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(as put together by D.H.)

13 Aug. 56

Kidron, M. R. (Perm. Mission of Israel to the U.N.)

- 1 letter from D.H.
- encl. (Extracts from report of the Chief of Staff)

13 August 1956

Dear Mr. Kidron,

I feel that it may be useful to put on paper some of the views I expressed to you in the course of our recent conversation. I am sure that you may wish to bring to the attention of your Government this appraisal of the situation and my reasons for concern about the unsatisfactory outcome so far, of the discussions of various practical problems.

You will have observed that in my report on the development along the Israel/Jordan Demarcation Line of 3 August 1956, I stated that I did not circulate those parts of the report of the Chief of Staff which concerned other aspects of the UN activities in the area, such as local arrangements and the development in the demilitarized zones. The reason was that those parts of the report referred to questions concerning which negotiations were not yet concluded. My intention in taking this stand was, as you certainly appreciate, to keep open the chances for a positive outcome of the discussion on various pending questions. For your information I enclose those parts of the report of the Chief of Staff concerning local arrangements and the development in the demilitarized zones which were not circulated. These extracts give a good survey of questions which still have to be solved.

At my recent talks in Jerusalem I left the settlement of the various pending questions, which fall within the orbit of the direct responsibilities of the Chief of Staff, to further discussions between him and the Israeli authorities, limiting myself to such observations of a general nature as I considered relevant to the case. However, this obviously does not mean that I disinterest myself in the outcome of those discussions. On the contrary,

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under my mandates from the Security Council of 4 April and 4 June 1956, I am under an obligation to use my best endeavours not only to reduce tension along the armistice demarcation lines, but to further the implementation of various arrangements which were enumerated by the Security Council and which, all of them, are brought into focus by those problems which the Chief of Staff has to settle with the Israeli authorities. Under these mandates I consider it my duty to report to the Security Council important developments, in a favourable or in an unfavourable direction, changing the situation as set out in my report of 6 May. A negative outcome of present discussions would definitely oblige me to go on record with the Security Council, as failures to reach the desired results would, each by itself and even more so taken together, represent a further serious departure from full compliance with the armistice agreements and from the organizational arrangements envisaged by the Security Council.

The questions of observer arrangements in the Tiberias area and for the El Auja Demilitarized Zone will again be taken up with the Israeli authorities by the Chief of Staff. He will likewise take up again the relevant developments concerning the MAC meetings at El Auja and the fortification works in the Demilitarized Zones to which the Armistice Agreements themselves lend special importance. As the matters have been pending for too long already, I feel that these renewed contacts must bring us to the final point, whether it be positive or negative. I do not consider that much more time should be needed for final decisions, and I do not find that we can grant ourselves much time if the situation is not to become one in which the confidence in the United Nations itself might be seriously undermined.

With reference to the statement 28 June of Mr. Ben Gurion to the Chief of Staff, I have, personally, to bring up again the question of the marking of the Demarcation Line around the Gaza Strip. I wish to stress the considerable importance I attach to a speedy and satisfactory solution along the lines proposed by General Burns. Irrespective of various regrettable incidents which have recently taken place in the Gaza area, I feel that a failure to mark the Demarcation Line and to find proper arrangements for meetings of

the Egyptian-Israeli Mixed Armistice Commission might seriously endanger the success of our efforts in that area. To delay arrangements considered essential for the strengthening of the cease fire by difficulties raised from the Israeli side, would be a policy which - seen in conjunction with various recent incidents, indicating a laxer observance of the cease fire arrangements among Israeli troops in the area - might put Israel in a light which, I am sure, would be misleading. I therefore earnestly hope that the Government will see its way to accepting the proposals of the Chief of Staff also as they concern the marking of the Demarcation Line.

[I spoke to you - and I speak here - with great frankness, because I feel in duty bound to give a clear picture of how I envisage the situation created by the long drawn out differences concerning various practical arrangements. It is my firm hope that in this last round of negotiations concerning the pending questions the Government of Israel will see its way to accepting of our proposals or requests. They are moderate and inspired only by a wish to assist in the maintenance of peaceful conditions. They are, I should add, the very minimum we have to demand to fulfil our obligations under the Armistice Agreements and the relevant Security Council decisions. I have what I believe to be a full understanding of the problems of Israel. But having that understanding, I still cannot see why you do not accept the requests or proposals for action regarding the matters referred to in this letter; the arguments of a formal or legal nature which have been given, frankly, do not seem to me to carry decisive weight, or even in all cases to be correct.

