

# Small files: Israel - Doron case, Boy incident, Jerusalem parade, Flint inc...

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Israel

1957-60

Tekoah, Yosef (Deputy Perm. Represent.  
of Israel to the U.N.)

- 8 letters to D.H. and Secco
- 7 letters from D.H.
- Note on meeting between Colonel Leary - Y. Tekoah
- Excerpt from verb. record of meeting D.H. - Y. Tekoah.

*Israel*

HEADQUARTERS  
TRUCE SUPERVISION ORGANIZATION

Jerusalem, 6 April 1957

CONFIDENTIAL

NOTE ON ACTING CHIEF OF STAFF'S MEETING WITH  
MR. Y. TEKOAH, DIRECTOR OF ARMISTICE AFFAIRS  
ON 5 APRIL 1957

1. Colonel Leary met Mr. Tekoah on 5 April 1957 at the Foreign Office. The meeting had been arranged at Mr. Tekoah's request. Present at the meeting were, on the Israeli side, also Lt. Colonel Nursella, Deputy Director of Armistice Affairs, and Mr. Ben Dov of the Foreign Ministry. Colonel Leary was accompanied by Mr. Gorge.

2. Cable No.457 was sent to the Secretary-General concerning the substance of the conversation. (Annex I).

3. Mr. Tekoah stated at the outset of the meeting that he was compelled to lodge a strong protest. Referring specifically to his meeting with Colonel Leary on 28 March 1957 (see Annex II), he said that he had received no answer yet to various points he had raised, in particular with respect to the reported entry of Saudi Arabian forces into Aqaba, information on UNTSO radio transmitters and Syrian searchlights across the international border. He also complained that UNTSO was apparently taking no action in connection with the implementation of Article VIII of the Jordan-Israel General Armistice Agreement (he made specific reference to a letter from the Prime Minister to General Burns dated 12 July 1956, Annex III); furthermore, no action had been taken by UNTSO with regard to an Israeli soldier reportedly in gaol in Jordan. He admitted that the question of this soldier had not been raised before with Colonel Leary and that the matter was presently handled by the Acting Chairman, HJK-I-MAC.

4. It was most surprising, Mr. Tekoah pursued, that a minor matter - the building of a bridge in the central sector of the Demilitarized Zone - should have been brought to the attention of the Israeli Delegation in New York by the Secretary-General at

a time when much more important issues such as the ones he mentioned before (see paragraph 3 above), and the problems of the Tiran Straits, Gaza and the Suez Canal, remain to be solved.

5. Mr. Tekoah went on to say that should this apparent non-cooperation of UNTSO with Israel continue the matter would be aired in the press. In such a case, he said, cooperation between Israel and UNTSO would become almost impossible.

6. Colonel Leary rejected Mr. Tekoah's contentions:-

(a) With respect to the alleged presence of Saudi Arabian forces in Aqaba, Colonel Leary remarked that he wanted impartial information on this matter. He further remarked that the presence per se of these troops cannot be considered a violation of the General Armistice Agreement. He added that Jordan would be responsible for the acts of these Saudi Arabian forces. Should the Israeli Government believe that the provisions of the General Armistice Agreement prohibiting the presence of large forces near the border (Article VII, paragraph I and Annex II of the General Armistice Agreement) were violated, then Israel should lodge a written complaint. Mr. Tekoah replied thereto that he might not be willing to put the matter in writing and he implied that UNTSO should take action under Article III (3) of the General Armistice Agreement on the basis of the official announcements from the Jordan Government regarding the entry of Saudi Arabian troops into Aqaba.

(b) Mr. Tekoah was further advised that UNTSO would reply, in due course, to the Israel Government's query on UNTSO transmitters. He was told that it had been necessary for UNTSO to obtain Headquarters views on the matter as questions pertaining to the United Nations network lie within Headquarters competence.

7. In connection with Mr. Tekoah's reference to Article VIII of the Jordan-Israel General Armistice Agreement, it should be noted that Mr. Ben Gurion's letter of 12 July 1956 was in reply to a letter from General E.I.M. Burns dated 5 July 1956 and that the question had been discussed by the Secretary-General and Mr. Ben Gurion at their meeting of 20 July 1956. (Annexes III and IV).



- 3 -

The case of the missing soldier mentioned by Mr. Tekoah is being dealt with by a Sub-Committee of the HJK-I-MAC.

8. In the course of the conversation, Mr. Tekoah's attention was drawn to the fact that a number of letters addressed to the Israel Government with respect to the Demilitarized Zone established under Article V of the Israeli-Syrian General Armistice Agreement had remained unanswered by his Ministry. Mr. Tekoah retorted that he was well aware that certain UNTSO letters had not been acknowledged. He stated that it was his Government's prerogative not to reply to UNTSO letters. He emphasized however that an international organization had an obligation to reply to letters from a Member Government.

9. The recrudescence of firing in the Dardara area was briefly mentioned and Mr. Tekoah remarked that the firing from the Syrian positions might be connected with the building of the new bridge. He stated that Syria had also tried to interfere in 1951 when the Hule drainage project got started.

10. Towards the end of the meeting Mr. Tekoah informed Colonel Leary that United Nations representatives would be free to visit the site of the bridge. It was then agreed that Colonel Leary would visit the site of the bridge on 7 April 1957, and that Colonel Mursella would accompany him.

