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16 - 26 Aug. 57

- D.H.'s aide memoire
- 1 letter from B. V. Leary to S. Rifai, Foreign Minister of Jordan
- 1 code cable from B. V. Leary to D.H.

20 August 1957

AIDE MEMOIRE

The new Ambassador of Jordan saw me after the Security Council meeting in order to discuss the Jordan initiative concerning "Israel's aggression" in the Government House area.

He said that he was under firm instructions from his Government to approach the Security Council and request a discussion. However, personally, he felt uncertain about how he should proceed and wanted my reaction. I said to him that I felt strongly that a Security Council discussion might not prove very helpful: even in case of a voting victory it would be uncertain if they would gain in fact what I understood to be the purpose of the initiative. Under such circumstances I felt that other approaches to the problem should be more fully studied before such a far-reaching step was taken. The Ambassador would be free to report this advice to his Government.

In explanation of my stand I said that, first of all, the legal situation, in our view, was unclear, a fact which would in a serious way influence the situation in the Council. Further, however, without having in any way discussed the issue with the Israeli's, I anticipated with certainty that it would be impossible to limit the debate to the point Jordan wished to raise: although in a sense unrelated, the question of Mount Scopus was, for example, likely to arise. As a personal observation, which also, as such, could be reported to Mr. Rifai, I would say that I felt quite unhappy about the possibility of a Security Council meeting on the subject.

The Ambassador promised to report to Mr. Rifai and agreed that, pending the reaction from Amman, nothing further should be done here. I promised him that when he saw me again with his Government's reaction, we would run over the legal ground together so as to explain the difficulties which were facing us and Colonel Leary. I added that I regretted the implied attack on Colonel Leary: even without a detailed study of the issues involved I could, on the basis of my knowledge of the man, guarantee that he had done what he could do as a man of courage and straightness. If he had not got anywhere, it reflected the complications in the legal situation.

The Ambassador said that he felt quite worried about the situation. The position of his Government was such that, after long open siding with the West, they could not take the criticism for powerlessness in face of an Israel move of this kind. If the situation were not corrected, it would, therefore, be a great threat for the Government and might lead to resignation or some kind of military action. I replied that, of course, the last must be excluded, and said that I felt that if this was the way in which Mr. Rifai looked at the issue, it seemed that the Ambassador should talk directly to the Americans and the British.

I later informed Kidron and the French and British that I had had a talk, that the instructions to raise the issue in the Security Council had proved to be firm, ^{but} that the Ambassador had postponed action in order to report to Amman on our conversation in which I had advised strongly against action in the Security Council.

HEADQUARTERS
TRUCE SUPERVISION ORGANIZATION

Jerusalem, 16 August 1957

Dear Mr. Rifai,

I should like to refer to our recent meeting of 12 August 1957 in Amman.

The investigation into the state of affairs in the Neutral Zone around Government House (area between the lines) is proceeding. The Chairman of the Mixed Armistice Commission, who is in charge of the inquiry, has held further meetings and is now reviewing the positions taken by the respective Parties.

Immediately after my return from Amman on 12 August, I had the same day a meeting with the Israel Ministry for Foreign Affairs. As agreed, the substance of the points to which you were good enough to draw my attention was passed to the Ministry.

In the course of a meeting held this morning, the Israel Foreign Ministry took the following stand:

1. They have asked me to advise your Government on their behalf that there is no reason to be concerned about the work being presently carried out in the area between the lines. Their Ministry especially emphasizes that this work is of a purely civilian nature and will remain strictly limited to tree planting. There is no question of erecting buildings or transforming the area in any other way. In this connexion, they point out that the roads and paths which have been constructed are usual features of any afforestation project.

2. No fait accompli is being established in the area. The type of civilian work presently carried out is the same as that carried out previously and is part of the cultivation work undertaken for many years. They point out that this afforestation project is carried out in the Jewish part of the area as delineated by a civilian line agreed upon by both Parties in June 1949. In connexion

His Excellency
Mr. S. Rifai
Minister for Foreign Affairs
The Hashemite Kingdom of Jordan
AMMAN

with this civilian line, the Ministry has quoted, inter alia, certain statements made by Jordan Delegates both in the latter part of 1949 and in 1950 to the effect that the civilian line exists. These statements are now being verified in our records.

3. The Government of Israel is ready to discuss the matter with the Jordan Government. The Israel Government believes that this matter could be handled by the Special Committee referred to in Article VIII of the General Armistice Agreement. It was also pointed out by them that the Area Commanders might review together the present situation in the area between the lines. Should the Jordan Government not be prepared to agree to a meeting of the Special Committee under Article VIII nor to an Area Commanders' meeting, Israel would be willing to meet in any other type of meeting. She is, however, still opposed to an emergency meeting. She also questions, in this connexion, whether an emergency meeting would be competent to deal with a civilian matter in an area between the lines. (As far as UNRWA is concerned, I have advised you of the reasons for not granting an emergency meeting.)

In the course of today's meeting, Israel's representatives made it quite clear that the present work does not affect the Demarcation Line. They are, of course, very well aware that the Demarcation Line cannot be changed without agreement by both Parties. Furthermore, they indicated also clearly that the question of sovereignty in this area does not arise.

It is, however, Israel's view that the Parties have certain rights and claims in the area between the lines with respect to civilian activities.

Israel does not feel justified in suspending the present work which she claims is a permissible civilian activity on the Jewish side of the so-called civilian line.

As stated above, the investigation in the Neutral Zone is still proceeding and I hope it will be completed within a few days. It is my opinion that my mediation efforts should continue with a view to narrowing the Parties' conflicting stands. I intend to write to this end to both your Government and the Israel Government in the near future.

I trust that in my efforts to find a solution to this problem I will enjoy the full co-operation of your Government.

Sincerely yours,

E.V. Leary
Colonel, USMC
Acting Chief of Staff

INCOMING CODE CABLE

TO: SECRETARY-GENERAL
FROM: LEARY, JERUSALEM
DATE: 26 AUGUST 1957 1218 DST
NUMBER: UNTSO 1087

Further A TSO 1079. Tekoah advised me that; A. In sector of area between the lines North of road from St. Claires Gate, work has ended for present for all practical purposes at this stage. Minor hand work will be done but this will also end in matter of few days. He does not consider this a suspension of work. Work will continue later when time comes to plant trees; i.e. rainy season. B. In sector South of road work will continue in vicinity Agricultural school. Israel does not consider work should be stopped in Southern sector. Trees will be planted up to the so-called civilian line at time of rainy season. C. In my personal view the above is a negative reply to my yesterdays representation to stop work. It appears the tree planting follows prearranged schedule. In effect todays reply is same as received following previous representations and particularly demarche of 12 August (See TSO 1049).