp. 52-54.

100. Young, Oran. The Intermediaries. (Princeton, N.J.: Princeton University Press, 1963), p. 53.
101. Stein, Janice G., op cit., p. 16.
102. Young, Oran, op cit., p. 81. Also, Young, O. "Intermediaries and Interventionists: Third Parties in the Middle East Crisis." International Journal, XXIII (1967), pp. 52-73; Jackson, Elmore. Meeting of Minds. (New York: McGraw-Hill, 1972), p. 125, 129; and Northedge, F. S., and M. D. Donelan. International Disputes (New York: St. Martin's Press, 1971), p. 299.
103. Young, Oran. "Intermediaries: Additional Thoughts on Third Parties," Journal of Conflict Resolution. XVI (1972), pp. 59-60.
104. Kalb, Marvin, and Bernard Kalb. Kissinger. (Boston: Little, Brown, 1974), pp. 487.
105. Forsythe, David P., op cit., p. 161.
106. Ibid., p. 161.
107. Ibid., pp. 13-17.
108. Stein, Janice G., op cit., p. 20.
109. Jackson, Elmore, op cit., p. 163.
110. Forsythe, David P., op cit., pp. 165-66.
111. Stein, Janice G., op cit., pp. 21-22.
112. Young, Oran. "Intermediaries and Interventionists: Third Parties in the Middle East Crisis." International Journal, XXIII (1963), p. 69.
113. Stein, Janice G., op cit., p. 18.
114. Ibid., p. 19.

APPENDIX I and APPENDIX II

Appendixes I and II are reproduced from "The Report By the Secretary-General on the Activities of the Special Representative to the Middle East" (S/10070) of 4th of January 1971.

QUESTIONS SUBMITTED IN MARCH 1969 BY THE SPECIAL REPRESENTATIVE  
TO THE GOVERNMENTS CONCERNED AND THEIR REPLIES

Note: Ambassador Jarring submitted his questions to the States concerned in the form of separate lists specifically addressed to each Government. Those lists were, however, prepared from a general list applicable to all the parties and that list is, to save repetition, reproduced here. As some questions related to provisions of Security Council resolution 242 (1967) which applied to only one or some of the parties, the numbers of questions in the specific lists were not always the same as those in the general list. Where the number of the answer differs from that of the question in the general list, the latter number is added in square brackets.

Specific lists of questions based on the following general list were submitted by Ambassador Jarring to the Governments of the United Arab Republic on 5 March, of Jordan on 8 March, of Israel on 9 March and of Lebanon on 14 March 1969.

A. QUESTIONS SUBMITTED BY THE SPECIAL REPRESENTATIVE

Security Council resolution 242 (1967) sets out provisions and principles in accordance with which a peaceful and accepted settlement of the Middle East Question should be achieved. Some of these provisions would impose obligations on both sides, some on one side, and some on the other. It has generally been accepted that they should be regarded as a whole. The following questions designed to elicit the attitude of the parties towards the provisions of the Security Council resolution are based on this assumption and are to be understood in the context that each provision is regarded as part of a "package deal".

1. Does Israel (Jordan, Lebanon, United Arab Republic) accept Security Council resolution 242 (1967) for implementation for achieving a peaceful and accepted settlement of the Middle East Question in accordance with the provisions and principles contained in the resolution?
2. Does Israel (Jordan, Lebanon, United Arab Republic) agree to pledge termination of all claims or states of belligerency with Jordan, Lebanon and the United Arab Republic (Israel)?

/...

3. Does Israel (Jordan, Lebanon, United Arab Republic) agree to pledge respect for and acknowledgement of the sovereignty, territorial integrity and political independence of Jordan, Lebanon and the United Arab Republic (Israel)?
4. Does Israel (Jordan, Lebanon, United Arab Republic) accept the right of Jordan, Lebanon and the United Arab Republic (Israel) to live in peace within secure and recognized boundaries free from threats or acts of force?
5. If so, what is the conception of secure and recognized boundaries held by Israel (Jordan, Lebanon, United Arab Republic)?
6. Does Israel agree to withdraw its armed forces from territories occupied by it in the recent conflict?
7. Does the United Arab Republic agree to guarantee freedom of navigation for Israel through international waterways in the area, in particular:
  - (a) through the Straits of Tiran, and
  - (b) through the Suez Canal?
8. Does Israel (Jordan, Lebanon, United Arab Republic) agree that, if a plan for the just settlement of the refugee problem is worked out and presented to the parties for their consideration, the acceptance in principle of such a plan by the parties and the declaration of their intention to implement it in good faith constitute sufficient implementation of this provision of the Security Council resolution to justify the implementation of the other provisions?
9. Does Israel (Jordan, Lebanon, United Arab Republic) agree that the territorial inviolability and political independence of the States in the area should be guaranteed:
  - (a) by the establishment of demilitarized zones;
  - (b) through additional measures?
10. Does Israel agree that such demilitarized zones should include areas on its side of its boundaries?
11. Does Jordan agree that a demilitarized zone should be established in Jordanian territory from which Israel armed forces have been withdrawn?
12. Does the United Arab Republic agree that a demilitarized zone should be established:
  - (a) at Sharm-el-Sheikh;
  - (b) in other parts of the Sinai peninsula?

/...

13. Does Israel (Jordan, Lebanon, United Arab Republic) agree that demilitarization of such zones should be supervised and maintained by the United Nations?
14. Would Israel (Jordan, Lebanon, United Arab Republic) accept as a final act of agreement on all provisions a mutually signed multilateral document which would incorporate the agreed conditions for a just and lasting peace?

/...

## B. REPLY OF THE GOVERNMENT OF ISRAEL

(Handed to Ambassador Jarring in Jerusalem by the Minister for Foreign Affairs on 2 April 1969)

Jerusalem, 2 April 1969

Dear Ambassador Jarring,

Israel's position on all the subjects raised in your eleven questions has been stated in detail in my address to the General Assembly of 8 October 1968, and in the memoranda presented to you on 15 October 1968 and 4 November 1968.

I now enclose specific replies in an affirmative spirit to the questions as formulated. It is my understanding that on the basis of the answers received from the three governments you propose to pursue further mutual clarifications in an effort to promote agreement on all the matters at issue in accordance with your mandate. We are ready to join in this process at any appropriate place.

Israel's statements of attitude, including her replies to these questions, has taken into account recent developments in Arab policy including the speeches recently delivered by President Nasser and other Arab leaders. We have noted the specific and emphatic reiteration of their refusal to make peace with Israel, to recognize Israel, to negotiate with Israel, to cease terrorist attacks on Israel or to admit the possibility of sovereign co-existence in any field. It would appear at this time that the effective negation by the UAR of the principles of the Charter and of the Security Council's Resolution is obvious and vehement. We hope that this policy, to which effect is given every day, will change; but these authoritative statements have caused deep concern and have intensified the tension which we would have wished to see relieved.

It is also our view that highly publicized encounters by four member States have weakened the attention which should have been concentrated on the efforts of the parties themselves to move towards agreement. They are causing a duplication and dispersal of effort. They have also encouraged a wrong impression in some quarters that a solution can be sought outside the region and without its governments. Israel recognizes your mission as the authoritative international framework within which peace between the States in the Middle East should be promoted.

/...

I recall the idea which we discussed some weeks ago that the Foreign Ministers of the three governments should meet with you soon at a suitable place to pursue the promotion of agreement. As you will remember, I reacted positively to this idea. I wish to reaffirm that Israel will continue to co-operate with you in the fulfilment of your mission.

Yours sincerely,

(Signed) Abta EBAN

Answer to Question One:

Israel accepts the Security Council resolution (242) for the promotion of agreement on the establishment of a just and lasting peace, to be reached by negotiation and agreements between the governments concerned. Implementation of agreements should begin when agreement has been concluded on all their provisions.

Answer to Question Two:

It is the Arab States, not Israel which claimed and originated states of belligerency. They declared themselves for two decades to be in a state of unilateral war with Israel. It is therefore primarily incumbent upon them to terminate the state of war with Israel.

On the establishment of peace with her Arab neighbours, Israel agrees to the termination, on a reciprocal basis, of all claims or states of belligerency with each State with which peace is established. A declaration specifying each State by name would be made by Israel in each case.

The corresponding statement by any Arab State must specifically renounce belligerency "with Israel" and not "with any state in the area". Legal obligations must be specific in regard to those by whom they are bound.

Renunciation of belligerency includes the cessation of all maritime interference, the cessation of boycott measures involving third parties; the annulment of reservations made by Arab States on the applicability to Israel of their obligations under international conventions to which they have adhered; non-adherence to political and military alliances and pacts directed against

/...

Israel or including States unwilling to renounce claims or states of belligerency with Israel and maintain peaceful relations with it; the non-stationing of armed forces of such other States on the territory of the contracting States and the prohibition and prevention in the territory of Arab States of all preparations, actions or expeditions by irregular or para-military groups or by individuals directed against the lives, security or property of Israel in any part of the world.

The last stipulation is without prejudice to the fact that the responsibility of Arab governments for preventing such activities is legally binding under the cease-fire established by the parties in June 1967.

Answer to Question Three:

Israel agrees to respect and acknowledge the sovereignty, territorial integrity and political independence of neighbouring Arab States; this principle would be embodied in peace treaties establishing agreed boundaries.

Answer to Question Four:

Israel accepts the right of Jordan, Lebanon, the United Arab Republic and other neighbouring States to live in peace within secure and recognized boundaries, free from threats or acts of force. Explicit and unequivocal reciprocity is Israel's only conditions for this acceptance. "Acts of force" include all preparations, actions or expeditions by irregular or para-military groups or by individuals directed against the life, security or property of Israel in any part of the world.

Answer to Question Five:

Secure and recognized boundaries have never yet existed between Israel and the Arab States; accordingly, they should now be established as part of the peace-making process. The cease-fire should be replaced by peace treaties establishing permanent, secure and recognized boundaries as agreed upon through negotiation between the governments concerned.

/...

Answer to Question Six:

When permanent, secure and recognized boundaries are agreed upon and established between Israel and each of the neighbouring Arab States, the disposition of forces will be carried out in full accordance with the boundaries determined in the peace treaties.

Answer to Question Seven: [General question 8]

The refugee problem was caused by the wars launched against Israel by Arab States, and has been perpetuated through the refusal of Arab States to establish peaceful relations with Israel. In view of the human problems involved in this issue Israel has expressed its willingness to give priority to the attainment of an agreement for the solution of this problem through regional and international co-operation. We believe that agreement could be sought even in advance of peace negotiations. We suggest that a conference of Middle Eastern States should be convened, together with the Governments contribution to refugee relief and the Specialized Agencies of the United Nations, in order to chart a five-year plan for the solution of the refugee problem in the framework of a lasting peace and the integration of refugees into productive life. This conference can be called in advance of peace negotiations.

Joint refugee integration and rehabilitation commissions should be established by the governments concerned in order to work out agreed projects for refugee integration on a regional basis with international assistance.

In view of the special humanitarian nature of this issue we do not make agreement on plans for a solution of the refugee problem contingent on agreement on any other aspect of the Middle Eastern problem. For the same reason it should not be invoked by Arab States to obstruct agreement on other problems.

Answer to Question Eight: [General question 9]

The effective guarantee for the territorial inviolability and political independence of States lies in the strict observance by the governments of their treaty obligations. In the context of peace providing for full respect for the sovereignty of States and the establishment of agreed boundaries, other security measures may be discussed by the contracting governments.

/...

Answer to Questions Nine and Ten: /General questions 10 and 13/

Without prejudice to what is stated in answer to Question Eight, it is pointed out that experience has shown that the measures mentioned in Questions Nine and Ten have not prevented the preparation and carrying out of aggression against Israel.

Answer to Question Eleven: /General question 14/

Peace must be juridically expressed, contractually defined and reciprocally binding in accordance with established norms of international law and practice. Accordingly, Israel's position is that the peace should be embodied in bilateral peace treaties between Israel and each Arab State incorporating all the agreed conditions for a just and lasting peace. The treaties, once signed and ratified, should be registered with the Secretariat of the United Nations in accordance with Article 102 of the United Nations Charter.

2 April 1969

## C. REPLY OF THE GOVERNMENT OF JORDAN

(Received by Ambassador Jarring in Nicosia on 24 March 1969)

23 March 1969

Your Excellency,

Following are the answers of my Government to the questions which you presented to us in Amman, on Saturday, 8 March 1969. The answers as numbered, hereunder, correspond to your questions.

These answers explain my Government's position, which position has repeatedly been stated to Your Excellency throughout our past meetings.

May I take this opportunity to express to you my continued sincere wishes for your success in the important mission with which you are entrusted.

Yours sincerely,

(Signed) Abdul Monem RIFA'I  
Minister of Foreign Affairs

His Excellency,  
Ambassador Gunnar Jarring  
Special Representative to  
The Secretary-General of  
The United Nations.

Answer (1)

Jordan, as it has declared before, accepts the Security Council resolution 242 (1967) and is ready to implement it in order to achieve a peaceful and accepted settlement in accordance with the provisions and principles contained in the resolution.

Answer (2)

Jordan agrees to pledge termination of all claims or states of belligerency. Such a pledge becomes effective upon withdrawal of Israeli forces from all Arab territories which Israel occupied as a result of its aggression of 5 June 1967.

A pledge by Israel to terminate the state of belligerency would be meaningful only when Israel withdraws its forces from all Arab territories it occupied since 5 June 1967.

Answer (3)

On 5 June 1967 Israel launched its aggression against three Arab States, violating their sovereignty and territorial integrity. Agreement to pledge respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area requires the termination by Israel of its occupation and the withdrawal of its forces from all the Arab territories it occupied as a result of its aggression of 5 June.

Answer (4)

Jordan accepts the right of every State in the area to live in peace within secure and recognized boundaries free from threats or acts of force, provided that Israel withdraws its forces from all Arab territories it occupied since 5 June 1967, and implements the Security Council resolution of 22 November 1967.

Answer (5)

When the question of Palestine was brought before the United Nations in 1947, the General Assembly adopted its resolution 181 (II) of 29 November 1947 for the partition of Palestine and defined Israel's boundaries.

/...

Answer (6) [general question 3]

It has always been our position that the just settlement of the refugee problem is embodied in paragraph 11 of the General Assembly resolution 194 of December 1948 which has been repeatedly reaffirmed by each and every General Assembly session ever since its adoption.

If a plan on the basis of that paragraph is presented for consideration to the parties concerned, its acceptance by the parties and the declaration of their intention to implement it in good faith, with adequate guarantees for its full implementation, would justify the implementation of the other provisions of the resolution.

Answer (7) (3) [general questions 9 and 11]

We do not believe that the establishment of demilitarized zones is a necessity. However, Jordan shall not oppose the establishment of such zones if they are astride the boundaries.

Answer (9) [general question 13]

In case demilitarized zones are established Jordan accepts that such zones be supervised and maintained by the United Nations.

Answer (10) [general question 14]

In view of our past experience with Israel and her denunciation of four agreements signed by her with Arab States we consider that the instrument to be signed by Jordan engaging her to carry out her obligations, would be addressed to the Security Council. Israel would likewise sign and address to the Security Council an instrument engaging her to carry out her obligations emanating from the Security Council resolution of 22 November 1967. The endorsement by the Security Council of these documents would constitute the final multilateral act of agreement.

## D. REPLY OF THE GOVERNMENT OF LEBANON

(Received by Ambassador Jarring in Moscow on 21 April 1969)

[Translated from French]

...

In reply to the questionnaire which Your Excellency addressed to me on 14 March 1969, I have the honour, on behalf of the Lebanese Government, to inform you of the following:

Lebanon is essentially involved in the general context of the Israeli-Arab conflict - and, therefore, in the consequences of the war launched by Israel on 5 June 1967 - because of its brotherly solidarity with the Arab States and of the threats which are constantly directed at it by Israel.

Lebanon is justified in considering, however, that the armistice agreement which it concluded with Israel on 23 March 1949 remains valid, as indicated in its message of 10 June 1967 to the Chairman of the Mixed Armistice Commission and as confirmed by U Thant, Secretary-General of the United Nations, in his report to the General Assembly of 19 September 1967. In that report, Mr. Thant, referring to the actual text of the agreement, said that it could be revised or suspended only by mutual consent. In view of Lebanon's circumstances, now and in the past, the armistice lines have, of course, never been changed. These lines, it should be noted, correspond to the frontiers of Lebanon which have always been internationally recognized in bilateral and multilateral diplomatic instruments as well as by the League of Nations and the United Nations. Lebanon participated actively in the drafting of the United Nations Charter and was admitted in its present form and structure to membership in the Organization. Its frontiers have not undergone any de facto or de jure alteration as a result of the cease-fire decisions taken by the Security Council after 5 June 1967.