11. In the course of the meeting Mr. Tekoah stated that this meeting was of an official nature and that he was speaking "officially". (In this connection, it should be noted that Mr. Ben Dov apparently endeavoured to take a verbatim record of the conversation).

Dr. Remy Gorge

31 July 1957

Dear Colonel Leary,

It was with deep concern that I read your letter of 29 July 1957 regarding our complaint to the Israel Syrian Mixed Armistice Commission on Syria's violations of Article I of the General Armistice Agreement. The UNTSO's refusal to undertake an investigation of the complaint and its view that complaint under Article I cannot be handled within the framework of the Armistice deal, <sup>(is, constitutes?)</sup> a serious blow to the effectiveness of the Armistice machinery. This stand cannot but prejudice the efforts to bring about full compliance with the Armistice Agreement.

There is no provision either in the Armistice Agreement or in the rules of procedure of the ISMAC that would entitle the UNTSO to refuse an investigation of a legitimate complaint or claim submitted by one of the parties. Neither the Agreement nor the rules of procedure preclude the parties from lodging complaints or claims under Article I. In fact, both Israel and Syria have submitted complaints which referred to Article I. The MAC even adopted a number of resolutions determining violations of Article I of the Agreement. However, irrespective of the stand adopted by the MAC regarding its competence to determine breaches of Article I, it is clear that UNTSO has no authority to deny a party its right to have complaints on Article I investigated.

The complaint submitted by Israel on 22 July 1957 referred to a number of specific facts violating the Armistice, and in particular to threats against Israel made by the Prime Minister of Syria. The facts mentioned in the complaint could have been investigated and established without such difficulty. In this connexion it is to be recalled that on several occasions the UNTSO has intervened with the Israel authorities not only in respect of declarations made by Israel representatives, but even in regard to unofficial press reports. The rejection of Israel's request to take similar action in respect of Syria, on the basis of a formal complaint, could hardly be explained by difficulties in executing the investigation. Syria might have been confronted with the question whether or not to obstruct such an investigation. The UNTSO, however,

should not have barred Israel from obtaining, at least, Syria's reaction to the complaint.

Your suggestion that Israel might consider withdrawing the complaint following the UNTSO's refusal to investigate it, seems scarcely in conformity with the UNTSO's responsibility to assist the parties in ensuring the full implementation of the Armistice Agreement. Your alternative proposal to agree to a meeting of the MAC which would ascertain the Commission's competence on complaints of this nature does not, in view of your declared position that the MAC is incompetent to deal with violations of Article I, respond to the serious implications of the problem.

We cannot accept the view that there is no possibility of taking action on these basis of such complaints further to their investigation within the framework of the Armistice Agreement. The Armistice Agreement does not take cognizance of any division of its provisions into "general" and other clauses. When the parties desired to provide a special method for dealing with the implementation of a particular clause different from the normal procedure of the MAC action, they found a way to express such intention in the Agreement itself. This was the case in respect of Article V. However, there is no basis in the Agreement for the view that any of its clauses were inserted solely as "general" slogans, the practical application of which the Armistice machinery is incompetent to insure. The very contrary seems to be the case. Article I is the most fundamental obligation of the Armistice. It is an irrevocable provision which cannot be modified even by the mutual consent of the parties, while other provisions, except for Article III, may be reviewed, revised or suspended. It is surprising to find in 1956 or in 1957 suggestions that on signing the Armistice Agreement in 1949 the parties wished to divest an article considered crucial enough to remain invariable under all circumstances, of its effective application. In any event, only the parties themselves can be regarded as entitled to testify to their intentions, and Israel is one of the parties.

It is true that Article I is excluded from the MAC's competence to interpret the meaning of provisions of the Agreement. However, this obviously applies to the interpretation of the meaning of the Article and not to the recording of its violations. Indeed, the specific reference to Article I appearing in Article VII (8) of the Agreement constitutes conclusive evidence that complaints under Article I were expected to be brought before the MAC, as indeed they were. Only if the MAC were to deal with such complaints was it necessary to provide that while the Commission was competent to interpret the meaning of all clauses on which complaints are lodged with it, it was not competent to do so with regard to Articles I and II. Issues of interpretation of the Armistice provisions obviously arise not in a vacuum but within the Commission. It is to be noted that in the case of Article V which established a special procedure for ensuring its implementation outside the MAC, it was not deemed necessary to refer to it in Article VII(8). As the implementation of Article V was not to be normally discussed in the MAC, it was clear that the Commission would not be faced with issues of interpreting its meaning.

The implications of the position adopted by the UNTSO with respect to Israel's complaint on Article I are particularly grave in the light of action taken by the UNTSO in the past on the basis of Syrian complaints under Article II. Article VII(8) refers equally to Article I and Article II. If there can be no action within the Armistice framework on Article I there must be no action ~~xxxxxxxx~~ on Article II. Yet in most of her attempts to interfere with Israel's economic development in the Demilitarized Zone, Syria has employed Article II as a weapon against Israel. Israel considers the principle of military advantage as applicable only to the period of the Truce. Whatever the UNTSO's view on this question, the fact remains that the TSO has taken action on the basis of Syrian complaints invoking the military advantage principle. Only a few days ago you informed me that Syria has complained that the lowering of the water level in the Jordan river constitute a military advantage to Israel. You indicated that the UNTSO had investigated the works carried on at the river and that in order to evaluate fully the developments, and if

possible to allay Syria's fears it would be necessary to establish a UNMO's post at the Hule bridge.

