

**Middle East - Suez story No  
7-14: Middle East - Suez  
story No 7-14 - 3**

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Middle East / Suez story - 7

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19 - 20 April 56

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- D.H.'s background papers for negotiations in Jerusalem 20. 04. 56.
- D.H.'s talks with Ben Gurion (text of statements by Ben Gurion)
- D.H.'s aide-memoire (draft)

Background paper for  
meeting 20. 4. 56.

jerusalem, 19 April 1956

Israel-Syria Problems

1. Question of implementation of Security Council resolution of 19 January 1956 (adopted after Lake Tiberias incident).

The 19 January resolution is referred to in the 4 April resolution which defines the mandate of the Secretary-General.

2. The 19 January resolution in its paragraph 6 and following, covered all the difficulties which had arisen between Israel and Syria (difficulties connected with the obligations of the Parties under Article V which defines the Armistice Line and the Demilitarized Zone; difficulties connected with the situation in the area of Lake Tiberias; exchange of prisoners; use of the MAC in interpretation and application of the provisions of the G.A.A. ).

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A. Question of the Exchange of Prisoners

Israel had asked that the question of exchange of prisoners should have top priority. This was in conformity with the Security Council resolution which referred to "an immediate exchange of all military prisoners" with the Assistance of the UNTSO. The exchange

....//....

of military prisoners and a number of civilians took place on 29 March. In an Aide-Memoire dated 26 March, initialed by Colonel Hommel and confirmed by Mr. Tekoah (Annex I) it is stated that "the Government of Israel gives its assurances to the Chief of Staff that if this exchange (the exchange which took place on the 29th) is effected, they will return to Syria the crew of the "FAYCAL" shortly thereafter".

The crew has not yet been returned.

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B. Improving of the situation in the Area of Lake Tiberias

In a letter to the two Governments dated 21 January, (Annex II) the Chief of Staff made suggestions for improving the situation in the area of Lake Tiberias.

Israel has accepted paragraphs (a), (b) and (d) which "merely required the fulfillment of the G.A.A."

With regard to (c), Israel requested the assurance that the words "drawing water" meant drawing water for domestic purposes alone. The Syrians have agreed to this interpretation. On being informed of the Syrian agreement, Mr. Eytan indicated, on 9 February, that there might be other points to discuss in connection with (c).

Para (e) would be unacceptable to Israel if Syrian did not abandon the position that the 250 metres were related to Syria as

territorial waters, or in some other way. General Burns told Mr. Eytan, on 9 February, that in his conversation in Damascus on 7 February, the Syrian Authorities had not claimed or implied that the 250 metres would be considered as Syrian territorial waters.

The question now is to decide how the discussion on General Burns' suggestions is to be continued. On 29 February, the following Aide-Mémoire was handed by Mr. Sharett to General Burns:-

"The Israel position with regard to the Chief of Staff's suggestions necessitating revision of provisions of the G.A.A. is that the Parties are free at any time to propose revisions of the Agreement, Article VIII laying down the procedure to be followed."

Suggestions necessitating revision of the G.A.A. are, in their view, suggestions (c) and (e).

C. Compliance with Article V of the General Armistice Agreement concerning the Armistice Demarcation Line and the Demilitarized Zone. (para 6 of the Security Council Resolution of 19 Jan. '56)

(N.B. Article V of the G.A.A. should be read together with Dr. Bunche's "authoritative comment", the text of which is reproduced in the Security Council's resolution of 18 May 1951 - pages 2 and 3 of the text of the resolution - . Note also that according to Article V, the Armistice Demarcation Line, when it does not correspond with the International Boundary between Syria and Palestine, is the Western limit of the Demilitarized Zone).

The obligation for military or para military forces not to advance beyond or shoot across the Demarcation Line is contained in Article III (2), which corresponds to Article 11 (2) of the Israel-Egyptian G.A.A. (Note Article III, 3, which is not in the Armistice Agreement with Egypt - if it was in the latter, it would probably cover the Suez blockade. In the Israel-Syrian Agreement, it may be invoked in connection with the situation in the area of Lake Tiberias)

The obligations concerning the demilitarization of the Demilitarized Zone are contained in Article V, 5. (Note that there is only one Demilitarized Zone, which was formed of various areas : a) the areas from which the Syrian forces withdrew and which comprise 3 sectors, northern, central and southern ; b) a sector to the east of the Lake Houle (Dardara) and c) a sector to the east of Lake Tiberias (Ein Gev) which the Israelis agreed should form part of the Demilitarized Zone.

