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8 memoranda (by D.H.)

11 November 1956

A I D E M E M O I R E

Mr. Loutfi saw me at 2.45 p.m. on 10 November. He had received new questions from Cairo which he wanted me to clarify orally.

1. Once foreign troops had withdrawn from the Canal area and Port Said, would the United Nations Force have functions in the area independently of an agreement with the Egyptian Government, or is it recognized that such an agreement is necessary for their remaining in the area. My reply was yes, this interpretation of the situation corresponded to my view.

2. Is it recognized that it is indispensable to have the consent of the country concerned, in this case Egypt, for the participation of groups of specific nationalities in the Force? I replied that I did not consider it possible, constitutionally, to accept any such condition. If I were to accept the view implied in the Egyptian question, it would mean that I had permitted Egypt to infringe upon my authority under the General Assembly resolution. "The country concerned" would, if this principle was established, be able to stop the movement of the United Nations Force by unreasonable refusals to participation by such governments as could lend their assistance. However, this firm stand in principle on my side was not the full reply. I considered it obvious and necessary that the United Nations give the most serious consideration to viewpoints and wishes expressed by the country concerned on this point. Those views must be given their full weight in decisions on the composition. However, I repeated that, while that was my view on the policy, I could not acknowledge consent as to the composition as "indispensable".

3. The question about Canada was raised again, this time in a more pointed form. Egypt said that once they accepted a Commander of the United Nations Force who was a Canadian, they did not feel that it would be a slight to Canada to refuse Canadian participation in the Force. I brought out the previous reasons against the Egyptian stand, adding that the

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absence of the Canadians would, in my mind, seriously put in question the validity of my previous judgment that the Force, as it was being set up, would be capable of its tasks. All I could do was to get in touch with Mr. Pearson, but I wanted it to be fully understood that my previous stand on the issue remained fully valid.

I later called Mr. Pearson and, as a result of the talk, I told Mr. Loutfi that the Canadian Government took the matter very seriously and would have to reconsider its permission to General Burns to participate, if the Egyptians refused to receive Canadian forces. Mr. Pearson might, however, consider a switch from ground forces to supply units. He wished to talk that over with me on his return to New York, 11 November.

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11 November 1956

AIDE MEMOIRE

Ambassador Loutfi saw me today at 2.30 p.m. He had not been able to receive cables from Cairo, but had had a talk over the telephone with Dr. Fawzi who then had dictated the substance of the dispatches which were on their way. My suggested press communique (Annex 1) was approved by the Government of Egypt for immediate publication on the following understanding:

1. Egypt maintains its position that the consent of the country concerned to the participation of groups from specific countries in the International Force is indispensable. Egypt "reserves its opinion" on the constitutional stand taken by the Secretary-General to the effect that he cannot accept a formal condition of this character.
2. (a) The Egyptian Government notes that there is agreement that the consent of the country concerned is necessary for "entry and presence" in Egypt or in specific parts of Egypt of the United Nations Force. It must likewise be agreed that "when this consent is no more valid" the United Nations Force should withdraw (to this I added that I did not find that a "withdrawal of consent" could be made before the tasks which had justified the entry, had been completed; if, as might happen, different views on the degree of completion of the tasks prescribed proved to exist, the matter should be negotiated).
- (b) It should be agreed that the United Nations Force had "no function" in Fort Said and the Canal area after the withdrawal of the British and French forces.

In a special Aide Memoire, treating the composition of the Force (Annex 2), it was stated that "Egypt would eventually agree". It was Ambassador Loutfi's understanding that the word "eventually" here meant in case of execution of the plan.

Ambassador Loutfi felt that I should go to Cairo as early as possible. Fawzi had welcomed the idea. Loutfi felt sure that I could straighten out the question of composition. However, he would consider an immediate message to Nasser advisable.

27 December 1956

MEMORANDUM

Because of a question put to me by the British Delegation I raised today the following point with Dr. Fawzi.