It may be appropriate to state the above-mentioned facts, more particularly with a view to explaining the nature and character of the only reply which we are in a position to give to the questionnaire sent to us by Your Excellency on 14 March 1969.

/...

In this reply, which reflects the position taken by Lebanon at inter-Arab conferences, we proclaim Lebanon's support of the position of the Arab States whose territory has been occupied by Israel and which have accepted the Security Council's decision of 22 November 1967.

The present note is consistent with the spirit of the talks which you have already held with various Lebanese officials.

Accept, Sir, the assurances of my highest consideration.

(Signed) Yousset SALEM  
Minister for Foreign Affairs

## E. REPLY OF THE GOVERNMENT OF THE UNITED ARAB REPUBLIC

(Handed to Ambassador Jarring in Cairo by the Minister for Foreign Affairs of the United Arab Republic on 27 March 1969)

The memorandum handed to you on 5 March 1969 during your recent visit to Cairo clearly expresses the realities of the present situation. In its items 1 to 7, the memorandum gives a clear restatement of the position of the United Arab Republic which is based on the acceptance of the Security Council resolution 242 of 22 November 1967, and its readiness to carry out the obligations emanating therefrom.

The memorandum also clearly expounds Israel's persistence in rejecting the Security Council resolution and its refusal to carry out its obligations emanating from it as well as Israel's plans for annexation of Arab lands through war; a policy not only prohibited by the Charter of the United Nations but also violates the Security Council resolution which specifically emphasizes the inadmissibility of the acquisition of territory by war. It has become obvious that Israel, in its endeavour to realize its expansionist aims, is no longer satisfied with the actual rejection of the Security Council resolution but actively works against it.

The same memorandum also states Israel's expansion plan as revealed by the quoted statements of Israeli leaders. This plan aims at:

1. Annexation of Jerusalem;
2. Keeping the Syrian Heights under its occupation;
3. Occupation of the West Bank in Jordan and its complete domination, practically terminating Jordan's sovereignty in that part;
4. Economic and administrative integration of the Gaza strip into Israel and the systematic eviction of its inhabitants;
5. Occupation of Sharm El-Sheikh and the Gulf of Aqaba area as well as the continued military presence in eastern part of Sinai;
6. The establishment of Israeli settlements in occupied territories.

This Israeli position constitutes a flagrant violation and clear rejection of the Security Council resolution of 22 November 1967 and of the peaceful settlement for which it provides.

/...

In the light of these undeniable facts, I find it incumbent upon me to state categorically, at the outset of the replies to the specific questions you addressed to the United Arab Republic on 5 March 1969, that all the answers of the United Arab Republic, which reaffirm its acceptance of the Security Council resolution and its readiness to carry out the obligations emanating from it require, likewise, that Israel accept the resolution and carry out all its obligations emanating from it and in particular withdrawal from all Arab territories it occupied as a result of its aggression of 5 June 1967.

Question (1)

The United Arab Republic, as it has declared before, accepts the Security Council resolution 242 (1967) and is ready to implement it in order to achieve a peaceful and accepted settlement in accordance with the provisions and principles contained therein.

Question (2)

The United Arab Republic agrees to pledge termination of all claims or state of belligerency. Such a pledge becomes effective upon withdrawal of Israel's forces from all Arab territories occupied as a result of Israel's aggression of 5 June 1967.

A declaration by Israel terminating the state of belligerency would be meaningful only when Israel withdraws her forces from all Arab territories it occupied since 5 June 1967.

Question (3)

On 5 June 1967, Israel launched its aggression against three Arab States violating their sovereignty and territorial integrity. Acceptance by the United Arab Republic to pledge respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area requires the termination by Israel of its occupation and the withdrawal of its forces from all the Arab territories it occupied as a result of its aggression of 5 June, and the full implementation of the Security Council resolution of 22 November 1967.

/...

Question (4)

The United Arab Republic accepts the right of every State in the area to live in peace within secure and recognized boundaries free from threats or acts of force, provided that Israel withdraws its forces from all Arab territories occupied as a result of its aggression of 5 June 1967, and implements the Security Council resolution of 22 November 1967.

Question (5)

When the question of Palestine was brought before the United Nations in 1947, the General Assembly adopted its resolution 181 of 29 November 1947, for the partition of Palestine and defined Israel's boundaries.

Question (6) [General question 7]

We have declared our readiness to implement all the provisions of the Security Council resolution covering, *inter alia*, the freedom of navigation in international waterways in the area; provided that Israel, likewise, implements all provisions of the Security Council resolution.

Question (7) [General question 8]

It has always been our position that the just settlement of the refugee problem is embodied in paragraph 11 of the General Assembly resolution 194 of December 1948, which has been unfailingly reaffirmed by each and every General Assembly session ever since its adoption.

If a plan on the basis of that paragraph is presented for consideration to the parties concerned, its acceptance by the parties and the declaration of their intention to implement it in good faith, with adequate guarantees for its full implementation would justify the implementation of the other provisions of the Security Council resolution.

Questions (8). (9) [General questions 9 and 12]

We do not believe that the establishment of demilitarized zones is a necessity. However, the United Arab Republic will not oppose the establishment of such zones if they are astride the boundaries.

/...

Question (10) [General question 13]

In case demilitarized zones are established the United Arab Republic accepts that such zones be supervised and maintained by the United Nations.

Question (11) [General question 14]

In view of our past experience with Israel and her denunciation of four agreements signed by her with Arab States, we consider that the instrument to be signed by the United Arab Republic engaging her to carry out her obligations, should be addressed to the Security Council. Israel should, likewise, sign and address to the Security Council an instrument engaging her to carry out her obligations emanating from the Security Council Resolution of 22 November 1967. The endorsement by the Security Council of these documents would constitute the final multilateral document.

Cairo, 27 March 1969

AIDE-MEMOIRE PRESENTED TO ISRAEL AND THE UNITED ARAB REPUBLIC  
BY AMBASSADOR JARRING ON 8 FEBRUARY 1971 a/

I have been following with a mixture of restrained optimism and growing concern the resumed discussions under my auspices for the purpose of arriving at a peaceful settlement of the Middle East question. My restrained optimism arises from the fact that in my view the parties are seriously defining their positions and wish to move forward to a permanent peace. My growing concern is that each side unyieldingly insists that the other make certain commitments before being ready to proceed to the stage of formulating the provisions to be included in a final peace agreement. There is, as I see it, a serious risk that we shall find ourselves in the same deadlock as existed during the first three years of my mission.

I therefore feel that I should at this stage make clear my views on what I believe to be the necessary steps to be taken in order to achieve a peaceful and accepted settlement in accordance with the provisions and principles of Security Council resolution 242 (1967), which the parties have agreed to carry out in all its parts.

I have come to the conclusion that the only possibility to break the imminent deadlock arising from the differing views of Israel and the United Arab Republic as to the

priority to be given to commitments and undertakings -- which seems to me to be the real cause for the present immobility -- is for me to seek from each side the parallel and simultaneous commitments which seem to be inevitable prerequisites of an eventual peace settlement between them. It should thereafter be possible to proceed at once to formulate the provisions and terms of a peace agreement not only for those topics covered by the commitments, but with equal priority for other topics, and in particular the refugee question.

Specifically, I wish to request the Government of Israel and the United Arab Republic to make to me at this stage the following prior commitments simultaneously and on condition that the other party makes its commitments and subject to the eventual satisfactory determination of all other aspects of a peace settlement, including in particular a just settlement of the refugee problem:

Israel would give a commitment to withdraw its forces from occupied United Arab Republic territory to the former international boundary between Egypt and the British Mandate of Palestine on the understanding that satisfactory arrangements are made for:

- (a) Establishing demilitarized zones;
- (b) Practical security arrangements in the Sharm el Sheikh area for guaranteeing freedom of navigation through

the Straits of Tiran; and

(c) Freedom of navigation through the Suez Canal.

The United Arab Republic would give a commitment to enter into a peace agreement with Israel and to make explicitly therein to Israel, on a reciprocal basis, undertakings and acknowledgements covering the following subjects:

(a) Termination of all claims or states of belligerency;

(b) Respect for and acknowledgement of each other's sovereignty, territorial integrity and political independence;

(c) Respect for and acknowledgement of each other's right to live in peace within secure and recognized boundaries;

(d) Responsibility to do all in their power to ensure that acts of belligerency or hostility do not originate from or are not committed from within their respective territories against the population, citizens or property of the other party; and

(e) Non-interference in each other's domestic affairs.

In making the above-mentioned suggestion I am conscious that I am requesting both sides to make serious commitments but I am convinced that the present situation requires me to take this step.

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a/ In presenting the aide-mémoire, Ambassador Jarring added the following interpretation:

I interpret practical security measures in the Sharm el Sheikh area for guaranteeing freedom of navi-

gation through the Straights of Tiran to mean arrangements for stationing a United Nations force in the area for this purpose.

AIDE-MEMOIRE PRESENTED TO AMBASSADOR JARRING BY THE UNITED ARAB REPUBLIC ON 15 FEBRUARY 1971

The United Arab Republic has informed Your Excellency, that it accepts to carry out -- on a reciprocal basis all its obligations as provided for in Security Council resolution 242 (1967) with a view to achieving a peaceful settlement in the Middle East. On the same basis, Israel should carry out all its obligations contained in this resolution.

Referring to your aide-memoire of 8 February 1971, the United Arab Republic would give a commitment covering the following:

1. Termination of all claims of states of belligerency;
2. Respect for and acknowledgement of each other's sovereignty, territorial integrity and political independence;
3. Respect for and acknowledgement of each other's right to live in peace within secure and recognized boundaries;
4. Responsibility to do all in their power to ensure that acts of belligerency or hostility do not originate from or are not committed from within the respective territories against the population, citizens or property of the other party; and

5. Non-interference in each other's domestic affairs.

The United Arab Republic would also give a commitment that:

6. It ensures the freedom of navigation in the Suez Canal in accordance with the 1888 Constantinople Convention;

7. It ensures the freedom of navigation in the Straits of Tiran in accordance with the principles of international law;

8. It accepts the stationing of a United Nations Peace-keeping Force in the Sharm el Sheikh; and

9. To guarantee the peaceful settlement and the territorial inviolability of every State in the area, the United Arab Republic would accept;

(a) The establishment of demilitarized zones astride the borders in equal distances;

(b) The establishment of a United Nations Peace-keeping Force in which the four permanent members of the Security Council would participate.

Israel should, likewise, give a commitment to implement all the provisions of Security Council resolution 242 (1967). Hence, Israel should give a commitment covering the following:

1. Withdrawal of its armed forces from Sinai and the

Gaza Strip;

2. Achievement of a just settlement for the refugee problem in accordance with United Nations resolutions;

3. Termination of all claims of states of belligerency;

4. Respect for and acknowledgement of each other's sovereignty, territorial integrity and political independence;

5. Respect for and acknowledgement of each other's right to live in peace within secure and recognized boundaries;

6. Responsibility to do all in their power to ensure that acts of belligerency or hostility do not originate from or are committed from within the respective territories against the population, citizens or property of the other party; and

7. Non-interference in each other's domestic affairs; and

8. To guarantee the peaceful settlement and the territorial inviolability of every State in the area, Israel would accept:

(a) The establishment of demilitarized zones astride the borders in equal distances;

(b) The establishment of a United Nations Peace-keeping Force in which the four permanent members of the

Security Council would participate.

When Israel gives these commitments, the United Arab Republic will be ready to enter into a peace agreement with Israel containing all the aforementioned obligations as provided for in Security Council resolution 242 (1967).

The United Arab Republic considers that the just and lasting peace cannot be realized without the full and scrupulous implementation of Security Council resolution 242 (1967) and the withdrawal of the Israeli armed forces from all the territories occupied since 5 June 1967.

COMMUNICATION PRESENTED TO AMBASSADOR JARRING  
BY ISRAEL ON 26 FEBRUARY 1971

Pursuant to our meetings on 8 February and 17 February, I am instructed to convey to you, and through you to the United Arab Republic, the following:

Israel views favourably the expression by the United Arab Republic of its readiness to enter into a peace agreement with Israel and reiterates that it is prepared for meaningful negotiations on all subjects relevant to a peace agreement between the two countries.

The Government of Israel wishes to state that the peace agreement to be concluded between Israel and the United Arab Republic should, inter alia, include the provisions set out below.

A. Israel would give undertakings covering the following:

1. Declared and explicit decision to regard the conflict between Israel and the United Arab Republic as finally ended, and termination of all claims and states of war and acts of hostility or belligerency between Israel and the United Arab Republic;

2. Respect for and acknowledgement of the sovereignty, territorial integrity and political independence of the United Arab Republic;

3. Respect for and acknowledgement of the right of the United Arab Republic to live in peace within secure and recognized boundaries;

4. Withdrawal of Israel armed forces from the Israel-United Arab Republic cease-fire line to the secure, recognized and agreed boundaries to be established in the peace agreement. Israel will not withdraw to the pre - 5 June 1967 lines;

5. In the matter of the refugees and the claims of both parties in this connexion, Israel is prepared to negotiate with the Governments directly involved on:

(a) The payment of compensation for abandoned lands and property;

(b) Participation in the planning of the rehabilitation of the refugees in the region. Once the obligation of the parties towards the settlement of the refugee issues have been agreed neither party shall be under claims from the other inconsistent with its sovereignty;

6. The responsibility for ensuring that no war-like act, or act of violence, by any organization, group or individual originates from or is committed in the territory of Israel against the population, armed forces or property of the United Arab Republic;

7. Non-interference in the domestic affairs of the United Arab Republic;

8. Non-participation by Israel in hostile alliances against the United Arab Republic and the prohibition of stationing of troops of other parties which maintain a state of belligerency against the United Arab Republic.

B. The United Arab Republic undertakings in the peace agreement with Israel would include:

1. Declared and explicit decision to regard the conflict between the United Arab Republic and Israel as finally ended and termination of all claims and states of war and acts of hostility or belligerency between the United Arab Republic and Israel;

2. Respect for and acknowledgement of the sovereignty, territorial integrity and political independence of Israel;

3. Respect for and acknowledgement of the right of Israel to live in peace within secure and recognized boundaries to be determined in the peace agreement;

4. The responsibility for ensuring that no war-like act, or act of violence, by any organization, group or individual originates from or is committed in the territory of the United Arab Republic against the population, armed forces or property of Israel;

5. Non-interference in the domestic affairs of Israel;
6. An explicit undertaking to guarantee free passage for Israel ships and cargoes through the Suez Canal;
7. Termination of economic warfare in all its manifestations, including boycott, and of interference in the normal international relations of Israel;
8. Non-participation by the United Arab Republic in hostile alliances against Israel and the prohibition of stationing of troops of other parties which maintain a state of belligerency against Israel.

The United Arab Republic and Israel should enter into a peace agreement with each other to be expressed in a binding treaty in accordance with normal international law and precedent, and containing the above undertakings.

The Government of Israel believes that now that the United Arab Republic has through Ambassador Jarring expressed its willingness to enter into a peace agreement with Israel, and both parties have presented their basic positions, they should now pursue their negotiations in a detailed and concrete manner without prior conditions so as to cover all the points listed in their respective documents with a view to concluding a peace agreement.

CORRESPONDENCE RELATING TO THE RESUMPTION OF THE  
DISCUSSIONSA. Letter dated 18 November 1970 addressed to the Minister  
for Foreign Affairs of Israel

I have the honour to refer to my letter of 7 August 1970 addressed to the Secretary-General, referred to in document S/9902, in which I informed him of the agreement of your Government and of the Governments of Jordan and the United Arab Republic to the holding of discussions under my auspices for the purpose of reaching agreement on the establishment of a just and lasting peace between the parties.

As you will recall, I issued on 21 August 1970 an invitation to the parties to take part in discussions opening at New York on 25 August 1970. Ambassador Tekoah, who was Israeli representative for the initial stage of the discussions, met with me twice on the opening date, but was recalled to Israel for consultations. On his return on 8 September he communicated to me the decision of your Government, for reasons which were explained to me and have been publicly announced by your Government, to suspend its participation in the talks.

I am definitely of the view that the time has come for me once again to invite your Government to participate in discussions for the purpose of reaching agreement on the

on the establishment of a just and lasting peace in accordance with Security Council resolution 242 (1967).

When I met you last on 5 November 1970, to consider the question of Israel's return to the discussions, I noted your concern about the influence of the debate of the General Assembly on the Middle East question and of its resolution 2628 (XXV). I wish to assure you in this connexion that I am proceeding on the basis that there is no change in my mandate, which I continue to regard as having been defined in Security Council resolution 242 (1967).