(Israel legal argument - implied rather than stated : Dardara and Ein Gev are in the Demilitarized Zone while - in Israeli opinion - continuing to be in Israel. There is only one Demilitarized Zone. Consequently the whole demilitarized zone, which is almost entirely to the West of the international boundary, is in Israel, though subject to the demilitarization clauses of Article V. The tiny part of the demilitarized zone - in the north - which is to the East of the international boundary is, on the other hand, in Syria).

To this legal concept (which seems to be ruled out by the text of Article V and Bunche's authoritative comment), the Syrians and UNTSO - at least in practice - have opposed the concept of "sovereignty in abeyance pending a final settlement". On the basis of Article V, 5(e), they have (vainly) protested against the presence of Israel State police and the activities of such police in Arab communities (with a few exceptions in spots where the Syrians are ready to intervene : Shamalne, on the mouth of the Jordan, north of Lake Tiberias ; El Hamma, the Spa at the extremity of the narrow strip of the demilitarized zone along the Yarmuk river.)

The question of the resumption of the work on the Bnot Yakoub - Lake Tiberias canal appears temporarily settled from the Syrian point of view by General Burns note verbale to the Syrian Ministry for Foreign Affairs of 23 March 1956. (Annex 3)

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D. Use of the MAC machinery in the interpretation and application of the General Armistice Agreement

Israel had indicated to General Burns its readiness to attend emergency meetings after the return of the prisoners. (This may have

to be confirmed).

The Syrians want the resumption not only of emergency meetings but of regular meetings. They have lodged complaints relating to alleged violations of Article V, which they want the MAC to discuss. Israel maintains that violations of Article V are a matter between the Israel Delegation and the Chairman and that the Syrians have no right to intervene. A resumption of regular meetings is apparently possible only now if Israel accepts to discuss the interpretation of Article V and a decision of the MAC or its competence in matters concerning the demilitarized zone.

Mr. Tekoah has suggested that the opinion of the Legal Department of the Secretariat in New York be requested. The opinion of the Legal Department is annexed. (Annex 4)

ANNEX I

26 March 1956

A I D E - M E M O I R E

1. Confirming a telephone conversation between Mr. Y. Tekoah and Colonel R.E. Hommel, at noon on 25 March, Colonel Hommel understands the position of the Government of Israel with respect to the exchange of prisoners between Israel and Syria to be as set forth below.
  
2. Israel is willing to accede to Syrian proposal and exchange the thirty-five Syrian military prisoners against the four Israeli military prisoners. Simultaneously, Shlomo Ben-Yehuda would be exchanged against the Syrian civilians held in Israel and offered in exchange by Mr. Tekoah during direct negotiations between himself and the Senior Syrian Delegate last summer. The Government of Israel gives its assurances to the Chief of Staff that if this exchange is effected, they will return to Syria the crew of the "Fayçal" shortly thereafter.

Initialed (R.E.Hommel)

Confirmed by Mr. Tekoah \_\_\_\_\_

HEADQUARTERS  
TRUCE SUPERVISION ORGANIZATION

ANNEX II

Jerusalem, 21 January 1956

Sir,

I have the honour to draw your attention to the resolution adopted by the Security Council on 19 January 1956, and particularly to the paragraph requesting me to pursue my suggestions for improving the situation in the area of Lake Tiberias without prejudice to the rights, claims and positions of the Parties, and to report to the Council as appropriate on the success of my efforts.

In order to be able to fulfill the mission entrusted to me by the Security Council, I would appreciate receiving at your earliest convenience the assurance that your Government is ready to begin conversations with me for the purpose of implementing the following suggestions :

- (a) Both Parties will give strict orders to their armed forces not to advance beyond or fire across the Armistice Demarcation Line.
- (b) Pending an arrangement which might be arrived at with the assistance of the Chairman of the Mixed Armistice Commission, the Syrian Authorities will prevent the inhabitants of Syria from fishing in Lake Tiberias.