It appears to us that we are faced with an attempt to justify unwillingness to take action on Syria's violation of Article I rather than with an objective inability to take such action. Once again, the standards applied toward Israel appear to be different from those applied to Syria. Israel is barred from United Nations Assistance in matters on which the United Nations in the past found ways and means to assist Syria. I must protest against the stand taken by the UNTSO on our complaint of 22 July 1957 and inform you that Israel cannot acquiesce in the situation thus created. X

Yours sincerely,

(signed)

Tekoaq,  
Director of Armistice Affairs.

מדינת ישראל  
ISRAEL

נציגות ישראל  
באומות המאוחדות  
DELEGATION OF ISRAEL  
TO THE UNITED NATIONS

11 EAST 70TH STREET  
NEW YORK 21, NEW YORK  
TRAFALGAR 9-7600

DN/85243

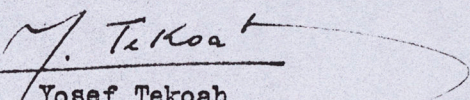
11 February 1959

Dear Mr. Secretary-General,

Thank you for your letter of 9 February 1959,  
enclosing a copy of an instruction sent by you to the Chief-  
of-Staff of UNTSO regarding the situation on the Israel-Syrian  
Border.

I have transmitted the instruction to my  
Government.

Yours sincerely,

  
Yosef Tekoah  
Deputy Permanent Representative  
of Israel to the United Nations

Mr. Dag Hammarskjold  
Secretary-General  
United Nations  
New York City

מדינת ישראל

ISRAEL

נציגות ישראל  
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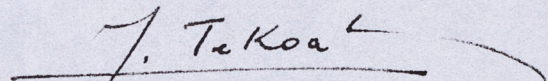
13 February  
1959

Dear Mr. Secretary-General,

Thank you for your letter of 13 February 1959.

Your letter to Mr. Ben-Gurion was transmitted  
today to Jerusalem.

Yours sincerely,



Yosef Tekoah  
Deputy Permanent Representative  
of Israel to the United Nations

Mr. Dag Hammarskjold  
Secretary-General  
United Nations  
New York City

INTERNATIONAL  
OFFICE

SECRET

SECRET  
CONFIDENTIAL

18 February  
1959

Dear Mr. Secretary-General,

I have the honour to transmit to you the following message from the Prime Minister dated 18 February 1959:

"Only this morning I received the original of your letter of 13 February together with the memorandum of General Burns on the incident of 14 February according to the UNEF investigation.

"In the light of the memorandum, I immediately gave instructions this morning to the Chief of Staff of the Israel Defence Forces to question the members of the patrol again and to establish the truth of the matter as far as it can be established. I have already informed you that the officer who was responsible for the patrol along the Sinai border has been placed on trial.

"I am deeply sorry to have to add that, because of a regrettable error of encounter in the hours of darkness last night our men injured one of the personnel of the UNEF on the border of the Gaza Strip. I very much hope that he will recover and that this unfortunate mishap will not mar the friendly relations between UNEF and our people".

The original of the message will reach us with the next diplomatic pouch.

Sincerely yours,

Yosef Tekoah  
Deputy Permanent Representative  
of Israel to the United Nations

The Secretary-General  
United Nations  
New York



מדינת ישראל  
ISRAEL

מדינת ישראל  
STATE OF ISRAEL  
TO THE UNITED NATIONS

מדינת ישראל  
STATE OF ISRAEL  
TO THE UNITED NATIONS

25 February 1959

Dear Mr. Secretary-General,

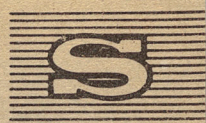
Enclosed please find the original of the Prime-Minister's letter of 18 February 1959 the text of which I transmitted to you on 18 February.

I understand that the question of instructions to Israel forces on the border, to which you refer in your letter of 19 February 1959 was discussed in the conversation held by Mr. Ben-Gurion with General von Horn on 19 February 1959.

Sincerely yours,

Yosef Tekoah  
Deputy Permanent Representative  
of Israel to the United Nations

The Secretary-General  
United Nations  
New York



UNITED NATIONS  
SECURITY  
COUNCIL



Distr.  
GENERAL

S/4211  
31 August 1959

ORIGINAL: ENGLISH

LETTER DATED 31 AUGUST FROM THE ACTING PERMANENT  
REPRESENTATIVE OF ISRAEL ADDRESSED TO THE  
PRESIDENT OF THE SECURITY COUNCIL

I have the honour, on instructions from my Government, once again to bring to the attention of the Security Council the unlawful practices pursued by the United Arab Republic in violation of the United Nations Charter, Security Council decisions and general principles of international law, by obstructing freedom of passage through the Suez Canal.

Since 21 May 1959 the Danish vessel Inge Toft, on her way from Haifa to ports of call in the Far East, has been detained in Port Said by Egyptian authorities. Her cargo, consisting of 4,000 tons of cement destined for Hong Kong, 1,500 tons of potash on its way to Manila, and 13 tons of marble and 13 tons of scrap iron to Kobe, remains subject to an order of seizure issued by the United Arab Republic authorities.

