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23-28 Aug. 56

Ben-Gurion, David (Prime Minister of Israel)

- 1 letter to D.H.
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PERSONAL

ראש הממשלה  
THE PRIME MINISTER

Jerusalem, 23 August 1956.

Dear Mr. Hammarskjöld,

I have just read your letter of August 18, and much appreciate your frankness in thus giving me your reaction to the latest incidents on the Jordan border. I know that your views on "retaliation" remain unchanged, and I will not try to argue this point with you further, after our long discussions of it together. Even if the UN Charter did not exist, I would still believe in self-defence - not only as a right, but as a duty. But when I read your unqualified condemnation of "retaliation", I cannot but ask myself what meaning - if any - is to be attached to Article 51 of the Charter, which says that

"nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security."

So far, I cannot see that the Security Council has taken any measures to provide for the security of our people here in Israel - neither in 1948, when the armies of six Arab States invaded us in defiance of the UN Resolution, nor in the years that have followed, when we have been continually victimised by attacks from organised military or para-military gangs operating from Jordan and Egypt, and have been constantly threatened and boycotted by our Arab neighbours in defiance of Article 2 (Section 4) of the Charter.

Nor have I yet seen any measures taken by the UN or the Security Council to check Egypt's continuing violation of Article 25

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Mr. Dag Hammarskjöld,  
Secretary-General,  
United Nations,  
New York, N.Y.,  
U.S.A.

of the Charter, or to give effect to the Council's decision that Egypt's blockade of the Suez Canal against Israel shipping should cease. It is true that when, quite recently, English interests became involved, Sir Anthony Eden invoked Egypt's violation of Israel's rights in the Suez to justify his failure to appeal to the Security Council or to the UN Assembly. But it was not till then that he saw fit to remember that the Council's decision in favour of Israel had already been ignored by Egypt for years, with impunity, and with the tacit acquiescence of his own Government. The same applies to the authorities of the USA and the USSR.

And just as the UN itself, and the Security Council, have consistently ignored the continuous violations by the Arab States of Section 4 of Article 2 of the Charter, so the UNTSO have ignored (deeply as it distresses me to have to say it) Jordan's repeated violations of Article 8 of her Armistice Agreement with us. Nor has greater respect been shown by any of the authorities concerned for Article 33 of the Charter (which enjoins on the parties to any dispute "first of all" to "seek a solution by negotiation"): Arab rulers continue with impunity to refuse all negotiations with us such as might lead to a peaceful settlement of our differences.

With all respect, I am not able to share your apparent confidence that Colonel Nasser, in piling up Soviet arms, does so out of eagerness to preserve peace with Israel. On the contrary, I am convinced - and I have good reason to know - that he is preparing a war of extermination against us. Colonel Nasser may lie to you; he does not lie to his own people, - or even, very much, to his press and radio - with regard to his military aims.

You understand so much - can you not also understand that,

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for us, this is a matter of life and death? Can you expect us to share the complacency of Mr. Shepilov and Mr. Dulles?

I fully agree with you that "steps towards peaceful conditions" would have been helpful - not least to Israel. But I am sorry to say that I can see little sign of them in recent developments. Colonel Nasser is busy mobilising his army and organising Fedayeen movements in all the Arab countries, including Lebanon.

2. Turning now to the questions raised in your letter of 13 August:

As to your first point, Egypt refuses to have any Observers in the areas defined in Section 3 of Article 7 and Section 3 of Article 8 of the Armistice Agreement. While you were in Jerusalem, I made it clear to you that, so long as Egypt maintains her illegal blockade against us, in contravention alike of the Armistice Agreement, the Security Council Resolution, and International Agreements, we do not regard ourselves as bound by the Armistice Agreement (except for Article 2(2)). We do not, therefore, see any need or use in placing Observers in the Nitzana area.

You asked me to maintain the status quo there for the time being - in order to give you a chance to try and raise the blockade through your efforts in Cairo. I agreed. Unfortunately, however, the blockade still continues, and I must infer that those efforts were without result.

In the light of all this, I hardly see why we should be expected to keep the Observers in the Nitzana area.

Nor can I see any point in maintaining UN Observers in the Tiberias area.