... (c) ...

His Excellency  
Mr. Moshe Sharett  
and His Excellency  
Mr. Said el Ghazi

*Common Sense*

- (c) The Israeli Authorities will not interfere with the inhabitants of Syria who water their cattle in or draw water from Lake Tiberias. //
- (d) The Syrian Authorities will not interfere with Israeli fishing in Lake Tiberias.
- (e) The Israeli police boats will not come closer than 250 metres from the shore of the Lake. //
- (f) Acceptance of the above suggestions will in no way prejudice the rights, claims and positions of either Party in an ultimate peaceful settlement.

I am sending a similar letter to the Minister for Foreign Affairs of Syria / Israel.

Accept, Sir, the renewed assurances of my highest consideration.

E.L.M. Burns  
Major-General  
Chief of Staff

C O P I EORGANISME DES NATIONS UNIES CHARGE DU CONTROLE  
DE LA TREVE EN PALESTINE

TSO 490

Le Chef d'Etat Major de l'Organisme des Nations Unies chargé de la surveillance de la Trêve en Palestine, faisant suite à sa réponse intérimaire du 1er mars 1956, présente ses compliments au Ministère des Affaires Etrangères de la République syrienne et a l'honneur de se référer à la note de ce Ministère en date du 22 février 1956.

Le Chef d'Etat Major a pris note de la position du Gouvernement de la République syrienne relativement à la question de la reprise dans la zone démilitarisée des travaux concernant la rivière du Jourdain.

Au cas où il apparaîtrait que les travaux dans la zone démilitarisée seraient sur le point d'être repris ou si le Gouvernement israélien cherchait à obtenir son accord pour une reprise des travaux, il appartiendrait au Chef d'Etat Major de prendre une décision, après une étude minutieuse de tous les aspects de la situation, dont certains sont fait mention dans la note du Ministère objet de la présente, et de toutes dispositions et décisions pertinentes, y compris la résolution du Conseil de Sécurité du 27 octobre 1953.

Le Chef d'Etat Major se doit d'assumer que les Parties intéressées respecteront sa position et observeront sa décision.

Le 23 mars 1956

E.L.M. Burns  
Major-Général  
Chef d'Etat Major

21 May 1955

NOTE ON LEGAL ASPECTS

Reference is made to the interpretative procedure of Article VII, paragraph 8. General Bennike in his letter of 20 October 1953 to the Israel Minister of Foreign Affairs also referred to this interpretative procedure (paragraph 8). Article VII, paragraph 8 was also noted by the Security Council in its resolution of 18 May 1951 (S/2157).

Israel has, however, questioned the relevance of this paragraph to the interpretation of Article V of the General Armistice Agreement, since Article V refers to the Chairman of the Mixed Armistice Commission and not to the Commission itself, as having the responsibility for ensuring the implementation of Article V. Its position appears to be that the Demilitarized Zone is sovereign Israeli territory subject only to the limitations of Article V, that all matters relating to the Zone are the concern only of Israel and the Chairman of the Mixed Armistice Commission, and that Syria is completely excluded from any interest in the Zone.

This position is not supported by the terms of the General Armistice Agreement. Article VII, paragraph 8 provides:

"Where interpretation of the meaning of a particular provision of this Agreement, other than the preamble and Articles I and II, is at issue, the Commission's interpretation shall prevail."

As General Bennike pointed out in his letter of 20 October 1953, "Article V is not one of the articles which the Mixed Armistice Commission may not interpret." Articles I and II are expressly excluded from interpretation by the Commission, but there is no

exclusion of Article V. Article V is an integral part of the Agreement between Israel and Syria, and neither of the Parties which made the Agreement can be excluded from an interest in its interpretation and execution without a clear provision to that effect. The Chairman of the Mixed Armistice Commission is given express authority with relation to the Demilitarized Zone which he does not have with relation to other parts of the Agreement. But this express authority of the Chairman is not inconsistent with the interpretative function of the Commission, and therefore does not exclude that function.

