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12 - 13 April 56

D.H.s negotiations in Cairo

- D.H.s aide-memoire (intended to serve as basis for report on compliance with Armistice Agreements) with annexes



At Cairo, 12 April 1956

AIDE - MEMOIRE

First page on the table.

1. Compliance with Article II, para 2 of the General Armistice Agreement to be achieved through standing orders as promised.

The implementation of the specific assurances guaranteed by fixed U.N. Observation Posts on both sides of the Demarcation Line and occasional U.N. patrols.

2. Implementation of the stipulations of Article VII, followed in the second stage by implementation of Article VIII. The operation followed by U.N. Observers, and the continued compliance with the two Articles guaranteed by free inspection within the area concerned by U.N. Observers.

3. Recognition of the duties of UNTSO under the Chief of Staff, in accordance with the intentions of the Security Council, in the basic decision of 1949. *as laid down*

Guaranteed rights for the Chief of Staff to dispose of Observers in accordance with paragraphs 1 and 2, and with such additional freedom of movement within the relevant areas as may be considered necessary for the fulfilment of the task of the UNTSO as understood by the Security Council.

(It obviously follows that the Chief of Staff, in consultation with the Secretary-General, alone decides on the number of Observers he considers necessary for his specified task.)



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4. The standing cooperation between the Secretary-General, the Chief of Staff, in his personal capacity, and the Director-General of UNRWA, in his personal capacity, is formalized within the framework of a Secretariat Committee. The Committee follows the development of the compliance with the Armistice Agreements, and the Secretary-General reports on their findings, as appropriate, to the Security Council. The Committee further follows developments which may be considered as being in contravention of Article I, para 3 of the Armistice Agreement. The Governments concerned accepting to report complaints under this wider heading to the Secretary-General, and the Secretary-General to make such informal representations as he may consider called for.

NOTE: "Bolstering" arrangements, within the framework set up in above, are agreed between the Chief of Staff and the Governments concerned. It is mutually accepted that the Chief of Staff may arrange for the marking by the U.N. of the Demarcation Line wherever he considers such marking necessary for successful implementation of Article II, 2.

At Cairo, 13 April 1956

Second paper.

AIDE-MEMOIRE

Intended to Serve as Basis for Report on Compliance
with the Armistice Agreements under the Security
Council Resolution of 4 April 1956

GENERAL

1. Re-affirmation of intention fully to comply with the terms of the Armistice Agreement, on condition of equal full compliance with the Armistice Agreement by the other Party. Apart from the demand for reciprocity, this statement of intent should be unreserved and unconditional. This applies both to the general clauses, to the substantive clauses and to the procedural clauses.
2. Willingness should further be expressed to cooperate fully with the Chief of Staff in agreements on such specific technical arrangements in the field, as may be found necessary in order to protect the compliance with the Armistice Agreement. This commitment should be given within the general framework set out below.
3. Finally, quite apart from the functions of the personnel of the U.N. Truce Supervision Organization under the relevant Articles of the General Armistice Agreement, the Parties should be on record as recognizing the basis for the functioning of UNTSO which was established by the Security Council in its resolution of 11 August 1949. In this resolution

the Council reaffirmed "the order contained in its resolution of 15 July 1948 to the Governments and authorities concerned, pursuant to Article 40 of the Charter of the United Nations, to observe an unconditional cease-fire" and requested the Secretary-General to arrange for the continued service of such personnel of the TSO "as may be required in observing and maintaining the cease-fire". The Governments, thus, should recognize the function of the personnel of the Truce Supervision Organization under the Chief of Staff to maintain the cease-fire, or, in other words, to maintain compliance with the main clause of the General Armistice Agreement. The decision of the Security Council, which is still valid, does not flow from the Armistice Agreement, but from the Charter of the United Nations and is binding on all Parties on that basis, irrespective of the interpretation given to the functions of Observers under the Armistice Agreement.

SPECIAL SUBSTANTIVE ARRANGEMENTS

I. Arrangements for compliance with Article II, para. 2.

In confirmation of the general assurance to comply with the General Armistice Agreement, a specific assurance to be given to comply with Article II, para. 2, this specific assurance to be implemented by orders, of which the Chief of Staff is formally notified.

In support of the implementation of the specific assurances and the orders given on the basis of the assurances, the Governments accept a strengthening of Observers' activities under circumstances specified in Annex I.

To strengthen the implementation of Article II, para. 2, the Chief

of Staff and the Governments concerned may, as stated above, under "General", agree on additional local arrangements. It is specifically accepted that the Chief of Staff will arrange for the marking by the UNTSO of the Armistice Demarcation Line and the International Frontier, wherever such marking appears necessary for the successful implementation of Article II, 2.

II. Arrangements for compliance with Articles VII and VIII.

A specific assurance should be given for the progressive implementation of Articles VII and VIII, according to the plan set out in Annex II and its sub-annex.