Frankly, I feel strongly that Section 1 of Article 2 of  
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the UN Charter (providing for the sovereign equality of all Members) should apply to Israel in the same way as to all other States-Members. Armistice Agreements are binding on both parties - or on neither; failing such bi-lateral observance, they confer no special rights on anyone to move a^round in our country irrespective of our convenience.

The other practical points you raise will be discussed here with General Burns.

3. Our general policy remains - as always - one of faithful observance of all the provisions of the Armistice Agreements, provided, of course, that the other side does likewise. Without reciprocity there can be no agreement; and the claims of the UN Representatives to special facilities in our country derive solely from the Armistice Agreements, and must depend on the strict observance of those agreements by both parties.

Let me end this letter with an unqualified assurance that (though I can feel no confidence at all in Colonel Nasser's peaceful intentions), if you should, none the less, succeed in reducing the prevailing tension, and bringing nearer the day when peaceful settlement becomes possible, you will have the fullest support of myself and my Government, and of the people of Israel.

With kind personal regards, I remain

Yours ever,

*D. Ben-Gurion*

C O P Y

28 August 1956

Dear Mr. Ben-Gurion,

I thank you for your long personal letter of 23 August 1956. I much appreciate the way in which, again, you take the trouble to clarify your attitude, but, in all frankness, I must say that the letter leaves me most disappointed.

1. As to its part 1., you cover ground which, as you say, we have already explored together. You know therefore that - irrespective of the legal considerations, concerning which my views remain firm - my decisive objection against the policy of so called retaliation is that, in my view, it works against its own declared purpose. We differ on this point, but I trust that you do not doubt the sincerity, impartiality and depth of my conviction, or the fact that it is with the gravest concern that I view a situation "kept stable" by means which are bound to widen the rift between Israel and its neighbours - perhaps beyond a point of no return. I note in your recent speech to Mapai what you say, that peace, although delayed, "will surely come for it is a historical necessity for both sides". Does not this view overlook the impact of such policies as would preserve and sharpen the forces which keep you apart?

Do not doubt that I fully understand that the whole problem for you is a "matter of life and death". It is on that very basis that I have felt entitled to usurp a right to speak to you in the way I do.

Your observations on the United Nations role in Israeli history I would not like to discuss in this context. In the same first part of your letter you ascribe to me an attitude towards Colonel Nasser which I do not recognise. However, there again we face a point on which I do not consider it useful to re-open a discussion.

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His Excellency  
Mr. David Ben-Gurion,  
Prime Minister and Minister of Defence  
of Israel,  
Jerusalem,  
Israel.

2. Part 2. of your letter discusses two concrete steps relating to the Observers' arrangements. What you say in this part (including the first paragraph of part 3.) is, in fact, although included in a letter marked "personal", a reply to two of the points which have been raised with you in my official letter of 13 August and, in agreement with me, by the Chief of Staff. That being so, I wish to ask you if the part of the letter to which I refer could be considered by me as an official reply and treated accordingly. Assuming that to be the case, I would like to make the following observations.

Discussing your wish that the Observers be withdrawn from the El Auja Demilitarized Zone - and I suppose, also the new restrictions on their use of roads, etc., which the Chief of Staff finds incompatible with the fulfilment of their duties - you say that "so long as Egypt maintains her illegal blockade against us, in contravention alike of the Armistice Agreement, the Security Council Resolution, and International Agreements, we do not regard ourselves as bound by the Armistice Agreement (except for Article 2(2)). We do not, therefore, see any need or use in placing Observers in the Nitzana area". This corresponds to what you said when I saw you in Jerusalem in July, but clearly goes beyond the line I understood you to take in April. If I have to regard what you say now as an official statement, it does mean that you go on record with the stand that the lack of compliance by Egypt with the Security Council ruling (according to which the blockade is incompatible with the Armistice regime) frees you from all obligations under the Armistice Agreement (except for Article 2(2)), including those which define your relations to the United Nations. Personally, I hold this stand to be impossible to justify.