According to reports from Wheeler Younis said, 24 December, that the Anglo / French ships brought down south of Port Said would be seized by Egypt if they were not changed to United Nations ownership. The fear had, therefore, been expressed that Egypt might intend to seize the Anglo/French ships now in Port Said under U.N. flag. I said to Dr. Fawzi that my understanding of the situation was as follows:

When the Anglo/French forces withdrew without the situation concerning the salvage fleet being clarified, I decided to take the ships over under U.N. responsibility and U.N. flag, until a clarification and settlement was reached. It was my understanding that this situation was recognised by the Egyptian Government. Any measures against the fleet, of the type mentioned by Younis regarding ships south of Port Said would, therefore, in my view, be measures taken against U.N. who had the ships as its own and under its protection, and I would, on behalf of the U.N., have to fight such measures.

Dr. Fawzi said, first, that he "did not quarrel with" my interpretation of the situation and, later, made his stand more precise by agreeing that I could say that he personally shared my understanding. He had no reason to believe that any other view was held in Cairo, but would, as a safety measure, inform Cairo about the situation. I understood this to mean that he would tell Cairo about my interpretation and his reply.

I said to Dr. Fawzi that it had never appeared to me, even as a remote possibility, that any measures would be taken against the Anglo/French ships in Port Said under U.N. flag. In fact, Younis' statement could be read as an indication to the contrary. At all events, I would consider such an action illegal and as directed against the U.N. It would, furthermore, if he permitted me to say so, of course be political folly. Dr. Fawzi seemed on the whole surprised that the matter had been raised and said he considered it necessary that all rumours to this effect were effectively killed. He added that he felt, however, that if, at a perhaps much later stage, the Egyptian Government felt that the ships should leave, they should not, so to say, be forced upon the Egyptians.

AIDE MEMOIRE

Dr. Fawzi made the following points:

1) Egypt did not object against payments being made with reservations;
2) Egypt would not care about who paid for whom (I understand this to mean that they would not object against arrangements among the users as long as full payments were received).

3) Egypt had no objection against this or that specific payment arrangement as long as the payments were clearly addressed to the Canal Authority.

4) Egypt would not envisage an arrangement where the disposal of certain sums collected would in some way be withheld from Egypt "pending settlement".

Egypt would be willing to consider a proposal based on these points put forward by whoever it might be - "perhaps the Secretary-General".

Later in the day I had a talk with Ambassador Lodge and Ambassador Wadsworth and other members of the US Delegation. Ambassador Lodge said that the US had a stand on the issue. They would hope that I would take into account the proposal they had already put forward to me. However, they felt that I should frame the proposal as I considered best, without caring about the users, who, anyway, never would come to any acceptable agreement. He feared that the British Delegation might have tried to give the impression that they and the US Authorities were agreed, which was in no way the case. "You just go ahead".

16 February 1957

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MEMORANDUM

Ambassador Loutfi saw me in the afternoon of 13 May.
He transmitted a message to me to the following effect:

Dr. Fawzi wished to inform me that the points I had raised in my recent letter were under consideration. He would revert to the matter soon. However, he thought that I would fully realize that there was an important question of timing involved.

In thanking for the message I asked the Ambassador to transmit to Dr. Fawzi that just as - knowing him - I noted his promise to reply "soon", I for my part had to stress that I had used the word "urgency" as a serious indication of the dangers of delay.

13 May 1957

21 May 1957

MEMORANDUM

The 11th of March 1957 the news of the appointment of an Administrative Governor in Gaza reached me when, before lunch, I was saying good-bye to Dr. Fawzi. In the conversation during this farewell visit I had already raised with Fawzi the question of Helmy's visit to Gaza, pointing out that, while neither Burns nor I had refused him to come as liaison officer with Burns, I considered it premature and unwise for him to go. With that background the news of the appointment of Latif came as something like a shock. I was very emphatic with Fawzi and said that I foresaw that, if the cards were being played this way, we would very soon have a meeting of the General Assembly. Fawzi obviously fully appreciated the serious impact of the move. He said that he felt that it was best that he went home in spite of all, but that, of course, he could be called back to New York even en route. It was obvious that this whole question of Egyptian moves in relation to Gaza would be raised by Fawzi on his arrival in Cairo, Wednesday the 13th, with a vivid impression of how matters stood in the United Nations.

In the afternoon of Monday the 11th the Advisory Committee was convened. The development of the discussion in the Committee is clear from the verbatim records.