Repeated efforts by the Secretary-General of the United Nations and various Powers interested in freedom of navigation to effect the release of the ship and its cargo and to bring about a cessation of interferences with free navigation in the Canal have been frustrated by United Arab Republic intransigence.

On 17 March 1959, my Government drew the Security Council's attention to other such hostile acts by the United Arab Republic authorities, and the detention of the Inge Toft appears to have been carried out as part of a systematic policy applied since early this year.

On 26 February 1959, a Liberian vessel the S.S. Capetan Manolis, sailing from Haifa to ports in Southeast Asia was detained at Port Said. Her cargo of 1,400 tons of potash and 5 tons of fruit juices destined for Ceylon, and 1,120 tons of cement for Malaya was illegally confiscated.

On 17 March 1959, the United Arab Republic authorities at Port Said confiscated 6,300 tons of Israel cement on board the S.S. Lealott, flying the flag

of the German Federal Republic. The cargo was en route to Malaya, Hong Kong and the Philippines.

The Secretary-General of the United Nations as well as Member States intervened with the Government of the United Arab Republic in each of the above instances. The United Arab Republic, however, has persisted in her unlawful policy, of which there have been further examples in the last few days.

On 20 August a case containing meteorological books and instruments sent on board the Norwegian vessel Tagos by a scientific institute in Australia to the Israel Meteorological Services, was confiscated by the Egyptian authorities at Port Said.

Again on 23 August United Arab Republic authorities at Port Said confiscated eight bags of mail on their way from Australia to Israel aboard the S.S. Tarn, flying the Norwegian flag.

These continued acts of piracy clearly demonstrate the United Arab Republic's unwillingness to comply with her international obligations.

Interference with peaceful commercial traffic through the Suez Canal is a flagrant violation by the United Arab Republic of the Suez Canal Convention of 1888 which provided that the Canal would always be "free and open, in time of war as in time of peace, to every vessel of commerce or of war, without distinction of flag. The canal shall never be subject to the exercise of the right of blockade."

Such interferences are also contrary to the Security Council resolution of 13 October 1956 which declared:

"(1) There should be free and open transit through the Canal without discrimination, overt or covert - this covers both political and technical aspects."

"(iii) The operation of the Canal should be insulated from the politics of any country."

The Security Council has rejected Egyptian arguments seeking to justify interferences with Israel shipping through the Canal. In its resolution of 1 September 1951, the Council called on Egypt "to terminate the restrictions on the passage of international commercial shipping and goods through the Suez Canal wherever bound".

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Moreover, on 24 April 1957, the Egyptian Government submitted a declaration to the Secretary-General of the United Nations in which Egypt pledged herself to maintain free and uninterrupted navigation for all nations in accordance with the Constantinople Convention.

The United Arab Republic's continued policy of arbitrary interference with freedom of navigation in the Canal reflects complete disregard for the principles of law and order in international relations and places her in open challenge to the world community. Persistence in this policy creates a constant threat to peace in the area.

I have the honour to request that this letter be circulated to all Members of the United Nations.

Please accept, etc.

(Signed)

Yosef Tekoah  
Acting Permanent Representative  
of Israel to the United Nations

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UNITED NATIONS  
SECURITY  
COUNCIL



Distr.  
GENERAL

S/4231  
22 October 1959

ORIGINAL: ENGLISH

LETTER DATED 21 OCTOBER 1959 FROM THE ACTING PERMANENT REPRESENTATIVE  
OF ISRAEL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to refer to the letter dated 7 October 1959 from the Permanent Representative of the United Arab Republic to the United Nations (S/4226).

A document described as "the decision taken by the Egyptian-Israel Mixed Armistice Commission on 6 October 1959" was attached to the above letter. The letter fails to mention that the "Egyptian-Israel Mixed Armistice Commission" is not in effective operation. Israel has not participated in the work of the Commission ever since 1956. This came about as a result of Egypt's persistent exercise, contrary to the Armistice Agreement and to the United Nations Charter, of alleged rights of war against Israel, including the obstruction of Israel's lawful commerce and shipping in the Suez Canal.

In these circumstances the Egyptian representatives on a one-sided "Mixed Armistice Commission" constitute a majority of its members and consequently can automatically carry in that body any "resolution" which they submit to it, notwithstanding the neutral United Nations Chairman of the Commission who acts independently in each case.

Turning to the allegations set out in the letter of the Permanent Representative of the United Arab Republic, these allegations give a distorted version of the facts, which are as follows:

On 7 September 1959 Yair Peled, an officer in the Israel Defence Forces, while proceeding alone through the Makhtesh Ramon area of Israel, was attacked and killed by Bedouin of the Azazme tribe who had illegally infiltrated into Israel territory from the Sinai peninsula. These Bedouin are nomads of a sub-tribe which normally moves within the confines of Sinai, and are not Israel citizens.

In 1948 they took part in the invasion of Israel by the Egyptian Army, and retreated with it after that army's defeat. In subsequent years these Bedouin infiltrated from time to time into Israel territory for purposes of robbery, sabotage and espionage.

Following the murder of Yair Peled a search was carried out for the murderers. Not only did the Bedouin not co-operate in this search; they attacked the Israel patrols engaged in it and then moved back across the international frontier into Egyptian territory.

Large numbers of Bedouin have lived and continue to live peacefully in Israel as full citizens of the State.