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As a second reason for your refusal to accept Observers in the El Auja area, a parallel is drawn with the Egyptian refusal of investigations in the Zone described in Article 8(3). However, your refusal to allow Observers to exercise functions in the Demilitarized Zone, required in Article 8(1), is a direct interference with a responsibility of the UNTSO, established in the Agreement, and it is, therefore, of a different order than the Egyptian refusal. Your argument might be valid as a justification for restrictions of the freedom of movement of United Nations Observers in areas on your side, comparable to the one established in Article 8(3), but cannot justify your stand on the United Nations Observers in the Demilitarized Zone. The restrictions you now put on Observers' activities in El Auja represent a further serious departure from your compliance with the Armistice Agreement and run counter also to the express wishes of the Security Council.

You say in your letter that I asked you to maintain the status quo in El Auja "for the time being". You will remember that my argument was that further departures on the Israeli side from compliance with the Armistice stipulations concerning El Auja would render further efforts in Egypt practically hopeless: I did not refer specifically to the Suez question, but had just as much in mind Egyptian troop concentrations and military arrangements concerning which a direct link exists with your policy in El Auja. However, you now interpret the reference to the time factor as entitling you to consider yourself as free to act on the basis of your own assumption that the efforts to lift the blockade will be without result. You should not be surprised if, with such a setting, doors so far open henceforth will be locked.

The second practical point, which you discuss in part 2. of your letter, is the Observer arrangements in the Tiberias area. In April you promised to reconsider your negative stand on the placement of an Observer one month later if the Chief of Staff

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brought the matter up again with you indicating that he considered it essential to establish the Observer post. In June the Chief of Staff asked for the establishment of this post, which he considered necessary. Now, more than two months later, when we are approaching the season when the risks for clashes in this region are likely to become acute, you state that you do not accept this Observer post. I assume this refusal applies to all the proposals concerning the Tiberias area, to the extent that they depend on your consent. The reason given is a purely formal one, referring to the sovereignty of Israel and your view that the arrangements are not necessary. However, these questions have nothing to do with sovereignty. For example, has Syria given up any of its sovereignty by accepting Observer arrangements on its territory in order to help us to safeguard order in the region? I do not think so. Legally you are, of course, entitled to refuse our Observers to move around in your country irrespective of your "convenience", but if we ask you to take another line, because, in our view, that would be helpful, there is in that obviously no element of discrimination, the same request having been put to Syria - and having been accepted. I can only hope that events will show that UNTSO's concern about possible incidents in the Tiberias area was uncalled for.

The reference to the Armistice Agreement is in this case not relevant. Observer arrangements of the type discussed are, just as much, based on the 1949 decision of the Security Council which was taken under Article 40 of the Charter. A specific implementation of this decision cannot be made against the will of a Member Government, but the decision concerning the duties of the Truce Supervision Organisation is, itself, mandatory and, thus, a restriction of the sovereignty of all nations covered by the decision. I do not know that Syria has acted against it.

3. In the first paragraph of part 3. of your letter you say that the "claims of the United Nations representatives to special facilities" in your country derive solely from the Armistice

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Agreements. First of all, as just pointed out, that is not correct, but, secondly, I must ask you if United Nations arrangements in co-operation with a Member Nation, aimed at maintenance of order, can justly be described as constituting a claim to special facilities. We are back here at an interpretation of the role of the United Nations which I find it difficult to reconcile with membership in that Organisation.

Your last paragraph, seen in the light of the whole letter, would seem to mean that you expect us to get from the other party various concessions, while you refuse us cooperation even on points where we do not ask for anything more from you than what we find necessary in order to make our efforts in your own interest reasonably effective.

4. In the light of recent developments, especially those of 24 August, I have agreed with General Burns that he should add to the list of five points, mentioned in my letter of 13 August, a suggestion for firm patrolling arrangements, as events show that the undertaking given in April is no longer observed. You will remember that this point is not a new one, having been raised already in the Security Council and shelved only because we hoped to get along on the basis of a less formal arrangement.

After having received your reply to the various questions reserved for discussion with General Burns, and when I know if part 2. of your letter of 23 August (and the first paragraph of part 3.) is to be regarded as your official reply, I shall have to consider what action to take in order to live up to my obligations as Secretary-General of the United Nations.

Dag Hammarskjöld  
Secretary-General