The same evening an extensive instruction was sent to Burns and Bunche. This was in part a reply to a cable of the same morning where Bunche expressed fears that the situation could not be held under control until my scheduled arrival on the 21st. Another part of the background was that Bunche was going to Cairo for talks during Tuesday and Wednesday, in the first instance with Gohar. Under the new instructions sent by us, he should see also President Nasser (we were informed the 12th that an interview with the President had been requested for Wednesday).

The relevant parts of the cable of instructions to Bunche, which should serve as background for his talks with the President, read as follows:

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"We consider that no steps should be taken which prejudice a settlement of problems mentioned in the Secretary-General's statement in the General Assembly, 22 February, prior to such a settlement. We further consider that, if such steps are decided upon, they should not be implemented until after a settlement. In the present case we do not deny that a liaison group may be useful or that there should be an Egyptian "administrative" governor in Gaza, but we consider it politically inadvisable and in relation to us a serious complication if such administrative arrangements were to be put into effect before understanding reached on the whole set of problems regarding future cooperation."

"I feel you should strive for these points with great insistence but basing yourself on the line that they, together with a delay in implementation of all administrative measures until after an agreement with me, are essential if Egypt is not to blow its cooperation with the United Nations to pieces."

Tuesday morning, the 12th, we received a cable from Bunche on a conversation with Gohar. In that conversation Gohar was reported to have said that it was the Government's intention to send Latif and "9 or 10 administrative personnel" to the Gaza Strip, Wednesday.

The following parts of the cable should be quoted:

"Enquiring very seriously if UNEF would 'resist' their entry, I (Bunche) assured him that UNEF has no such role".

"To his direct question whether UN would 'object' to Egyptian administrators in Gaza, I (Bunche) replied that we were not in position to do so".

Knowing how many times Gohar had been "more royalistic than the King" and had had his declarations disavowed on higher levels, knowing further that the next day Fawzi would come to Cairo, and counting on a discussion between Bunche and the President on the basis of our instructions of Monday, I felt that I should regard this statement of Gohar's as something which would be taken care of in due course on the right level.

In a meeting of the Advisory Committee the same afternoon I, therefore, did not refer to this part of Bunche's report on his talk with Gohar, which, however, caused me to stress the need to get reactions on top level and the difficulty in forming judgements on statements made down the line. The principle all through had been not to bring the Committee in on early and unreliable reactions in the course of talks but to inform them fully of what we knew to be a definite basis for action.

After the Advisory Committee meeting a new cable was received from Bunche, reporting on a second talk with Gohar. In this talk Gohar had confirmed the news concerning the entry of Governor Latif. However, his group now was said to be reduced to 5 administrative officers. They would "most probably" come on Thursday.

A cable received in the morning of the 13th reported that Bunche was going to see the President at noon (that is to say 5 a.m. N.Y. time). Bunche said that he would base his talk on our instructions of the 11th. Considering this and also the arrival of Fawzi in Cairo, I did not consider that the later information from Gohar changed the picture. The decisive factor would still be Bunche's talk and what came out of his presentation to the President of our request for a delay with all measures of implementation until after my arrival. We should have a report on that talk, theoretically, in the early afternoon.

However, I informed Ambassador Lodge and Ambassador Engen as well as representatives of the French and British delegations of what Gohar had said, in the case of Lodge with the implication that I hoped for U.S. support in my delaying action, in the case of the others in order to give them an opportunity to react and, perhaps, report home.

For the reasons already given I considered, on the other hand, that I should wait with a new meeting of the Advisory Committee itself until I had received the expected report from Bunche. An added reason for this was that the question of principle had already been thoroughly discussed by the Committee on previous occasions, and that the Committee then had taken the stand that we had no legal basis on which to refuse an Egyptian "return", at least not in the form indicated, but should work for a delay and for such restrictions as would be called for in order to maintain an appropriate position for UNEF and to approximate as much as possible the Israeli line. If convened before the receipt of Bunche's report on his talk with the President, it was, therefore, obvious that the Committee would only approve of the instructions given and postpone further reactions until after the receipt of the report. While keeping the possibility

of convening the Committee in the afternoon of the 13th open we, under all these circumstances, kept the initiative back pending the arrival of the expected report.