You will certainly appreciate that the final outcome will have a bearing on my efforts to be of assistance and on the chance of their leading to the desired improvement in the general situation. Trusting the wish of your Government to give me all support, I hope that, in the light of what I have said, it will help me by a speedy and favourable solution to the pending practical questions.]

Yours sincerely,

VII

Developments in the Demilitarized Zones created by the
Egypt-Israel and Israel-Syrian Armistice Agreements.

It is not necessary to record in this report recent developments along the armistice lines created by the General Armistice Agreements between Israel on the one hand, Egypt, Lebanon and Syria on the other. There have been sporadic incidents, some of a serious character, but they did not create any tension similar to the tension along the Israel-Jordan armistice lines. Certain developments relating to the El Auja area and to the Demilitarized Zone created by the Israel-Syrian Armistice Agreement should, on the other hand, be mentioned.

The Israel Army continues to occupy the El Auja Demilitarized Zone created by Article VIII (I) of the GAA. The Israeli settlement of the area which began with the establishment of Kibbutz Ktziot in September 1953, is also apparently being expanded. Israel has further decided considerably to limit the freedom of movement and access of UN observers in the Demilitarized Zone. (See Section VIII below.)

El Auja is not only the centre of the Demilitarized Zone, as defined in para 2 of Article VIII. It is also, under Article X, para 2, the headquarters of the MAC. In view of its military occupation of the Demilitarized Zone, Israel refuses access to El Auja to the Egyptian members of the MAC. According to Article X,

para 2, the MAC shall hold its meetings at such places and such times as it may deem necessary for the effective conduct of its work. The Egyptian Delegation has not accepted the Israel refusal to allow the MAC to hold meetings at its headquarters. They have demanded that the MAC should hold every other meeting at El Auja. The activities of the MAC - whether in ordinary or emergency meetings - have not been resumed. Complaints by either Party are being investigated when an investigation is requested. The fact that the complaints are no longer considered in the MAC greatly increases the responsibility of the UNISO Chief of Staff and his representative, the Chairman of the MAC, for observing the maintenance of the cease-fire by the two Parties.

In the Demilitarized Zone created by Article V of the Israel-Syrian Armistice Agreement, the question of permanent fortifications at the Israeli settlement of Hagovrim, in the central sector of the Zone, and at Susita, in the southern sector, has given rise to a controversy and the Chairman of the MAC has been prevented from exercising his supervisory powers in the Demilitarized Zone. Annex II to the GAA provided for the destruction or removal of permanent fortifications in the Demilitarized Zone after the signature of the Armistice. Annex III entitled the Chairman to order the destruction of such permanent fortifications which, in his view, ought not to remain in the Demilitarized Zone. The destruction of permanent fortifications, according to Annex II, was a part of the demilitarization of the Zone. Construction of

permanent fortifications under the Armistice regime is to be considered as a remilitarization of the Zone. The Chairman may however rule that certain works are permissible for the protection of civilian life. The Government of Israel has maintained that Israeli settlers may construct permanent fortifications in the Demilitarized Zone, as they do along the armistice lines. In my opinion certain fortifications which the UN observers have seen at Hagovrim and Susita go beyond what is required for the protection of civilian life. I have requested the destruction of the fortifications in question. The reply received from the Israel Foreign Ministry argues that the Chief of Staff should permit these works as necessary for the protection of civilians. Meanwhile, in spite of my request, Israel continues to extend the fortifications in this area.

The Israel Delegation has, on the other hand, complained about the fact that Syrian fortifications in the north encroached upon the Demilitarized Zone. The encroachment, which is very small, should be ended.

VIII

Special arrangements regarding United Nations Observers

The United Nations observation posts referred to on page 21 of S/3596 are functioning satisfactorily on each side of the Demarcation Line in the Gaza Strip. From 4 to 7 posts are manned daily.