ARRANGEMENTS FOR SUPERVISION

In implementation of the recognition of the status and functions of the Chief of Staff and UNTSO Observers, specific assurance to be given that the principle of freedom of movement within the relevant areas is fully recognized as the basis for the activities of the UNTSO. Beyond the special application of this principle with reference to the substantive clauses Articles II, 2 and VII and VIII (see above and Annex II) practical arrangements for implementation should be agreed, safeguarding inter alia the security of Observers, it being understood that such practical arrangements neither in letter nor in implementation should frustrate the principle of freedom of movement. (Annex I)

PROCEDURE FOR HANDLING OF PROBLEMS ARISING OUT OF IMPLEMENTATION OF
GENERAL, NON-SUBSTANTIVE CLAUSES OF THE ARMISTICE AGREEMENT.

It is noted that clauses like, for example, Article I, para.3, which guarantees the "right of each Party to its security and freedom from fear of attack by the armed forces of the other", are not supported by any procedure by which complaints can be brought to the attention of the other Party and solutions worked out. It is felt that possible arrangements to provide for such procedure should be within the framework of United Nations and should avoid the setting up of new machinery.

(The Secretary-General intends to organize the regular co-operation between him and the senior U.N. agents in the area on a formal basis, probably within the framework of the Standing Secretariat Committee.)

FRAMEWORK FOR SUCH PROTECTIVE ARRANGEMENTS AS MAY BE AGREED BETWEEN
GOVERNMENTS AND CHIEF OF STAFF

The framework for arrangements intended to protect compliance with the General Armistice Agreement is roughly indicated by proposals by the Chief of Staff which have been approved by the Security Council in the resolutions to which reference is made in the resolution of 4 April. They include, specifically:

- (a) Separation of the Parties' forces in the field;
- (b) Erection of physical obstacles;
- (c) Marking of the Demarcation Line and International Frontier,
~~as indicated above;~~
- (d) Local Commanders' Agreements;
- (e) Joint patrols.

Reference is made specially to the subjects which were covered in the course of the long negotiations last summer; these negotiations should, in proper form, be resumed, and the main differences to all possible extent be eliminated.

A N N E X I

1. In order to ensure a compliance with Article II, para. 2 of the General Armistice Agreement along the Demarcation Line surrounding the Gaza Strip, a number of U.N. Observation Posts should be established in the territory controlled by both Parties, on both sides of the Demarcation Line. U.N. Observers should have free access to these positions at any time. If desired, they may be accompanied by an Officer of the Party concerned, but this should not be considered essential. Before proceeding to any of the Observation Posts, the U.N. Observer should notify the Senior Egyptian Delegate (Senior Israel Delegate), or his representative in order that the necessary steps may be taken to ensure his safety.
2. The UNTSO should have the right to send patrols along the line of demarcation when required, arrangements being made beforehand with the Senior Delegates of both Parties to the Mixed Armistice Commission.
3. In order that U.N. Military Observers may check compliance with Articles VII and VIII, they should have the right to visit all and any parts of the areas where defensive forces only may be maintained, as defined in Article VII and Appendix II, the Demilitarized Zone and the area described in Article VIII, para 3. Before proceeding to these areas, the U.N. Military Observers should notify the Senior Egyptian Delegate (Senior Israel Delegate) or his representative in

order that the necessary steps may be taken to ensure his safety. If the Parties desire to send an Officer to accompany the U.N. Military Observers, this is agreed, but the non-availability of an Officer to accompany the UNMO is not to be made a reason for delaying or preventing any visit.

4. UNMOs shall have freedom ^{of access to the} ~~to move through the territories of the Parties to reach the~~ areas described above; following, however, routes to be prescribed in advance by the Parties.

5. When, in the opinion of the Chief of Staff, there are conditions in an area which lead to apprehension of a breach of the cease-fire, he shall, upon notification through the usual channels to the Parties concerned, have the right to send Military Observers to the area if he considers it to be necessary in order to observe and report to the Security Council.

A N N E X II

The implementation of Article VII, paras. 3 and 4 should be carried out simultaneously by both parties within an agreed time limit to be fixed in consultation with the Chief of Staff. Upon completion of the operation, the areas referred to in Article VII, paras. 3 and 4 will be visited by U.N. Observers. Subsequently, the areas in question will be visited periodically by U.N. Observers as required by the Chief of Staff to ensure that the stipulations of Article VII continue to be complied with.

The implementation of Article VIII should be carried out upon completion of the implementation of Article VII.

- (a) The Israeli Armed Forces presently in the Demilitarized Zone will be evacuated, the existing fortifications will be dismantled and the minefields will be removed within a time limit fixed by the Chief of Staff in consultation with the authorities concerned. Pending a decision by the Security Council, the Kibbutz Ksiot within the Demilitarized Zone will be maintained, together with a number of civilian police which in view of the needs of the Kibbutz, may be considered normal.
- (b) The Egyptian Armed Forces will dismantle any defensive positions established in the area referred to in Article VIII, para. 3. The Egyptian checkpoints as defined by the Chairman of the Mixed Armistice Commission on 22 June 1955, in his statement appended to the M.A.C. resolution of that date, will not be considered as defensive positions within

the meaning of Article VIII, 3.

