

**INDIA, THE UNITED NATIONS AND  
THE ARAB-ISRAELI CONFLICT OF 1967**

**RAJEEV AGARWAL**

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## PREFACE

This dissertation delves into the dimensions of the diplomatic efforts at the United Nations to end the 1967 war in the Middle East.

Over the years, especially in the post-war years, the Middle East has assumed a great deal of significance in more than one sense. The region's geo-political and strategic importance is exemplified by the acknowledgement of the area as a major oil producing centre of the world, as a battlefield of opposing nationalities, as a key area of big-Power rivalry and so on. These factors in a way have contributed to keep the region as a focal point of international relations in general, but inter-state tensions in particular. The tensions and conflicts among the nations of the region assumed gravest proportions periodically, perhaps more frequently and dangerously than any other region in the world.

The United Nations, as a world forum established with a gigantic responsibility to maintain peace and security among states, has made persistent efforts to work out an agreed and permanent solution on the basis of which peace could be restored to a land which has known little peace for many years. The awkward events relating to partition of Palestine and the war that followed in late 1940s laid firm roots of a continuing conflict. Protracted diplomatic efforts did not bring about much else than an armistice by the Security Council and the General Assembly. Then in 1956, the crisis following the

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nationalization of Suez Canal, the UN played a seminal role in containing violence. But it was not adequate enough to pave the way for a negotiated settlement of long-standing disputes. It is in the light of a near frozen situation, the Arab-Israeli hostilities took a violent turn once again in 1967.

In the wake of the war, the issues that awaited a UN response ranged from arranging a sustainable cease-fire to designing a framework for a peaceful settlement -- acceptable to all parties -- of all outstanding issues. Though the UN efforts in 1967 culminated in the unanimous adoption of Resolution 242 by the Security Council suggesting a most comprehensive basis for settling all long-term and short-term issues, the processes that led to the outcome were never smooth. For, differences not merely among the parties but among the UN members were as wide as the range and complexity of the issues.

What were the issues posed before the UN prior to and during the 1967 war? How far is one justified in saying that withdrawal of the United Nations Emergency Force (UNEF) had actually cleared the way for the war? What were the nature of diplomatic actions, reactions and interactions among the parties, the Permanent Members and other members at the Security Council/General Assembly? To what extent did the Security Council/General Assembly help in containing the conflict and

then bridging the gulf between the parties? These and related questions are the focus of this study.

The first Chapter traces a brief historical background to the Arab-Israeli conflict by throwing light on the 1948 and 1956 wars and also developments -- including the withdrawal of UNEF -- that immediately preceded the outbreak of hostilities. The next Chapter analyzes the manner in which the parties to the conflict as also the participants in the Security Council's deliberations interacted during the course of six-day war period and with what effect. The third chapter examines the significance of the Fifth Emergency Special Session of the General Assembly and the nature of deliberative processes there with a view to adopt an acceptable resolution. The fourth chapter examines the deliberations in the second round of Security Council meetings and the events leading to the adoption of Resolution 242. The concluding chapter attempts an overall assessment of issues raised by the conflict, the responses from the UN, as also the role played by parties and the Permanent Members. It also seeks to assess India's diplomatic role.

The study -- basically descriptive-analytical in nature -- is based mainly on the United Nations documents; in addition, books, articles and newspaper clippings have been consulted.

I do not know whether I would have been able to complete this work without the supervision, cooperation and encouragement

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*Rajeev Agarwal*  
RAJEEV AGARWAL

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**CHAPTER I**

## ARAB-ISRAELI CONFLICT: A HISTORICAL BACKGROUND

The Middle East has become a byword for international tension and conflict. This conflict took violent turn at least four times, during the post-World War II years, in a big way. Understanding the factors that led to these wars and their ramifications cannot be gainfully undertaken without appreciating the deep roots the conflict as a whole historically acquired over the years.

### Palestine as a major area of conflict

Until 1918, Palestine was a province of the Ottoman Empire. The origins of the Palestine problem lie in the inconsistent British diplomacy during the First World War. During World War I, the Arabs were promised recognition and the independence of the whole of Arabian peninsula (except Aden) in an attempt to secure their assistance for the allied war effort.<sup>1</sup> Two years later, on 2 November 1917, Arthur James Balfour, the then British foreign secretary, issued a statement of policy declaring that the British Government viewed with favour the establishment in Palestine of a national home for the Jewish people.<sup>2</sup> This declaration represented a

<sup>1</sup>Royal Institute of International Affairs, Great Britain and Palestine 1915-1945, Information Paper No.20 (London, 1946), pp.4-6.

<sup>2</sup>popularly known as the Balfour declaration. For text see, The Indian Society of International Law, The Arab-Israeli Conflict: Documents and Comments (New Delhi, 1967), p.2.



calculated bid to win support for the Allies amongst overseas Jewish communities, and was a source of profound encouragement for Jews sympathetic to Zionism.

In the aftermath of the war, as part of setting up the League of Nations, the Supreme War Council assigned to Great Britain Palestine as a mandate, as also the responsibility for implementing the Balfour declaration. Britain, thus, opened the gates of Palestine to Jewish immigration which continued despite violent protests of its Arab inhabitants. Hitler's rise to power and the Nazi oppressions of the Jews in Germany further augmented Jewish emigration into Palestine. As a result, a Jewish population of 80,000 in 1922 grew to 610,000 in 1946 which marked an increase from one-twelfth to one-third of the total population of Palestine.<sup>3</sup>

By 1947, the situation had become extremely explosive where Britain could neither ignore the Jewish demand because of its moral and political commitments in the past nor could it antagonize the Arabs because of Britain's oil interests. Unable to permit any further Jewish immigration into Palestine against the wishes of the majority of its inhabitants, plagued by Zionist demands for more and more immigrants, harrassed by

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<sup>3</sup>The United States Government also supported unlimited Jewish immigration to Palestine because of the pressure of loyal Jewish business community, the region's strategic importance, and the international politics of oil.

Zionist-Arab campaign of violence, and subjected to pressure by the United States, Britain decided to refer the problem to the United Nations.

On 2 April 1947 the United Kingdom, while submitting the problem to the United Nations, asked for a special session of the General Assembly to be convened for examining the Palestine question.<sup>4</sup> The General Assembly appointed the United Nations Special Committee on Palestine (UNSCOP) on 15 May 1947 to consider the problem.<sup>5</sup> The Committee was unable to submit a unanimous report. The majority report endorsed by Canada, Czechoslovakia, Guatemala, Netherlands, Peru, Sweden and Uruguay recommended termination of the mandate, partition of Palestine, creation of an Arab, a Jewish state, an international control over Jerusalem, and linking together of the Jewish and Arab states in an economic union.<sup>6</sup> The minority, i.e., India, Iran and Yugoslavia, called for the creation of a federal state of Palestine. It should be noted here that India's opposition to the partition of Palestine was a continuation of the stand it had taken long before this question came up for discussion

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<sup>4</sup>UN Doc. A/286.

<sup>5</sup>UNSCOP consisted of 11 members: Australia, Canada, Czechoslovakia, Guatemala, India, Iran, Netherlands, Peru, Sweden, Uruguay, Yugoslavia.

<sup>6</sup>UN Doc. A/364, 3 September 1947.

in the United Nations. The Indian representative on the UNSCOP, Abdur Rahman, stated that Britain wanted the creation of a Jewish state for political and strategic reasons, in total disregard of the principle of self-determination. He pointed out that partition would merely be a temporary solution to the problem and would increase instability in the region for several years to come.<sup>7</sup>

Despite Arab opposition, the General Assembly, on 29 November 1947, adopted a resolution for the partition of Palestine basically on the lines suggested by the majority report with some territorial modifications by a vote of 33 to 13 with 10 abstentions.<sup>8</sup> Intriguingly, both the United States and the Soviet Union voted in favour of this resolution. The American support was the consequence of President Truman's personal initiative taken in the face of opposition from Pentagon and the state department. More importantly, five million strong American Jewish community constituted a formidable Zionist lobby which no government could politically afford to ignore. That's why the United States intensively lobbied on behalf of partition resolution to get the support of Latin American countries. Soviet Union's support rested on

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<sup>7</sup>Ibid., p.39.

<sup>8</sup>General Assembly Resolution (hereafter cited as GA Res.), 181(II), 29 November 1947.

the expectation that the Zionists, who were more like socialists, would look more towards it for political and economic guidance. Stalin also could not ignore the fact that the Jews had played a vital role for socialism in Bund -- the Jewish labour movement in Europe. Further, Soviet Union was keen on the creation of its sphere of influence and, thereby, undermining of Western interests in the region.<sup>9</sup>

The resolution to partition Palestine was one of great injustice to the original inhabitants of the country both in respect of the principle of partition and in the manner of division. The very concept of division of the country between its original inhabitants and a body of newcomers was fundamentally wrong, unjust and undemocratic. The decision also could not be justified on the basis either of Jewish population or of Jewish ownership of property. In terms of population Jews constituted less than one-third of the total inhabitants of Palestine in 1947, out of which only one-tenth were part of the original inhabitants.<sup>10</sup>

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<sup>9</sup> W. Laquer, The Struggle for the Middle East (London, 1972), pp.61-62.

<sup>10</sup> In terms of ownership of land (exclusive of urban property), the Jews owned 5.66 per cent of the total area of the country in 1945 as compared to 47.77 per cent land owned by the Arabs. Similarly, the manner of division of the territory between the two was extremely unfair as about 57 per cent of the territory of Palestine was proposed to be allocated to the Jewish state as against 43 per cent to the Arab state. This meant, in actual terms, that the Jews representing about one-third of the population, owning about 6 per cent of the land, were allocated almost two-thirds of the country. See, Henry Cattar, Palestine, the Arabs and Israel: The Search for Justice (London, 1970) pp, 26-30.

The partition resolution, therefore, evoked bitter resentment from the Arabs (while Jews accepted). This was reflected in rioting which resulted in a state of virtual civil war in Palestine. Meanwhile, Britain declared that the Mandate for Palestine would be terminated on 15 May 1948 and all British troops would be withdrawn by 1 August 1948.

The question kept shuttling between the General Assembly and the Security Council when on 23 April, in a bid to secure a truce, the Security Council established the Truce Commission for Palestine.<sup>11</sup> However, these efforts did not bring about much change in the situation. This worsening situation led some Western countries to review their position. At the American initiative, a special session of the General Assembly was convened in April 1948 to consider taking over the Trusteeship of Palestine by the United Nations.<sup>12</sup> Britain declared that it was not prepared to participate in the enforcement of a settlement that was not acceptable to both Arabs and the Jews. Eventually, the idea of a trusteeship was abandoned and the General Assembly ended its special session on 14 May 1948, adopting a resolution appointing a mediator to promote a peaceful adjustment of the future of Palestine.<sup>13</sup>

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<sup>11</sup>Security Council Resolution (hereafter cited as SC Res.), 48, 23 April 1948.

<sup>12</sup>UN Doc. S/714.

<sup>14</sup>GA Res.186(S-2), 14 May 1948.

The British mandate ended on 14 May 1948 and the same day Jewish authorities in Tel Aviv proclaimed the establishment of the state of Israel. United States extended its de facto recognition to the new state the same day while the Soviet Union extended its de jure recognition three days later. Immediately thereafter, military hostilities commenced between Israel and her Arab neighbours -- Egypt, Iraq, Lebanon, Syria and Transjordan.

While a full scale war continued in Palestine, the Security Council debated the issue through eleven meetings from 15 May to 22 May 1948. The Council ultimately succeeded in issuing a call for a truce of four weeks through the united efforts of both the super powers and the UN Mediator, Count Bernadotte.<sup>14</sup> The combatants complied with the cease-fire resolution on 11 June 1948.<sup>15</sup>

The truce lasted from 11 June to 7 July, 1948. On the expiry of the truce, hostilities broke out anew and consequently, on 15 July, the Security Council invoked Chapter VII of the

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<sup>14</sup>SC Res.50, 29 May 1948.

<sup>15</sup>The compliance must be attributed to the dynamics of the military conflict rather than a belated concern to respect the cease-fire resolutions of the Security Council. Both the warring parties needed a temporary cessation of hostilities in order to prepare for a fresh military offensive.

UN Charter, ordering all authorities and the governments concerned to issue cease-fire orders. The Council also warned that failure to comply with the above orders would be construed as a breach of peace, requiring immediate consideration of enforcement measures under the Charter.<sup>16</sup> This second truce came into force on 18 July 1948 and was not subject to a time limit. During the interval between the two truces, Israel seized the whole of western Galilee, Lydda, Ramleh, and a large part of Central Palestine which were allocated to the Arabs by the partition resolution.

As a result of the war, each party continued to be in possession of the area it had occupied by force of arms. Israel increased the territory of the Jewish state, as proposed by the UN, from 14,500 square kilometres to 20,850 square kilometres, which amounted to eighty per cent of the territory of the country. Two million Palestinian Arabs were denied the right to self-government and were made refugees almost permanently.

Keeping these factors in view, Count Bernadotte, the UN Mediator, recommended that the UN order the repatriation of the Palestine refugees and make certain modifications in the partition plan.<sup>17</sup> Britain endorsed these proposals and submitted

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<sup>16</sup>SC Res.54, 15 July 1948.

<sup>17</sup>UN Doc.A/648, 16 September 1948.

a draft resolution providing a Conciliation Commission for the same.<sup>18</sup> The American Secretary of State also endorsed these proposals in September 1948 but, again, the American Zionists lobby, taking advantage of the US presidential elections of 1948, forced President Truman to announce that the United States would not approve of any change in the 1947 partition plan unless it was acceptable to Israel. Soviet Union also rejected the plan and went one step further by submitting a draft resolution that required the immediate withdrawal of all Arab troops from Palestine. Israel further violated the cease-fire orders from October to December 1948.

At last, on 11 August 1949, the Council called upon the parties concerned to negotiate a final peace settlement either directly or through the Palestine conciliation commission, and provided for the continued service of such UN observers as might be necessary to observe cease-fire and help in the implementation of the Armistice Agreements.<sup>19</sup>

Meanwhile, Israel was granted the membership of the United Nations on 11 May 1949.<sup>20</sup> India opposed this because it felt that the formation of Israel was achieved through the force of arms and not through negotiations.

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<sup>18</sup>UN Doc.A/C-1/394.

<sup>19</sup>UN Doc.S/1376, 11 August 1949, and SC Res.72.

<sup>20</sup>GA Res.273(III).