On the northeastern shore of Lake Tiberias an observation post has been established on the Syrian side, near Buteiha Farm. The Secretary-General's report (S/3596, page 25), after referring to Israel's refusal to allow the establishment of an observation post on their side, stated that "Israel would nevertheless be prepared after the lapse of a month, to consider a proposal by the Chief of Staff". The Chief of Staff made such a proposal in a letter to the Israel Minister for Foreign Affairs dated 19 June. On 28 June, Mr. Ben-Gurion told the Chief of Staff that his proposal would be considered, but maintained his opposition to the use of a United Nations boat on Lake Tiberias. Although the matter has been raised informally with the Foreign Office representatives subsequently no reply to the proposal has yet been received.

Restriction of movement of United Nations Military Observers El Auja Demilitarized Zone

On 5 July 1956 the Chairman of the Egypt-Israel Mixed Armistice Commission was informed by the Senior Israeli Delegate that

movement of United Nations Military Observers in the El Auja Demilitarized Zone would be restricted to the use of the road from Beersheba, through the Demilitarized Zone to the Mixed Armistice Commission Headquarters; and that no movement on other roads would be allowed, that no patrolling would be permitted, nor would cameras be allowed in the Demilitarized Zone, and radio messages sent would be restricted to administrative reports.

I protested this decision to the Minister for Foreign Affairs, pointing out that "in its resolution of 4 June 1956, the Security Council has declared 'that full freedom of movement of United Nations Observers must be respected along the Armistice Demarcation Lines, in the Demilitarized Zones and in the Defensive Areas, as defined in the Armistice Agreement, to enable them to fulfil their functions'". I requested the Israeli Government to reconsider its decision as an action of this kind would constitute a further step in the process of noncompliance with the provisions of Article VIII relating to the Demilitarized Zone and the duties of United Nations Military Observers in that Zone.

On 17 July, I received a reply from the Ministry for Foreign Affairs stating the view that in their conversations with the Secretary-General (in the month of April) it was recognized that Article VII and VIII of the Armistice Agreement were not operative as long as Egypt did not implement Article I in all four of its sections, and that in default of such implementation, Israel did not regard itself as bound by Article VIII. Therefore, the presence

of United Nations Observers in the Nitzana (El Auja) area was, in the view of the Israeli Government, altogether superfluous.

The letter also referred to the refusal of the Egyptian authorities to allow United Nations Military Observers to investigate complaints of the infringement of Article VIII (3) in the area between the Line EL QUSEIMA - ABU AWEIGILA and the International Frontier, implying that the restrictions imposed by the two Parties were on a par. In fact, Article VIII (1) gives the Chairman and Observers of the Egyptian-Israel Mixed Armistice Commission a responsibility in regard to the Demilitarized Zone which they do not have in regard to the area on the other side of the International Frontier.

The view was further expressed that "Israel cannot be regarded as an 'extra-territorial' area where United Nations Observers are not subject to the laws of the state. Outside of the duties they are required to discharge under the Armistice Agreement, they should not claim any special rights".

The matter was discussed during the talks between the Prime Minister and Foreign Minister of Israel and the Secretary-General and Chief of Staff on 20 July, but up to the present no change in the Israeli attitude as expressed in their letter of 17 July has been registered and the movement and action of Observers in the Demilitarized Zone of El Auja is restricted by Israel as set forth above.

IX

Marking of the Demarcation Line
Along the Gaza Strip

On 19 June, the Chairman of the Egyptian-Israeli Mixed Armistice Commission was informed by the Senior Israeli Delegate that Israel did not agree to United Nations Military Observers marking the Demarcation Line surrounding the Gaza Strip by placing barrels in certain areas. The work had been arranged to commence on 20 June. I drew the attention of the Ministry for Foreign Affairs to the relevant passage in the Secretary-General's report regarding the marking of the Demarcation Line (P.24, para.c). However, the Israeli Government maintained that they had not agreed to this particular proposal.

In subsequent conversations they suggested that it would be better if the barrels were placed either by Egyptians just on their own side of the Demarcation Line or by Israelis on their side.

This suggestion was referred to Egypt who saw no reason for changing the arrangement to which they had agreed and which, it had been stated in the report to the Security Council, had been agreed to by both Parties. No objection to this statement had been raised by Israel at the time.

On 28 June, Mr. Ben-Gurion indicated that the matter could be further considered and might be arranged, but in spite of several informal enquiries no definite answer has been received.