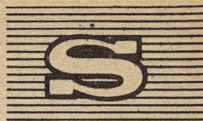
Should it be established that the Bedouin who crossed the border into Sinai following the search for the murderers of Yair Peled include any individuals of Israel nationality, the Israel authorities are willing to permit their return.

I have the honour to request that this letter be circulated to all members of the Security Council.

Please accept, Sir, etc.

(Signed) Yosef Tekoah  
Acting Permanent Representative  
of Israel to the United Nations

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UNITED NATIONS  
SECURITY  
COUNCIL



Distr.  
GENERAL

S/4271  
25 February 1960

ORIGINAL: ENGLISH

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LETTER DATED 25 FEBRUARY 1960 FROM THE ACTING  
PERMANENT REPRESENTATIVE OF ISRAEL ADDRESSED  
TO THE PRESIDENT OF THE SECURITY COUNCIL

On instruction from my Government, I have the honour, further to my letter of 3 February 1960 (S/4264), to refer again to the policy of aggression pursued by the United Arab Republic against Israel.

Certain communications submitted to the Security Council might tend to blur the fundamental issues of this dangerous situation. Past experience in Israel-Arab relations has demonstrated the perils inherent in the disregard for the basic attitudes of the Parties. Diversion of attention, instead, to technical details of secondary importance, frequently leaves the real maladies unattended. The Government of Israel deems it, therefore, necessary to draw the attention of the Security Council to the following facts.

1. Syrian armed forces invaded Israel on 15 May 1948, within twenty-four hours of her establishment, in an attempt to thwart Israel's independence which had been endorsed by the General Assembly of the United Nations.
2. On 20 July 1949 Israel and Syria signed a General Armistice Agreement which provided in its First Article for the establishment of peace and declared that "no aggressive action by the armed forces - land, sea or air - of either Party shall be undertaken, planned, or threatened against the people or the armed forces of the other."

Despite these clear obligations Syria has persistently refused to conclude a peace settlement and has continued to pursue a policy of active hostility towards Israel. By means of this policy Syria has dangerously undermined the Armistice structure and deprived the Armistice Agreement of much of its meaning and effectiveness.

3. The invading Syrian armies that crossed the international frontier in 1948 occupied and ravaged certain areas inside Israel. They were still in occupation of these areas when Israel repelled the invading forces of other Arab states, signed Armistice Agreements with them, and was ready to dislodge also the Syrian aggressor. At the urging of United Nations representatives Israel agreed not to occupy these areas militarily if the Syrian armies withdrew by themselves from Israel soil. There were to be no other restrictions on Israel in her territories thus regained. In order to ensure that Syria would have no grounds to claim any rights in these areas on the strength of their previous occupation by Syrian forces, it was agreed that other Israel areas which had not come under Syrian occupation be added to them so as to constitute together a Demilitarized Zone on the Israel side of the international boundary. Similarly, a small Demilitarized Zone was established on the Syrian side of the border.

4. Nevertheless, ever since the signing of the General Armistice Agreement, Syria strove to interfere in the Demilitarized Zone on the Israel side of the frontier, and to prevent the economic development of the area by Israel.

Thus, in 1951, Syria launched an armed assault against the drainage of the Huleh marshes. The Security Council rejected Syrian claims and drainage work was resumed. It was completed in 1957.

In 1953, Syria started a campaign against the utilization by Israel of the Jordan waters for the generation of hydroelectric power. The Security Council voted on a resolution which would have given approval to the undertaking. The resolution was supported by seven members with two abstentions. It was not adopted, however, because of the negative vote of a Permanent Member of the Council.

In 1955, persistent Syrian attacks on Israeli fishermen on Lake Kinneret (Tiberias), situated entirely inside Israel territory, reached a climax, compelling Israel to take action in self-defence.

In 1957, Syrian forces carried out repeated attacks on Israel farmers and workers pursuing their peaceful activities near the border.

In December 1958 and January 1959, Syrian artillery positions in the hills bombarded Israeli villages in the Huleh Valley. In summarizing the debate on an Israel complaint about these acts of aggression the President of the Security Council declared: "We fully recognize the gravity of the action about which Israel has complained."

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5. Throughout this period Israel sought to put an end to Syria's continuous acts of hostility.

On 11 July 1957 Israel requested the United Nations Truce Supervision Organization to establish United Nations observation posts along the Israel-Syrian border. It was hoped that they might deter the Syrian authorities from pursuing their acts of aggression. These posts still exist, but Syrian attacks across the border and penetrations into Israel territory continue. Syrian military positions still encroach on Israel territory, for instance at Darbashiya, at Tel-Azaziat, and at the mouth of the Jordan on the northern shore of Lake Kinneret. The continuation of Syrian violations of the Armistice Agreement in these areas as well as in the areas of Nuqeib and El-Hamma creates a constant threat to peace.

On 12 August 1957 the Secretary-General of the United Nations transmitted to the Government of Syria Israel's inquiry whether Syria "considers itself bound by all the provisions of Article I of the General Armistice Agreement and if it is prepared, in compliance with that Article, to confirm that it regards the Armistice as an indispensable step towards the restoration of peace between Israel and Syria, and to renounce all acts of belligerency, including the planning of armed action and the utterance of threats against the security and integrity of Israel". The Syrian Government did not reply.