### Conflict over the Suez Canal

Since 1949 a fragile armistice existed between Israel and its Arab neighbours. From 1951 onwards Israel adopted a deliberate official policy of retaliation which amounted to the repudiation of Armistice Agreements and the full Armistice machinery (the Mixed Armistice Commissions and the United Nations Truce Supervision Organization). The most serious manifestation of this new Israeli policy occurred on 28 February 1955 when Israeli armed forces attacked Gaza. The Security Council also could not effectively play its role in working out a lasting peace as the Middle East now had become a hot-bed of politics, with the major powers vying with each other to promote their own interests in extending their own spheres of influence. The Soviet policy also underwent a noticeable change now as it realised that the Arab states were under pressure from the Western powers to join the Western sponsored regional security pacts, the Baghdad Pact and the Central Treaty Organization (CENTO). USSR saw this as a threat to its security because of the proximity of its strategic bases to the Arab countries. Therefore, the Soviet Union started making overtures of friendship by backing Pan-Arabism as a political force. Further, Israel was increasingly becoming economically dependent on the United States. This shift in the Soviet policy was reflected when it vetoed a New Zealand draft resolution that sought to endorse the Israeli complaint

about Egypt's obstruction of Israel's ships in the Suez Canal.<sup>21</sup>

Then, the United States refused to supply arms to Egypt following Israeli offensive in Gaza in 1955 which forced Egypt to enter into a commercial deal with Czechoslovakia for the purchase of arms. This arms deal became a turning point in West Asian politics and opened a new era of Arab-Soviet friendship. In other words, the United States' efforts to forge military alliances for the containment of communism stumbled as the Arabs perceived Israel, rather the Soviet Union, as their enemy. And yet, events in the Middle East had impact wider than the regional equations.

The news of nationalization of the Suez Canal by President Nasser of Egypt (July 1956) was greeted with alarm worldwide, particularly in Britain and France where important national interests were closely associated with the canal.<sup>22</sup> Both Britain and France were preparing to take punitive action against Egypt. However, to de-escalate the situation a

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<sup>21</sup>UN Doc.S/3182, 29 March 1954.

<sup>22</sup>Britain owned 45 per cent of the shares in the company and also heavily depended upon the canal for international trade and the bulk of its oil supplies. French investors also held approximately 50 per cent of the shares in the company. Further, France was facing a major rebellion in Algeria, which, it believed, relied on support from Nasser. H. Thomas, The Suez Affair (1970), p.39 in Istvan S. Fogany, The Security Council and the Arab-Israeli Conflict (Hants, England, 1984), pp.57-58.

conference was convened on 16 August at London by the United States, Britain and France to "establish operating arrangements under an international system designed to assure the continuity of operation of the Canal as guaranteed by the convention of October 29, 1888."<sup>23</sup> Of the twenty-two participating nations eighteen approved proposals for the establishment of a Suez Canal Board, composed of Egypt and the user states. This plan was rejected by Ceylon, India, Indonesia and the Soviet Union, who held the view that nationalization of the Canal was a legal act. India, in particular, emphasised the sovereignty of Egypt over the Canal on one hand and the international character of the waterway on the other.

Diplomatic efforts also shifted to the United Nations when on 23 September 1956 Britain and France asked for the convening of the Security Council to consider the "situation created by the unilateral action of the Egyptian Government in bringing to an end the system of international operation of the Suez Canal..."<sup>24</sup> Simultaneously, Egypt asked for the Security Council to be convened urgently to consider the British and French threat to peace.<sup>25</sup> On 13 October the Security Council, after intensive informal sessions, was able to adopt unanimously a

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<sup>23</sup> Suez Canal: A Documentary Study, in K.P. Saksena, The UN and Collective Security: A Historical Analysis (Delhi, 1974), p.165.

<sup>24</sup> UN Doc.S/3654, 24 September 1956.

<sup>25</sup> UN Doc.S/3656, 24 September 1956.

resolution setting forth six principles governing the settlement of the Suez Canal problem.<sup>26</sup> But Britain and France seemed to be convinced that nothing short of force could make Nasser accept some form of international control and, therefore, were busy completing their military preparations.

Complementary to these indications, Israel was also inclined to opt for a military offensive. On the strength of what Israel thought as favourable factors,<sup>27</sup> Israeli forces launched their attack on Egypt on 29 October 1956 after being assured of the Anglo-French plan to invade the Suez Canal.<sup>28</sup> Britain and France, as planned, issued an ultimatum to Egypt and Israel calling for the cessation of fighting within twelve hours and withdrawal of all troops from a ten mile radius of the Suez Canal area.<sup>29</sup> It was strange that a sovereign state was asked to withdraw its troops from its own territories and was a first case of naked aggression against a sovereign member of the United Nations in the post-war history.<sup>30</sup>

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<sup>26</sup>For details see, UN Doc. S/3675.

<sup>27</sup>The reference is to the Soviet Union's preoccupation with the Hungarian problem and an uprising in Poland. In the United States President Eisenhower was seeking re-election and, therefore, was also not expected to offend the Jews.

<sup>28</sup>Moshe Dayan, Diary of the Sinai Campaign (New York, 1966), p.3.

<sup>29</sup>Security Council Official Records (hereafter cited as SCOR), yr.11, mtg.749, pp.1-5.

<sup>30</sup>Saksena, n.23, p.174.

At the Security Council, Britain exercised its first ever veto to defeat a United States draft that sought to forestall Anglo-French military intervention.<sup>31</sup>

On 31 October Britain and France finally commenced their threatened intervention by attacking Egyptian airfields. Charges of collusion between Israel, Britain and France became widespread. The Security Council reconvened the same day and adopted the Yugoslav draft resolution calling for an emergency special session of the General Assembly under the terms of the Uniting for Peace resolution. This was a significant development as it was the assertion in practice, for the first time, that the General Assembly should step in when the Security Council was deadlocked in "exercising its primary responsibility for the maintenance of international peace and security."<sup>32</sup>

The emergency special session of the General Assembly convened on 1 November 1956 and adopted a resolution the following day, urging the parties to the Armistice Agreements to promptly withdraw all forces behind the Armistice lines.<sup>33</sup>

The cease-fire was finally accepted on 5 November, which was the consequence of several factors. Israeli forces had achieved all their military objectives by then. The pretext for

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<sup>31</sup>UN Doc.S/3710, 30 October 1956.

<sup>32</sup>SC Res.119, 31 October 1956. For Uniting for Peace resolution see GA Res.377A(V), 3 November 1950.

<sup>33</sup>GA Res.997(ES-I), 2 November 1956.

Anglo-French intervention had largely disappeared as fighting had effectively ceased between Egypt and Israel, and both Gaza and Sharm-el-Sheikh had been captured. Britain's gold reserves had fallen while the United States had warned Britain that it would oppose Britain's request to withdraw capital from the International Monetary Fund as long as the hostilities continued. France acquiesced to the cease-fire call as it felt that it would be unable to continue independently of Britain.<sup>34</sup> Finally, the Soviet Union gave a threat to intervene on behalf of Egypt in case the aggression continued.

The most significant outcome of the General Assembly deliberations was the establishment of a UN peace-keeping force "to secure and supervise the cessation of hostilities" in accordance with Resolution 997(ES-I) of 2 November 1956. The establishment of the United Nations Emergency Force (UNEF) marked the close of the first phase of the Suez crisis. The fundamental principles governing UNEF were that it should not be used as a means of exerting political pressure on Egypt, it should enter a member country's territory with its consent only, the Assembly has the authority to establish the force but it could not station or operate the force anywhere without the consent of the Government concerned, it should have no "military objective" or functions but would be only a buffer

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<sup>34</sup>Pogany, n.22, p.77.

force. The force was conceived as a temporary instrument and the length of its deployment was to be determined by the needs arising from the conflict.<sup>35</sup>

UNEF was ultimately deployed on the Egyptian side of the boundary while Israel did not allow it on its side on the plea that it violated its sovereignty. By March 1957 Israeli troops withdrew under the UNEF supervision and Egyptian sovereignty was restored in the occupied territories.

The Suez Canal dispute withered away as a result of a unilateral Egyptian declaration on 24 April 1957 stating its determination to continue to observe the 1888 convention in maintaining free uninterrupted navigation for all nations within the limits of that convention.

In retrospect, the key factor which influenced the developments leading to the restoration of peace was the United States pressure on its allies (by threatening to put economic sanctions against Britain and Israel) and the identical positions taken by the super powers in the UN, though for different reasons. Britain and France suffered a political setback as they were now no longer the Great Powers as envisaged by the framers of the UN Charter in 1945.

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<sup>35</sup>UN Doc. A/3302, 6 November 1956.

Once the heat over the Suez subsided, attention reverted to basic causes of the Arab-Israeli conflict, viz., Palestine. No sustained efforts were made later to solve the Palestine problem and it remained like a volcano capable of erupting again anytime. Border tensions along Syrian-Israeli borders continued to exist and clashes flared up occasionally. Both Arabs and Israelis, because of their mutual distrust of each other, were involved in an arms race and continued to get arms from their respective supporters. Military preparedness went on on an unprecedented scale as neither of the super powers was willing to impose a workable peace in the area. However, for about a decade, from 1957 onwards, the Arab-Israeli Armistice lines remained relatively quiet, thanks largely to the presence of the UNEF.

#### Developments preceding the 1967 Conflict

The old cycle of raids and reprisals between Israel on one hand and Syria, the United Arab Republic and the Palestine Liberation Organization, on the other hand, started again sometime in 1965. With this the outlines of a third Arab-Israeli war began to take shape.

On 13 November 1966 Israel carried out its largest military action since the Sinai campaign when its forces attacked the Jordanian town of Es Samu. It was Israel's first daylight reprisal action and the first to use a large



number of tanks since the Suez war.<sup>36</sup> Israel's choice of Jordan as a target was perhaps determined by the fact that a mutual defence agreement pact was signed between Syria and the United Arab Republic (UAR) on 4 November 1966 which stipulated that "each country would regard any act of armed aggression committed against the other as an attack on itself."<sup>37</sup> As a result of this attack Jordan was accused for its failure to defend its populace from Israeli attack. Jordan, in turn, chided Egypt to participate in the confrontation with Israel instead of "hiding behind the skirts of UNEF."<sup>38</sup>

From January to April 1967 the Israel-Syrian border was a scene of varying clashes and the Arab-Israeli tension showed no signs of abating. The situation was aggravated further by Israel's refusal to permit the United Nations Mixed Armistice Commission to work at disputed points. On 7 April 1967, a serious clash occurred between Israeli and Syrian armed forces. This incident and the one on 13 November 1966 exceeded the usual level of Middle Eastern Violence.<sup>39</sup> Here too, Nasser was strongly criticized in Arab countries for not defending Syria.

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<sup>36</sup>Indar Jit Rikhye, The Sinai Blunder (Oxford, 1978), p.6.

<sup>37</sup>Kessing's contemporary Archives, 1965-66, vol.15, p.21710.

<sup>38</sup>Rikhye, n.36, p.158.

<sup>39</sup>Sydney D. Bailey, The Making of Resolution 242 (Dordrecht, 1985), p.10.

On 19 May 1967 in a report to the Security Council, the Secretary-General, U. Thant, warned that "the current situation in the Near East is more disturbing, indeed, I may say more menacing, than at any time since the fall of 1956."<sup>40</sup> The report noted that there had been a steady deterioration along the Armistice Line between Israel and Syria, particularly with regard to disputes over cultivation rights in the demilitarized zone. In addition, a number of factors had served to aggravate the situation -- a campaign of sabotage and terrorism pursued by a radical Palestinian faction, El Fatah; intemperate and bellicose utterances by officials and non-officials eagerly reported by the press and radio; and, persistent reports about troop movements and concentrations on the Israeli side of the Syrian border. However, the most serious development in the already tense situation was the Egyptian decision to ask for the withdrawal of UNEF.

On 16 May 1967 the UNEF commander in Sinai, Maj.Gen. Indarjit Rikhye, received a message<sup>41</sup> from the Egyptian chief of Staff requesting immediate withdrawal of UNEF troops as the safety of the troops could no longer be ensured in the light of rising tensions. Gen. Rikhye replied that he would immediately report to the Secretary-General since he had no authority

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<sup>40</sup>UN Doc..S/7896.

<sup>41</sup>For text of the message see, Rikhye, n.36, p.16.

to withdraw any troops of UNEF except on instructions from the Secretary-General.

On receiving the communication from Rikhye, the Secretary-General immediately contacted the Permanent Representative of the UAR to UN and told him that the request for the withdrawal of UNEF was "not right procedurally" as any such request should come directly to the Secretary-General from the Government of UAR, since the basis of the presence of the UNEF was an agreement made directly between President Nasser and Dag Hammarskjold.<sup>42</sup> The Secretary-General also stated that a request for a temporary withdrawal of UNEF from Gaza and the International frontier was "unacceptable" and would be considered as tantamount to a request for the complete withdrawal of UNEF, since this would reduce the UNEF to ineffectiveness.

The formal request from the UAR Government for the withdrawal of UNEF was communicated to the Secretary-General on 18 May. Before notifying the Egyptian Government that the force would be withdrawn, U Thant sought the views of UNEF's Advisory Committee.<sup>43</sup> However, the Committee which was empowered to request "the convening of the General Assembly and to report to

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<sup>42</sup>U Thant, View from the UN (London, 1978), p.222.

<sup>43</sup>Set up under the terms of GA Res.1001 (ES-I), 7 November 1956. Composed of representatives of Brazil, Canada, Ceylon, Colombia, India, Norway and Pakistan.



the Assembly whenever matters arise which, in its opinion, are of such urgency and importance as to require consideration by the General Assembly itself," did not propose the convening of the General Assembly. Instead, the meeting ended on the understanding that the Secretary-General had no alternative other than to comply with the UAR's demand.<sup>44</sup>

At the Advisory Committee meeting, broadly two types of contrasting views were expressed. Canada stated that the UAR's demand for the immediate withdrawal of UNEF was not acceptable as the ultimate responsibility for the decision to withdraw rested on the UN, acting through the Security Council or the General Assembly. Brazil and Denmark supported the Canadian view and advised the Secretary-General that no hasty precipitous action be taken.<sup>45</sup>

Another position held by Pakistan, Yugoslavia and India was that the Secretary-General had no choice but to comply with the request of UAR. Yugoslavia stated that the moment the request for the withdrawal of UNEF was officially known, its Government would comply with it and withdraw its contingent.

As a country which sent the second largest contingent along with UNEF commander, the views held by India carried

<sup>44</sup>UN Doc.A/6730/Add.3, 26 June 1967.

<sup>45</sup>Thant, n.42, p.224.

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weight. India's position was based on a realistic appraisal of the military situation in the region. The effectiveness of the UNEF as a buffer had vanished long ago, as indicated by developments like the pushing out of UNEF troops from the observation posts forcibly. Besides, UNEF was a small force equipped only for self-defence purposes.<sup>46</sup> Then, UAR controlled the lines of communication and the lines of supply of the UNEF. Finally, no member state would agree to the establishment of a precedent that might empower the Assembly, by a two-third majority, to decide to station a peacekeeping force on its territory without its consent.<sup>47</sup>

Soon after the Advisory Committee meeting, the Secretary-General reported to the Security Council on the matter. In his reports he gave arguments, based on legal and practical considerations, for withdrawing the force. As a matter of law, the Secretary-General regarded UNEF as a peacekeeping operation "based entirely on its acceptance by the governing authority of the territory on which it operates."<sup>48</sup> In the absence of continuing Egyptian consent he believed that UNEF could not remain lawfully in either Gaza or Sinai. He further stated

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<sup>46</sup>UN Doc.A/6669/Add.2, 19 November 1967. As on 15 May 1967, UNEF consisted of 3378 units.