You will understand, I know, my desire to make a positive report to the Secretary-General about the progress of our discussions. I am accordingly inviting your Government to reconsider its position on the question and to resume its participation in the discussions. In this connexion, I wish to state that I have already been informed by the Governments of Jordan and the United Arab Republic of their continued willingness to participate.

I take this opportunity to inform you that, pending a reply from your Government to this appeal, I am returning to my post in Moscow. I hope that your Government will find it possible in the near future to respond favourably to this invitation, in which case I shall be available to return to New York at twenty-four hours' notice.

(signed) Gunnar JARRING

B. Letter dated 18 November 1970 addressed to the Permanent Representative of Jordan\*

I have the honour to inform you that I have today addressed a letter to the Israeli Minister for Foreign Affairs in which I once again appealed to his Government to resume participation in discussions for the purpose of reaching agreement on the establishment of a just and lasting peace in accordance with Security Council resolution 242 (1967).

In that connexion, I keep in mind the willingness of the Governments of Jordan and the United Arab Republic, as expressed to me by yourself and your colleague from the United Arab Republic, to continue to participate in such discussions.

I take this opportunity to inform you that, pending the receipt of a reply from Israel, it is my intention to return to my post in Moscow. I wish to emphasize, however, that I am ready to return here at twenty-four hours' notice on receipt of the Israeli reply.

(Signed) Gunnar JARRING

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\* An identical letter mutatis mutandis was sent to the Permanent Representative of the United Arab Republic.

C. Letter dated 18 November 1970 from the Permanent Representative of the United Arab Republic

With reference to your letter of today in which you inform me of your imminent return to your post in Moscow, I note with appreciation your reference to the readiness of the United Arab Republic to co-operate fully with you.

I wish to emphasize that, conscious of its obligations under the Charter and in abiding by the Security Council resolution 242 (1967), the United Arab Republic has for the last three years consistently co-operated with you, in the sincere hope that you will successfully achieve the targets entrusted, by the Secretary-General, to you in accordance with the aforementioned resolution.

Since my Government designated me last August to enter into discussions with you, I have during several meetings restated my Government's belief in a lasting peace based on the faithful implementation of the aforementioned Security Council resolution in all its parts and consequently the restoration of all Arab lands occupied by Israel since June 5, 1967, as well as ending the injustices inflicted so far on the Arab people of Palestine.

I am sure that Your Excellency's report to the Secretary-General on your mission which would be transmitted by him to the Security Council before 5 January 1971, will

be of great benefit to the members of the Security Council and would assist them in taking whatever steps they may deem necessary in carrying out the responsibility entrusted to them by the Charter.

(Signed) Mohamed H. EL-ZAYYAT

D. Letter dated 1. December 1970 from the Minister for Foreign Affairs of Israel

I have received your letter of 18 November in which you invite the Government of Israel to participate in discussions under your auspices for the purpose of reaching agreement on the establishment of a just and lasting peace in accordance with Security Council resolution 242 (1967). I note your assurance in reply to my comments on General Assembly resolution 2628 (XXV) that you are proceeding on the basis that there is no change in your mandate, which you continue to regard as having been defined in Security Council resolution 242.

On 6 August 1970 Ambassador Tekoah conveyed to you Israel's position on the United States peace initiative. This communication remains valid as the expression of Israel's policy. Concerning the discussions which we have agreed to hold under your auspices, I also draw attention to the Israel Government's decision of 6 September 1970 which was conveyed to you by Ambassador Tekoch.

On 22 November 1970 the Government of Israel adopted and published the following decision:

The Government will act in accordance with the policy expressed in the Prime Minister's statement to the Knesset on 16 November 1970, for the creation of conditions which will justify implementation of the Government's resolution of 4 August

1970 which was approved by the Knesset -- concerning the holding of talks under the auspices of Ambassador Jarring including consolidation and extension of the cease-fire agreement with the aim of progressing from a cease-fire to a complete end to the war and to lasting peace.

We are now holding discussions on the creation of conditions which would justify a decision by the Government of Israel to hold talks with the United Arab Republic under your auspices, in accordance with our decision of 4 August 1970 conveyed to you by Ambassador Tekoah on 6 August. I shall keep you in touch with developments on this matter as they arise.

We have publicly announced that we are ready for discussions with Jordan whose Government has informed you on its continued willingness to participate in such talks.

We are also willing to hold discussions on the establishment of permanent peace with Lebanon which has announced its adherence to Security Council resolution 242.

(Signed) Abba Eban

E. Message from the Minister for Foreign Affairs of Israel

Further to my letter of 1 December 1970 I have the honor to inform you that the Government of Israel decided on 28 December 1970 as follows:

The present political and military conditions enable and justify the termination of the suspension of Israel participation in the talks under the auspices of Ambassador Jarring. The government decided to authorize the Minister for Foreign Affairs to inform those concerned of the readiness of the Government of Israel to resume its participation in the Jarring talks in accordance with the basic principles of the Government policy and on the basis of its decisions of 31 July and 4 August 1970 as approved by the Knesset concerning Israel's affirmative reply to the peace initiative.

In view of this decision I would like to meet you in Jerusalem at your earliest convenience and my intention is to survey the situation, to acquaint you with the basic views of my Government and to discuss steps necessary to ensure the fulfillment of your mission for the promotion of agreement on the establishment of peace.

Abba EBAN

## CHAPTER FOUR

THE EFFORTS TO REVISE THE TERMS OF SETTLEMENT  
THROUGH THE THIRD WORLD FORUMS AND THE UNITED NATIONS

After the failure of the Jarring memorandum, the Arab countries turned to the mobilization of the nations of the Third World with the specific policy objective of having the United Nations revise the terms of settlement of Resolution 242. The Israelis, on the other hand, sought to influence their friends, specifically the United States, to prevent any official UN revision or even specific interpretation of the terms. Whereas for Israel, their interpretation was a matter for direct negotiations between the disputants, and not to be specified by the UN or any other third party, the Arab governments believed that they could accomplish their goals vis-a-vis Israel by taking advantage of the growing membership in the UN of the recently decolonized nations of Africa and Asia. In order to influence their votes in the General Assembly, the Arab governments pressured regional and Third World forums, such as the Organization of African Unity (OAU) and Non-Aligned countries of which they were members. They also promised economic assistance as well as political support in the UN with respect to African struggles against the remaining vestiges of colonialism and racism in Southern Africa, in exchange for African and Asian support for the Arab governments in their struggle with Israel.

I. The Mobilization of support by the Arabs of Third World Forums

Until 1967, the involvement of the Third World in the Middle East situation was marginal. The attention of these

countries was (and still is) focused on the economic and social problems resulting from decolonization. They, therefore, had little interest in or impact on developments in the Middle East or in the conduct of this dispute in the U.N.. The truth of this statement may be gleaned from the fact that the African nations which had banded together under the banner of the Organization of African Unity (OAU) opposed the inclusion of the Middle East situation on the agenda for their meetings until 1970.<sup>1</sup>

The Six-Day War caught the Third World unprepared for direct involvement in the crisis. Israel had enjoyed good relations with many of these countries, having provided them with extensive technical assistance in many fields even before decolonization. Her interest in doing so was not only humanitarian, but also motivated by her desire to overcome the isolation which the Arabs were constantly attempting to impose.<sup>2</sup>

Though not large, in monetary terms compared with her world-wide trade, Israel's commercial relations with African countries were also firm and active for many years.<sup>3</sup>

Profiting from her success in these relations, Israel had, before 1967, been able to rely on a large measure of Third World support in her contest with her Arab adversaries within the U.N. and other international forums. Thus, she was able to defeat the pro-Arab resolutions which surfaced at the Fifth Emergency Session of the General Assembly. During

this session, approximately 17% of the African votes were cast in favor of the Arabs, whereas 41% of the votes were for Israel, the remainder were abstentions.<sup>4</sup> Indeed, an analysis of the voting pattern of the various blocs in the General Assembly with respect to the Middle East issue indicates that a large majority of Third World countries favored an overall settlement of the conflict, and were not interested merely in the termination of hostilities.<sup>5</sup> Had this not been the case, it is doubtful that Resolution 242 would have been adopted.

Arab efforts to win over African countries to their revisionist cause began with Nasser. At the Conference of Independent African States (CIAS) held in Accra in April, 1958, the first such meeting in Africa, Egypt succeeded in adding the Middle East situation to the agenda. She also introduced a resolution calling for the condemnation of South Africa, Rhodesia, Portugal, and Israel as racist and imperialist powers. This attempt failed. All the Africans would commit themselves to was to urge "a just solution to the Palestinian problem."<sup>6</sup> There was no mention of Israel.

The Arabs tried again with more favorable results when the heads of five African countries--Egypt, Ghana, Guinea, Mali, and Morocco--met in Casablanca in 1961. They came away from this meeting with a resolution condemning Israel as being "on the imperialist side in any important African issues, and as (an) instrument of imperialism and neo-colonialism, not only in the Middle East but also in Africa."<sup>7</sup> The price they paid for this

strong statement, however, was a promise to back the three black African states in their support of Patrice Lumumba of the Congo.

For the most part, however, the Africans, during this period, preferred to keep their distance from the troublesome Middle East as being none of their affair. Evidence of this attitude was clearly indicated at the meeting in Addis Ababa in 1963, at which the O.A.U. was given birth. The Middle East issue was never even broached at that meeting because the Arabs in attendance sensed that they would gain nothing thereby.<sup>8</sup> But the Africans began to crumble after the Six-Day War, when the Arabs began in greater earnest to win their collective backing by emphasizing the issue of the occupied territories, an issue about which they were all highly sensitive. This issue was on the agenda of the fourth O.A.U. meeting at Kinshasa in September 1967, to which Egypt, at the last moment, submitted a resolution which "reaffirmed the principle of territorial integrity" and "expressed grave concern at the grave situation that prevails in the U.A.R.." This resolution, the first passed by the O.A.U. on this subject was adopted, however, only over many protests concerning Arab tactics.<sup>9</sup> Having established this precedent, the Arabs found it easier to obtain favorable resolutions on the terms of settlement at subsequent O.A.U. meetings, despite the continuing reluctance of many of its members to condemn Israel.

With respect to the terms of settlement, in August 1972, the 41 members of the OAU organizations adopted a resolution which called for Israel's complete withdrawal to the 1967

borders; it called also for sanctions against the Jewish state, and recommended to all OAU members to accord Egypt all possible help to achieve its aims in the General Assembly and the Security Council. (Concurrently, at Georgetown, Guyana, the Conference of the Non-Aligned Countries, in which 57 countries took part and 11 others participated as observers, called for complete withdrawal, sanctioned restitution of the Palestinian national right, and the return of their usurped land. It also condemned Israel's policy in the Arab-occupied territories, and called for complete withdrawal and sanctions. These two elements had become a constant feature of the resolutions adopted at these conferences.) In 1973, the OAU conference called on the African countries to sever their relations with Israel for "its lack of cooperation for the implementation of the relevant U.N. and OAU resolutions." Henceforward, Israel was called in all Third World forums resolutions "an aggressor and usurper"<sup>10</sup> of Arab lands and of "the legitimate rights of the Palestinian people." Israel was forced to limit its bilateral ties with many African and Asian countries when finally almost all African countries broke relations with Israel in 1973. The admission of the PLO to the U.N. (in observer capacity) and the standing ovation given to Yasser Arafat, the head of the PLO, could not have come about had the ground not been laid previously in various Third World forums. This had a very severe impact on Israel's bilateral relations with many Third World countries. Third World forums helped to bolster Arab confidence,

hardened their bargaining positions vis-a-vis Israel, and indirectly encouraged Egyptians and Syrian decisions to attack Israel in October 1973. President Sadat himself admitted to this in his statement before the non-aligned Summit Conference held in Colombo in August 1976.

One well-known and often-used Arab tactic in the United Nations General Assembly had its origin at the OAU and other non-aligned conferences and involved the closure of debate. By bringing the Middle East item to the floor in the last hours before closing, this maneuver, which usually involved the cooperation of the conference Secretariat, aimed to avoid any substantive discussion of the item. Because most OAU and non-aligned resolutions on the Middle East were usually drafted by a small drafting committee carrying on its work secretly behind the scenes, by revealing the item at the last moment, the Arabs were usually successful in inducing the chairman to pass the resolution by consensus without taking a vote. To those who wanted to make reservations, the chairman usually suggested they should do so in writing to the Secretariat of the conference, a practice which discouraged real opposition.<sup>12</sup>

There are many factors which account for the ease with which the Arabs were also able to enlist the Asian Third World in their own behalf. Of major importance is the large Muslim population in many of the countries of this group--India, Pakistan, Sri Lanka, and conversely a tiny Jewish population. In 1971, for example, there were only approximately 18,500 Jews

in Asia, 14,500 of them in India.<sup>13</sup> In addition, India delayed recognition of Israel until September 1950 out of fear of provoking Pakistan and the Muslim population of India, and suffering the loss of lucrative trade with and political support of the Arabs. The People's Republic of China has long shunned Israel because of her ties to the United States and because of Israel's voting record on the admission of China to the United Nations.<sup>14</sup>

As a result, Israel was excluded from the Bandung Conference of the Non-Aligned Countries of 1955, a meeting important for its role in the creation of the Third World movement as a whole, and the Organization of Non-Aligned Countries, which has played a role in Asia comparable to the role of the OAU in Africa. She has since not been able to breach the barrier, despite the fact that with the exception of Moslem countries, the People's Republic of China and Sri Lanka, all Asian nations continued to maintain diplomatic relations with her.

In the debates leading to the passage of Resolution 242, the Latin Americans played a decisive role generally favorable to Israel, as they did with the question of Israel's admission to the U.N. in 1948. But the once solid Latin American support for Israel has crumbled under the impact of Third World politics, the deepening sense of nationalism (reinforced by anti-Americanism) and encouraged by the Arabs, including the use of oil weapon and investments.<sup>15</sup> Many of the Latin American countries of the U.S. still abstain on Middle East issues, but several of

the more radical countries vote in support of the Arabs.

Political support for the Arabs has also been growing partially as a result of the growing tendency among many Latin-American governments to divorce themselves from U.S. influence. This is displayed in the neutralist positions being assumed with greater frequency, so that neutralism with respect to Israel has made itself felt more insistently in recent years to Israel's detriment. As Shapiro notes:

This is so because many elements combined in the 1960's to provide Arab action and influence with new leverage in the region: changes in the international system; the expansion and crystallization of groups with overlapping memberships like the non-aligned, the developing nations...; growing Arab pressure among such groups; radicalization of at least some Arab regimes; and certain internal developments in Latin America. The need that some Latin American governments have to occupy prominent positions within the developing or nonaligned community has required moves toward rapprochement with the Arab countries which constitute a large part of such groups of which Israel is not even a member.<sup>16</sup>

Some erosion had already occurred by 1971, when the Arabs were able to obtain approval for an anti-Israeli resolution at the Second Ministerial Meeting of the Group of 77<sup>17</sup> in Peru.

Although Israel's position in Latin America remains far healthier than it is in other sections of the Third World, it has, nevertheless, been undermined since 1973. Arab success in other areas has inevitably influenced the sympathies and foreign policies of the most powerful Latin American states, Brazil and Argentina in particular, as they have altered their image of Israel--more so since Israel has been compelled by her growing isolation in

the world to closer ties with the United States.

In conclusion, the Arabs exploited these trends and successful tactics to become the driving force for the destruction of the influence of the old political order at the U.N., where the Western powers once enjoyed significant preponderance. The Arabs exploited the exogenous Third World support and became the driving force behind the Afro-Asian steamrolling tactics in the General Assembly. This in turn led, in most cases, to the adoption of resolutions affecting the terms of settlement which were unacceptable to Israel and its supporter (the USA), even though they stood little chance of being implemented. The Soviet Union took advantage of these trends to undermine the position of the Western world in the Assembly. Thus, the Arabs constantly moved to widen their support. They obtained the support of practically all of Africa, much of Moslem Asia, together with India and Sri Lanka, and a growing number of countries in Latin America, including most of the Caribbeans. When there is added to the vote of what is known as "the Third World" the support of 15 communist countries, one can expect them to obtain a total of between 92 and 110 votes in the General Assembly, more than three-quarters of the Assembly membership.

However, Arab success in Third World forums has not yet helped them breach what they consider to be the major barrier to Israeli concessions--namely, the United States unwillingness to (a) suspend political and economic support of Israel, (b) discontinue the supply of military hardware, and (c) pressure

Israel to accept a compromise solution or an imposed solution.

It appears reasonable to speculate that the chief thrust of the Arabs' endeavors in the Third World is addressed to weakening the ties between Israel and the United States, namely completing her isolation in the world.