During his last visit to Jerusalem in January 1959 the Secretary-General proposed the marking of the boundary between Israel and Syria. Israel agreed. Syrian objections have so far prevented the marking from being carried out.

6. The recrudescence of Syrian attacks along the border in recent weeks was described in detail in my letter of 3 February 1960 to the President of the Security Council (S/4264).

More Syrian acts of aggression have taken place since then; the most serious of them on 12 February when two Israelis were killed and one wounded in the Huleh region.

In the Tawfiq area Syrian military positions are still maintained inside the Demilitarized Zone despite United Nations Truce Supervision requests to remove them. There are no Israeli army forces in the Zone.

/...

In order to deal constructively with this tense situation, Israel proposed on 7 February 1960, that a meeting be convened between representatives of the Israel village of Beth Katzir and the Arab village of Tawfiq to settle the differences between them concerning land cultivation. In making the proposal Israel reiterated that "we recognize the rights of certain Arabs to cultivate their land in the (demilitarized) Zone and will enable them to do so, provided that, in respect of such cultivation as in every other respect within the Zone, there is no entry or intervention on the part of the Syrian authorities."

Israel, moreover, suggested to the United Nations Truce Supervision Organization on 4 February 1960 to call a meeting between Israel and Syrian representatives "within the procedures of the Mixed Armistice Commission or otherwise, to discuss peace, complete peace, or if not that, to discuss means to preserve quiet and tranquility along the International Boundary, as long as nothing pertaining to the Demilitarized Zone west of that Boundary is raised."

The above two proposals still stand.

It would appear that in this situation "decisions" such as those quoted in the letter (S/4268 of 19 February 1960) from the Acting Permanent Representative of the United Arab Republic to the President of the Security Council are of dubious value. They were adopted at a meeting of the Israel-Syrian Mixed Armistice Commission at which the Commission was lacking its essential quality - the participation of the two Parties to the Armistice Agreement. Furthermore, in the absence of one of the Parties, only complaints submitted by the other Party were discussed. In this connexion it is to be observed that the Report dated 4 February 1960 of an investigation carried out by a United Nations Military Observer on the basis of the Syrian complaint discussed at the above meeting, stated, inter alia:

"The main part of the village was circled by a continuous trench about 1 - 1 1/2 metres deep, of irregular course, but generally forming the perimeter of the village. The trench was formed by building up a wall with stones to form a parapet and parados. The bottom of the trench had a straight wall and appeared to have been made or repaired not more than two weeks earlier. At intervals of 15 metres, firing slots, suitable for riflemen, had been made in the stone parapet of the trench. At the eastern side the trench ran out of the village for

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a distance of 150 metres until it entered the cover of the wadi at MR 2097 2342. The village was entirely surrounded by barbed wire entanglement placed about 40 metres from the trench. A second wire entanglement, in the form of a half circle beginning and ending at the first wire enclosed the second part of the village ... There were no signs that the buildings had been used for human occupancy for several months ... None of the buildings had windows or doors."

The following military equipment was found in the above Syrian army positions at Tawfiq, within the Demilitarized Zone, in the course of the Israel action on 1 February 1960 aimed at dislodging this illegal military post:

One Czech anti-tank recoilless gun 82 mm.

20 rounds for the above gun

One Soviet anti-tank gun 82 mm.

10 rounds of shells for the above gun

2 Soviet medium machine guns 7.62 mm.

5000 bullets for the above machine guns

6 Soviet automatic carbines 7.62 mm.

100 bullets for the above carbines

One field telephone

Military personal equipment

The Chief of Staff of the United Nations Truce Supervision Organization was informed of the above.

7. Syria, as a province of the United Arab Republic, has identified herself with Egypt's continued acts of warfare against Israel on land and on sea. The Security Council is aware of the fact that the United Arab Republic has been intensifying her policy of hostility against Israel and that her campaign of open incitement to war has reached dangerous dimensions.

The latest in a series of aggressive declarations were made by President Nasser in the course of a tour in Syria, where he repeatedly proclaimed his country's policy of war, blockade and boycott against Israel, threatening her with destruction in a "sacred march".

These warlike threats are accompanied by extensive military preparations, in both provinces of the United Arab Republic, directed against Israel.

/...

In these circumstances, if tranquility is to be ensured in the area, the United Arab Republic must abandon her policy of hostility. It must cease its campaign of incitement to war and desist from acts of aggression. Only renunciation of this policy, which is contrary to all international obligations, could make it possible effectively to bolster United Nations authority and to secure compliance with the provisions of the United Nations Charter. It is therefore essential to direct all efforts towards terminating this illegal and dangerous policy.

The Government of Israel wishes to reiterate that as an immediate step toward the elimination of tension, Israel is ready to meet with Syrian representatives to discuss measures for ensuring peace on the border, and with the villagers of Tawfiq in order to settle differences regarding land cultivation.

I have the honour to request that this letter be circulated among all Members of the United Nations.

Please accept, etc.

(Signed) Yosef Tekoah  
Acting Permanent Representative  
of Israel to the United Nations

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11 February 1959

Dear Mr. Tekoah,

In pursuance of our telephone conversation of this  
..... afternoon, I return enclosed the letter dated 9 February  
1959 addressed to the President of the Security Council by  
Ambassador Eban concerning the Kerem Avshalom incident of  
4 February, which, as you suggested, is to be regarded as  
never sent.