<sup>47</sup>Nand Lal, "India and the Withdrawal of the United Nations Emergency Force, 1967", in International Studies (Delhi), vol.13, no.2, April 1974, pp.318-20.

<sup>48</sup>UN Doc.S/7896, 19 May 1967.

that UNEF functioned exclusively on the UAR side of the line. The fact that UNEF was not stationed on the Israeli side of the line was a recognition of the unquestioned sovereign right of Israel to withhold its consent for the stationing of the Force. In no official document relating to UNEF has there been any suggestion of a limitation of this sovereign authority.<sup>49</sup>

In addition, there were powerful practical considerations which induced the Secretary-General to accede to the Egyptian request. On 17 and 18 May 1967 Egyptian units had occupied some UNEF's observation posts and two of the governments contributing contingents to the force had informed the Secretary-General of withdrawing their troops in compliance with the Egyptian request.

Did Egypt act in "good faith" while seeking UNEF withdrawal? What would have happened if the Secretary-General had refused to comply with Egypt's request and asked the UNEF to stay on? Were there really any options open to the UN Secretary-General, or for that matter to the Security Council? One may offer different answers to these questions but the Secretary-General was right when he frankly told the UAR Government that the UNEF "has been an important factor in maintaining relative quiet in the area... during the past ten years and that its withdrawal may have grave implications for peace."<sup>50</sup>

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<sup>49</sup>Thant, n.42, pp.241-42.

<sup>50</sup>UN Doc.A/6730/Add.3, 26 June 1967.

U Thant's observation became almost prophetic on 22 May 1967 when President Nasser announced the closure of the Gulf of Aqaba to all ships flying the Israeli flag as well as those ships of other states carrying strategic materials to Israel. Israel considered the blockade of the Gulf as a violation of international law and an act of aggression against it, thus, entitling it to exercise its inherent right of self-defence under Article 51 of the UN Charter.<sup>51</sup>

The United States described the blockade as "illegal and potentially disastrous to the cause of peace."<sup>52</sup> While the Soviet Union maintained a studious silence over the development, implying sympathy with the Arabs, it was India which offered justification of President Nasser's action. India's Foreign Minister, M.C. Chagla, advanced the following reasons in support of the Egyptian stand.<sup>53</sup> First, the UAR was not a party to any agreement recognizing the Gulf of Aqaba as an international waterway or guaranteeing the freedom of passage to Israeli ships. Second, there was no universally recognized rule of international law on freedom of navigation applicable to such bodies of water as Aqaba. Third, the status of the body of water was still a matter of controversy. Fourth, even under

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<sup>51</sup>UN Doc.S/7906.

<sup>52</sup>SCOR, yr.22, mtg.1343, p.4.

<sup>53</sup>Foreign Affairs Record (New Delhi), vol.13, June 1967, pp.68-72.

the Geneva Convention, innocent passage of foreign ships through the territorial waters of another state was not an absolute right but remained subject to the security requirements of that state.

It is noteworthy that despite these grave developments the Security Council was not convened until 24 May 1967. In part, this could be due to the fact that at that time Nationalist China -- whom a number of governments did not recognise -- held the Council Presidency. Moreover, neither Israel nor Egypt requested a meeting of the Council. Israel declined to request for a meeting as it perceived circumstances in the Middle East to be dangerous, and also out of a shrewd preference for retaining freedom of action.<sup>54</sup> Further, Israel believed that the Council was biased in its handling of the Arab-Israeli conflict as since the early 1950s the Soviet Union had based its policy on trenchant support for the Arabs. Also, the composition and, hence, sympathies of the Council had altered in 1965 as a result of increase in the number of non-permanent members from six to ten. Five of these were elected from Afro-Asian states, a matter of significance to Israel in view of their hostility towards Zionism.

The Security Council was convened, finally, on 24 May 1967 at the initiative of Canada and Denmark. It held five

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<sup>54</sup>Pogany, n.22, p.87.



meetings till 31 May to consider the "extremely grave situation in the Middle East." The Council had before it three draft resolutions, one submitted by Canada and Denmark on 24 May, another by the United States and a third by the UAR, the latter two drafts introduced on its 31 May meeting.

Questioning the very need to convene the Council, the Soviet representative asserted that there were "no adequate grounds for such haste in convening the Security Council..." and looked upon it as "the artificial dramatization of the situation" by the Western powers.<sup>55</sup> Ethiopia, France, India and Nigeria also thought it unwise to engage in a debate while the Secretary-General had not returned from Cairo.<sup>56</sup> Because of these differences meetings of the Security Council held in May were largely infructuous.

In the meanwhile, the Secretary-General submitted a report to the Security Council on 26 May after completing discussions with Nasser. In his report he urged "all the parties concerned to exercise special restraint, to forego belligerence<sup>57</sup> and to avoid all other actions which could increase tension, to allow the Council to deal with the underlying causes of the present crisis and to seek solutions."<sup>58</sup>

<sup>55</sup> SCOR, yr.22, mtg.1341, p.2.

<sup>56</sup> U Thant had flown to Cairo on 23 May for discussions with Nasser on the withdrawal of UNEF.

<sup>57</sup> Emphasis added.

<sup>58</sup> UN Doc. S/7906, 26 May 1967.

He also stated that a peaceful outcome to the present crisis will depend on a "breathing spell" which will allow tension to subside from its present explosive level.

In subsequent meetings the Security Council held restraining of belligerence became the focus of its deliberations but no resolution could be adopted to arrest the drift towards war in the Middle East.<sup>59</sup> Sadly, these meetings were largely pre-occupied with an examination of the legality of the Egyptian blockade of the Straits of Tiran and the Gulf of Aqaba. In general, the Western states tended to characterise the Egyptian blockade as unlawful whereas the Socialist and the nonaligned states affirmed Egypt's legitimacy under international law.

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<sup>59</sup>No formal proposal calling for restraint was introduced during the first two meetings. On 31 May Egypt submitted a draft resolution which called on Israel to respect its obligations under the UN Charter. The United States submitted an alternative text which called on both the parties to "exercise special restraint". Neither of these proposals was put to vote. A prominent scholar, Arthur Lall, cannot understand why a proposal for restraint was not submitted on 29 or 30 May and he is highly critical of the Council for its failure to act at such a crucial juncture, for showing "no real sense of urgency" and for showing a "degree of dilatoriness." See for debates, Arthur Lall, The UN and the Middle East Crisis, 1967, (New York, 1968), pp.29-45.

It seemed that members of the Council were rather willing to be led by the turn of events -- however grave they could be -- than to channel diplomatic efforts to avert the war. So, the inevitable had happened. Violent clashes broke out on 5 June 1967.

CHAPTER II

## THE SIX-DAY WAR AND THE SECURITY COUNCIL

In the early morning of 5 June 1967 Israeli Air Force attacked Cairo and Damascus, and later Amman.<sup>1</sup>

As an organ endowed with the primary responsibility of maintaining international peace and security, the Security Council met on the same day at the initiative of its President (Denmark) to consider the situation arising out of the outbreak of hostilities. During the six days that the war lasted the Council met as many as fifteen times to address itself to the various issues raised by the parties to the conflict and other members of the Council. What follows in this Chapter is an analysis of the manner in which the participants in the Council debates interacted day after day and with what effect.

The Council had before it the communications addressed separately by Egypt and Israel accusing each other of launching

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<sup>1</sup>The attacks on the airbases of Egypt, Jordan and Syria were so swift and massive that the air force of these states was nearly destroyed. Israel attacked four Egyptian bases in Sinai, three bases near the Suez Canal, one in the Nile valley, two in Egyptian delta, and eight other subsidiary bases. Israel also attacked Jordanian towns of Amman and Mafrag. Finally, Israel attacked Damascus and four other bases in Syria -- Dumayr, Sayqal, Marj Riyal and T-4 Station. See, Sydney D. Bailey, The Making of Resolution 242 (Dordrecht, 1985), pp.68-69.

unprovoked air attacks.<sup>2</sup> Besides, the Secretary-General presented a report to the Security Council containing information provided by both Gen. Rikhye, the Commander of UNEF and Gen. Odd Bull, the Chief of Staff of UNTSO.

The Council chose not to take up the question for formal discussion on 5 June but, instead, recessed for consultations among members. It is presumably because formal debate in the forum of the Security Council, before the war broke out, had only demonstrated the sharp differences of views among the members. Moreover, by then the informal interchanges were so integrated into the UN diplomatic processes that in this particular case behind the scene consultations were expected to facilitate narrowing down the differences before formal discussion took place.

During informal discussions among the Council members, the first major issue to come up was whether the Council should simply call for a cease-fire only or link it with condemnation of Israel or the withdrawal of forces.<sup>3</sup> The United States insisted that the Council should simply call for a cease-fire

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<sup>2</sup>Security Council Official Records (hereafter cited as SCOR), yr.22, mtg.1347, p.1; and UN Doc.S/7926, 5 June 1967.

<sup>3</sup>Arthur Lall, The UN and the Middle East Crisis, 1967 (New York, 1968), pp.49-51. See also, Istvan S. Pogany, The Security Council and the Arab Israeli Conflict (Hants, England, 1984), p.91; and SCOR, yr.22, mtg., 1348, pp.7-36.

as the urgent first step to restore peace.<sup>4</sup> On the other hand, the Soviet Union stressed that any call for a halt to military activities should be coupled with condemnation of Israeli aggression. Bulgaria, Mali and Egypt also supported the Soviet stance. India stood for a proposal that would have linked cessation of hostilities with the withdrawal of forces to the positions held on 4 June. France suggested that the cessation of hostilities should be linked with the withdrawal of forces to the positions before the hostilities broke out. But the problem with the French suggestion was to determine when precisely hostilities broke out and how was this to be resolved. For instance, Israelis would contend that the blockading of the Gulf of Aqaba was a hostile act while the Egyptians would contend that it was impossible for a country to commit a hostile act on its own territory.

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<sup>4</sup>The attitude of the United States contrasted sharply with the position it had taken during the Suez crisis when in a similar situation it had urged the Council to order Israel that it cease its military action immediately and withdraw its forces behind the armistice lines. See, SCOR, yr.11, mtg. 748, p.2 in Pogany, n.3, p.91. This change of stand was perhaps a result of gradual deterioration of relations between Egypt and the United States during the 1960s. Further, increasing Soviet influence in Egypt and other Arab states had led the US to place greater emphasis on Israel as a strategic counterweight.

Events, however, in the Middle East were fast deteriorating for the Arabs and had a profound influence in the diplomatic positions of the Council members. Owing to its air superiority Israel was quickly occupying large Arab territories.

When the Council held a formal meeting on 6 June the Soviet Union, in order to save the Arabs from total defeat, agreed to support a resolution introduced by the Council President calling upon "the Governments concerned as a first step to take forthwith all measures for an immediate cease-fire and for a cessation of all military activities in the area."<sup>5</sup> The resolution, adopted unanimously, also requested the Secretary-General to keep the Council promptly and currently informed on the situation. The phrase "as a first step" suggested that there were other measures to follow. It is to be noted that the Soviet Union, here, did not press for condemnation of Israel in the resolution. While Council members -- Argentina, Brazil, Canada, Denmark, India, the United Kingdom and the United States -- welcomed the resolution, Egypt rejected it as the resolution did not link cessation of hostilities with Israeli withdrawal from the occupied territories. Israel, while welcoming the resolution, pointed out that its implementation depended on the absolute

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<sup>5</sup>Security Council Resolution (hereafter cited as SC Res.) 233, 6 June 1967.



and sincere acceptance and cooperation of the other parties.<sup>6</sup> Syria rejected the resolution stating that Israel avoided the basic issue of the "Arab people of Palestine" and until those people were recognized by Israel as being the first party of dispute the world body would be dealing only with palliatives rather than the solutions of the problem.<sup>7</sup>

Notwithstanding the adoption of the above cease-fire resolution, sharp differences persisted among the members of the Council on the next step to be taken after the cease-fire call. The Soviet Union insisted that Security Council should "adopt without any further delay a decision concerning the immediate and unconditional withdrawal of the forces of the aggressor beyond the Armistice Lines."<sup>8</sup> India opined that the Council should take up on an "urgent basis the question of withdrawal."<sup>9</sup> Indian position, thus, embraced the positions of both the United States and the Soviet Union. On the one hand, India welcomed the Council's resolution calling for cease-fire, as the United States and seven other countries had suggested, while on the other hand India took a firm stand on withdrawal, which had also been preferred by the Soviet Union, Bulgaria and Mali.

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<sup>6</sup>SCOR, yr.22, mtg.1348, p.15.

<sup>7</sup>Ibid., pp.19-20.

<sup>8</sup>Ibid., p.27.

<sup>9</sup>Ibid., p.46.

The United States stressed the need for establishing a lasting and just peace.<sup>10</sup> France was unspecific about the future and stated simply that "once the fighting has stopped... we shall have to embark upon a lengthy process."<sup>11</sup> Significantly two African states, Ethiopia and Mali, were also in favour of a long-term solution. Mali stated that the cease-fire resolution should be followed by a serious study of the whole problem and "If it were otherwise, we would again, alas, have added a few lines on a sheet of paper and we would have again thought that we had solved the problem which we shall soon meet again at the next crossroads."<sup>12</sup>

As of the parties, Israel stated that the situation to be constructed after the cease-fire must depend on certain principles. First, there should be acceptance of Israel's statehood by the Arabs and second, there should be "peaceful settlement of disputes" with much more "negotiations" and "direct contacts", face to face, between the governments of the area.<sup>13</sup> Israel, therefore, rejected the proposal of withdrawal of its forces and stated that such formulas would be putting the clock of Middle Eastern peace "backward to

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<sup>10</sup>Ibid., p.2.

<sup>11</sup>Ibid., p.16.

<sup>12</sup>Ibid., p.42.

<sup>13</sup>Ibid., pp.17-18.

belligerency" and not "forward to peace". Syria asked the Council to take immediate measures to condemn the aggressor and to apply sanctions provided for in the Charter.<sup>14</sup>

The position, then, on the next step to be taken after the cease-fire call was that as many as eight member countries were in favour of a lasting peace being worked out,<sup>15</sup> whereas only three member states -- Bulgaria, India, Soviet Union -- identified a short term goal (withdrawal) as the appropriate next step of the Council.