We now turn to an analysis in the next section of the impact of the diplomatic effort of the Arab States and the Third World on the revision of Resolution 242 in the General Assembly, and the policies of the United States with respect to Israel.

II. The General Assembly and the Revision of the Terms of Settlement

Over the years since 1967, the Arabs escalated their efforts through General Assembly resolutions to revise the terms of settlement concerning the territorial issue and the rights of the Palestinian people, by linking the question of the Palestinians to other victims of "colonialism" in Africa.<sup>18</sup> This escalation succeeded in giving rise to the anti-colonial resolution clauses which were adopted by the international forums, particularly the OAU. Eventually, these formulations found their way into resolutions adopted by the General Assembly.

As early as 1969, the Arabs demanded the recognition of the right of Palestinians to self-determination.<sup>19</sup> In the years that followed, the Arabs progressed year after year

to more substantive demands. The Assembly, in its resolution 2535 (b) XXIV of December 10, 1969, reaffirmed "the inalienable right of the people of Palestine." Its resolutions 2628 (XXV) of November 4, 1970, 2672 (XXV) of December 8, 1970, 2792 (XXVI) of December 6, 1971, 2963 (XXVII) of December 13, 1972, 3089 (XXVIII) of December 7, 1973, and 3092 (XXVIII) of December 7, 1973, recognized that the "People of Palestine are entitled to equal rights" and that "full respect for the inalienable rights of the people of Palestine is an indispensable element in the establishment of a just and lasting peace in the Middle East." The Assembly also expressed its "grave concern that the people of Palestine have not been permitted to enjoy their inalienable rights and to exercise their right to self determination." Hence, "blaming Israel" for a lack of progress, both on the territorial questions and the Palestinians, constituted the main element of nearly all U.N. resolutions passed on the subject.

Further examples of this basic theme abound. In its resolution 2799 (XXVI) of December 13, 1971, the Assembly noted "with appreciation the positive reply given by Egypt to the Special Representative's initiative (and) called upon Israel to respond favorably to the Special Representative's peace initiative." (Jarring memorandum of February 8, 1971). Resolution 2949 (XXVII) of December 8, 1972, "deplored the non-compliance by Israel with General Assembly

resolution 2799" and invited Israel to "declare publicly its adherence to the principle of non-annexation of territories through the use of force." The same resolution called upon "all states not to recognize changes and measures carried out by Israel in the occupied territories" and invited them to "avoid actions, including actions in the field of aid, that constitute recognition of that occupation." This sanction clause was reiterated by the Assembly in its resolution 3089 (XXVIII) of December 7, 1973, and this time the Assembly call had been extended to the Specialized agencies of the U.N. In that same year, the Assembly condemned the "unholy alliance between Portuguese colonialism, South African racism, Zionism and Israeli imperialism."

A culmination of the build-up of the Arab position found its way into Resolution 3236 of November 22, 1974, concerning the Palestine Liberation Organization. This resolution, like previous resolutions dealing with colonial problems in Africa, affirmed "the inalienable right of the Palestinians to self determination and the right to regain its right by all means in accordance with the purposes and principles of the charter." The formulations in Resolution 3236 (November 22, 1974), which appealed to all states and international organizations to help the Palestinian people, can be found in scores of resolutions adopted in relation to

African anti-colonial struggles.

In the same session, the General Assembly adopted a resolution (Resolution 3237, November 22, 1974) by a vote of 95 for, 17 against, with 19 abstentions, permitting the PLO to be heard in the plenary session of the General Assembly. This was contrary to the established procedures of the General Assembly. Until then, only member states could be heard in the General Assembly while non-state organizations could be heard in any of its seven committees. The issue was not whether the Palestinian Liberation Organization views should be heard, but whether the Palestine Liberation Organization should be given enhanced status by being heard in plenary session. This resolution, which did not refer to Israel's right to an independent existence, was nonetheless passed by an overwhelming margin. The African bloc that was instrumental in passing the resolution did not ask that a similar privilege be extended to the African national liberation movements. This can be construed as further evidence of the extraordinary nature of African support for the Arab camp.

The new drive for recognition of Palestinian rights continued in the 30th session of the General Assembly. In that session, Resolution 3375 (XXX) of November 10, 1975 was introduced by Egypt and sponsored by 46 other countries which

urged again that "the Palestine Liberation Organization be invited to participate in all conferences on the Middle East held under United Nations auspices and asked that steps be taken to secure participation of the PLO in the Geneva Peace Conference on the Middle East." In another resolution, 3376 (XXX) of 10 November 1975, the Assembly established a 20 member Committee on the Exercise of the Inalienable Rights of the Palestinian People to prepare a program of implementation" to enable them to exercise the rights recognized in Resolution 3236 (XXIX)--the right to self determination and national existence, the right to return to their homes and property." The Assembly asked the Committee to submit "recommendations" to be completed by the first of June 1976, for transmission to the Security Council. This resolution was also adopted by a large majority.

The crystallization of Arab demands continued with Assembly Resolution 3414 (XXX) of December 5, 1975, on "the situation in the Middle East." This resolution recognized that

a just and lasting settlement...must be based on a comprehensive solution which takes into consideration all aspects...in particular, the enjoyment by the Palestinian people of its inalienable national rights, as well as the total withdrawal from all the Arab territories occupied since June 1967.

The Arab drive was not confined to the General Assembly. By 1976, it attempted to involve the Security Council as well. On January 26th, the Security Council failed--due to the American veto--to adopt a resolution<sup>20</sup> which would have affirmed that the Palestinian people should be enabled to exercise their inalienable right of self determination, including the right to establish an independent state in Palestine. The vote was 9 in favor to 1 against--the USA--with 3 abstentions. China and Libya did not participate.

Further, the Committee on the Exercise of the Inalienable Rights of the Palestinian People adopted its report and recommendations on May 19, 1976,<sup>21</sup> which called for the establishment of a Palestinian national entity preceded by arrangements that would have enabled Palestinians displaced between 1948 and 1967 to return to their homes and property in accordance with U.S. resolutions, particularly Resolution 194 (III) of December 11, 1948. The Committee recommended that "those Palestinians not choosing to return should be paid compensation." On June 29th, the Security Council rejected, again because of the American veto, a four-power draft resolution<sup>22</sup> which endorsed the recommendations of the Committee. The draft obtained 10 in favor to 1 against (the United States) with 4 abstentions (France, Italy, U.K., and Sweden). Despite Israel's claim that the resolution, which did not even

mention U.N. Resolution 338 or contain formulations in accordance with it, constituted, by implication, the destruction of Israel. Only the U.S. objected, while the other European powers abstained. Japan joined the Security Council majority.

On the 24th of November 1976, the General Assembly adopted a resolution<sup>23</sup> which endorsed the recommendations of the Committee on the Palestinians as a "basis for the solution of the question of Palestine." The Assembly also adopted an Egyptian-sponsored resolution<sup>24</sup> sponsored by 29 countries, which called for

the early convening of the Peace Conference on the Middle East, held under the auspices of the United Nations, not later than the end of March 1977.

The legitimization of the PLO was not confined to the General Assembly and the Security Council. It was extended also to the specialized agencies such as the ILO, where the Arabs obtained its admission as an observer in June 1974, and to the Group of 77 in Manila on February 1976. Significantly, through the exertion of Arab pressure, Israel was practically suspended from participation in UNESCO in November 1974.

#### Arab Tactics

Aware of their considerable influence in the General Assembly, the Arab states proved quite skillful in exploiting the changing trends and balance of power in this forum.

As indicated previously, since 1967, they added, each year, new issues and new resolutions against Israel. Once they scored a certain gain, they used it as leverage to open additional fronts against Israel or for consolidating the old ones with additional and repetitive resolutions. The Arab strategy, thus, encompassed both short-term goals such as the quest for resumption of the Jarring mission (1970), the demand for a favorable response to the Jarring Memorandum (1971), and the demand for Israeli withdrawal from all Arab territories (1975), as well as long-range goals such as linking the Palestinian issue to the anti-colonial struggle (1974-75).<sup>25</sup> The tactical means by which the short-term goals were to be attained mainly focused around mastering a majority of votes in matters of procedure, both at the U.N. as well as in other international forums. This weapon was to prove of great importance to all parties, but was by no means an unqualified success for the Arabs.

A major tactic employed by the Arabs at the U.N. comprised the organization of African, Asian, or non-aligned caucuses in which the most vocal among their supporters would persuade the entire group to adopt the Arab position. These caucuses already felt to some extent bound by resolutions passed at the regional OAU or non-aligned conferences which convene annually shortly before the General Assembly session. The Arabs were

consequently successful in transferring the previous OAU and non-aligned resolutions to the General Assembly floor where their adoption soon became a matter of course.

A second tactic involved the exploitation of feelings of political insecurity, ambiguity, and fear of retaliation among countries of the Third World. Due to the numerical and political weight of the Arab countries, many smaller countries were disinclined to vote against the Arabs in international forums for fear of the consequences, both in terms of what the Arabs and other large neighbors who sympathized with them might retaliate. To this should be added the growing tendency among members of the General Assembly to follow the voting patterns of the regional groups to which they belong. Since 1970, there has emerged greater unity and solidarity among members of the Third World which made it important for its members to show solidarity and vote in accordance with the resolutions that were adopted either in the OAU or the conference of the non-aligned countries. There have been instances when representatives voted against the instructions received from their capitals, because they did not want to break away from the regional or the organizational solidarity to which they belonged.<sup>26</sup> The manifestation of either overt support for the Arab camp, or in the least strict neutralism, consequently became the norm for the great

majority of third world countries.

The General Assembly resolutions, in reflecting the Arab negotiating stand on the questions of settlement in the Middle East has proved blatantly unacceptable as a starting negotiating point for Israel. Thus, the General Assembly, being sensitive to the Arab position and serving as a forum for propagandizing their demands, served instead to polarize the disputants' positions. It widened the gap instead of narrowing it.

One prime example of a resolution, the adoption of which had a net negative effect on peace efforts, is the General Assembly resolution 2799 of December 1971. If one of the prime objectives of peacemaking is to promote agreement by encouraging compromise on the part of the disputants, this Assembly resolution achieved the contrary. In the months that followed Jarring's submission of his memorandum of February 9, 1971, (which virtually called for Israel's adherence to complete withdrawal from the Sinai as a precondition for negotiations), it became clear that Israel would oppose this document vehemently, and managed to obtain U.S. support in this crucial phase of the Jarring Mission. Israel's position, if not condoned, was clearly understood by the African peace missions which conducted talks with Israeli and Egyptian leaders (with whom the author served as a liaison officer when they visited Jerusalem in

October 1971.<sup>27</sup> The Israeli leaders made it clear to their African counterparts that Israel could not accept the Jarring memorandum as the basis for the resumption of the Jarring talks. The African Presidents, while siding with the Egyptians in their insistence on complete Israeli withdrawal from Egyptian territories, did not insist in their recommendations that the Jarring memorandum should serve as basis for the resumption of the Jarring talks. Instead, they submitted six recommendations which demanded simply the "resumption of the Jarring talks" without setting any condition to their renewal. The recommendations which were submitted both to Israel and Egypt prior to the Middle East debate at the Assembly were promptly accepted by both. However, their acceptance by the Egyptians was merely tactical because during the debate at the Assembly, the Egyptians obtained with African and non-aligned support, a resolution that called on Israel to "respond favorably to Jarring's Memorandum of February 8th" and commending Egypt for its favorable response.<sup>28</sup>

The author, who was in charge at the time of maintaining contacts with the African group at the Assembly, witnessed the influence that was wielded at the time by the Egyptians on the African delegations. Extensive conversations with various foreign ministers revealed how the Africans were maneuvered into accepting the Egyptian demand

that Israel should issue a statement in the General Assembly of non-annexation of Arab territories. Specifically, a conversation with a foreign minister heading the African group revealed that the Egyptians made this statement conditional to any resumption of talks, and convinced the Africans that they should support Egypt by virtue of its being a sister state. Eventually, the minister received instructions from his President, who was more eager to renew the Jarring talks rather than engage in polemics concerning the statement of non-annexation, to submit an amendment to the General Assembly which contained intact the "African Six recommendations."<sup>29</sup> This amendment was rejected by the Assembly, with only 19 countries voting in favor, including six African. The remaining 27 African countries voted either against the recommendations previously codified by their own presidents or abstained, thus bowing to Arab pressures exercised on them.

The subsequent adoption of Resolution 2799 by an overwhelming majority of the General Assembly resulted in Israel's rejection of the preconditions required for a resumption of the Jarring Mission. Because Jarring's efforts could not be effectively renewed without Israel's acceptance of 2799, the deadlock in the Middle East continued.

It is worthwhile to note that in negotiations behind

the scenes after the adoption of General Assembly resolution (2799) of 1971, Jarring claimed that he was bound by this resolution, and that unless Israel gave a favorable response to his memorandum as the Assembly required, he could not renew his efforts. Israel, meanwhile, was apparently ready to resume the Jarring talks, provided his memorandum did not serve as a basis. It seems safe to assume that had the Assembly accepted the African recommendations as established in the Senegalese amendment,\* the Jarring talks would have been renewed, and some compromise might have been found in time to avert the 1973 War. The Assembly, instead, acted in accordance with the majority wishes that sided with the Arabs, thereby promoting deadlock and confrontation instead of compromise and negotiation. Talking then with an African delegate who supported the recommendations of the African Presidents but who found no way of expressing his views in the group meeting of the African caucus which was supposed to decide on a common strategy, the African representative commented:

In all these group meetings the radicals carry the show and play a one sided game--that of the Arabs....We the smaller nations of Africa have neither the power nor the strength to stand up against the pressures that are put on us by the Arabs and their supporters in the African group.... these are the realities of how the U.N. functions nowadays and you have to accept these realities; Israel is right in refusing to cooperate with

\* See Footnote 27

resolutions unacceptable to her...those delegates who share with Israel its apprehension from UN unilateral resolutions find comfort in the fact that Israel anyway rejects these resolutions and refuse to implement them.<sup>30</sup>

Other diplomats from the Third World who were embarrassed by the erosion of their governments' positions toward Israel, explained their statements or those of their foreign ministers as fulfilling a duty to peace insofar as they had to coerce Israel to "declare its readiness to renounce Arab occupied territories" as required by the Arabs.<sup>31</sup>

The deadlock over resumption of the Jarring Mission precipitated by G.A. Resolution 2799 had other important consequences, regarding Israel. Largely because of it, the Egyptians managed at later OAU meetings to put the blame on Israel for the failure of the "OAU peace mission." This blame eventually justified the adoption of OAU resolutions in 1972 and 1973, calling on OAU members to sever their diplomatic relations with Israel. The 1973 meeting in particular witnessed the President of the Ivory Coast, Mr. Houphouet Boigny, formerly considered Israel's closest friend in Africa, withdraw his reservations from the resolution which called upon OAU members to increase their pressure on Israel by all possible methods, including the breaking of relations. For all practical purposes, this spelled the end of Israel's relations with black Africa.<sup>32</sup>

This newly-formed Arab-African alignment, moreover, enabled the Arabs to score a similar victory at the Non-aligned Summit Meeting held shortly afterwards in Algiers. The result of this meeting was the adoption of a resolution which promised the support and solidarity of all non-aligned countries for Arab decisions, a resolution which, Sadat was to later reveal, laid the groundwork for his eventual decision to go to war in 1973.<sup>33</sup>

But Resolution 2799 was by no means the only substantive resolution which promoted deadlock. The resolution of 1975 equating Zionism with racism, while obviously notorious in its hostility toward Israel and blatantly inflammatory to world opinion in general, also served to exemplify how the more extreme Arab elements gained the upper hand, and thereby proved instrumental in driving more moderate elements towards non-conciliatory positions. Specifically, Third World diplomats themselves assert that this forced the Egyptians to acquiesce in order not to lose face in the Arab world.<sup>34</sup> The ensuing backlash of Israeli, and to some extent, world opinion only served to promote deadlock and intransigence on both sides.

The Assembly promoted deadlock on another important substantive issue--the recognition of the PLO as the sole representative of the Palestinians. Recommending<sup>35</sup> that the

PLO participate in all negotiations, particularly the Geneva Conference, the General Assembly resolutions have prompted an impasse over the resumption of the conference since 1974. Given Israel's absolute rejection of this requirement, these resolutions practically guarantee that deadlock will continue in a situation in which both Egyptians and Israelis otherwise have much to gain by its eradication. Unless Israel backs down, the Arabs will have great difficulty in surmounting the complications posed by their own initiatives in adopting these General Assembly resolutions, if they eventually were to resolve to do so. If and when the international climate changes substantively, both parties will hence find it extremely difficult to undo the constraints posed by one-sided resolutions.