Sincerely yours,

Ralph J. Bunche  
Under Secretary

Mr. Yosef Tekoah  
Deputy Permanent Representative of Israel  
to the United Nations  
11 East 70th Street  
New York 21, N.Y.

13 February 1959

Dear Mr. Tekoah,

.....

Enclosed please find a reply to Mr. Ben-Gurion to his

.....

letter of 10 February. I also enclose a copy for the  
Delegation.

Yours sincerely,

Mr. Yosef Tekoah  
Deputy Permanent Representative of Israel  
to the United Nations  
11 East 70th Street  
New York 21, N.Y.

19 February 1959

In my memorandum of yesterday I wrote that I took for granted that Israel instructions, as explained by Israel representatives, were "that Israel military and para-military personnel are not permitted to shoot across the line unless shot at". I added that I intended to approach the UAR authorities again regarding the matter with a view to an assurance about reciprocal arrangements.

In preparation of such an approach I would invite you to inform me more fully about the Israel instructions and their implementation. It is to be foreseen that from the Egyptian side attention will be drawn to various cases, some of them quite recent, in which action has been taken by Israel military or para-military personnel which available information would indicate as being in clear contradiction of such instructions.

I note in this context that further investigations are undertaken regarding the 4 February incident with a possibility of penalties being applied, at least, for action contrary to instructions. I note, further, that, regarding the incident of 17 February (in which a UNRWA man was injured by firing from an Israel group), an explanation and expressions of regret have been transmitted, but I also have to note that, whatever the weather conditions, the action of the Israel soldiers seems to have been contrary to the instructions. Finally, in a couple of cases, our military observers have found that Israel groups have been deep into Sinai, shooting or taking up shooting positions.

You will appreciate that such cases as those mentioned, unless a full explanation can be given of the instructions and their implementation, will considerably weaken our chances of getting satisfactory results as assurances from the UAR side, of course, cannot be expected to go beyond the limit of reciprocity.

You are, naturally, aware of the fundamental weakness of the kind of instruction under consideration, that is that we are likely to see a repetition of situations where somebody shooting would claim that he did so in self-defense, according to the instruction, without any possibility for us to prove the rights and the wrongs of the case, unless the situation is as clear as it was in the incident of 17 February.

Mr. Yosef Tekoah  
Deputy Permanent Representative  
of Israel to the United Nations  
11 East 70th Street  
New York City, N.Y.

## MEMORANDUM

With reference to Mr. Ben-Gurion's letter of 16 February for which I send him my warm thanks, I have for the moment only two observations which I would be grateful if you would transmit to the Prime Minister.

The study of the situation on the Syrian border is for me no alternative to any such immediate practical measures which might improve the situation, among them obviously, in the first place, appropriate instructions firmly implemented. I wish to assure the Prime Minister that I will be happy and willing to clarify and, if necessary, to straighten out the situation as regards instructions independently of the study which I believe will give us a basis for further practical steps. Taking for granted Israel instructions, as explained by your representatives, to be that Israel military and para-military personnel are not permitted to shoot across the line unless shot at, I will approach the UAR authorities again regarding the matter with a view to an assurance about reciprocal arrangements.

However, just as I do not regard the study as an alternative to any such immediate steps as those mentioned, I do not regard such steps as an alternative to an investigation, and my instruction to General von Horn thus remains unchanged.

As regards our objective, I can assure the Prime Minister that there is no difference of views. For me too the main thing on the Syrian border is, of course, that people "should be able to work in peace and security", and naturally this has a general application.

I note the clarification of the Prime Minister's stand on Article VIII and will pursue the matter with the Jordan side. I shall have an occasion to do so when Mr. Rifa'i comes here about a month from now together with the King.

I repeat my sincere thanks for the Prime Minister's message of 18 February in which I note with gratification the new initiative as regards the incident of 4 February and the Prime Minister's statement about the recent incident at which a Danish UNEF soldier was injured by a shot from an Israel patrol.

Please tell the Prime Minister once again how much I appreciate the opportunity to discuss these various matters with him in the way and in the spirit in which our recent exchanges have taken place.

18 February 1959

10 March 1960

Dear Mr. Tekoah,

On cabled instructions from Mrs. Meir you transmitted, Monday 7 March, an oral reply to my letter to her of March 4th. From this I understood the Foreign Minister to wish me to take up - or pursue - negotiations with the authorities of the UAR, as proposed in my letter; this to be done, however, without making available to those authorities the two letters from Messrs. Antonatos and Co. of which you have given me photostatic copies. You will have realised, of course, that my willingness to negotiate further was conditional upon my right to use the letters as indicated.

I told you that in taking this stand the Israel Government created for me a serious dilemma, and that I would like to give some further thought to the question whether, and if so how, I could handle the matter on the basis indicated by it.

I have now done so and my conclusion is that I cannot act on this basis. It is a simple question of integrity. What you propose is that I express my conviction that the passage of the Astypalea is in conformity with the "effective stand", basing this conclusion finally on one fact singled out from the letters, while being silent about other facts, emerging from them, which may be considered as unfavorable to the Israel contention, and therefore being unable to show the letters. This I will not do.

If I am not permitted to show the letters, I should not re-open the case with the UAR authorities at all on the basis of the "effective stand". They will have noted from the press news, with obvious origin on the Israel side, to the effect that you have handed over also other papers than the shipping documents. In the light of this it would be most natural for them to ask me what those other documents show, if I were to argue on that basis.