However, despite the adoption of Resolution 233, heavy fighting continued and Israeli forces made significant advances in Sinai, against Jordanian positions in the West Bank, and Jerusalem.<sup>16</sup>

The continuation of hostilities and the consequent prospect of further Arab losses prompted the Soviet representative to seek an urgent meeting of the Council on 7 June.

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<sup>14</sup>Ibid., p.22.

<sup>15</sup>Argentina, Canada, Ethiopia, Japan, Mali, Taiwan, China, United Kingdom and United States. It is interesting to note that during the debates in the Council before the outbreak of hostilities (24 May to 3 June) the emphasis was on a call for restraint and the avoidance of conflict. And now, paradoxically, when the situation had deteriorated seriously more drastic measures, like the need for long-term settlements, were favoured by the Council members.

<sup>16</sup>C.Herzog, The Arab-Israeli Wars (1982), pp.161-62, 181-83 in Pogany, n.3, p.92.

When the Council reconvened, Soviet Union submitted a draft resolution which demanded that "the Governments concerned should as a first step cease fire and discontinue all military activities at 2000 hours GMT on 7 June 1967." The USSR insisted on an immediate vote on its draft, which was adopted unanimously.<sup>17</sup> This resolution, therefore, brought greater urgency to the Security Council's plea for an immediate cease-fire by setting up a time limit for the cessation of hostilities. The earlier "call" (of Resolution 233) to the Governments concerned had now become a "demand". This was the first resolution on the conflict to be adopted at the initiative of an individual Council members and tactically, therefore, the Soviet Union could claim that it was obliging its Arab friends.<sup>18</sup> The resolution, however, had one lacuna of not containing any reference to the United Nations measures to obtain compliance among the parties. The Canadian delegation spotted this and introduced a revised draft resolution,<sup>19</sup> immediately preceding the vote on the Soviet draft resolution, which requested the President of the Council "to take the necessary measures to bring about full and effective compliance with these resolutions" (Resolutions 233 and 234) but this proposal was not pressed for vote.

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<sup>17</sup>SC Res.234, 7 June 1967.

<sup>18</sup>Lall, n.3, p.60.

<sup>19</sup>UN Doc.S/7941.

Meanwhile, Jordan notified its acceptance of the cease-fire (Resolution 233).<sup>20</sup> Egypt stated that "our understanding of Resolution 233 is that Israel, the aggressor, should cease its aggression and withdraw behind the armistice demarcation lines and points prior to the outbreak of hostilities."<sup>21</sup> Israel argued that it could not agree to a cease-fire with Jordan in the absence of Egyptian consent as the Jordanian forces had been placed under the Command of an Egyptian General following the conclusion of a mutual defence pact between the two countries and, in these circumstances, Israel could not rely solely on a Jordanian pledge to abide by a cease-fire.<sup>22</sup> Although Israel welcomed the cease-fire resolutions it seemed that, in fact, Israel was unwilling to implement them as Israeli forces were ordered to capture Sharm-el-Sheikh and the old city of Jerusalem after the adoption of these resolutions.<sup>23</sup>

The Security Council reassembled at the request of both the United States and the Soviet Union on 8 June, when the deadline set for the cease-fire passed and fighting still continued.

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<sup>20</sup>UN Doc.S/7946.

<sup>21</sup>SCOR, yr.22, mtg.1350, p.3.

<sup>22</sup>Ibid., p.4.

<sup>23</sup>Yitzhak Rabin, The Rabin Memoirs (London, 1979), p.84.

Both United States and the Soviet Union submitted new draft resolutions to ease the crisis and their drafts showed the still persisting basic divergences of position between them. The United States draft<sup>24</sup> insisted on an immediate scrupulous implementation by all the parties concerned of the Council's repeated demands for a cease-fire and cessation of all military activity. The draft also called for discussions promptly thereafter among the parties concerned, using such third party or UN assistance as they may wish, looking towards the establishment of viable arrangements encompassing the withdrawal and disengagement of armed personnel, the renunciation of force, the maintenance of vital international rights and the establishment of a stable and durable peace in the Middle East. All the above objectives were indeed commendable but it remained a moot point whether it was tactically advisable to make so comprehensive a proposal when the military conflict was in progress. Moreover, the strained relations between the Arabs and Israel and their uncompromising posture ruled out negotiations between them which, according to the US proposals, was the first step required for the restoration of peace. Even Britain and other Western countries expressed their reservations on the provisions of the draft.

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<sup>24</sup>UN Doc.S/7952. See also, SCOR, yr.22, mtg.1351, p.12.

The Soviet draft,<sup>25</sup> on the other hand, proposed to "vigorously condemn Israel's aggressive activities" and its violations of the afore-mentioned Security Council resolutions. It also demanded Israel to immediately and unconditionally halt its military activities against the neighbouring Arab states, to remove all its troops from their territories and withdraw them beyond the armistice lines. So, while the US draft overshot its mark in one direction, the Soviet draft equally overshot its mark in another direction. Both did not press for vote on their drafts.

Meanwhile, Egypt and Syria sent words on 8 June that they too were willing to accept the cease-fire provided Israel also did so.<sup>26</sup>

Israel criticized the USSR draft for "lack of balance" and "totally inequitable distribution of innocence and responsibility" and, at the same time, Israel favoured the US proposal.<sup>27</sup> Egypt, again, reiterated its demand to severely condemn Israel as the aggressor, charged US for shielding Israel, and asked for immediate withdrawal of Israeli troops from occupied territories. Jordan expressed its astonishment at the Council's failure to establish the fact of Israel's aggression.<sup>28</sup>

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<sup>25</sup>UN Doc.S/7951.

<sup>26</sup>UN Doc. S/7947 and S/7953.

<sup>27</sup>SCOR, yr.22, mtg.1351, p.7.

<sup>28</sup>Ibid.,pp.4,12.

As compared to the rigid opposite stances of the sponsors of the drafts, as also the parties, Britain chose a middle path with a view to moderate the differences and urged the Council to give urgent consideration to the "ways and means to put the demand [for a cease-fire] into effect and of how to go on to the next stage of disengagement."<sup>29</sup> Britain reminded the Council that the tasks before it were to stop the fighting, to ensure and secure disengagement, to bring relief and succour to the wounded and the homeless, and then to move to the greater tasks of conciliation and the establishment of order and justice.<sup>30</sup> Britain insisted on full and immediate compliance with the cease-fire orders, freedom of movement and communications for all UN staff.

The continued fighting between Israel and Syria forced the Security Council to meet again on 9 June at the urgent request from the representative of Syria. The fighting was confirmed by a report received from UNTSO, which the Secretary-General made known to the Council. The Council President introduced a draft resolution which was adopted unanimously.<sup>31</sup> The resolution, while noting the mutual acceptance of cease-fire by Israel and Syria, requested the Secretary-General to

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<sup>29</sup> Ibid., pp.5-6.

<sup>30</sup> Ibid., pp.33-35.

<sup>31</sup> SC Res.235, 9 June 1967.



contact these Governments for immediate compliance with the cease-fire demands and report to the Council within two hours. There were, therefore, some new elements in this resolution.<sup>32</sup>

Though both Israel and Syria accepted the Security Council Resolution 235, fighting continued and each side accused the other of cease-fire violations. Egypt also reported bombing of Cairo by Israel. Despite Israeli denials, Syria claimed that Israeli forces were continuing to advance.<sup>33</sup> Soviet Union asked for the condemnation of Israel's refusal to comply with the Council's decisions and demanded that Israel be warned "that the Security Council will be compelled to use the powers which are vested in it by the Charter of the United Nations to deal with such situations."<sup>34</sup> Immediately thereafter, the Soviet representative read a communique issued by seven East European countries -- Bulgaria, Czechoslovakia, Hungary, East Germany, Poland, USSR, Yugoslavia -- declaring their support with the Arab states' just struggle, and that they would render them

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<sup>32</sup>These new elements were: First, the Secretary-General was to arrange compliance with the cease-fire resolutions instead of simply reporting on the situation, as had been the previous arrangements. Second, by immediate compliance the Council apparently meant what it said by asking the Secretary-General to report within a stipulated time of two hours. Third, it was significant that despite the divergent views expressed in different resolutions, all the Council members were still able to agree on short-term measures. See, Lall, n.3, pp.73-74.

<sup>33</sup>SCOR, yr.22, mtg.1353, pp.12-16.

<sup>34</sup>Ibid., p.27.

assistance to repel the aggression and defend their national independence and territorial integrity. Clearly, the communique was meant to give a boost to the sagging morale of the leaders of Syria and Egypt. Also, the Soviet Union intended to play the role of the main supporters of the Arab cause and to project itself as initiators of demands against Israel.<sup>35</sup>

Another important issue raised in the day's meetings was the question of use of United Nations machinery for the implementation of cease-fire. Picking up from where Britain had urged the Council (on 8 June) to find the "ways and means" to put the cease-fire into effect, India made a series of practical proposals in this connection. The first suggestion was to re-activate and strengthen the UN machinery in the area to enforce the cease-fire and secure withdrawal on the lines proposed by the Secretary-General in his report of 26 May. Secondly, the Secretary-General should depute a personal representative in the area to help in reducing tension and restoring peaceful conditions.<sup>36</sup> Britain endorsed both these suggestions and added a third, to appoint a mediator for undertaking discussions with the Government concerned so that an immediate start could be made in setting the foundations

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<sup>35</sup>Ibid., p.31.

<sup>36</sup>SCOR, yr.22, mtg.1352, p.51.

for a stable peace. The United States also proposed an impartial investigation by the Secretary-General of allegations regarding violations of cease-fire. The American representative also called for adequate UN machinery to implement the cease-fire, as suggested by India.<sup>37</sup> Both Syria and Israel also agreed to facilitate the investigation by the Secretary-General to establish the facts.<sup>38</sup> Soviet Union also supported the proposals.

In the absence of reliable information concerning the implementation of the cease-fire, the Council President requested the parties concerned "to extend all possible cooperation to UN observers in the discharge of their responsibilities... and to reestablish freedom of movement for UN observers in the area..."<sup>39</sup>

The Council again reconvened on 10 June in response to an urgent request from Syria on the ground that "the situation had severely deteriorated, that the Israelis had occupied Kuneitra, and that they were heading towards Damascus."<sup>40</sup> The United States then requested for a confirmation from

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<sup>37</sup>SCOR, yr.22, mtg.1353, p.47.

<sup>38</sup>Ibid., p.86.

<sup>39</sup>Ibid., pp.102-3.

<sup>40</sup>SCOR, yr.22, mtg.1354, p.2.

Gen.Bull whether Kuneitra was in possession of Syria or Israel. Addressing the Security Council, the Secretary-General said that he had received an information from Gen.Bull, Chief of UNTSO, which suggested that Israeli forces had occupied the Syrian town of Kuneitra and that Damascus had been bombed.

Indeed, this third party confirmation by UN personnel electrified the Council deliberations.

The Soviet Union now openly charged Israel of having "misled the Council and ... divert the attention of the Security Council and play for time, for the annexationist purposes of the Israeli hordes." The Soviet representative wanted that "the criminal bandit activity against Syria must be condemned immediately and unreservedly."<sup>41</sup> Israel disputed the reporting by the Chairman of Israel-Syrian Mixed Armistice Commission on the allegation that Israeli air attack on Damascus was going on.<sup>42</sup> Israel made a counter-allegation that Syria was shelling Israeli villages along the Israel-Syrian border. On the other hand, Syria alleged that Israel was deliberately trying to mislead the Council and, therefore, must be punished for the utter disregard of the UN Charter by applying sanctions and asking it to withdraw behind armistice lines.<sup>43</sup>

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<sup>41</sup>Ibid., pp.17, 21.

<sup>42</sup>Ibid., p.46.

<sup>43</sup>Ibid., p.3.

It may be noted that inspite of denials by Israel, because of the UN confirmation, opinion veered round for the first time to condemn -- though in general terms -- all violations of cease-fire by parties which eventually led to the adoption of a resolution on condemnation (Res.236) by the Council. Britain suggested that the Council should in the strongest terms condemn any and every breach of the cease-fire, without exception, and insisted on full and immediate compliance with the cease-fire orders.<sup>44</sup>

Next day, on 11 June, in the midst of reports that Israel continued its aggression and was advancing in the area of Rafid towards the headwaters of the Yarmuk river,<sup>the</sup> Soviet Union wanted the Council to condemn Israel and take "decisive and immediate measures to ensure the implementation by Israel of the resolutions adopted by the Security Council."<sup>45</sup> Israel stated that all movements in the Rafid area took place within the truce lines. Israel also claimed that there was no fighting or firing anywhere along the frontier line and that the cease-fire was being scrupulously observed.

The United States contended that the Soviet proposal did not help a genuine approach to peace. After consultations with

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<sup>44</sup>SCOR, yr.22, mtg.1355, pp.27-30.

<sup>45</sup>SCOR, yr.22, mtg.1357, p.26.

most members of the Council ,the President introduced a draft resolution which was adopted unanimously.<sup>46</sup> The resolution condemned any and all violations of cease-fire, as suggested by Britain. The next paragraph requested the Secretary-General to continue his investigations and report to the Council as soon as possible. This was necessary as the report sent by Gen.Bull had left some crucial facts unclear as to whether Israeli troops were in Rafid area before or after the time fixed for the cease-fire to go into effect. The next paragraph affirmed prohibition of any forward military movement subsequent to the cease-fire. Finally, the text called for full cooperation with UNTSO. This resolution fell short of the Soviet demand for specific condemnation of Israel but incorporated a general condemnation, which could be condemnation of Israel when seen in conjunction with Gen.Bull's report. In this sense the resolution may be regarded to have fulfilled partly the Soviet demands. On the other hand, the United States could not outrightly reject the formulation because what was sought was condemnation in vague, broad terms and not condemnation of Israel in specificity.

On 12 June the cease-fire went into effect on all fronts. Once the cease-fire had gone into effect, the Soviet Union again

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<sup>46</sup>SC Res.236, 12 June 1967.

concentrated its efforts in the Security Council on suing condemnation of Israel and its withdrawal behind Armistice Lines. USSR introduced a draft resolution<sup>47</sup> on 13 June and insisted on an immediate vote. The first operative paragraph condemning Israel's aggressive activities and its violations of the afore-mentioned Security Council resolutions received four votes in favour (Bulgaria, India, Mali, Soviet Union) with eleven abstentions. This paragraph failed of adoption as it did not get the minimum of nine votes required for adoption. The second operative paragraph demanding Israel to withdraw behind Armistice Lines and to respect the status of the demilitarized zone also failed of adoption as it received six votes in favour (Bulgaria, Ethiopia, India, Mali, Nigeria, Soviet Union) with nine abstentions.

After the vote the Soviet representative again referred to the extreme measures by the UN which would have to be taken for the immediate and decisive cessation of the continuing aggression in the Near East. He stated that further discussions of this question in the Security Council could not produce results which the existing situation requires.<sup>48</sup> United States explained that "if ever there was a prescription for renewed hostilities, the Soviet draft resolution is that prescription."<sup>49</sup>

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<sup>47</sup>UN Doc.S/7951/Rev.2, 13 June 1967.