### III. The Effect of the Arab Revisionist Strategy on Peacemaking

Primarily through the efforts of the Arab states, the various resolutions passed by the General Assembly and other forums since 1967 significantly altered, or at least substantially supplemented, the terms of settlement as embodied in resolution 242. It is apparent that the Arabs interpreted each resolution adopted by the General Assembly as another step forward in mobilizing the support of the international community for their objectives. It is equally apparent that

the Israelis rejected these resolutions on the basis of their presumed contradiction of the terms of 242, Israel's only basis for settlement. Although the Arabs escalated their demands annually, adding new elements which brought the terms of settlement closer to their position, there is considerable evidence indicating that their efforts in passing resolutions totally unacceptable to Israel hindered the task of peace-making; widened the gap between disputants, and promoted deadlock.

#### Is Israel Really Isolated?

There is no doubt but that the coming to the fore of the Third World in all of its organizational and institutional forms has altered the context of the Arab-Israeli conflict. Although Israel remains militarily strong and retains the support of the United States, the automatic majority with which the Third World disposes of all matters touching on Israel in the General Assembly has left her little recourse in the United Nations, and driven her both to treat its resolutions and decisions with indifference and contempt and to seek relief elsewhere. Consequently, she has sought friendly relations with all nations willing to extend them to her without regard to their internal politics. While the countries of the Third World have closed their doors to her, Israel

maintains cordial relations with most of the remainder of the international community.

Furthermore, Israel may regain some of her former African friends in light of the possible disaffection of the African sector of the Third World from the Arab cause if the Arabs do not make adequate economic concessions or provide sufficient economic assistance to justify their break with Israel. As it has been pointed out,<sup>36</sup> there is often a wide divergence between public statements and private attitudes. Despite their votes in the General Assembly and elsewhere and their break with Israel, some states have tried to maintain trade and exchange programs with her. Their break in relations were, in those countries with sizable Moslem populations, motivated by internal political considerations, or in other instances, by the desire for foreign aid and reasons unconnected with the issues dividing the Arabs and Israelis. Many Third World nations regard their break in relations as temporary, as President Senghor of Senegal recently indicated to Prime Minister Rabin.<sup>37</sup> They view Israel as a small but plucky nation willing to stand up to big powers, and recall the benefits bestowed by her by virtue of the technical assistance programs.

Although Third World nations prefer a peaceful termination of the Arab-Israeli conflict out of fear of a worldwide conflagration, they will no doubt continue col-

direction of the outright revision or supplementation of the principles of the terms of settlement, to account for the changed status of the Palestinians and to eliminate the ambiguity of its language, which had so persistently plagued efforts to resolve the Arab-Israeli conflict.

The Arabs and their supporters have argued in the Security Council session of June 1976, that conditions have changed since 1967 and 1973, when Resolution 242 and Resolution 338 were adopted, and that therefore, they need updating to take account of current perceptions and the requirements which changed circumstances dictate.<sup>38</sup> This argument was spelled out in many statements by Third World countries--their argument being that recent developments have clarified two facts regarding Resolution 242. On one hand, it was one of the most serious attempts to define the prerequisites for the immediate cessation of the Arab-Israeli conflict. On the other hand, it had two flaws: the first was that its language lacks precision and is open to diverse interpretations; the second was that the issue of the rights of the Palestinians was not given adequate treatment.<sup>39</sup> An analysis of the statements made at the Security Council by Third World nations in 1976, may be summed up in these terms (emphasized in an interview by the author with Salim Ahmed Salim, the Tanzanian Permanent Representative who

in January 1976, was President of the Security Council and was one of the sponsors of the draft resolution submitted to the Council in June 1976):<sup>40</sup> (a) the recognition of the political rights of the Palestinians, including the right to establish an independent state in Palestine; (b) withdrawal of Israeli troops to the pre-June 1967 borders; (c) recognition of the rights of all states in the area to live in peace and with secure and recognized boundaries. This last element was included in the draft resolution,<sup>41</sup> making it acceptable to the Western powers. Even among the latter, there was some agreement on the need to revise the terms of settlement of 242. Among the Europeans, France's position was by far the closest to Arab demands. The European Economic Community (EEC) had long before called on Israel to withdraw to the 1967 borders. Therefore, France and perhaps Italy and Sweden (the other European members of the Security Council) had no difficulty in accepting the Arab demand that the Security Council should adopt a resolution which would call for such a withdrawal.

In the explanation of their votes, members of the Council reflected two polarized positions:

- (a) The U.S. opposed any change in the existing framework of peacemaking effort in the Middle East-- a position which was only partially and half-heartedly

supported by the other European countries which abstained,

(b) The Arabs and their supporters advocated the supplementation of Resolution 242 on the question of the rights of the Palestinians and the interpretation of the territorial clauses of 242 to require, unequivocally, the "withdrawal of Israeli troops to the 1967 borders."

Even though Great Britain abstained on both drafts, more out of consideration of the U.S., its representative conceded that:

his "government had recognized, like many other governments that these resolutions (242 and 338) were deficient and that they did not take account of the third element--the essential part which Palestinian interests must play in any settlement..."<sup>42</sup>

The Ambassador of France also spoke of the need to "complement" resolutions 242, 338.<sup>43</sup> The same view was expressed by Japan,<sup>44</sup> which like France voted for the resolution.

The non-aligned countries insisted that the elements contained in the draft, though vetoed, should not be lost from sight in future efforts.<sup>45</sup> In this statement, there was a definite call for the revision of 242.

The controversy over the validity of the General Assembly resolutions and their impact on the Security Council

continued to constitute the main theme of the statements made by the Arab delegates and members of the non-aligned countries who participated in the Security Council debates in June 1976 and in the "Palestine debate" at the 31st session of the General Assembly which adopted a resolution (see supra) endorsing the recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People constituted according to the G.A. Res. 3236 (XXIV), 1974.

The United Nations?

It is clear that the pressure group represented by the Soviet-Arab-Third World bloc has been able to exploit the procedures and processes of the U.N. to their own advantage, by virtue of the preponderance of numbers alone.<sup>46</sup> Israel, among others, has charged that by their methods of exploitation, they have perverted that body and robbed it of its credibility and original purpose. The government of Israel has stated:

As the United Nations approaches the 30th anniversary of its establishment by the victorious Allies of the Second World War, it faces the specter of its disintegration as a credible forum for the easing of international tensions through discussion and conciliation....

The Arab efforts in 1975 to expel Israel from the U.N. (after they had succeeded to practically suspend her from UNESCO in 1974) have provoked sharp reactions in many parts of the world. On July 14, 1975, the U.S. Secretary of State warned that the U.N. could become "an empty shell" because of attempts by certain countries "to manipulate U.N. membership by

procedural abuse." Dr. Kissinger went on to say: "If the U.N. is going to depart from its Charter...we fear for the integrity and the survival of the General Assembly itself and no less for that of the Specialized Agencies."

Meeting in Brussels on July 17, Heads of Government of the nine members of the European Economic Community agreed jointly to "defend and promote respect for the U.N. Charter for the rights of member-states and for the existing rules of procedure."

On July 18, the U.S. Senate passed a resolution which expressed its "disfavor and concern over persistent attempts by some nations among the so-called non-aligned nations of the Third World to expel Israel from membership in the United Nations" and resolves that "if Israel is expelled from the United Nations, the Senate will review all present United States commitments to the Third World nations involved in the expulsion and will consider seriously the implications of continued membership in the United Nations under such circumstances." A similar resolution was passed by the U.S. House of Representatives.<sup>47</sup>

The Arabs perceived the General Assembly as a compatible arena to propagandize their positions. Israel regarded Arab initiatives in the U.N. as hostile acts, part of the overall pattern of the conflict relationship existing between her and the Arab countries. Although they used both the General Assembly and the Security Council, the Arabs usually resorted to the General Assembly, because it promised maximum support of their policies. The United Nations was used by the Arabs as a vehicle for the advancement of policies, because they found there the proper means; they managed to muster the political coalitions within the General Assembly which were favorable to them. They initiated moves in the

U.N., mainly for propaganda purposes, often with no intention of promoting settlement. They complained frequently to the U.N., knowing full well that the organization had no power to do or enforce anything, their strategy instead being aimed at isolating Israel. Arab initiatives in the U.N. Security Council against Israel have maneuvered the U.S. into embarrassing positions, compelling her to use the veto or otherwise be seen as standing alone in defense of Israel.

By placing the United States in this position, it is conceivable that they could (and did) convince U.S. policymakers that the diplomatic price of continuing support of Israel was too high. The U.N. condemnatory resolutions were used as means toward the achievement of more concrete ends. Plainly, the Arab strategy was centered on the control of the U.N.--forums, processes and decisions, to advance their positions. They even used the debates to legitimize their various decisions to fight Israel, e.g., in 1973. U.N. debates preceded every outbreak of hostilities as was the case in the War of Attrition and the continuous violations of ceasefires. This tactic was perceived by the Arabs as necessary in order to obtain and sustain domestic as well as foreign support. Legitimization of their policies at the U.N. (through resolutions adopted), contributed significantly to these ends. Manipulating charter principles (quoted in all Middle East resolutions) and

controlling the proceedings, seemingly confirmed their claim that their policies were endorsed by international opinion. The Arabs, who were the losers in the Six-Day War and were unable thereafter to force Israel to restore the status quo ante, used the U.N. to propagandize their position in the hope of gaining the support required either to win or prevent defeat. They propagandized the issues involved (withdrawal, Palestinian rights) to win legal, moral, or even material support for their cause when they did not otherwise possess sufficient means to win.

The Arabs thus internationalized the conflict, and altered its regional nature--adding to it new dimensions, such as the OAU decision that the continued "aggression against sister state--Egypt" constituted a threat to the security of all the African continent--a decision which eventually led to the rupture of diplomatic relations by almost all African countries with Israel in 1973.

The mere adoption of resolutions is not sufficient, however, to influence the acts of sovereign states. The Arabs have obviously succeeded (through resolutions passed in the United Nations General Assembly and in such organizations as the Non-Aligned countries and the Organization of African Unity in alienating Israel from the United Nations majority and in isolating her in the Third World. These resolutions did not

alter Israel's position or actions.

In effect, the Arabs have transformed the U.N. into a punitive agency insofar as Israel and perhaps other nations which may find themselves in a similar quandary in the future. It appears that should current practices prevail, nations which do not have a special relationship with or enjoy the protection of one of the superpowers, are left entirely without recourse, and may be freely victimized by a baneful coalition of adversary states. Such a possibility would seem to be contrary to the Charter of the U.N.

The drafters of the Charter did not (apparently) take this possibility into account. While the Charter certainly makes provision for punitive action by the U.N. in Chapter VII, which envisions a clear case of aggression by one state against another, it does not provide clear definitions of aggression or definitively distinguish an aggressor state from the victim state. This distinction is left entirely within the purview of the power structure in the U.N. as it may exist at any one time, and is therefore subject to arbitrary judgments motivated by selfish political aims, as in the case of the Arab-Israeli conflict.

Israel has thus far been fortunate in its alliance with the United States and her willingness to exercise her veto power in the Security Council in Israel's behalf. The

maintenance of this relationship is therefore a matter of paramount importance to Israel.

By this token, Israel is understandably concerned about the possible erosive effects of the influence of the Third World on the U.S.-Israeli relationship in view of the other foreign policy interests of the U.S. in both oil and the Third World. Some indications of erosion seem to have already appeared. For example, the United States has strongly urged Israel to change its position concerning the Palestinians if the PLO would recognize the existence of Israel. To date, the dilemma has been a theoretical one, for the PLO does not publicly recognize the right of the State of Israel to exist. However, behind the scenes, informal contacts have been held between American officials and Palestinian intermediaries. For example, during the recent Lebanese crisis, U.S. officials maintained contacts with the PLO, though these contacts were confined exclusively to the situation in Lebanon. On a Middle Eastern swing in November 1975, Secretary-General Kurt Waldheim of the United Nations is known to have intimated to Mr. Arafat gentle urgings toward a more moderate position.<sup>48</sup>

The working paper that is the basis of these speculations on American attitudes is the so-called Saunders document of November 12, 1975<sup>49</sup> which called for:

A diplomatic process which will help bring forth a reasonable definition of Palestinian interest-- a position from which negotiations on a solution of the Palestinian aspect of the problem might begin.

The issue "is not whether Palestinian interest should be expressed in a final settlement, but how" declared Harold H. Saunders, Deputy Assistant Secretary of State of Near Eastern and South Asian Affairs, in congressional testimony. "There will be no peace unless an answer is found." Political circles both in the Arab world and in Israel called Mr. Saunders' comments a trial balloon to measure public opinion in the United States and inside Israel. The Saunders document raised a lot of speculation as to whether the United States would recognize the PLO if the PLO should recognize the existence of Israel. But while the Israelis reject any dealings with the PLO, the PLO is alert to every American move.

It is also possible that the U.S. would be sufficiently embarrassed to pressure Israel, and that might lead the General Assembly to take action in the form of a "uniting for peace" resolution based on the Korean precedent of 1950. Conversations which the author has held with U.N. diplomats close to the Arabs, indicate that on many occasions the Arabs-- particularly the Syrians--have, during 1976, considered such action. Had it not been for their involvement in Lebanon, they might have forced such action in conjunction with the

renewal of U.N. Disengagement Observer Force (UNDOF) mandates which had twice expired in 1976. The Arabs can always claim that since U.S. vetoes prevent action by the Security Council, the General Assembly should be convened to take action under the "Uniting for Peace" resolution. In view of the "automatic majority" that the Arabs command in the General Assembly, Israel should find herself helpless. Even if the U.S. opposed such a move, it is difficult not to foresee the adverse implication of this action on Israeli-U.S. relations. This possibility was discussed in an article published in Foreign Policy.<sup>50</sup> According to its author, both President Nixon and President Ford made commitments to President Sadat of Egypt and President Haffaz El Assad of Syria that the U.S. would support "a final settlement based on the 1967 borders" which Israel had so far most vehemently opposed. As recently as May 26, 1977, President Carter stated:<sup>51</sup>

...it is "still my position" that Israel would have to withdraw from the West Bank with "minor adjustments." He said the U.S. does not have a Middle East settlement plan but the basic requirements for peace have been "spelled out clearly" in United Nations resolutions.

The President identified the requirements as the right of the Palestinians to a "homeland," compensation to Palestinian refugees for their losses, Israeli withdrawal from the occupied territories and the end of belligerency with the establishment of permanent and secure borders.<sup>52</sup>

There is always then a possibility of an imposed solution which, if implemented, would mean the discarding of the great promise entailed in the implementation of Resolution 242 of November 22, 1967, as envisioned by Lord Caradon and the others who assisted in its drafting and adoption.

If this occurs, it would signal the abandonment of the long-held policy of the United States which opted for the post-Six-Day War status quo in the absence of genuine Arab-Israeli negotiations; not the status quo ante. It would also imply that the issues which generated the Middle East conflict would remain unresolved, and therefore leave open the possibility, if not the probability, of future wars in the region which, unless the superpowers detach themselves from the conflict, may well spark a nuclear holocaust for the world, and of course the destruction of the United Nations.

## NOTES TO Chapter IV

1. The O.A.U. was founded on May 25, 1963, by the governments of 30 African countries at a conference in Addis Ababa. Its chief objectives are the promotion of African unity and solidarity; the coordination of the political, economic, cultural, health, scientific, and defense policies; the elimination of colonialism in Africa, and the common defense of the independence of the member states. See Kochan, Ran. "Israel in Third World Forums," in Curtis, M., and Gitelson, S.A., eds. Israel in the Third World. (New Brunswick: Transaction Books, 1976), pp. 258-60.
2. Between 1958 and 1975, 5900 Israeli experts were sent to more than seventy countries, and over 18,400 people--chiefly from the Third World--came to Israel for training. World Synagogue Council. The Third World and the Arab-Israeli Conflict (February 1977), p. 8.
3. Alpan, Moshe. "Israeli Trade and Economic Relations with Africa," in Curtis, M., and Gitelson, S.A., op. cit., pp. 100-110.
4. Rivlin, B. and Fomerand, J. "Changing Third World Perspectives and Policies Toward Israel," in Curtis, M., and Gitelson, S.A., op. cit., p. 344.
5. For complete analysis, see Kochan, Gitelson, and Dubeck (Black African Voting); Medzini (Asians) and Barromi (Latin Americans) in Curtis, M., and Gitelson, S.A., op. cit., pp. 270-89, 289-318, 318-25, respectively.
6. Woronoff, Jon. Organizing African Unity. (Metuchen, N.J.: Scarecrow Press, 1970), p. 34.
7. Ibid., p. 51.
8. Ibid., p. 138.
9. Le Monde (Paris, September 17, 1967).
10. Kochan, R. "Israel in Third World Forums," in Curtis, M. and S.A. Gitelson, op. cit., p. 256.
11. Reported in Ma'ariv, August 24, 1976.
12. Based on the author's experience at OAU and Non-Aligned conferences.
13. American Jewish Yearbook (New York, 1973), p. 598.
14. Shimoni, Y. "Israel and the People's Republic of China," in Curtis, M. and Gitelson, S.A., op. cit., pp. 212-17.