- (c) Upon the completion of the operations in (a) and (b) above, U.N. Observers will verify compliance by a visit to the areas referred to in Article VIII, and by subsequent periodic visits.

MODENA
MADE IN U.S.A.

A N N E X II

Sub-Annex

"Defensive Areas"

The definition of the term "Defensive Areas" has been considered. This term corresponds to the term areas "in which defensive forces only may be maintained". (Article VII and Annex III of the General Armistice Agreement).

An exchange of views has taken place on the question of the limits of the "defensive area" on the Egyptian side. The Egyptian Delegation holds that the defensive area is the area of the Western Front under Egyptian control, viz. the Gaza-Rafah area as defined in Article VI, para. 1 of the General Armistice Agreement.

While agreeing that the area of the Western Front under Egyptian control is the Gaza-Rafah area, the Special Committee, on 18 August 1949, decided "that the correct interpretation of paragraph 3 of Article VII shall be that defensive forces only, as described in Annex III of the General Armistice Agreement, can be maintained,

- (a) in the area under Egyptian control in Palestine from Gaza to Rafah;
- (b) in the area East of El Arish - Abou Aoueigila."

The Egyptian Government considers that the decision of the Special Committee was incorrect and that the question even arises whether the Special Committee has not exceeded its powers in ruling that the Egyptian territory East of El Arish - Abou Aoueigila was part of the

Egyptian "defensive area". However, in their desire not to maintain a stand which, although in their view legally clearly justified and valid, might endanger full and reciprocal agreement on measures for full implementation of the General Armistice Agreement, the Egyptian Government - while reserving its rights - accept that the measures which may be adopted with regard to the "defensive areas" should be applied also to the area East of El Arish - Abou Aoueigila.



*Basic for initial survey
in Cairo and Jerusalem*

Status of Compliance with General Armistice Agreement

<u>Article</u>	<u>Egypt</u>	<u>Israel</u>
I. 1	Static non-compliance	-----
I. 2	Violated by activities of Fedayeen	Violated by all retaliatory actions: Gaza, February 28, 1956; Khan Yunis, September; new Gaza, 4-5 April 1956
I. 3	Violated by build-up of forces and by official and non-official statements of a threatening character.	Violated by build-up of forces and by threatening statements by Ben-Gurion, Dayan and inspired statements in the press and radio.
I. 4	Standing Israeli grievance that Egypt refuses to implement this Article.	
II. 2	In addition to actions under I. 2, violated by - a) firing across the D/L at patrols, observation posts and settlements; b) crossing the D/L by armed raiding parties. c) occasional overflights by planes; d) occasional shooting at planes flying over territory of other Party.	In addition to actions under I. 2, violated by - a) firing across D/L at observation posts and civilians; b) occasional crossing of D/L by armed patrols; c) overflights by planes - putting UNRWA plane in danger; d) shooting at planes over territory of other Party.
III.		Specific requirements complied with.



<u>Article</u>	<u>Egypt</u>	<u>Israel</u>
IV. 1-2		Violated when other Articles are violated particularly as regards the present situation in El Auja D/Z.
IV. 3	Reserves the position of the Parties in relation to any ultimate settlement.	
V. 4	Infiltration by Arab civilians from the Gaza Strip	
VII. 3	Build-up of forces in the areas specified: a) in the Gaza Strip b) in Egyptian territory East of the El Arish - Abou Aoueigila line (The Egyptian point of view is stated in the copy of Col. Gohar's statement annexed. See also "decision of Special Committee).	
VII. 4		Standing violation in respect of presence in area and use of offensive weapons. (It has been contended by Egypt that the words "based on the settlements" refer to settlements existing at the armistice was concluded. There was a statement to this effect by General Riley in the Special Committee. If the Egyptian contention is correct, this paragraph has been consistently violated.)



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ArticleEgyptIsrael

VIII. 1

1. Occupation of the zone.
2. Difficulties put by Israel in the discharge of the responsibilities of the Chairman and Observers, and by non-compliance with their requests.

VIII. 3

Violated since Israeli occupation of El Auja D/Z. (N.B. Israeli misquotation of this paragraph through substitution of words "defensive forces" for "defensive positions").

VIII. 5

Violation of freedom of movement of Observers in the D/Z and in the area referred to in VIII. 3.

X. 2

2. Refusal by Egypt to attend emergency meetings at Kilo 95 in the Gaza Strip.

1. Violated by Israeli refusal to allow Egyptian representatives to enter El Auja except by way of a road chosen by the Israelis.

3. Israeli refusal to attend any meetings at El Auja.

X. 4

Use of appeals to the Special Committee as a means of blocking the implementation of MAC decisions.

X. 10

Obstruction by both sides to the freedom of movement of Observers.

Restricted interpretation by Israel that "freedom of movement" means movement only under instructions of the MAC.

ArticleEgyptIsrael

XI.

Safeguards the rights, claims and positions of both Parties in the ultimate settlement.

XII. 2

Israelis allege violation by Egypt of the undertaking concerning the transition to permanent peace.

XII. 3

(N.B. Israel's intention reflected in statement by Ben-Gurion to request a conference when the atmosphere allows it.)