<sup>48</sup>SCOR, yr. 22, mtg. 1360, pp.88-90.

<sup>49</sup>SCOR, yr.22, mtg.1358, pp.48-50.

After adopting one more resolution on relatively secondary aspects the Council adjourned on 14 June.<sup>50</sup>

On analysis it is clear that Israel did not consent to a cease-fire until it had accomplished its military and strategic objectives. At the end of the war it occupied the Jordanian half of Jerusalem, the Gaza, the Western bank of river Jordan, the whole of Sinai peninsula right upto the bank of Suez Canal, and the Golan Heights. This area was almost twice the territory Israel held before war began.

It must be said that the parties to the conflict were mainly responsible -- in varying degrees -- for the stalemate in the Security Council's efforts.

Nonetheless, the Security Council was not a total failure. One of the biggest achievements of the Council was to identify the main issues. They are:

- call for cease-fire, should it be linked to condemnation of Israel or not;

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<sup>50</sup> SC Res.237, 14 June 1967. The unanimously adopted resolution, sponsored by Argentina, Brazil and Ethiopia, called upon Israel to ensure the safety, welfare and security of the inhabitants of the area and to facilitate the return of those who had fled since the outbreak of hostilities. It also recommended scrupulous respect for the humanitarian principles governing the treatment of Prisoners of War and the protection of civilians.



- should cessation of hostilities be linked to the withdrawal of troops behind armistice lines or to the positions held before the outbreak of hostilities?
- after cease-fire compliance, should the next step merely call for the withdrawal of troops or stretch further to go back to the roots of the problem to establish a lasting and just peace?
- problems of compliance with cease-fire calls and their implementation by the UN machinery.

Among the above mentioned issues and contentions, the Security Council succeeded, in a way, in clearing two. First, the Council firmly established a cease-fire and second, it condemned, though in general terms, every breach of cease-fire. Another achievement of the Council was that it called upon the parties to fulfil their obligations towards the refugees and prisoners of war.

Yet the remaining issues over which the Council deliberations stalemated were too crucial to the conflict to be wished away. Particularly for those parties/member states who had stakes in the unresolved issues it was necessary to review the diplomatic situation and consider other options. Within the United Nations institutional/diplomatic framework, one of the alternative options open would be to bring the matter to the wider forum, the General Assembly.

CHAPTER III

DELIBERATIONS AT THE FIFTH EMERGENCY SPECIAL  
SESSION OF THE GENERAL ASSEMBLY

On 13 June 1967 Andrei Gromyko, the Soviet Foreign Minister, invoked Article 11 of the UN Charter and brought the ongoing Arab-Israeli conflict before the General Assembly so that the Assembly could recommend the modalities of eliminating "the consequences of aggression" in the Middle East.<sup>1</sup>

It may be noted here that there were some difficulties for the Soviet Union to invoke the "Uniting for Peace"<sup>2</sup> procedure as that would have implied that the Security Council had been unable to fulfil its primary responsibility in the maintenance of international peace and security. Moreover, the United States did not agree that the Security Council had failed to

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<sup>1</sup>UN Doc.A/6717, 13 June 1967.

<sup>2</sup>General Assembly Resolution (hereafter cited as GA Res) 377 (V). Under the terms of this resolution if the Security Council, because of lack of unanimity among its permanent members, fails to exercise its primary responsibility in the maintenance of peace and security regarding a particular conflict situation the Assembly shall consider the matter immediately with a view to making appropriate recommendations. If not in session, the Assembly shall meet in an emergency special session within 24 hours of request for such a session by the security Council on a vote of any nine of its members or by a majority of the members of the United Nations. It may be recalled that this resolution was cited in calling the first four emergency special session.

exercise its primary responsibility for the maintenance of international peace and security and pointed this out in a letter to the Secretary-General that the Council had adopted five resolutions and that several more were under consideration.<sup>3</sup> Perhaps to overcome these objections the Soviet Union invoked Article 11<sup>4</sup> of the Charter rather than the provisions of Uniting for Peace resolution.

Again, invocation of Article 11 also raised certain constitutional difficulties presented by Article 12(1) of the Charter which provides that "while the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendations with regard to that dispute or situation unless the Security Council so requests." Obviously, the Security Council had not requested such a meeting. But, it is generally accepted that the above article does not preclude the Assembly from exercising its deliberative powers as distinct from its recommendatory powers. Moreover, for the Council to be "exercising" its functions it must be actively dealing with the matter.<sup>5</sup>

The Fifth Emergency Special Session, which in this way marked in some respects new developments in United Nations

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<sup>3</sup>UN Doc.A/6718, 15 June 1967.

<sup>4</sup>Article 11 empowers the General Assembly to consider any question relating to the maintenance of international peace and security, and to make recommendations with regard to such questions.

<sup>5</sup>L.M. Goodrich, E.Hambro, and A.P.Simons, Charter of the

practice, began on 17 June 1967 with the concurrence of a majority of 123 total member states.

### Deliberations in the General Assembly

Divergent views were expressed by the members on the origin and development of the crisis, the attitude and the measures that the General Assembly should adopt.

The Arab countries stood uncompromisingly for a policy of no recognition of Israel and a position of no negotiations, direct or indirect, with Israel. The Arab nations wanted a return to the conditions that existed on 4 June 1967, including presumably the maintenance of blockade of the Gulf of Aqaba and no renunciation of belligerence towards Israel.

Syria forcefully asked the Assembly to firmly condemn the aggression and to liquidate its traces immediately. Syria drew attention to past condemnations of Israel by the Security Council and claimed that Israeli invasion of Syrian territory began after both Israel and Syria had agreed to the cease-fire.<sup>6</sup>

Egypt, while criticizing the United States for its support to Israel, contended that the Arab countries had taken a posture of defence while Israel had let loose its treachery by launching a carefully planned aggression.<sup>7</sup>

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<sup>6</sup> General Assembly Official Records (hereafter cited as GAOR), session 22, plenary mtg.1527, p.26.

<sup>7</sup> GAOR, session 22, plenary mtg.1529, p.31.

Jordan described Israel as the aggressor and urged the Council to swiftly condemn the aggressor and enforce the return of Israeli troops to the lines held before the attack of 5 June. Jordan stressed the relationship of peace to justice and explained that justice must inevitably conjure up the plight of over one million refugees. Jordan further stated that by permitting Israel to retain the occupied territories the General Assembly would be setting a dangerous precedent which would permit the aggressor to keep the fruits of its aggression.<sup>8</sup>

Islamic countries like Iran, Iraq, Morocco, Pakistan, Saudi Arabia, Yemen etc took a position endorsing the views of the Arab parties to the conflict.

Adding great political weight to the Arab countries' position, as in the Security Council, the Soviet Union demanded "full elimination of the consequences of aggression" against the Arab States and immediate withdrawal of Israeli forces to the armistice lines.<sup>9</sup> Further, justifying Soviet Union's voting in favour of the creation of Israel in 1947, the Soviet representative stated that the Soviet Union was not against Israel but was against the aggressive policy pursued by Israel.

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<sup>8</sup> GAOR, session 22, plenary mtg.1536, pp.6-11.

<sup>9</sup> GAOR, session 22, plenary mtg.1526, p.2.

He alleged that Israel started the war and was encouraged by statements and actions taken by the United States and the United Kingdom, which had prevented the Security Council from taking action. Regarding future arrangements in the Middle East the Soviet representative merely expressed the hope that "the General Assembly will take an effective decision ensuring... the restoration and consolidation of peace and security in the Middle East."<sup>10</sup> He further warned that if the United Nations failed to take necessary measures even those states which were not parties to the conflict might conclude that they could not hope for protection from the United Nations.<sup>11</sup>

The Soviet Union also demanded Israel to reimburse the full cost of everything it had destroyed and to return all the captured property. The Soviet representative concluded by stating that much depended on the efforts of the big powers for finding peace and justice in the Middle East and it would be good if their delegations found a common approach to reach decisions. So, the Soviet Union's statement showed that there had hardly been any appreciable change in the Soviet approach. Criticism of Israel was the line followed by nearly all speakers from the Communist bloc countries.

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<sup>10</sup>Ibid., p.26.

<sup>11</sup>Ibid., p.21.

Though the Soviet Union took a tough line it was aware of the tactical advantage of securing political support from Afro-Asian members for the cause of Arab nations. Though the Afro-Asian nations sympathized with the Arabs, victims of Israeli aggression, they based their position on Charter principles and natural justice.

The Afro-Asian stand was stated forcefully, among others, by India. Notably, India did not join in or ask for the condemnation of Israel and stated that "we have no quarrel with the people of Israel and our record shows the objective attitude that we have adopted towards the State of Israel."<sup>12</sup> India emphasised that the foundations of a lasting peace in the region could be based only on total, immediate and unconditional withdrawal of Israel from the occupied areas which rightly belonged either to Egypt or Jordan or Syria. India accused Israel of violating the General Armistice Agreements several times, annexing territory of Arab neighbours and expelling Arabs from their lands and homes. India also added that Israel had ignored United Nations resolutions in the past and, therefore, had been censured by the Security Council. In India's view, under international law, there was no right to free passage through the Strait of Tiran. And at the same time

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<sup>12</sup>GAOR, session 22, plenary mtg.1530, p.76.



India suggested that "unless the world community can arrange -- and arrange firmly and speedily -- a durable and just peace, it is not inconceivable that a world conflagration may follow."<sup>13</sup> Towards this end, India suggested measures to be taken immediately after the withdrawal which included the strengthening of UNTSO, the appointment of a special representative of the Secretary-General to help reduce tensions in the area, to ensure the safety and security of civilian Arab population, and to facilitate the return of refugees to their homes.

India's stand, thus, showed a certain urgency in moving towards a durable and just peace and was characterized by the inclusion of practical measures for solving the problem.

Among the African countries, Sudan stated that Israel had been supported in its wanton aggression by some of the great powers whose influence had dwindled in the Middle East. Sudan questioned if the action taken by Israel was legitimate self-defence as Article 51 of the Charter stipulated that such measures were to be reported to the Security Council.<sup>14</sup> Sudan insisted that as a first step there should be a withdrawal of Israeli forces from Arab territories. Sudan argued further about the legalities of the right of passage through the Gulf of Aqaba and asserted that Egypt was justified in closing the Gulf to strategic cargo for Israel.

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<sup>13</sup>Ibid., p.71. Emphasis added.

<sup>14</sup>Ibid., p.36.

Zambia stated that condemnation of aggression was not enough and it was important to bring a lasting peace to the Middle East. For this, the General Assembly must resolve that the Israeli forces be unconditionally and immediately withdrawn. Justifying President Nasser's decision to withdraw the UNEF Zambia asserted that threats did not constitute armed attack, even if, for the sake of argument, it were accepted that there was a threat against Israel. In that case, Israel should have brought its complaint to the United Nations.<sup>15</sup>

Similar views were expressed by Afghanistan, Burundi, Cambodia, Ceylon, Congo, Cyprus, Guinea, Indonesia, Kenya, Malaysia, Mali, Senegal, Somalia, Tanzania, and Yugoslavia.

At the other end of the scale was Israel along with its supporters. Israel, while repudiating the allegations made by the Arab countries, stressed that only free negotiations among neighbours would offer durable and just solutions redounding to their mutual advantage and honour.<sup>16</sup> Accordingly, Israel viewed that the suggestion of withdrawing the armed forces to armistice lines without linking to settlement of the broader issues through bilateral methods was unacceptable. However,

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<sup>15</sup>UN Chronicle, vol.4, no.7, July 1967, p.59.

<sup>16</sup>GAOR, session 22, plenary mtg.1526, p.58.

in substance, Israeli approach left undefined the important matter of withdrawal of its armed forces from the occupied territories and also the assurance to comply with the principles of the UN Charter.

Broadly agreeing with the Israeli refusal to unconditionally withdraw from conquered territories the United States insisted upon a negotiated settlement. United States stated that the condemnation of Israel would be one sided and, therefore, was neither equitable nor constructive for the Organization. The Soviet demands, in the words of the American delegate therefore, were a prescription for renewed hostilities. Instead, the United States believed the objective should be a stable and durable peace based on the five principles enunciated by President Johnson, viz., recognized right of national life, justice for the refugees, innocent maritime passage, limits on wasteful and destructive arms race, political independence and territorial integrity for all.<sup>17</sup>

The United States criticised the Afro-Asian countries also for giving a "call for withdrawal now" and leaving "every other essential steps to the uncertain future."<sup>18</sup>

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<sup>17</sup>UN Doc.A/L.520, 20 June 1967.

<sup>18</sup>GAOR, session 22, plenary mtg.1546, pp.6-7.

Latin American countries which participated in the debate also chose not to seek condemnation and urged the parties to end the state of belligerency with a view to facilitate negotiated settlement.

For instance, Argentina emphasized the need for a scrupulous respect for the legal principles that governed relations among states, to put an end to all bellicosity, and the need to organize peace on the basis of the principles of the Charter.<sup>19</sup> Argentina suggested certain practical steps namely, support for the maintenance of cease-fire, respect for the principles and purposes of the UN Charter, ratification by the General Assembly of the principle of free passage in international waters, analysis of the present situation and its origins by the Security Council, entrusting to a person or a group of persons by the Security Council the task of remaining in contact with the parties, of assessing their claims, of hearing their views and to make efforts to bring about a real rapprochement. Finally, Argentina stated that the withdrawal of forces must be concomitant with a cessation of the state of belligerency.<sup>20</sup>

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<sup>19</sup> GAOR, session 22, plenary mtg.1537, pp.52-53.

<sup>20</sup> Ibid., pp.56-57.

Colombia stated that the paths of understanding lie along the middle line of law, reason and justice.<sup>21</sup> Colombia added some more suggestions to what Argentina had suggested -- universal recognition of Israel, an assertion that conquest through force could not be legitimate, setting up of demilitarized zones together with the presence of the UN either through mediators or representative of the Secretary-General, and entrusting the Security Council with the strict fulfilment of the General Assembly's recommendations.

In general the Latin American approach, it appears, aimed to widen the consensus among Assembly members. They demanded not only theory but also action and called for a settlement of all issues in accordance with international law, showed anxiety about the holy places in Jerusalem, and the concern for the Palestinian refugees.<sup>22</sup>

Similarly, West European countries also sought to tread a middle path. Denmark, for instance, drew attention to two main considerations. First, the aim should not be to reestablish the unsuitable conditions existing before the outbreak of

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<sup>21</sup>GAOR, session 22, plenary mtg., 1538, p.27.