15. We are indebted to the following for a comprehensive examination of Israeli-Latin American relations: Shapiro, Y.D. "External and Internal Influences in Latin American-Israeli Relations," in Curtis, M. and Gitelson, S.A., op. cit., pp. 147-81. Also, Kaufman, E. "Israel's Foreign Policy Implementation in Latin America," in Curtis, M. and Gitelson, S.A., op. cit., pp. 120-46.
16. Shapiro, Y.D., op. cit., p. 155.
17. The so-called Group of 77 Developing Countries is one of the non-aligned informal organizations consisting of 116 members of the General Assembly, which had signed the Declaration adopted by the 1964 Conference of Non-Aligned Countries held in Cairo.
18. In 1972, the 41 members of the OAU organizations adopted a resolution which called for Israel's complete withdrawal to the 1967 borders; it called also for sanctions against the Jewish state, and recommended to all OAU members to accord Egypt all possible help to achieve its aims in the General Assembly and the Security Council. Concurrently, at Georgetown, Guyana, the conference of the non-aligned countries, in which 57 countries took part and 11 others participated as observers, called for complete withdrawal from occupied territories, sanctioned restitution of the Palestinian's national right, and the return of their usurped land. It also condemned Israel's policy in the Arab occupied territories and called for complete withdrawal and sanctions. These two elements had become a constant feature of the resolutions adopted at these conferences. In 1973, the OAU conference called on the African countries to sever their relations with Israel for "its lack of cooperation for the implementation of the relevant U.S. and OAU resolutions." Henceforward, Israel was labeled in all Third World resolutions as an "aggressor and usurper" of Arab lands and of "the legitimate rights of the Palestinian people." Moreover, the admission of the PLO to the U.S. in October 1971 (in observer capacity) and the standing ovation given to Yasser Arafat, the head of the PLO, by the General Assembly the following month, could not have come about had the ground not been prepared previously in various Third World forums.
19. By November of 1973, the Africans had committed themselves to the Arab cause. At the extraordinary session held in Addis Ababa, the OAU Council of Ministers, adopted for the first time, a position linking African anti-apartheid and anti-colonialism to Israel and the Middle East and denouncing "World Zionism" and asserting solidarity with the Palestinian people in their "striving to recover their national sovereignty." This anti-Zionist policy paved the way for the unprecedented General Assembly resolution on Zionism (3379) of 1975.
20. Draft resolution S/11940 of 23 January 1976.
21. GOAR, Thirty-first Session, Supplement No. 35 (A/31/35).
22. Draft resolution S/12119 of June 29, 1976.

23. A/31/20 of 24 November 1976.
24. A/31/61 of 9 December 1976.
25. For illustrations, see resolutions quoted above.
26. Based on the author's experience in lobbying on behalf of Israel for Third World support and consequent conversations with representatives of the Third World held in the aftermath of votes taken at the General Assembly between the years 1968-1976 (the names of representatives necessarily withheld).
27. For a full account of the OAU mission, see Gitelson, S.A. "The OAU Mission and the Middle East Conflict." International Organization, 27:3, (1973), 413-19, and Kochan, Ran. "An African Peace Mission in the Middle East: The One-Man Initiative of President Senghor." African Affairs, 72:2, (1973), 186-96.
28. Resolution 2799 of December 1971.
29. R/2799 (XXVI) of December 13, 1971.
30. Name of the Representative withheld for obvious reasons.
31. Based on the author's talks with African delegates at the aftermath of the voting. Names of delegates withheld.
32. See Gitelson, A.S. "The OAU Mission and the Middle East Conflict," op. cit..
33. Sadat's statement before the Non-Aligned Summit meeting at Colombo, quoted in Ma'ariv August 18, 1976.
34. Based on the author's conversations with Western and Third World Representatives at the aftermath of the vote.
35. General Assembly Resolution A/31/61 of 9 December 1976, and in scores of previous General Assembly resolutions since 1974.
36. Rivlin, B. and Fomerand, J., op. cit., p. 354.
37. Cited in World Synagogue Council, op. cit., p. 15.
38. S/P.V. 1872, pp. 18-19.
39. S/P.V. 1878, p. 30.
40. Interview on June 20, 1976, with Salim Ahmad Salim, the Permanent Representative of the United Republic of Tanzania to the U.N..
41. S/12119 of June 29, 1976.
42. S/P.V. 1879, p. 44.

43. Ibid., p. 39.
44. Ibid., p. 47.
45. S/P.V. 1879.
46. For more information, see Ambassador Daniel Moynihan, A/PV. 2400.
47. Embassy of Israel. "The Arab Campaign Against the United Nations," Policy Background. (Washington, D.C.: August 20, 1975.)
48. Reported in the New York Times, January 22, 1976.
49. The Saunders document was quoted at length in the New York Times of 3 October 1975.
50. Sheehan, Edward. "Step by Step in the Middle East," Foreign Policy, No. 22, Spring 1976.
51. Reported on May 26, 1977 by the Jewish Telegraphic Agency.
52. The U.N. Security Council has never adopted a resolution referring to a "Palestinian Homeland." The General Assembly has adopted several resolutions which stressed the right of the Palestinians to "return to their homes and property from which they were uprooted," or the establishment of a Palestinian state. The U.S. voted against all these Assembly resolutions. Carter is the first President to speak of the need for a "Palestinian homeland."

## Chapter Five

THE FUTURE OF UNITED NATIONS' PEACEMAKING  
IN THE ARAB-ISRAELI CONFLICT

The United Nations' achievement in conflict resolution has been mainly in the facilitation of peacekeeping rather than the settlement of disputes.<sup>1</sup> Its record in the Middle East is particularly active in this regard. Although the United Nations decided in 1947 on the Palestine Partition plan, it has not been able to enforce it. For nineteen years before the Six-Day War, the United Nations' role was limited to peacekeeping, truce supervision, and marginal settlement negotiations under the Palestine Conciliation Commission. When the Security Council finally recommended terms of settlement in 1967, the United Nations was unable to induce the parties to agree on their interpretation. This is due, of course, to a multiplicity of factors, foremost among which is the intractability of the tensions at the base of the dispute.<sup>2</sup>

The problems that are to be solved have a direct bearing on the existence and the survival of at least one party to the conflict: Israel. The security factor

complicates the peacemaking effort, especially if it stems from an international body which is composed of different actors and where each "expresses ideas or passions...and tries to serve his own interests."<sup>3</sup>

A study<sup>4</sup> conducted in 1971 by John Norton Moore concluded that:

The principal focus of international-legal analysis in the literature of major war-peace issues has been the permissibility of the contending belligerents' use of force. There has been only sporadic attention paid to the "Charterability" of the negotiating positions of the belligerents.<sup>5</sup>

Moore has, therefore, devised hypothetical standard norms for conflict behavior. Modeled on the Charter, they are divided into two categories: standards of procedure and standards of content.<sup>6</sup> These standards, hypothetical as they may be, help in a normative examination of the positions of the disputants with respect to their obligations under the Charter. Moore, after close examination of the disputants' behavior since 1967, concluded that they do not conform to the basic obligation set by the Charter to pursue peaceful settlement, and that this, in itself, has necessarily greatly limited the United Nation's peacemaking role.<sup>7</sup>

Under such constraint, the maximum achievement that could be expected is not the permanent resolution of conflict

but merely the termination of hostilities. This therefore becomes an end in itself. Until 1967 (with the exception of the 1947 partition plan), the United Nations' efforts were concentrated on the termination of hostilities.

Furthermore, the Middle East environment is dominated by the rivalry of the Superpowers--which have supplied the instruments of force used by the disputants against each other. Since hostilities in the Middle East also threaten the Superpowers, they are usually quickly terminated by them to avoid confrontation. This rapid termination imposed from above, in turn, limits the impact of the military outcome on settlement diplomacy. In all of the Middle East wars, when a cease-fire was imposed on the disputants by the Superpowers after the military defeat of the Arabs, the Union of Soviet Socialist Republics (U.S.S.R.), as their patron, quickly intervened to supply them with arms to enhance their political position to be used in the shaping of the postwar situation. Under these circumstances, the consequences of military victory and defeat cannot be translated into political terms.<sup>8</sup> This situation is not conducive to effective peacemaking, since it does not induce the parties to think in terms of costs and rewards. Likewise, Israel, which has so far been militarily

invincible and fully supported by the United States, has not therefore felt compelled to yield to Arab demands. The result is that neither party has been motivated to change its fundamental policies with respect to the terms of settlement laid down by the Security Council.

I. Persuasion or Imposition: Alternative United Nations Strategies

Despite the high sounding principles such as these which motivated the creation of the United Nations, the nations of the world are guided in their behavior towards each other, by selfish concerns. Consequently, lurking beneath the venue of polite discussion which may be heard frequently in United Nations debates, is the unrelenting pressure by the strong against the weaker for advantages at every juncture, the world of realpolitik. If the situation characterized by conflicting perceptions and dominated by superpower rivalry is not conducive to peacemaking by persuasion, can the United Nations resort to coercion to promote settlement? Is coercion part of the United Nations system? Politics is coercive pressure; it is an integral part of conflict and attempts at conflict resolution.<sup>9</sup> Aron distinguishes between pressure and persuasion. He notes that although some forms of pressure are violent,

such coercive pressure still is legitimate. Diplomacy, if at all possible, employs forms of pressure when persuasion is insufficient.<sup>10</sup>

The literature on the United Nations contains a host of different interpretations of the Charter's provisions with respect to the use of pressure or coercion for the purpose of peaceful settlement of disputes.<sup>11</sup> Halderman comments that:

The original predominant theories which they carried into the United Nations were inherently confusing. On one hand, there was a deliberate continuance of the traditional refusal of states to recognize a higher-law-making authority; on the other, it was considered that the Organization should have a power of enforcement enabling it to do whatever was necessary for the maintenance of peace and security.<sup>12</sup>

Former Secretary of State Dulles expressed the controversy arising from the different interpretations of the Charter in these terms:

Under the Dumbarton Oaks Proposal it had been generally understood that the Security Council would act only as a policeman and would not itself have the function of settling disputes on the basis of merit.<sup>13</sup>

In 1947, the United Nations recommended the plan of partition with economic union of Palestine. This plan never materialized. The general consensus that emerged then in the debates at the United Nations was that permanent

solution could come only through agreement by the parties.

The Indian Delegate stated then:

It had been said that any solution would require force, but this ignored the difference between the temporary employment of force to maintain law and order and the perpetual use of force to uphold an arrangement unacceptable to the majority of the population...permanent solution could come (only) through agreement. (emphasis added)<sup>14</sup>

The United States Representative explained the position of his government in these terms:

The Security Council is authorized to take forceful measures with respect to Palestine to remove a threat to international peace. The Charter of the United Nations does not empower the Security Council to enforce a political settlement whether it is pursuant to a recommendation of the General Assembly or of the Security Council itself...<sup>15</sup>

This view is shared by most specialists on the United Nations Charter<sup>16</sup> and holds that Article 37 merely authorizes the Council to recommend terms of settlement. The central expectation is not enforcement, even through the collaboration of the major powers, but the willingness of parties to abide by United Nations recommendations for the substantive solution of their disputes.

Halderman best sums the situation in these terms:

Thus the Charter...include(s) a peaceful settlement function embracing a power of persuasion on the part of the Organization; and a collective measures function authorizing the

application of measures of force or less than force for dealing with aggressions, other breaches of peace and threats to peace, but not, of course, including the power to enforce decisions on the merits as such.<sup>17</sup>

Although there is ample support in statements made at the United Nations as well as in public international law for the view that the United Nations Security Council recommendations under Chapter VI have no binding effect, the Superpowers' attitude, particularly that of the U.S.S.R., varied according to expediency. When the U.S.S.R. found it expedient, it claimed that such recommendations (as embodied, e.g., in Security Council Resolution 242 of November 1967) are "juridical deeds which ought to be executed in full detail."<sup>18</sup> Such contention contradicts earlier statements by the Soviets and members of the Eastern Bloc as one could rightly assume from many of their statements.<sup>19</sup> The disputants themselves took a similar expedient view of the meaning of the Charter. The Arabs, in 1947, questioned the legitimacy of the United Nations partition resolution and fought against its implementation through military and diplomatic means. When in later years, they acquired majority support at the Assembly and other United Nations organs, they called on the Security Council to enforce the implementation of its

resolutions.<sup>20</sup> The Israeli position underwent a reverse change. Israel, which found itself in an ever growing isolation at the United Nations, argued that the United Nations has no right to impose a settlement, unless it is negotiated and agreed upon by the parties. The shortcomings of the United Nations system are not only constitutional but political as well. The failure of the Security Council to be effective as an organ of peaceful settlement is due primarily to the fact that while in particular situations the permanent members have seen a common interest in putting an end to fighting, they have not found a like common interest in agreeing upon the terms of settlement which they are prepared to force the disputants to accept. Left to their own devices, the interested parties have been able to manipulate the major powers against each other, and to exploit their conflicting interests to their own particular national advantage.<sup>21</sup>

The Council has been unable to take any decisive action in dealing with those disputes and situations in which permanent members have vital non-negotiable interests. The Council was successful, though, in containing and putting an end to armed conflict in situations where the vital security interests of the Superpowers were involved

and there was a risk of triggering Superpower confrontation. It was, however, never anticipated that all disputes must or would be settled, but that they would not be allowed to develop into threats to international peace and security.<sup>22</sup>

There are, therefore, in our view, two potential future United Nations strategies--one based on persuasion, the other on coercion-- or the imposition of a settlement.<sup>23</sup>

A. The powers could look to the United Nations to renew its "good offices or mediation"<sup>24</sup> to promote a settlement acceptable by the parties. This approach based on persuasion was tried through the Palestine Conciliation Commission and, after 1967, through the Jarring mission, but failed. It is inconceivable (for reasons we have developed in Chapter Four) as long as the present conditions continue to prevail in the region and at the United Nations that Israel would accept international mechanisms as the executive agent of governments.

As long as the Arabs continue to command a majority against her at the United Nations, it is inconceivable that Israel would be willing to allow a mediation role for an executive agent of the United Nations accountable to the Security Council or the General Assembly. In a major policy statement issued on the 8th of February, 1977,

Foreign Minister Allon declared<sup>25</sup> that Israel has no intention of giving the United Nations any role in the Middle East peace negotiations, and that Israel considers the United States as the only mediator in the Middle East conflict. This statement came three days before United Nations Secretary-General was due in the area to resume his efforts to convene the Geneva Conference.

We shall receive Dr. Waldheim here with all the honour due his position, but I cannot see how the United Nations can operate in making peace in the area when the General Assembly adopts recommendations which are in direct contradiction to Security Council resolutions 242 and 338 (which form the basis for the Geneva conference).

We shall be happy to hear what Dr. Waldheim has to say, and we shall tell him what we think. But Israel has no intention of giving the United Nations any role in the peace negotiations in this area.<sup>26</sup>

Washington Post correspondent H.D.S. Greenway reported on the 8th of February 1977 that Allon's statement was the clearest public expression of what Israeli officials have been saying privately since the Waldheim peace mission to the Middle East was first announced-- "that he can come if he likes but that he is not going to accomplish anything here." Israel's position is that the United Nations "cannot play a peacemaking role because the General Assembly has adopted resolutions that have 'con-

tradicted' United Nations resolutions 242 and 338--the resolutions on which there was a consensus that a Middle East settlement should be reached by negotiations among the parties involved. Allon was referring to Syrian and Egyptian resolutions adopted at the 31st General Assembly and which Israel rejected because they sought to have the United Nations play a role in reaching a solution."

Israel fears United Nations involvement because "Israel's supporters are considerably outnumbered there by Arab, Soviet bloc and Third World forces."

Even Secretary-General Waldheim had to concede "that the parties have to resolve themselves the dispute," when he replied to a toast made to him by Foreign Minister Y. Allon at a private dinner held at the Knesset on the 10th of February 1977.<sup>27</sup> In his toast, Allon warned: "It is dangerous to come with a plan (having Jarring probably in mind) and that the only thing that would achieve peace is to promote agreement among the parties." Since 1973, the United States also has been reluctant to involve the United Nations in peacemaking in the Middle East. It has voted against most Middle East resolutions in the General Assembly, and used its veto power, although reluctantly, five times since 1967.