Due to a series of circumstances - the length of the report and the way of communication chosen were the most important - the Bunche report was not received until in the morning of the 14th (N.Y. time), a couple of hours before the expected arrival of the Governor in Gaza. The time table thus worked out in such a way that no consideration of the situation after Bunche's talk with the President and in time to intervene before the arrival of the Governor was possible. The Advisory Committee was convened in the afternoon of the 14th, and on that occasion was briefed on the latest developments. Its reaction confirmed my interpretation of its stand on Wednesday.

MEMORANDUM

Ambassador Loutfi came to see me at my request. In the light of recent information concerning the Israel demarche to Leary about the Syrian border troubles and the great publicity given to that demarche, I drew Loutfi's attention to the development. I asked him urgently to report to Fawzi that the situation worried me. It was easily recognizable and I could not exclude the possibility that one of the sides suddenly would go too far. The repercussions in such a case would be quite unpredictable. What, for example, would be the impact of an Israeli retaliation raid on the Palestinian situation in Jordan or in Gaza? I felt that it was strongly in the interest also of Egypt to avoid a flare-up. I would not ask Fawzi or the Egyptian Government to intervene, as I was not in a position to judge about their possibilities, but I wished to draw his attention to the situation for whatever action they might consider helpful and appropriate.

26 June 1957

Memorandum

General Burns cables, 10 February 1959, that following facts established by UNEF and EIMAC investigations are relevant to Israel's communique.

When the UNEF sergeant and corporal found the Israel patrol, the Israel members of the patrol merely alleged first that they were in Israel and expressed surprise at meeting the UNEF patrol. When shown the frontier, the Israel patrol withdrew with UNEF patrol willingly towards Israel. The Israel patrol did not mention that they had encountered Bedouins on the Israel side of the International Frontier; that they had fired on any infiltrators on either side of the frontier; that they had pursued any Bedouins across the Line, or had discovered any mine pins or mines on the Israel side.

Prior to intercepting the Israel patrol, the UNEF patrol had heard only bursts of fire from FN rifle with which three of Israelis were armed, and which has a distinctive sound quite different from that of Karl Gustav MGS with which Egyptian police were armed. As UNMO investigation subsequently revealed, the first bursts of fire by the Israel patrol were directed against an unoccupied Bedouin camp (tents were found pierced with bullet holes) and fire was also directed at fleeing Bedouin family, two members of which were subsequently found dead and the third wounded. The father managed to escape. There were four tents in a 500 metre square area.

When the UNEF and Israel patrols were moving together towards the International Frontier and had reached a point within 500 metres of the Line, a second burst of fire was heard. This fire was not directed against the Israel or UNEF patrol. When the UNEF sergeant and corporal investigated the origin of the fire, after having driven westward in their jeep for approximately 2 kilometres, they found an Egyptian policeman shooting a submachine gun into the air. No other bursts of fire were heard in the area that morning by the patrol or other UNEF forces. Other firing in that area could have been heard by UNEF forces without difficulty.

The UNMOS investigation disclosed footprints of four persons only crossing the International Frontier at GR 08060687. The tracks led in a south westerly direction to GR 07970680, then south to GR 07970663 and finally east to the International Frontier at GR 08130663. These tracks were caused by persons wearing boots. No other footprints were visible in that area except at the site of the Bedouin encampments.

After examining the bodies, the Observers determined that the fire was opened from a very short range. They noticed powder burns on the left arm of the woman.

The UNEF sergeant and corporal were alone in the jeep and no Bedouin accompanied them at any time. Nor was there a Bedouin in the armoured car.

When the UNEF patrol met the Israel patrol, one Israel member was in process of killing a goat.

The Israel patrol personnel were armed with three FN rifles and one submachine gun. Each also carried a bayonet.

The woman who pointed out to the UNEF patrol the location of the bodies had come from a nearby Bedouin encampment after the shooting. She was not interrogated by EIMAC since she, and most other Bedouins, had left the area soon after the incident.

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When the UNEF and Israel patrols were moving together towards the International Frontier and had reached a point within 500 metres of the line, a second burst of fire was heard. This fire was not directed against the Israel or UNEF patrol. When the UNEF sergeant and corporal investigated the origin of the fire, after having driven westward in their jeep for approximately 2 kilometres, they found an Egyptian policeman shooting a submachine gun into the air. No other bursts of fire were heard in the area that morning by the patrol or other UNEF forces. Other firing in that area could have been heard by UNEF forces without difficulty.

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