<sup>22</sup>Arthur Lall, The UN and the Middle East Crisis, 1967, (New York, 1968), pp.153-60. It must be noted that the Latin American states participated in the Assembly debate after one week of deliberations were over which helped them to keep an open mind until the last possible moment.

hostilities and second, the United Nations must continue laying the foundation for a lasting peace based upon just and equitable solutions acceptable to all concerned. The two basic principles to be observed were that military action should not lead to territorial gains and the right of all member countries to peaceful co-existence should be generally recognized.<sup>23</sup> Denmark suggested that pending more lasting arrangements UN observer teams should be interposed between the forces of the parties. Genuinely demilitarized zones, properly supervised, and the establishment of a new peace-keeping force were other suggestions made by Denmark.

The United Kingdom underlined that "territorial integrity" had a direct bearing on the question of withdrawal and war should not lead to territorial aggrandizement.<sup>24</sup> Britain spoke of the long-term measures -- of the necessity to solve the problem of refugees, the right of free and innocent passage through international waterways for the ships of all nations, and the need to arrest arms race in the area. Britain also suggested the nomination of a special representative by the Secretary-General and the strengthening of UNTSO, as had been suggested by India earlier. Broadly, similar views were expressed by Belgium, Italy and Sweden.

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<sup>23</sup>GAOR, session 22, plenary mtg.1529, pp.37-41.

<sup>24</sup>Ibid., pp.11-17.

The French approach deserves special reference here. France suggested the reestablishment of a concert of the four great powers in which the forums of the United Nations would play no role except, in the final analysis, the role of attestation.<sup>25</sup> The French proposal did not get any support from other members of the General Assembly.

The General Assembly adjourned on 4 July for a week, having failed to adopt a resolution dealing with the major issues arising out of the conflict. The Assembly resumed its debate for the second phase after a week's reprieve and continued in session for ten more days searching, once again, the basis for peace.

During the first three days much attention was directed to a proposal on Jerusalem initiated by Pakistan. The main purpose of this proposal, according to an author, was to extend the life of the session.<sup>26</sup> In this phase the Latin American, Caribbean and the non-Islamic countries of Africa and Asia took little part in the debates. The Communist states again gave full support to the Arabs and condemned Israel while the United States continued its support to Israel. Both Arabs and the Israelis also deplored each other and stuck to their earlier stands.

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<sup>25</sup>GAOR, session 22, plenary mtg.1531, pp.41-42.

<sup>26</sup>Lall, n.22, p.206.

Then ,suddenly ,a breakthrough seemed close. On 19 July 1967 the two super powers agreed upon a draft resolution which linked the withdrawal of the armed forces to the positions held prior to 5 June to the full enjoyment of the right to statehood and the renunciation of all claims and acts inconsistent with that right. However, this agreement -- though unexpected and belated -- was swiftly rejected by both the Arabs and the Israelis.<sup>27</sup>

After the rejection of the super powers' peace formula there was nothing useful that the Assembly could do. Two different proposals submitted by Austria, Finland and Sweden together transferred the Middle East question to the Security Council and the twenty-second regular session of the General Assembly.<sup>28</sup>

In the course of its meetings the General Assembly considered seven draft resolutions and two amendments. Though two resolutions were adopted it is true that the General Assembly's deliberations ended without a resolution/<sup>on</sup>substantive questions. Non-adoption of these draft resolutions could be because either none of them could accommodate the divergent demands/aspirations of the parties or because divisions within

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<sup>27</sup>David Kimche and Dan Bawly, The Sandstorm (London, 1968) p.282. See also, Sydney D. Bailey, The Making of Resolution 242 (Dordrecht, 1985), p.127.

<sup>28</sup>GA Res.2256(ES-V), 21 July 1967 and GAREs.2257(ES-V), 18 September 1967.



the forum did not exert adequately moral pressure on the parties or the generality of members might have felt that time had not come for a resolution. Opinions may vary. But one could say, though not adopted, the various drafts considered by the General Assembly are worth noting for the significance of the suggestions each draft contained and the contribution made in the making of the Security Council resolution four months later i.e., in November 1967.

Draft Resolutions considered by  
the General Assembly

The first draft resolution was submitted by the Soviet Union on 19 June 1967.<sup>29</sup> The draft called for vigorous condemnation of Israel's aggressive activities and its continued occupation of the Arab territories. It also demanded Israel to immediately and unconditionally withdraw all its forces behind the armistice demarcation lines and the restitution of the material damaged by Israel. Finally, the draft appealed to the Security Council to take immediate effective measures to eliminate all the consequences of aggression committed by Israel (this clause clearly indicated that although the Soviet Union had called the Assembly session it had not forsaken the Security Council as the appropriate body to take action). The draft was voted in parts by roll-call. The

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<sup>29</sup>UN Doc.A/L.519, 19 June 1967.

first operative paragraph (on condemnation) was rejected by 36-57-23 votes. The second operative paragraph (on withdrawal) was rejected by 45-48-22 votes. The third operative paragraph (on restitution) was rejected by 34-54-26 votes. The fourth operative paragraph (appeal to the Council) was rejected by 36-54-26 votes. The preambular paragraph was rejected by 36-57-24 votes. The draft as a whole was, therefore, rejected. India voted in favour of all parts of the draft.

The second draft resolution was introduced by the United States on 20 June 1967.<sup>30</sup> By this draft the General Assembly was to endorse the cease fire and decide that its objective must be a stable and durable peace in the Middle East. This peace was to be achieved through negotiated arrangements with appropriate third party assistance based on the five principles enunciated by President Johnson. The draft did not specifically mention whether the withdrawals were to be completed in the sense of returning Israeli forces to positions within the armistice lines of 1949. The United States did not press for a vote on its draft.

The third draft resolution was submitted by Albania on 26 June 1967.<sup>31</sup> It was a one-sided presentation and would have had the Assembly "resolutely condemn" Israel for its aggression.

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<sup>30</sup>UN Doc.A/L.520, 20 June 1967.

<sup>31</sup>UN Doc.A/L.521, 26 June 1967.

The draft also "firmly condemned" the United States and the United Kingdom for their incitement, aid and direct participation in the aggression. It affirmed that Egypt alone had the right to determine passage through the Suez Canal and the Gulf of Aqaba. As expected, the draft was rejected by a roll-call vote of 22-77-27, including India.

A fourth draft resolution was submitted on 28 June 1967 by 14 states, largely Afro-Asian.<sup>32</sup> (also referred to as the draft 17 power/resolution). The operative clause of the draft called upon Israel to withdraw immediately all its forces to the positions prior to 5 June 1967 and requested the Secretary-General to ensure that the withdrawal be carried out with the help of UNTSO. The draft also requested the Security Council to consider all aspects of the Middle East situation 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 UN Charter (in

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<sup>32</sup>UN Doc.A/L.522, 28 June 1967. These states were: Afghanistan, Burundi, Ceylon, Congo (Brazzaville), Cyprus, Guinea, India, Indonesia, Mali, Pakistan, Somalia, Tanzania, Yugoslavia, Zambia. By the time the draft was voted it was revised three times and Cambodia, Malaysia and Senegal also became co-sponsors. Kenya agreed to co-sponsor the first two revised versions but opted out of the third revision.

particular, those contained in Articles 2 and 33). The draft was rejected by a roll call vote of 53-46-20, having failed to obtain the required two-thirds majority. India as a sponsor voted in favour of the draft.<sup>33</sup>

The fifth substantive draft resolution was submitted on 30 June 1967 by the representative of Trinidad and Tobago on behalf of twenty Latin American nations.<sup>34</sup> The draft urgently requested Israel to withdraw all its forces from all the territories of the Arabs occupied as a result of the recent conflict. It also urged the parties in conflict to end the state of belligerency, to endeavour to establish conditions of co-existence based on good neighbourliness for peaceful settlement indicated in the UN Charter. The draft requested the Security Council to continue examining the situation in the Middle East with a sense of urgency relying on the presence of the UN to guarantee freedom of transit on the international waterways,

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<sup>33</sup>On 30 June 1967 two amendments to the Afro-Asian text were submitted by Albania and Cuba. The first, proposed by Albania, sought to add a new operative paragraph to the Afro-Asian draft condemning Israel for its aggression and was rejected (see UN Doc.A/L.524). Similarly, the second draft amendment, submitted by Cuba, demanding condemnation of Israel, immediate Israeli withdrawal, with the deletion of the remaining items of the Afro-Asian draft was also rejected (see UN Doc.A/L.525).

<sup>34</sup>UN Doc.A/L.523, 30 June 1967 co-sponsored by Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Venezuela.

to achieve an appropriate and full solution of the problem of refugees, and guarantee the territorial inviolability and political independence of the states in the region. Finally, the draft reaffirmed the desirability of establishing an international regime for the city of Jerusalem. By a roll call this draft was also rejected by 57-43-20 votes. (it did not obtain the required two-thirds majority). India voted against the draft as it felt that the question of Israeli withdrawals was not given due urgency.

The core of the difference between the Latin American and the Afro-Asian drafts, then, was the insistence of the Afro-Asian states on immediate withdrawals before consideration could be given to any other issue.

An analysis of voting pattern on the two drafts showed that the Afro-Asian draft was supported by all thirteen Arab states and all ten members of the Soviet bloc. There were four votes from Europe -- France, Greece, Spain and Turkey -- and the rest of the votes were those of the sponsors. The draft received negative votes from all the twenty-two Latin American States, the United States, most of the West Europeans, Canada, Australia, New Zealand, Israel, Philippines and surprisingly from seven countries of Africa (Botswana, Ghana, Lesotho, Liberia, Madagascar, Malawi, Zambia). The Latin American draft received in favour the votes of almost all the members opposing the Afro-Asian draft (Israel abstained) and also of

ten more African states. The draft was opposed by the Arabs, the Soviet bloc and most of the Afro-Asian countries. In both the drafts twenty countries abstained from voting, seven of which were common to both the lists -- Kenya, Laos, Nepal, Niger, Singapore, South Africa and Sweden.

Nonetheless, there were two resolutions adopted without any opposition by the General Assembly during the first phase of its deliberations.

The first of the adopted draft resolutions, sponsored by 26 states, was introduced on 4 July 1967.<sup>35</sup> The resolution called upon the members concerned to facilitate the transport of assistance supplies to the Middle East; appealed to all governments, organizations and individuals to assist relief bodies, and asked the Secretary-General to report on the needs for relief. By a roll call the draft was adopted by 116-0-2 votes with India voting in favour, it being a sponsor.

The second adopted resolution, sponsored by Guinea, Iran, Mali, Niger, Pakistan and Turkey, was also introduced on 4 July 1967.<sup>36</sup> The resolution had the General Assembly declare

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<sup>35</sup> GA Res.2252 (ES-V), 4 July 1967.

<sup>36</sup> GA Res.2254 (ES-V), 4 July 1967. Also adopted was GA Res.2254 (ES-V), 14 July 1967 which requested the Security Council to ensure implementation of Res.2253(ES-V).

that measures taken by Israel to change the status of Jerusalem were invalid. The resolution called upon Israel to rescind these measures and also requested the Secretary-General to report to the General Assembly and the Security Council on the implementation of the resolution. By a roll call the draft was adopted by 99-0-20 votes. India voted for the draft.

If one expected a clear outcome by the General Assembly on condemnation, withdrawal of forces or the solution of long-term issues, one could say that the General Assembly had not brought about any of these. Could one describe this as a failure? Or could one say that by omission the Assembly had perhaps unwittingly made a distinct contribution on bridging the gulf between the parties and others. In fact, the deadlock in the General Assembly meant no victory to either Arabs or Israel which underlined the need for both of them to see reason in each other's position and arrive at a consensus with the help of other member nations.

Where to arrive at the consensus? General Assembly? One can have one's own doubt, for the Assembly is unwieldy owing to its large size. Outside the United Nations forum, as Israel very much wanted? Israel was a loner in the sense that even the United States stressed the need to strengthen United Nations role in deescalating the Arab-Israeli tension.

Then, one may turn to the Security Council (Indeed a number of participants in the General Assembly debates, including the two big powers, referred to the effective role that the Security Council could play in easing tensions) with a hope that the Council would reactivate the efforts from the point where the General Assembly reached rather than not completely overlooking the points made in the larger body. Indeed, the Assembly wisely remitted back the question to the Security Council with a request to take up the matter urgently.



CHAPTER IV

THE SECOND ROUND OF SECURITY COUNCIL MEETINGS  
AND THE MAKING OF RESOLUTION 242

The Emergency Special Session of the General Assembly could not adopt a resolution on either the question of troop withdrawals or the question of negotiated settlement of the roots of the Arab-Israeli conflict. So, the problem was remitted back to the Security Council "as a matter of urgency" through its resolution adopted on 21 July (Res.2256 (ES-V)). A prominent scholar opines that there has never been in the United Nations history such a swift passage of an item from the Security Council to the General Assembly, back to the Security Council, again to the General Assembly, and then remittals to both the Security Council and a new session of the Assembly, all within four months.<sup>1</sup>

After the United States-Soviet Union agreement of 19 July 1967 was rejected by both Israel and the Arabs, the focus of effort shifted from the great powers to the non-permanent members of the Security Council when the Council renewed its sessions in mid-October. There was a wide agreement among the members on withdrawal, non-belligerency and on practical matters like the establishment of freedom of navigation, but there was disagreement on how these requirements were to be spelt out in a Council resolution. As against this,

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<sup>1</sup>Arthur Lall, The UN and the Middle East Crisis, 1967, (New York, 1968), pp.220-21.

Israel and the Arabs maintained their conflicting stands, the former insisting on direct negotiations while the latter rejecting direct negotiations. The members were even then continuing informal consultations in an effort to devise a long-term settlement of the crisis.

The Security Council convened on 24 October 1967 to consider cease-fire violations in the Suez area, specifically the sinking of a British made destroyer, Eilat, on 21 October and the shelling of the refineries and Suez on 24 October. The meeting was convened at the request of ,both, Egypt and Israel.<sup>2</sup> This was the second time in the crisis that the demand for Security Council action had come from the parties themselves.<sup>3</sup>

In response, both United States and the Soviet Union submitted draft resolutions. The Soviet draft would have had the Council condemn Israel for its aggression in the Suez area; would have demanded compensation for the UAR caused by that act; and would have called upon Israel to observe Security Council resolutions governing the cease-fire.<sup>4</sup> On the other

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<sup>2</sup>UN Doc.S/8207 and S/8208, 24 October 1967.

<sup>3</sup>Earlier on 8 July both Israel and Egypt separately communicated on violations of cease-fire near the Suez Canal area. In response, after some consultations, the President of the Council made a statement calling upon the parties to strictly observe a cease-fire.