Thus, I must reiterate my suggestion that you permit me to show the papers, short of which I can pursue the matter only in terms of the general principle of freedom of passage.

Dag Hammarskjöld

H.E. Mr. Yosef Tekoah,  
Acting Permanent Representative  
to the United Nations,  
Permanent Mission of Israel to  
the United Nations,  
11 East 70th Street,  
New York, N.Y.

15 March 1960

Dear Mr. Tekoah,

In the course of my long conversation with Mr. Ben-Gurion yesterday, we exchanged some thoughts about the Jordan water question. The Prime Minister re-affirmed that what Israel intended to take out of the Jordan water system was clearly within the limits of the figures of the Johnston plan. I pointed out to him the seriousness of the matter and my need to be so informed as to be able to do whatever I can to further a peaceful development.

This brings me back to a previous discussion of ours, and I would ask you now to provide me with a factual clarification of the following points as a basis for whatever efforts I may find it possible to make.

1) What total figure for Israel's use of water from the Jordan water system does Israel consider as having been finally proposed by Mr. Johnston?

2) What, if any, conditions, according to your understanding, were attached to the acceptance by Mr. Johnston of this quantity?

3) What does Israel consider to be the validity of the Johnston proposals, especially in view of the counter proposals made by both Israel and the Arab States?

4) How much water, under present plans, would Israel intend to take out of the Jordan water system (and be capable of taking out)? I would appreciate a breakdown for the following special projects:

- a) The cross-country pipeline for transferring water from Lake Tiberias to the Negev;
- b) The upper Galilee plan;
- c) The western Galilee plan;
- d) The Bethshean project;
- e) The Yarkon project (present phase and later).

I would appreciate your cooperation in providing us with these data which we might extract ourselves from various available documents, but which it is helpful to have directly from you, so as to avoid any misunderstandings.

Dag Hammarskjöld

H.E. Mr. Yosef Tekoah,  
Acting Permanent Representative to  
the United Nations,  
Permanent Mission of Israel to the  
United Nations,  
11 East 70th Street,  
New York, N.Y.

23 June 1959

Dear Mr. Tekoah,

As you know, I shall within the next few days leave New York for, among other things, a visit to Cairo to which I have taken the initiative independently of any specific developments in the field. You also know that on that occasion I have the intention to follow up extensive exchanges which have taken place between me and the Government of the U.S.S.R. since early March regarding the implementation of the legal system applied to the Suez Canal.

In the course of our many discussions about the Israel viewpoints on the question of passage through the Canal, you have indicated the intentions of the Government of Israel as regards an Egyptian fishing vessel seized in May by Israel. You will remember that on the basis of your statements regarding Israel's policy I said in a message to Cairo, 30 May 1959, that I had "every reason to believe that after a short detention the vessel (would) be released". I added that I had "myself appealed to the Israel Government for such a speedy release and I (thought) that my appeal (would) be heeded provided it (was) not counteracted by other developments".

More than three weeks have passed and all I have heard about the matter so far from you is that it is impossible for the Israel Government "for psychological reasons" to act as indicated; you have not made any attempt to present a legal justification for the detention.

I am sure that you will appreciate that the continued detention and, even more so, an indication of intention by Israel which later on has not been followed through put my efforts to straighten things out in jeopardy, thus adding to the difficulties created in other ways by recent activities regarding my intended visit to Cairo. In these circumstances I must, in Israel's own interest, make a last appeal that previously indicated intentions regarding the fishing vessel be carried through and a legally defensible situation in this respect be re-established.

The situation being what it is, it may well prove that my talks will not lead to any progress. In a public debate that might then come about, all aspects of the matter will certainly be aired. To the extent that I may be forced to go on record with my views, I would, obviously, myself have to cover fully and with complete objectivity the various elements of a legal and political nature which are of relevance.

Mr. Yosef Tekoah,  
Acting Permanent Representative  
to the United Nations,  
Permanent Mission of Israel to  
the United Nations,  
11 East 70th Street,  
New York, N.Y.

Dag Hammarskjöld

Excerpt from verbatim record of a meeting of the Secretary-General with Mr. Tekoah (Israel), held on Wednesday, 3 February 1960, at United Nations Headquarters, New York.

.....

"In this context, I should perhaps point out what again and again has been distorted in the public debate. I was very happy to note that Mrs. Meir was quite correct on that point. There has never been any agreement in the technical sense of the word between President Nasser and myself — neither an open nor a secret one — but simply an indication from him of conditions under which goods of Israeli origin might pass the Canal. This indication — on which I have acted in good faith — has always been one way. You know it has never been approved or in any sense endorsed by me. It has been transmitted through me to the Israeli authorities for obvious practical reasons and as an act of natural courtesy, but never as a proposal calling for their approval. That means that I have not served as a mediator or as a kind of go-between negotiator of any kind for an agreed line of action. I couldn't do it. I couldn't do it short of a formal invitation by the two parties, which would give me this peculiar position which is not included naturally in the role of the Secretary-General under the Charter".

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Excerpt from verbatim record of a meeting of the Secretary-General with Mr. Tekoah (Israel), held on Wednesday, 3 February 1960, at United Nations Headquarters, New York.

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