However, it is conceivable that the United States, being acceptable to both sides, could mediate the implementation of Resolution 242, thus helping the United Nations' purpose to be fulfilled without the United Nations itself providing the executive instrument for that purpose.

The United States and Israel agreed to reconvene the Geneva conference in 1977, but only with the original participants and subject to the same ground rules that governed the Geneva conference in 1973, namely:

(1) Formally, under United Nations auspices, but actually under the co-chairmanship of the United States and the U.S.S.R.

(2) Decisions in Geneva are adopted unanimously, thus any decision taken by the conference has to be agreed upon by Israel.

The disengagement agreements of 1974 signalled a point of departure from the United Nations as an active peacemaker. The United States, since then, has become the only viable peacemaker in the region, accepted both by the Arabs and the Israelis. The United States seemed determined to continue its effort to assume such a role. Speaking in a wide-ranging interview on BBC television's "Panorama" program, President Carter said: "I would not hesitate, if I saw clearly a fair and equitable solution, to use the

full strength of our own country and its persuasive powers to bring these (mideast) nations to agreement." The President defined the American role as that of a

...communicator between the parties involved or among them, and we also are in a position of one who can influence countries to modify their positions slightly to accommodate other nations' interests.<sup>28</sup>

Secretary of State Cyrus Vance added that the United States would put its "suggestions on the core issues" of the Middle East conflict to the "individual countries."

B. The second possibility is through imposition or coercion, which could be facilitated by the mobilization of political pressure through the United Nations. If the disputants are not able to reach a settlement through a United Nations mediator, or alternatively to reach agreement by themselves, the only way left is the procurement of Superpowers support for the United Nations effort. This support may be channeled through the Security Council or the General Assembly (uniting for peace if the Security Council is deadlocked by veto). It could also take the form of bilateral or multilateral action.<sup>29</sup>

Realistically speaking, an imposed settlement could not be prevented, even though it contradicts the logic and spirit of Chapter VI of the Charter, if it is en-

forced by the Superpowers, (e.g., Soviet threats of intervention in the 1967 and 1973 crises, or economic sanctions, arms embargo similar to the ones imposed by the United Nations on the Smith regime in Rhodesia). It should be noted that recent United Nations resolutions concerning South Africa and Rhodesia are widely regarded as having the purpose of enforcing substantive decisions in response to a threat to the peace as defined in Chapter VII. Thus, despite the original intention of the drafters of the Charter to keep separate terms of settlement and measures to enforce the peace, in reality the two may be merged in the policies of one of the Superpowers.

Reacting with concern, Israeli Defense Minister Shimon Peres, who then assumed the functions of Premier, was quoted in the Israeli daily, Ma'ariv, as saying that an imposed settlement in the Mideast would be no settlement at all, since it would be imposed only on Israel. Peres was apparently responding to Carter's remarks broadcast in London.<sup>30</sup> However, the Jewish Telegraphic News, on May 9, 1977, reported from Tel-Aviv that:

A series of developments with respect to American military supplies to Israel since the Carter Administration took office has raised fears in Israeli circles that the United States may withhold weapons to coerce Israel into accepting its settlement plan for the Middle East.<sup>31</sup>

The Carter administration intentions caused an uproar not only in Israel but in the United States as well.<sup>32</sup>

It is premature even to speculate that the Carter administration is heading for an imposed settlement, for there are no indications yet as to an erosion of American support of Israel. However, only for the sake of elaborating on the United Nations role, we hold the view, hypothetical as it may seem, that should the United States change its policy towards Israel and decide on a settlement unacceptable to Israel, it will most likely choose to use once again the United Nations, as it did in 1957, for the imposition of such a settlement. Because one or the other of the Superpowers may find it in its own interest to exploit the United Nations as an instrument for conflict resolution, specifically as an instrument for executing its own policies, the potential viability of the United Nations as a political factor in peacemaking remains formidable and as a factor to be reckoned with by all of the parties concerned.

In using the United Nations as a vehicle, the United States is certain to acquire wide support among the Arab-non-aligned-communist majority already committed to the Arab cause. Furthermore, imposing a settlement through

the United Nations would make it look more legitimate as it will be rubber-stamped in the name of "the world community." The United States could, of course, choose other ways or supplement them by applying bilateral pressure in the form of depriving Israel of economic aid and arms sales--two fields in which Israel has become increasingly dependent on the United States. Commenting on the subject, the New York Times on May 12, 1977, wrote:

There is some historical basis for concern about the use of American arms supplies as a policy lever. After Henry Kissinger's stem-by-step diplomacy ran into Israeli resistance in March, 1975, President Ford ordered a review of our Middle East policy--and that was plainly a Kissinger device to put pressure on Israel.<sup>33</sup>

President Carter, in a news conference held on the 12th of May, 1977<sup>34</sup> reaffirmed the United States commitment to the survival of Israel. However, he advocated the necessity for a Palestinian homeland without providing further specifications.<sup>35</sup> President Carter also suggested that in order to achieve a permanent settlement, defense lines may not conform in the foreseeable future to legal borders. There may be extensions of Israeli defense capability beyond the permanent and recognized borders.<sup>36</sup> The Department of State published an official statement on June 27, 1977, in which it stated:

The peace, to be durable, must also deal with the Palestinian issue. In this connection, the President has spoken of the need for a homeland for the Palestinians whose exact nature should be negotiated between the parties. Clearly, whatever arrangements were made would have to take into account the security requirements of all parties involved. Within the terms of Resolution 242, in return for this kind of peace, Israel clearly should withdraw from occupied territories. We consider that this resolution means withdrawal from all three fronts in the Middle East dispute--that is, Sinai, Golan, West Bank and Gaza--the exact borders and security arrangements being agreed in the negotiations.<sup>37</sup>

The above statements raised fears in Israel that a settlement would be imposed. In the context of an imposed settlement, the United Nations role becomes that of stampeding a settlement that is not accepted by all parties which contradicts the logic and spirit of the Charter.<sup>38</sup>

In this context, Halderman's observation seems particularly relevant:

The peaceful settlement function...written into the Charter, authorizing the Organization to attempt to persuade the parties to come to agreed solutions...is a power deliberately conferred upon the United Nations, and is accepted as generally applicable by all concerned.... The rejection of a recommendation (by the United Nations) should not involve any comparable loss of United Nations prestige, and it is herein considered that the effort should be made, in the handling of cases, to have the right of rejection fully understood and accepted. The potential of this procedure in developing moral force behind the actions of the United Nations is believed to lie in the impact made on public

opinion as the result of efforts to use the power properly, in a dispassionate search for justice.<sup>39</sup> (emphasis added)

Hypothetical and improbable as it would seem, if the parties knew in advance that they could not expect binding decisions in matters relating to the conflict resolution proper, unless they were accepted by all parties, this, in itself, would introduce a new spirit of compromise, accord, reconciliation, and accommodation to the United Nations dealings with the Middle East crisis. After all, are these not the very essence of peacemaking among sovereign states?

World events seem to confirm the view that the United Nations is likely to continue to be, as it has been, at best

a subordinate, ancillary instrument for peacekeeping and for international problem solving generally, with the really important problems of contemporary international relations, however, reserved for decision or compromise in other arenas and with a continuous search for new institutional machinery for peacekeeping outside of the formal United Nations network.<sup>40</sup>

The Soviet Union and the United States' behavior in the United Nations and outside seem to sustain the overriding conclusion that neither regards the United Nations as the primary arena for the negotiation or settlement of serious conflicts. With the exception of their involve-

ment in the 1967 crisis where both maintained opposed positions while avoiding confrontation outside the United Nations, the two Superpowers seem agreed that to bring conflicts to the United Nations before they are resolved may actually harm the process of big-power adjustment and compromise, and thus delay and impede settlement. In 1973, in the wake of the October War, they agreed on the terms of Resolution 338 in Moscow, and brought it only thereafter to the United Nations--as a polite afterthought or for the sake of protocol.<sup>41</sup> Furthermore, the two Superpowers have, over the years, developed alternative strategic modes and channels outside the United Nations. Collective defense pacts, such as NATO and the Warsaw Treaty Organization, encouraged the tendency of the two Superpowers to resort to alternative modes rather than the United Nations.<sup>42</sup> Former Secretary of State William Rogers, in his address to the American Society of International Law annual meeting in April, 1970, recognized that "no international legal order, however restructured is likely to solve many of the major disputes involving issues of war and peace." In that statement he seemed to confirm the Soviet position--as stated in the United Nations Sixth Committee (legal) of the United Nations' General Assembly's Special Committee on Friendly Relations--

that "judicial settlement is only one among a number of different modes of dispute settlement; that it has no claims to hierarchical superiority to the other modes of settlement, and that in general, direct diplomatic negotiations are the most operationally productive mode of dispute settlement in a world community characterized by deep-set ideological divisions and conflicts."<sup>43</sup>

## II. The United Nations as an Organ of "Auxiliary Uses"

Even though the United Nations achievements in conflict resolution are limited, the organization nevertheless has provided its members, particularly the Superpowers, a wide range of functions without which peacemaking would be even more difficult. We present in the following a typology of "auxiliary uses."

(1) Checking Conflicts. The enactment of ceasefire clearly falls in the category of peacekeeping, although it has direct bearing on the peaceful settlement of disputes. Without going into the merits of the big controversy arising from the argument that United Nations peacekeeping actions have helped to perpetuate conflicts,<sup>44</sup> no one can deny that its controlling functions have helped check many conflicts, which the Superpowers wished to see limited, although the Russians have been reluctant to see

the United Nations wield force.<sup>45</sup> In view of the fact that the Middle East conflict is the bedrock of world tension, which seems to rest on a "tinder box" that could trigger at any time a third world war, one cannot discount the importance of using the United Nations as a means of checking the conflict despite its limited scope and utility. Although the U.S.S.R. profits from a state of tension, the U.S.S.R. is also reluctant to see crises, such as the Middle East, develop into a real Superpower confrontation. Consequently, it has supported United Nations efforts to keep the Middle East conflict under control. The United Nations could not solve basic issues, like the fundamental antagonism of the American-Soviet political system, or the clash of Arab and Israeli claims. The United Nations, imperfect as it is, helped at best a little to keep the Superpowers at a distance.<sup>46</sup>

(2) Clarifying Conflict Issues. The United Nations was successful in 1967 in clarifying the conflict issues, which stemmed from the thorough deliberations of these issues during the July General Assembly emergency session and the June-November Security Council sessions. As a result of these deliberations, the United Nations was able to prescribe policy recommendations--guidelines for a

Middle East settlement. Since 1967, there have been considerable changes in the blocs alignments within the General Assembly, and these did not leave the Security Council untouched. It is doubtful whether, in view of these changes which we have fully analyzed in Chapter Four, the Security Council (not to speak of the General Assembly) can, under the present circumstances, generate policy recommendations acceptable to both parties, as Resolution 242 was. Security Council Middle East debates in 1976 and 1977 resulted in a deadlock, and the emergence of a consensus, even on the general principles, is unlikely. Already in 1973, the management of the crisis that erupted after the Yom Kippur War remained the exclusive domain of the Superpowers, which used the Security Council as an instrument to promote a policy already agreed on by them and the parties in Moscow. The interim agreement between Israel and Egypt in 1975 was achieved only through the active mediation of the United States, which used its power of "promising rewards" and threatening the parties with "deprivations."

(3) Provide an Alternative to Open Conflict.

United Nations debates served as an alternative to military action. The Arabs, after 1967, made use of the General Assembly and the Security Council because the debates at

the United Nations gave them a legitimate justification to delay (because of their inability at the time) to resort to military action; here the United Nations served as a shock absorber and a tension-defusing device. It also provided means to delay or justify the delay of military action. United Nations deliberations at the Security Council after the 1967 war helped defuse an explosive situation. The U.S.S.R., which at the time avoided confrontation with the United States, has used the 5th General Assembly emergency session as an arena to propagandize support for its Arab clients, without having to resort to military intervention on their behalf and, thus, risk a Superpower confrontation. United Nations debates also enabled the Arabs to postpone military actions without running the risk of losing face. Sadat's "year of decision" was extended from year to year between 1969-1973, under the pretext of seeking political action through the United Nations. The Jarring mission provided the time spell needed badly by the Arabs, until the time had come when they were ready to resort to military action. Egypt and Syria extended United Nations mandates every six months that followed (disengagement agreements 1974 and the interim agreement 1975), the United Nations played no part.

The goal of "third world politics" in the United Nations was to counter-balance the influence of the superpowers in the United Nations. Paradoxically, bloc politics was to account for the exclusion of these United Nations organs that are dominated by third world politics from dealing with crisis situations.

(4) Holding Action. Most United Nations acts fall in the category of holding action. Only once, in 1947, the United Nations action was designed to bring substantial changes in the area: the partition plan of 1947 was meant to prescribe a detailed scheme of a settlement that was to change the map of the Middle East: two separate states (one Arab and one Jewish) linked with economic ties, and the internationalization of the city of Jerusalem. However, when the United Nations failed to enforce this plan, all United Nations dealings since then fall in the category of holding action: the Armistice Agreements of 1949, the Truce Supervision teams, the enactment of ceasefires (whenever hostilities broke), and the United Nations peacekeeping forces clearly fall in this category. No matter what the outcome or when the implementation of Resolutions 242 and 338 would be achieved, both resolutions served as a holding technique, a formula

for buying time both for the superpowers and the disputants. The only movement in the Middle East--though without upsetting the status quo--was realized on the signing of the disengagement agreements since 1973, justifying their action by Security Council resolutions and United Nations appeals, thus defusing an otherwise extremely explosive situation. The United Nations activities (ceasefire, peacekeeping forces) provided the parties with justification to bide their time and delay the course of confrontation. While this time interest is not to be considered an end in itself, it helped bring temporary relief and contributed to years of relative quiet in the Middle East. It also added some positive aspects to the United Nations role in the Middle East, despite its inherent shortcomings.

(5) Provide Procedural Auspices. The Arabs hesitated to initiate negotiations with the Israelis for fear of giving the impression of weakness, but by adopting resolutions 242 and 338, the Security Council initiated procedural suggestions that led the parties to conduct negotiations under the auspices of Gunnar Jarring. Even the negotiations at Km 101 in the wake of the October war for the troops disengagement agreement were conducted under the formal auspices of the United Nations. Because

of Arab refusal to deal directly with Israel, the United Nations auspices provided the only means to keep the peacemaking machine rolling. Even though the Geneva conference was convened in 1973, under the joint co-chairmanship of the United States and the U.S.S.R., the United Nations provided the conference its auspices--which made it possible for the Arabs to participate. Although the disengagement agreements in 1973-74 and the 1975 interim agreement were negotiated through the United States, the texts of the agreements were referred to the Security Council, which gave them its endorsement. Here again, the United Nations provided formal auspices which calmed Arab fears and facilitated indirect exchange of mutual commitments between the parties.

There are additional functions which are more related to the Charter provisions under Chapter VII, and which fall in the category of keeping the peace. Nevertheless, these functions could have an accumulative effect which indirectly contributes to the peaceful settlement of disputes. These functions are between Chapter VI and Chapter VII, and we think that it is proper to include them in the category of auxiliary uses.

(6) Investigation. United Nations investigation proved useful in defusing tensions. In the Iraq-Iran

border conflict, the Secretary General's Representative, Mr. Weekman-Munoz, was entrusted with investigating and reporting the factual situation. In his report to the Security Council, he was able to identify the issues in conflict and trace some of the factors involved, and recommended specific measures for their resolution.<sup>47</sup> Because of the growing isolation of Israel at the United Nations, Israel since 1967 refused to cooperate with investigating bodies appointed by the United Nations. Thus, it has boycotted the "Special Committee on investigation of Israeli practices affecting the human rights of the population of the occupied territories" constituted according to General Assembly Resolution 2443 (XXIII) of 1968 and the "Committee on the Exercise of the Inalienable Rights of the Palestinian People" composed of 23 members of the General Assembly and constituted according to General Assembly Resolution 3236 XXIX of 1974.