<sup>4</sup>UN Doc.S/8212, 24 October 1967.

hand, the American draft would have condemned any and all violations of the cease-fire and would have called on the governments concerned to issue categorical instructions to all military forces to refrain from firing as required by Security Council resolutions 233, 234, 235 and 236.<sup>5</sup>

The Indian representative told the meeting that even a cursory glance at the documentary evidence revealed the deliberateness of Israel's attack in Suez. On the Eilat incident India regarded as vital to ascertain whether the vessel was inside the UAR territorial waters or not and, therefore, the United Nations should be asked to determine the vessel's exact position at the time.<sup>6</sup> Nigeria did not favour a vote on either the Soviet Union's or the United State's draft resolution at that stage since either draft would be ineffective unless backed by the generality of the members and, therefore, a compromise resolution should be sought. In the end, a balanced draft resolution was drafted in informal negotiations among the non-permanent members and was adopted unanimously on 25 October.<sup>7</sup> The resolution regretted "the casualties and loss of property", condemned "violations of

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<sup>5</sup>UN Doc.S/8213, 24 October 1967.

<sup>6</sup>Security Council Official Records (hereafter cited as SCOR), yr.22, mtg.1369, p.10.

<sup>7</sup>Security Council Resolution (hereafter cited as SC Res.) 240, 25 October 1967.

the cease-fire", and reaffirmed the necessity of strict observance of cease-fire resolutions. In addition, the resolution demanded an immediate prohibition of military activities in the area and full cooperation with UNTSO.

The adoption of this resolution did not overshadow the urgent need for a peace settlement of the cause of the conflict. In fact six members -- Canada, China, India, Japan, USSR and USA -- speaking after the adoption of the resolution reiterated the need for a long-term settlement. Behind the scene discussions continued among members of the Security Council after public meetings of the Council on 24 and 25 October. As a result of these discussions India, Mali and Nigeria succeeded in preparing a draft resolution reflecting the views of the Council's non-permanent members.<sup>8</sup>

Besides the three power draft of 7 November four more draft resolutions were submitted. This three power draft,<sup>9</sup> (for convenience sake hereafter referred to as the Indian draft) submitted on 7 November 1967 used as a basic document of reference the 20 power draft submitted to the fifth emergency special session of the General Assembly in July. The draft would have had the Council affirm that occupation or acquisition of

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<sup>8</sup>UN Doc.S/8227, 7 November 1967.

<sup>9</sup>For full text see Appendix A.

territory by military conquest was inadmissible under the UN Charter and consequently Israel should withdraw from all the territories occupied as a result of the recent conflict; every state had the right to live in peace and complete security from threats or acts of war; every state of the area had the right to be secure within its borders and it was obligatory on all Member States of the area to respect the sovereignty, territorial integrity and political independence of one another; there should be a just settlement of the question of Palestine refugees and there should be guarantee of freedom of navigation in accordance with international law through international waterways in the area. Finally, the draft would have requested the Secretary-General to despatch a special representative to the area, who would contact the states concerned to achieve the purposes of the resolution and report within thirty days.

The Indian draft proposal prompted the United States to table its own draft resolution.<sup>10</sup> The draft was similar to the Indian proposals in a number of ways but differed from it in a few respects. The US proposal also differed in some respect from the July proposal submitted by it before the General Assembly. First, the Assembly proposal had vaguely referred to

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<sup>10</sup>UN Doc.S/8229, 7 November 1967. For full text see Appendix B.

"disengagement and withdrawal of forces" whereas the present text affirmed the need for "withdrawal of forces from occupied territories". Further, the July text had referred to "negotiated settlements with appropriate third party assistance" whereas the present formulation accepted the suggestion, originally made by India, for designating a special representative of the Secretary-General who would assist the parties "in the working out of the solutions."

The present United States draft differed from the Indian proposal mainly in three ways. First, while the Indian draft stated that "Israel's armed forces should withdraw from all the territories occupied as a result of the recent conflict", the US draft referred to "withdrawal of armed forces from occupied territories " omitting an explicit reference to Israel and the crucial definite article "the". Secondly, on the vital issue of freedom of navigation the American text affirmed the necessity of "guaranteeing freedom of navigation through international waterways in the area while the Indian draft stated that "there should be guarantee of freedom of navigation in accordance with international law through international waterways in the area." The inclusion of the words "in accordance with international law" introduced an element of ambiguity as it would have become the subject of protracted international litigation. Third, the American draft also affirmed the necessity of "achieving a limitation of the wasteful and destructive arms race" in the area.

The two drafts were largely similar in other respects. Both affirmed the right of every state to live in peace and security and called for the termination of claims or states of belligerence. Further, they both called for a joint settlement of the refugee problem and for the Secretary-General to despatch a special representative to the area.

In the wake of the American initiative the Indian representative expressed his readiness to have consultations with the US delegation in order to try to reach an agreement on a single text but the US did not respond. Also, during the debate the Indian delegate struck a welcome note of flexibility by stating that:

We are prepared to examine very carefully any arguments that might be advanced in the Council in respect of the words in accordance with international law. (11)

The Soviet representative stated that he would give only qualified support to the Indian draft. He said "Although the Soviet delegation would have preferred a more radical solution, it will be ready to support the draft resolution of India, Mali and Nigeria, if the Arab countries, the victims of aggression, do not oppose it."<sup>12</sup> The Soviet representative

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<sup>11</sup> SCOR, yr.22, mtg.1373, p.72.

<sup>12</sup> Ibid., pp.108-10.



also stated that the US draft was unacceptable because it dealt ambiguously with the key provision of troop withdrawal and presented it in such a context that Israel would have been able to occupy Arab territories as long as it wished. Further, the US draft did not mention a date when the representative of the Secretary-General would present the report, thus opening propitious conditions for delay and, thereby, legalizing the occupation.

Egypt, facing severe economic and political difficulties as a result of the Israeli occupation of Sinai, favoured the Indian draft. In an effort to secure its adoption Egypt called for an urgent meeting of the Council which was convened on 9 November 1967 but was adjourned later due to lack of consensus on either text.

In the ensuing days consultations continued with a view to devising a widely acceptable text. At that stage, the British delegate assumed the initiative in trying to break the deadlock in the Council. Britain sought to synthesize different claims thus:

the Arab countries insist that... the issue of withdrawal is... of top priority. The Israelis tell us that the withdrawal must never be to the old precarious truce, that it must be a permanent peace, to secure boundaries... Both are right. The aims of two sides do not conflict. They converge... They are of equal validity and equal necessity...(13)

These diplomatic efforts enabled Britain to draft a text of its own and introduce it in the Council on 16 November 1967.<sup>14</sup> As the United Kingdom described, the draft was "fair, just and impartial" though "not perfect". Obviously, it was a compromise formula to accommodate various viewpoints.

It may be instructive to trace how the British sponsored text accommodated or altered or improved upon the provisions of the other two drafts -- one introduced by India and the other by the United States.

The first preambular paragraph of the British draft expressed "continuing concern with the grave situation in the Middle East." This was taken in verbatim from the Indian proposal and was also used in the US text.

The first part of the second preambular paragraph of the British proposal emphasized "the inadmissibility of the acquisition of territory by war". The Indian draft declared that "acquisition or occupation" of territory was inadmissible. Incidentally, this point did not appear in the US draft.

The second part of the second preambular paragraph of the British draft emphasized "the need to work for a just and lasting peace in which every state in the area can live in

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<sup>14</sup>UN Doc.S/8247, 16 November 1967. For full text see Appendix C.

security" while the last part of operative paragraph first affirmed the right of every state "to live in peace within secure and recognized boundaries free from threats or acts of force." All the other drafts referred to the need for peace and reaffirmed the prohibition in the Charter on the threat or use of force. The Indian and the US drafts also mentioned the right of states to a secure existence. The phrase "secure and recognized boundaries" in the British draft was taken without change from the US draft.

The third preambular paragraph of the British proposal emphasized the obligation of the UN members to act "in accordance with Article 2 of the Charter", which sets out the principles on which the Organization is based. This was taken without change from the US draft and similar wordings appeared in the Indian draft, which affirmed in express terms to settle the dispute by peaceful means within the framework of the Charter of the United Nations.

The first operative paragraph of the British draft was, no doubt, ambitious and ambiguous. It affirmed the principles required for a just and lasting peace beginning with "withdrawal of Israeli armed forces from territories occupied in the recent conflict." The Indian draft envisaged withdrawal from "all the territories" occupied during the war and not simply from territories. To set the record straight, the Indian representative interpreted the above paragraph of the British draft thus:

It is our understanding that the draft resolution, if approved by the Council, will commit it 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 7 June 1967. (15)

Soviet Union also endorsed India's understanding of the British draft.

Britain's response demonstrated rare skill of skipping the questions. Without referring to the Indian statement, the British delegation noted:

I am sure that it will be recognized by us all that it is only the resolution that will bind us, and we regard its wordings as clear. All of us, no doubt, have our own views and interpretations and understandings... on these matters each delegation rightly speaks for itself. (16)

United States also opined that the voting takes place not on the individual or discrete views and policies of various members but on the draft resolution.

The second principle in the British draft was the "termination of claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial

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<sup>15</sup> SCOR, yr.22, mtg.1382, p.28.

<sup>16</sup> Ibid., p.32.

integrity and political independence of every state in the area." This principle worded variously appeared in the Indian and US drafts also. The US draft affirmed the "termination of claims or states of belligerence, and mutual recognition and respect for the right of every state in the area to sovereign existence, territorial integrity, political independence, secure and recognized boundaries, and freedom from the threat or use of force." The Indian draft affirmed that all states in the area should "terminate the state or claim of belligerency and settle their disputes by peaceful means" and that it is obligatory on all member states of the area "to respect the sovereignty, territorial integrity and political independence of one another."

In the next paragraph, the British draft further affirmed the necessity for guaranteeing freedom of navigation through international waterways in the area, for achieving a just settlement of the refugee problem, for guaranteeing the territorial inviolability and political independence of every state in the area, through measures including the establishment of demilitarized zones. This paragraph was lifted in toto from the US text while the Indian draft referred to the guarantee of freedom of navigation through international waterways in the area "in accordance with international law." The Indian draft made no specific reference to the establishment of demilitarized zones. India perhaps had Kashmir in mind

when it stressed that demilitarization could not be implemented without the consent of the states concerned.

The third operative paragraph of the British draft would have requested the Secretary-General to designate a special representative 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 of the resolution. This provision was also present in the US draft and in a slightly different form in the Indian draft. The Indian draft used the phrase "to co-ordinate efforts" to achieve the purposes of the resolution.

Finally, the fourth operative paragraph of the British draft requested the Secretary-General to report to the Security Council on the progress of the efforts of the special representative "as soon as possible". This was taken in verbatim from the American draft while the Indian draft desired that the report of the special representative be submitted "within thirty days."

The Arab countries and the nonaligned countries insisted that the wording in the first operative paragraph should read that either the Israeli forces would be withdrawn from "all the territories" instead of "territories" occupied by Israel or that Israel would "withdraw to the positions of 4 June 1967."

In addition, the Arab states were also unwilling to accept the phrase "recognized boundaries" occurring in the first operative paragraph of the US and the British drafts. But Britain insisted that the draft represented a delicate balance which would be upset by any changes. Most of the Arab delegates also realized that they had obtained as much as was feasible under unfavourable circumstances. Besides, the clause on withdrawal taken together with the clause on the inadmissibility of acquiring territory by war meant that in principle their stand had been conceded. As an extreme case of resistance Syria firmly rejected all the three drafts -- the United States, the United Kingdom and the Indian texts. In Syria's view the British draft "neglected the rights of the Arab people of Palestine... the uprooted, dispossessed people in exile, crying for justice for over twenty years."<sup>17</sup>

Before the British draft was put to vote the Soviet Union also came out with interesting proposals. On 20 November the Soviet representative introduced a draft resolution<sup>18</sup> which entirely dropped condemnation and compensation by Israel. The draft urged immediate recognition of all states in the area, the renunciation of the use or threat of force, a settlement

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<sup>17</sup>SCOR, yr.22, mtg.1382, p.69.

<sup>18</sup>UN Doc.S/8253, 20 November 1967.

of the refugee problem, innocent passage through international waterways, an end to the state of belligerency, and limitation of the "useless and destructive" arms race.

The Soviet text differed from the United Kingdom's proposals in many respects.<sup>19</sup> First, it clearly called for withdrawal of all forces to positions held before 5 June 1967 whereas the British text only implied full scale withdrawal. Second, the Soviet draft was more forward looking in the sense that it included an attempt to end the arms race in the Middle East, which was not proposed in the British text. Third, the Soviet text was more forthright than the British proposal on the question of recognition of Israel and stated that "all states members of the United Nations should immediately recognize that each of them has the right to exist as an independent national state." Fourth, the clause about navigation in the Soviet text read that there was to be innocent passage" in accordance with international agreements." This formulation was avoided in the British text as it might have raised problems. However, United States opposed the Soviet draft as not being even handed and not meeting the test of exact balance, acquiescence by the parties and workability.

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<sup>19</sup>Lall, n.1, pp.257-58.



It may be noted that according to the rules of procedure, as operated in the Security Council, the order of draft resolutions submitted before the Council for voting purposes was: first, the Indian draft which the co-sponsors said that they would not press for a vote; second, the US text which again was not pressed for a vote; third, the British draft; and finally, the present Soviet proposal.

Since the British draft had been introduced before the Soviet draft it was the first to be put to vote. On 22 November 1967, the text was unanimously adopted as Resolution 242.

Thus ended the long search for consensus on the Middle East crisis. The Soviet text was not taken up for vote because of adoption of the British text.

Even after the text had been adopted delegates continued to offer divergent interpretations. Nigeria stated that the resolution required the withdrawal of Israeli forces from all the territories which they occupied as a result of the recent conflict. Israel on its part commented that "for us, the resolution says what it says. It does not say that which it has specifically and consciously avoided in saying."<sup>20</sup> Egypt reaffirmed its position by stating "that the first step

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<sup>20</sup> SCOR, yr.22, mtg.1382, p.51.

towards peace lies in the full withdrawal of the Israeli forces."<sup>21</sup> Syria made a prophetic observation by declaring that "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 adopted today will secure the cause of peace in the Middle East."<sup>22</sup>

In sum, it may be noted that it is indeed rare in the Council's history that a substantive decision was taken by a consensus arrived at without calling a formal meeting.<sup>23</sup> By doing so the Council avoided contention and also saved face for some of its members.

A unanimous agreement on such a difficult and controversial subject was indeed a remarkable achievement. But the price was paid for unanimity which in this case was convenient ambiguity. It was too uncertain a formula to be an actual settlement and left much to the determination, the ingenuity, the readiness for compromise, and the breadth of mind of the two sides.

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<sup>21</sup>Ibid., pp.73-75.

<sup>22</sup>Ibid., p.69.

<sup>23</sup>The British delegate, Lord Caradon, gratefully acknowledged the cooperation and support he received from the Soviet representative, Kuznetsov. See, SCOR, yr.22, mtg.1382, pp.96ff.

The adoption of Resolution 242 was a tribute to patience, persistence and understanding by the parties as also the members of the Council exuded during several rounds of negotiation.

CHAPTER V

## CONCLUSION AND ASSESSMENT

An assessment and concluding observations embodied in this Chapter may be presented for clarity sake in three sections.

### I

The question of Palestinian right to statehood, the establishment of and consolidation of Israel as a Jewish State with unhappy and disunited Arab countries in the neighbourhood, the perpetual human misery of a number of Palestinian refugees settled away from home in the alien Arab territories, all these were some of the questions awaiting a solution since a long time in the Middle East.

The situation remained largely frozen since late 1940s, and Israel was seen as the beneficiary of the status quo while the United Nations was looked upon as a status quo maintainer. So, as the frustration grew against Israel, the United Nations and its presence in the area were seen as instruments of denials of justice to Palestinians and Arabs. The Arab nations were nursing a misgiving of each other. Egypt, for example, was widely accused of being secure in the status quo.

The unfortunate fall-out of all this was on the United Nations Emergency Force (UNEF). The Secretary-General was compelled to accede to the request of Egypt for the withdrawal of UNEF as he believed that in the absence of Egyptian consent,

the UNEF could not remain lawfully in the Egyptian territory. Furthermore, Secretary-General, U Thant, felt that the fact that the UNEF was not stationed in Israel was a recognition of state sovereignty<sup>and</sup> upholds Egypt's right to withdraw its consent for the continued stationing of the force. In other words, the fact needs to be underlined that the UNEF was a peace-keeping force and not an occupation force. Further, two of the governments contributing contingents to the force had already informed the Secretary-General that they would withdraw their troops in compliance with the Egyptian request. So, apart from legal considerations, it seemed that political and operational constraints left the Secretary-General with little option but to accede to the request.

However, while acceding, the Secretary-General took enough care to forewarn that the UNEF withdrawal would lead to a grave crisis. Indeed, the war clouds began appearing soon. In the Security Council, convened after a lapse of some valuable time, the East-West differences made it impossible to arrest the worsening situation. Nor were the non-permanent members interested in such an effort, it appears.

## II

So, the war broke out on 5 June. In the Security Council the issues, demands and positions of the members were guided by the course of events in the area. Of course, both the Arab

nations and Israel projected themselves as the victims of unjustified aggression. While the problems that lay at the roots of the Arab-Israeli conflict loomed large the short-term tasks and their inter-linkages that were posed before the Security Council were namely, to arrange a cease-fire with or without condemnation of Israel for launching air-attacks; how to ensure that cease-fire remains durable; and after cessation of hostilities, what should follow -- were it to be troop withdrawals and, if so, to what point, i.e., to armistice line or to positions held before 5 June or were withdrawals to be linked with other long standing problems such as end of belligerency, right of every state to live in peace and within secure boundaries, etc.

It was a stupendous challenge to the United Nations to address itself to these questions promptly and in a manner satisfactory to all. It does not need re-iteration that the UN is not a judicial body nor is it composed of objective representatives/members. It consists of member states who have competitive, if not conflicting, interests to safeguard and promote. In other words, it is a political body. Therefore, the response obviously depends on the political forces at work at a given time. Within these parameters of limitations and opportunities, the UN could function as a forum for harmonizing inter-state interests. Now, the question as to how the Security Council tried to tackle the problems arising from the outbreak of war.

Notably, the Security Council seemed to have set some priorities among the given issues. First, and foremost, cease-fire was the main issue around which the deliberations revolved. Formal condemnation was regarded as unnecessary and unhelpful, though demanded by the Arab combatants and their ally, the Soviet Union. In fact, no other member insisted on that while the United States resolutely resisted formal condemnation of Israel. Though Egypt/Syria did not accept the initial cease-fire call given by the Council (on 6 June) it was clear quickly as to how compliance with cease-fire would save their face and prevent further Israeli advances into their territories.

On the question of condemnation the Arab side had a tactical victory to their credit. In the light of Gen. Bull's (Chief of Staff of UNTSO) confirmation that Israeli forces were violating the cease-fire order issued by the Council, and were in the Syrian town (Damascus), the Council "condemned any and all violations" of the cease-fire. True, Israel was not specifically named but in the context in which the resolution was adopted it was none other than Israel whose violations were condemned.

It should be noted that even the "pale" condemnation could materialize only because there was irrefutable and impartial third party confirmation (provided by the UN channels) as a result of which Israel, the United States and their allies had to fall in line.



Beyond these modest responses the Council could not make any progress in regard to other important questions. So the Council's stalemate continued, owing to the irreconcilable differences between the parties and particularly between the United States and the Soviet Union. The Arab states supported by their ally, the Soviet Union, insisted on an immediate and unconditional withdrawal of Israeli forces beyond the armistice lines while Israel backed by its ally, the United States, favoured bilateral negotiations aimed at the establishment of a just and lasting peace immediately after cessation of hostilities.

Obviously, to mobilise world opinion in the favour of Arabs the Soviet Union brought the matter to the Fifth Emergency Special Session of the General Assembly. The Assembly's proceedings, for one thing, were a testimony to the willingness on the part of Afro-Asian nations as also the Latin American member countries, who sponsored separate texts to accommodate the opposite viewpoints. For instance, the Latin American text while suggesting various far reaching measures to settle long-term problems called for urgent Israeli withdrawal from the occupied territories. Whereas the Afro-Asian draft stressed upon withdrawals to be undertaken as a priority, while touching on other long-term measures needed to heal the Arab-Israeli dispute. But neither of the texts was adopted. No doubt, neither of them could completely meet the grievances/demands of both the Arab nations and Israel. But

it can also be observed that given a little more patience and time, a more serious effort and moderation would have been made. Was the Assembly short of time or was time not yet ripe for a consensus? Though clear answers cannot be provided, indications of a thaw were emerging. The reference is to the United States-Soviet Union agreement (19 July 1967) on a peace-formula which, of course, fell through because both the parties were unprepared to accept at that stage.

What can one make out of the General Assembly's effort? Despite the adoption of two resolutions on relatively non-controversial/humanitarian problems the Assembly could not adopt any resolution on the substantive questions. Was it an admission that an unwieldy body like the Assembly could not arrive at a consensus urgently? Did it mean that the Soviet Union was frustrated in its designs to mobilise political pressure through the forum of the Assembly against Israel and the United States? Or can one also say that the outcome -- was it a non-outcome? -- at the Assembly was equally a blow to the Western political influence? There is some truth in all these points. But for the purpose of this study the Fifth Emergency Special Session of the Assembly carries an underlying importance for its contribution to the crystallization of the issues to be solved, for setting a momentum to the debate, and for leaving a starting point to the Security Council's resumed efforts in the second round. In other words, in this particular

case, it was not the question of the Council versus the Assembly rather it was a case of Security Council and the General Assembly striving hand in hand to end the fighting and find an amicable settlement.

It is perhaps the spirit of accommodation and objectivity -- evident in the Assembly and later in the Council -- that led to the introduction of the nonaligned draft (sponsored by India, Mali and Nigeria) on 7 November and subsequently the United Kingdom-sponsored draft on 16 November, followed by the unanimous adoption of the British text as Resolution 242 of the Security Council.

By adopting the resolution the Council members sought to achieve a delicate balance between the irreconcilables. The resolution was rightly criticized for its ambiguity on the central issue of withdrawal of Israeli forces concurrent with the recognition of the right of all states in the region to live in peace and within secure boundaries.

Notwithstanding the above criticism, Resolution 242 remained the best hope of peace in the Middle East in 1967 and, even today, it remains as a comprehensive framework to which all parties and outside Powers are committed in principle.

### III

Here, a few lines on India's role in the context of the 1967 war are warranted.

India is a country with vital national interests in the Middle East. India had played a historically active role to settle disputes in the region. It was in the United Nations Special Committee on Palestine (UNSCOP) that India advocated a just solution to the problem of Palestine. In the Suez war of 1956 India played a leading role in restoring peace and securing withdrawals.

As of 1967, India was the second largest contributor to the UNEF and its national headed the Force. Additionally, India was a member of the Advisory Committee on the UNEF. Again, by virtue of its membership in the Security Council at that time India's views carried weight.

In certain quarters of the United Nations India was criticized for threatening to withdraw its contingent from the UNEF which had put the Secretary-General in an exceedingly difficult situation. India rightly justified its stand from the legal, political and practical point of view. India stated that the UNEF was stationed in Egypt on the basis of the "consent" of the host state and in asking for its withdrawal Egypt was only exercising its sovereignty. India did not want to be a party to any procedure that would make the UNEF into an occupation force. Further, India's stand was based on the realistic and pragmatic appraisal of the military situation in the region and it realised that the effectiveness of the UNEF as a buffer had vanished long ago with the occupation of

Observation Posts by Egyptian troops. Then, India could not risk the lives of its personnel as the UNEF was a small force equipped only for self-defence purposes. Besides, if India had opposed President Nasser's stand on withdrawal it would have been considered by Egypt as an unfriendly act and would have alienated Arab opinion which India could ill afford. Then, as a member of the nonaligned group it needed to support a sister nonaligned country, Egypt, on the issue.

Before the outbreak of hostilities India opposed the convening of the Council as it thought that the matter was not of great urgency -- a view close to the Soviet Union's. Apparently, India was obliging its Arab friends but in light of the events that followed at the outbreak of war there is room to doubt if India had weighed rightly its obligations towards a friendly country on the one hand and as a member of the Council on the other hand?

When the war broke out India had condemned Israeli aggression but it did not support the demand for a formal condemnation of Israel in the form of a Security Council resolution which is in consonance with its celebrated policy of moderation-and-no-condemnation, as successfully implemented in 1956. India voted for the Resolutions 233 and 234 of the Security Council, which called for cease-fire and it was the first country to underline the need for strengthening the measures for effectively implementing cease-fire. India

voted for Resolution 236 which condemned, in general terms, any and all violations of the cease-fire. Again, it is noteworthy that India had not sponsored any draft resolution at this stage of the Council's deliberations, presumably, because it intended to do so at an opportune time.

India exercised that option in the Fifth Emergency Special Session of the General Assembly. India co-sponsored the 17-power draft resolution and re-affirmed the views expressed in the Security Council on various points. India affirmed that withdrawal of the forces needed to be carried out urgently and then followed by other long-term measures. To that extent India was willing to accommodate the stand point of the Latin American countries. However, since in India's view the Latin American draft equated priorities between these two objectives and diluted the importance of the question of troop withdrawals, it opposed and voted against the draft. The only critical observation that can be made <sup>to</sup> in regard <sub>^</sub> India's voting in the Assembly is that it voted for the unadopted Soviet text which inter alia "vigorously condemned Israel's aggressive activities." This is <sup>ki</sup> ~~stringly~~ <sub>^</sub> inconsistent with the position India took in the Security Council earlier. Intriguingly, no explanations are offered.

Notwithstanding this lapse, it is notable that India continued its active efforts initiated in the General Assembly

when the Security Council resumed its meetings in the second round. So, as in the Assembly, India was open to the constructive elements of the various proposals. The best exemplification of this approach is the text it introduced along with Nigeria and Mali in the Council on 7 November. This approach of accommodation was accompanied by tactics of flexibility. For instance, after introducing the text India expressed its readiness for informal consultations with the United States and other members to work for a consensus formula thus:

We are prepared to examine very carefully any arguments that might be advanced in the Council in respect of the words "in accordance with international law". (1)

Eventually, when the consensus formula took shape and was formally introduced by the United Kingdom as a separate draft India, on behalf of Mali and Nigeria, did not press for vote on its own text and, in addition, supported and voted for the British text. As the Indian representative interpreted the Resolution 242:

It is our understanding that the draft resolution... will commit it to the application of the principle of total withdrawal of Israeli forces from all

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<sup>1</sup>Statement of the Indian Representative, SCOR, yr.22, mtg.1373, p.72.

the territories -- I repeat, all the territories -- occupied by Israel as a result of the conflict which began on 5 June 1967. (2)

This and other interpretations that India gave to Resolution 242 aptly illustrate India's consistent insistence on respect for international legal provisions, principles of natural justice, respect for sovereignty, political independence and territorial integrity of all member states throughout the 1967 conflict situation.

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<sup>2</sup>SCOR, yr.22, mtg.1382, p.28.



**APPENDICES**

## Appendix A

### JOINT DRAFT RESOLUTION OF INDIA, MALI, NIGERIA UN Doc.S/8227, 7 November 1967

The Security Council,

Expressing its continuing concern with the grave situation in the Middle East,

Recalling its resolution 233 (1967) of 6 June 1967 on the outbreak of fighting which called for, as a first step, an immediate ceasefire and for a cessation of all military activities in the area,

Recalling further General Assembly resolution 2256 (ES-V),

Emphasizing the urgency of reducing tensions, restoring peace and bringing about normalcy in the area,

1. Affirms that a just and lasting peace in the Middle East must be achieved within the framework of the Charter of the United Nations and more particularly of the following principles:

- (i) Occupation or acquisition of territory by military conquest is inadmissible under the Charter of the United Nations and consequently Israel's armed forces should withdraw from all the territories occupied as a result of the recent conflict;
- (ii) Likewise, every State has the right to live in peace and complete security free from threats or acts of war and consequently all States in the area should terminate the state or claim of belligerency and settle their international disputes by peaceful means;
- (iii) Likewise, every State of the area has the right to be secure within its borders and it is obligatory on all Member States of the area to respect the sovereignty, territorial integrity and political independence of one another;

2. Affirms further:

- (i) There should be a just settlement of the question of Palestine refugees;
- (ii) There should be guarantee of freedom of navigation in accordance with international law through international waterways in the area;

3. Requests the Secretary-General to dispatch a special representative to the area who would contact the States concerned in order to coordinate efforts to achieve the purposes of this resolution and submit a report to the Council within thirty days.

Appendix B

DRAFT RESOLUTION OF THE UNITED STATES  
UN Doc. S/8229, 7 November 1967

The Security Council,

Expressing its continuing concern with the grave situation in the Middle East,

Recalling its resolution 233 (1967) on the outbreak of fighting which called, as a first step, for an immediate cease-fire and for the cessation of all military activities in the area,

Recalling further General Assembly resolution 2256 (ES-V),

Emphasizing the urgency of reducing tensions and bringing about 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 fulfilment of the above Charter principles requires the achievement of a state of just and lasting peace in the Middle East embracing withdrawal of armed forces from occupied territories, termination of claims or states of belligerence, and mutual recognition and respect for the right of every State in the area to sovereign existence, territorial integrity, political independence, secure and recognized boundaries, and freedom from the threat or use 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;
- (d) For achieving a limitation of the wasteful and destructive arms race in the area;

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 with a view to assisting them in the working out of solutions in accordance with the purposes of this resolution and in creating a just and lasting peace in the area;
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.

## Appendix C

### RESOLUTION 242 (1967) Adopted by the Security Council at its 1382<sup>nd</sup> Meeting on 22 November 1967

The Security Council,

Expressing its continuing concern with the grave situation in the Middle East,

Emphasizing the inadmissibility of the acquisition of territory for 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 fulfilment 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.

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