(7) Supervision. The object of this operation is to ensure the fulfillment of the parties' obligations under agreements arrived at bilaterally through United Nations auspices or in any other form. James comments that the employment of such techniques will not, in itself, ensure that the parties remain in a conciliatory frame of

mind; but, if they want to resolve their dispute, the United Nations may be able to help in the achievement of that end by providing the impartial supervision, which on substantive or face-saving grounds, is needed.<sup>48</sup>

(8) Administration. International administration of a territory about which there is disagreement might help to ease the dispute and permit the opening of negotiations regarding its future. The case of West New Guinea, which was under Dutch control, provides the prime example of such use of the United Nations. Such a solution was proposed in the case of Namibia--South West Africa--but the proposal was thwarted due to the adamant refusal of South Africa to yield the territory, either towards independence or to international supervision. The United Nations can also send a representative to disputing states with a view to persuade them to adopt a less belligerent posture. There are a number of examples of this: the United Nations mediator in Palestine in 1948 is one example, the efforts of the Secretary General in Vietnam and in the Middle East in 1956, the current efforts of the Secretary General and his frequent visits to the Middle East in connection with the renewal of United Nations mandate (every six months since 1973). Hammarskjold, in 1956 (before the crisis escalated into war), acted as an

agent and even succeeded, then, in obtaining from the parties a written commitment to observe the ceasefire provisions of the armistice agreements.

Developments in the Arab-Israeli conflict, however, would seem to indicate that most of these functions<sup>49</sup> are irrelevant, since their effective use depends on the cooperation of the parties and their willingness to solve the pending problems between them. In view of the disputants' polarized positions and the Arab expectation of success in imposing a settlement via a military solution or United Nations' intervention, chances for success of such procedures are dim.

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In conclusion, the United Nations auxiliary functions help to ameliorate the continuous interaction between the Superpowers no less than between the disputants. Although the Superpowers have an overriding choice "in the use and extent of use" of the United Nations in conflict management and conflict resolution as intended by the Charter, the evolution of the Arab-Israeli conflict since 1967 has shown that the disputants have preserved a dynamic of their own in triggering or thwarting United Nations action.

This catalytic potential did not always conform to the wishes and policies of the Superpowers. Ideally, the effective use of the Charter provisions in the context of peaceful settlement of disputes should rely on the mutuality of interests of the disputants to solve their problems and the harmonization of conflicting superpower interests. Also, in this case above all others, the inherent incompatible and irreconcilable interests of the chief protagonists represent a threat to international peace and security by which many usually mean war between the Superpowers. It is this periodic threat that may yet determine the border between persuasion and imposition in peacemaking through the United Nations.

## NOTES TO CHAPTER FIVE

1. Goodrich concluded that the United Nation's only achievement in the field of conflict resolution or peacemaking was the Indonesian case. See Goodrich in Barros, The United Nations, Past, Present and Future. New York: Free Press, 1971, p. 52. Conflicts like the Cuban Missile Crisis, SALT, the Indian-Pakistan War, the Vietnam War, the Lebanese Crisis, were all discussed and resolved outside the framework of the United Nations.
2. Hans Morgenthau distinguishes between pure disputes and disputes representing a tension in which the overall distribution of power between two nations is at stake. The latter cannot be settled by judicial methods, and the more so by an international body. The Middle East conflict conforms to this definition, and, consequently, it is hard to expect that the United Nations could bring a viable resolution outcome. Morgenthau, Hans J., "Politics Among Nations." (New York: Alfred A. Knopf, 4th edition, 1966), pp. 415-17.
3. Aron, Raymond. Peace and War. (New York: Doubleday, 1966), p. 561.
4. Moore, John Norton. "The Arab Israeli Conflict and the Obligation to Pursue Peaceful Settlement of International Disputes," Kansas Law Review, (1971), pp. 403-40.
5. In compiling a reader on "The Arab-Israeli Conflict and International Law," Moore collected more than 65 books and articles dealing with some aspects of the legal issues presented by the Arab-Israeli conflict. A number of these focus on the legal issues surrounding Security Council Resolution 242 of November 22, 1967, or on the illegality of maintaining a continuing state of belligerency against Israel, but none focus squarely on appraisal of the principal belligerent's compliance with the Charter obligation to pursue peaceful settlement of international disputes.

6. Under the Standards of Procedure, Moore included among others: the extent to which the contending belligerents take the initiative in urging peaceful settlement; the willingness of belligerents to negotiate a settlement or at least to negotiate a modality for arriving at settlement; the willingness of the belligerents to conclude a legally binding settlement. Under the Standards of Content, Moore included terms for settlement as appraised by reference to fundamental Charter principles, such as: nonuse of force against the territorial integrity or political independence of any state; cessation of all belligerent activities and claims of belligerency.
7. *Ibid.*, pp. 438-40.
8. For a thorough discussion of this complex process, see Stein, Janice Gross. "War Termination and Conflict Reduction." The Jerusalem Journal of International Relations. I. (Fall, 1975), pp. 52-52.
9. Hinsley, F. H. Power and the Pursuit of Peace. (Cambridge: 1963), p. 318.
10. Aron, *op cit.*, pp. 57, 60, 61.
11. According to Forsythe, the usual literature on United Nations peacemaking is characterized by the presentation of a clear-cut dichotomy between acts of peace and acts of war--and the United Nations is restricted to the limits of the former category in its peaceful settlement efforts. The United Nations is said to be able to provide pure persuasion--assistance based on reasoning while the remaining myriad forms of action are said to be prohibited as infringements on national sovereignty and domestic jurisdiction. Several of the works dealing specifically with the United Nations and peacemaking acknowledge the presence of pressure in state diplomacy; yet, United Nations diplomacy is considered an island of pressure-free politics in a sea of pressure--a barrier against pressure behind which exists a world qualitatively different from state actions. Forsythe quotes as examples UNESCO, "Techniques of Mediation and Conciliation," International Social Science Bulletin, X, (1958) and Y. Tandon, "The Peaceful Settlement of International Disputes," International

Relations, II (1964), 555-87, in Forsythe, D. P., UN Peacemaking: the Conciliation Commission for Palestine, pp. 3-13.

12. Halderman, John W. "Some International Constitutional Aspects of the Palestine Case," Law and Contemporary Problems, Vol. 33, 1968, pp. 78-96.
13. Quoted in Halderman, op cit., pp. 78-80.
14. U.N. GAOR, 201 Spec, SCSS, 1st Comm. 64 (1948), quoted in Halderman, op cit., pp. 78-80.
15. U.N. SCOR, 253d meeting 265-67 (1948) quoted in Halderman, op cit.
16. Goodrich and Simmons stated in unequivocal terms that the procedures of mediation and conciliation depend for their success on the cooperation of the parties themselves, in Goodrich, L., and Simmons, A. The United Nations and the Maintenance of International Peace and Security. (Washington, 1957), p. 303. See also Goodrich and Hambro, Charter of the United Nations (3rd edition, 1969), pp. 208-09.
17. Halderman, op cit., pp. 78-80.
18. In an article published by Pravda on November 24, 1968, and quoted in Tel-Aviv daily Ha'aretz November 25, 1968.
19. Mr. Gromyko of the Soviet Union stated categorically: "Is it really possible to prove that the decisions taken by the Council for the pacific settlement of disputes are of a compulsory nature, when Chapter VI of the Charter are compulsory....The chief difference between Chapter VII and Chapter VI bear the character merely of recommendations....The U.S.S.R. cannot share the view...that decisions in connection with the pacific settlement of disputes (under Chapter VI of the Charter) are of a compulsory character." The Bulgarian delegate, Mr. Mevorah, stated in 1949: "Under Chapter VI of the Charter the Council is only called upon to make recommendations....The Council may recommend a procedure to be followed in order to put an end to a conflict, but the application of this procedure requires the consent of the parties concerned. In this

lies the difference between the decisions (emphasis in the original) of the Council taken under Chapter VII and the recommendations (emphasis in the original) provided for in Chapter VI. In the case of the former, the Council does not require the consent of the parties; it lays down the measures to be taken. In the case of the latter, it takes into consideration the sovereignty of the States and confines itself to... recommendations (Article 36, paragraph 1), and to calling upon the parties (Article 33, paragraph 2)... it is only under Chapter VII that the Council takes decisions. Quoted in Halderman, op cit., p. 79.

20. In scores of Arab statements at the Assembly and the Security Council debates on the Middle East since 1967.
21. Goodrich, in Barros, op cit., (see Note 1), p. 52.
22. Bargman, Abraham. "The United Nations, the Super-powers, and Proliferation," Annals, American Association for Political and Social Science. (March 1977).
23. Developments in the Middle East since 1974 indicate a definitive departure from using the United Nations as a peacemaker. However, it seems proper to raise these hypothetical possibilities as the evolution of the Middle East conflict had been always unpredictable and the applicability of these hypotheses is not entirely ruled out.
24. "Good Offices" is the term used to describe the action of a third State, international organization or even individual, which, either spontaneously or on request, endeavors by diplomatic means to bring together States involved in a dispute or conflict, and to encourage or lead them to engage in negotiations or another peaceful method of settlement. As a rule, a State has no duty to offer or to respond to a request for good offices. [see: Dictionnaire de la Terminologie du Droit International (1960), p. 92;] international practice also shows that States, even after accepting good offices, have been careful that the efforts of third parties not exceed the framework of this procedure, when they deemed this to be contrary to their interests. [Oppenheim-Lauterpacht, International Law (7th edition),

pp. 9-10]

25. Reported in the New York Times, February 8, 1977.
26. In a report from Jerusalem published in the Christian Science Monitor of 11/2/77, Frances Ofner, the paper correspondent in Jerusalem, reports that Allon's objection to any United Nations role "stems from Israel's perception of the United Nations General Assembly as being controlled by the anti-Israel-Arab-Muslim-Communist bloc.
27. Attended by the author.
28. Reported in the Jewish Telegraphic Agency, May 4, 1977.
29. The Security Council supported Bernadotte with threats of sanctions on the parties to the Palestine question; it did not undertake this type of support for the UNCI in the Dutch-Indonesian dispute, and in this hiatus the United States supported its delegate with pressure on the parties. In the Bunche mediation effort, the Security Council adopted a resolution calling upon the parties to negotiate an armistice, and the United States also worked toward the goal bilaterally by giving Israel an ultimatum to withdraw from Egyptian territory. In the Kashmir dispute and in the case of the Johnson mediation on the Palestine refugee problem, there was neither United Nations nor bilateral backing for the mediators of any significance. Consequently, these missions failed. (In Forsythe, op cit. (see Note 14), p. 260.)
30. Meanwhile, the State Department has categorically denied that Carter's remarks on the BBC television interview implied in any way that the United States might try to impose a peace settlement in the Middle East.
31. The latest manifestation of this approach was the State Department's notification that Israel will not be included on the top priority list of American arms recipients. That list includes the NATO countries and Japan. Some sources have expressed fear that the United States is tightening the reins on military supplies in order to soften Israeli opposition to an American-imposed Middle East peace settlement.

32. In an editorial published on May 7, 1977, the New York Daily News cautioned: "Playing mediator in that delicate situation is difficult enough. Trying to lay out terms for a general settlement will require diplomatic finesse, tact and wisdom of the highest order. One false step and we could not only damage the prospects for successful negotiations, but destroy our usefulness as trusted middleman as well. Clearly, the Arabs, wielding the oil weapon and the threat of war, want the United States to deliver their lost territory and a Palestinian state without asking them to make compensating political concessions to Israel. But this would make a mockery of American friendship for Israel and possibly set the stage for the next war....The Israelis have no comparable leverage on the United States. They are, furthermore, uniquely dependent on Washington and, therefore, uniquely vulnerable to American pressure." Washington Post, on May 11, 1977, takes a similar stand.
33. It was reported, however, on the same issue that following their meeting in London on May 11th, Secretary of State Vance assured Foreign Minister Allon that the United States would not make public any American peace proposal before the parties involved have a chance to react to it and that the meeting is said to have restored Israeli confidence.
34. Reported in the New York Times, May 13, 1977.
35. In a speech that President Carter made on the 16th of March 1977.
36. President Carter, Press Conference, Washington, on March 9, 1977.
37. Reported in the New York Times, Tuesday, June 28, 1977.
38. Henry Tanner reported in the New York Times, Saturday, July 2, 1977: "Arab leaders, of course, have a long tradition of rendering the United States responsible for the course of events in times of crisis. But this time their appeal to Washington has a special edge. The governments of Egypt, Syria and Saudi Arabia have committed themselves to a policy of negotiation at Geneva. All three, to various degrees, are also committed to cooperation with the United States and to reliance on American diplomacy."

39. Halderman, op cit., pp. 556-57.
40. Edward McWinney. "The Rule of Law and the Peaceful Settlement of Disputes," in Rubinstein and Ginsburgs. Soviet and American Politics in the U.N. (New York: New York University Press, 1971), p. 183.
41. Ibid., p. 178.
42. See Kitner, W. "The United Nations Record of Handling Major Disputes," in Franz B. Gross. The United States National Interest and the United Nations. (Norman: Oklahoma University, 1964), p. 122.
43. Both statements quoted in McWinney, op cit., p. 181.
44. It is argued that the use of a United Nations presence tends to freeze the attitudes of the parties towards a settlement. The desire not to enter into a detailed examination of the broader issues in controversy in such situations often reflects the urgent need to check further deterioration of peace and security. Raman, Venkatia. (The Ways of the Peacemaker. [New York: UNITAR, 1975], p. 17) comments that both in the case of the Middle East (before 1967) and the Kashmir disputes, despite the fact that the United Nations had been seized of these disputes for years, the Secretary General, when reporting to the Security Council tended to explain that his reports involved no judgment on his part on the merits of the dispute.
45. Kirilin, I. A., ed. Istoriia Mezhdunarvdnykh otnoshenii, III, 1945-1967 (Moscow 1967), pp. 477-78, quoted in McWinney, op cit., p. 184.
46. Rubinstein and Ginsburg. Soviet and American Policies in the U.N. (New York: New York University Press, 1971).
47. For an elaborate study of these methods, see Raman, V. The Ways of the Peacemaker, pp. 71-89. Also, James, Alan. The Politics of Peacekeeping, pp. 15-36.
48. James. A., op cit., p. 129.
49. The author wishes to acknowledge the fact that the idea of a typology--although different both in substance and content and in its significance for peacemaking--was derived from Forsythe's United Nations Peacemaking: The Conciliation Commission for Palestine.

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Kol Ha'am

Lamerhav

Le Monde

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Omer

She-arim

Telegraph (Beirut)

Washington Post

Ovadia Soffer

BIOGRAPHICAL STATEMENT

OVADIA SOFFER is a Ph.D from the Graduate Center of the City University of New York (CUNY) in International Politics, 1977. His dissertation subject is "United Nations' Peacemaking role in the Middle East Between 1967-1977." He also holds the degree of Master of Arts in Political Science from CUNY (1975).

Ovadia Soffer is a graduate of the Hebrew University of Jerusalem (1954) where he majored in Political Science, Economics and Middle Eastern Affairs. He holds an L.L.B. degree in law from the University of Tel Aviv (1958) and has had a legal training which entitled him to join the Israeli Bar Association in 1960. In 1958, he was in Paris on a scholarship training in Industrial Management.

Ovadia Soffer joined the Israeli Foreign Service in 1963 after a long career in the Israeli State Controller's Office where he held the Position of Director of the Efficiency Control Division, (1954-1960).

From 1960 to 1963 he was Director General of an industrial firm of building machinery, "Mikun Binyan Corp." He practiced law between 1960 and 1962 and was partner in a private law firm in Tel Aviv.

Since 1963, he has held different positions in the Israeli Diplomatic Service; he served in the Central African Republic and, in 1969, became the Israeli Ambassador to the Republic of Chad.

In 1968, and again in 1970, Ovadia Soffer was a member of the Israeli delegation to the General Assembly of the United Nations.

In 1971, he was appointed Minister and later Ambassador at the Permanent Mission of Israel to the United Nations.

Between 1967-1969, he headed the Jordanian division of the research department at the Israeli Foreign Ministry and was affiliated, in a consultant capacity, to Machon Shiloah, Tel Aviv University, Dept. of International Affairs. He is the author and editor of documents and surveys on the West Bank, Jordan, the Palestinians and Middle East and was a major contributor to the Middle East Record, 1967.

Ovadia Soffer headed the Israeli delegation to the United Nations Economic and Social Council (ECOSOC) in Abidjan, 1976 and participated as Israeli delegate to several international Conferences: UNCTAD, Chile, 1972; UNCTAD, Nairobi, 1976; Non-Aligned Conference, Lima, Peru 1975. Between 1963-1971, he participated in an observer capacity in several inter-African forums (OAU, OCAM). In 1971, he served as a resource officer to the African Peace Mission "The Ten Wise Men of Africa" to the Middle East.

Ovadia Soffer was born in 1934 in Baghdad, Iraq and immigrated to Israel in 1950. He was educated at the Alliance Française in Baghdad where he acquired his elementary and secondary education in three languages: General Certificate of Education, Matriculation, London 1949; Brevet Elementaire Français, 1949, Arabic Baccalaureate, 1950.

He is fluent in English, French, Arabic, Hebrew and Swahili.

Ovadia Soffer is married and father of two children.