Furthermore, the General Armistice Agreement does not provide a basis for a claim of sovereignty over the Demilitarized Zone by either Party. In fact Article II, paragraph 2, and Article V, paragraphs 1 and 5 (a) negate such a claim. The reference to Israeli and Arab administration in the authoritative comment of 3 July 1949 is solely within the context of local administration. The same comment specifically states that "Such civilian administration, including policing, will be on a local basis, without raising general questions of administration, jurisdiction, citizenship and sovereignty."

Therefore, should Israel question an interpretation of Article V made by the Chief of Staff in his capacity as Chairman of the Mixed Armistice Commission, the Chief of Staff would be correct in suggesting that the issue be considered by the Mixed Armistice Commission under Article VII, paragraph 8.

19 2/27/56

STATEMENT BY THE PRIME MINISTER,  
MR. DAVID BEN-GURION

In addition to the assurances already given regarding compliance with Article II (2) of the Israel-Egyptian General Armistice Agreement (and which are independent of any other aspects) the Israel Government is prepared, on condition of reciprocity on the part of the Egyptian Government, to reaffirm its policy of full and integral enforcement of and compliance with all the provisions and stipulations of the Agreement. In making this statement of policy the Government of Israel is guided by the following considerations:

The Arab States have repeatedly, within United Nations organs and outside, claimed that they are in a state of war with Israel and are entitled to exercise belligerent rights. This is not a mere technical discussion, but goes to the heart of the present situation continuance of which, as indicated by the Security Council itself in its Resolution of 4 April 1956, "is likely to endanger the maintenance of international peace and security." In pursuit of this policy, the Arab States are actively preparing for war by feverish rearmament, massing of troops near the frontiers, and stepping up war propaganda, all of which measures indicate an intention to resort to military force and to undertake aggressive action against Israel, contrary to Article I of the Agreement. These actions and this frame of mind are the principal factors which have led to the progressive deterioration of the armistice regime established in 1949.

Included among the aggressive action, and warlike or hostile acts, undertaken against Israel, contrary to Articles I and II of the Agreement, are deliberate interferences with Israel's communications by sea and air, intrusions into legitimate Israel commercial activities in

third countries, and the adoption of obstructive attitudes leading, for example, to the paralysis of all measures of international co-operation in the Middle East through organs of the United Nations and the Specialized Agencies.

In this connection, special attention is drawn to the Egyptian restrictions upon the freedom of navigation through the Suez Canal and the Straits of Tiran. These restrictions prevent all Israel vessels from sailing through the Canal and the Straits, and impede the free passage of many types of goods.

In the Suez Canal, restrictions originally introduced in connection with the Egyptian armed aggression in 1948, providing for the visit, search and detention of cargoes and vessels and their condemnation, have not only been maintained after the entry into force of the Agreement, but their application has actually since then been made more stringent. (See, for examples, the communications from the Israel representative of 29 January and 15 February 1954 in Docs. S/3168/Add 1, S/3179.)

A similar situation prevails in the Straits of Tiran. Here the restrictions are enforced by elements of the Egyptian military forces. Apart from any considerations arising out of the Armistice Agreement, and the broader aspect of the freedom of navigation, these restrictions are also in direct contravention to the Egyptian undertakings specified in the Aide Memoire of 28 January 1950, text of which appears in the Official Record of the 659th meeting of the Security Council on 15 February 1954 (Para. 103). A particularly disturbing feature of this situation is the extension of the restrictions to the superjacent airspace by the establishment of a so-called prohibited area. As a result, direct air communications between Israel and countries to the south and east are impossible.

Whatever arguments may be used to meet immediate purposes, the underlying justification put forward by the Egyptian Government has

consistently been the state of war theory. That this point of view is completely incompatible with the Armistice Agreement is confirmed by the contemporaneous statement by the Acting Mediator, Dr. Ralph Bunche, when the Armistice Agreements were presented to the Security Council for endorsement.

Speaking at the 433rd meeting of the Security Council on 4 August 1949, he intimated that with the entry into force of the Agreements "there should be free movement for legitimate shipping, and no vestiges of the wartime blockade should be allowed to remain", the reason being, explicitly, that "they are inconsistent with both the letter and the spirit of the Armistice Agreements". This point of view was endorsed by the Security Council in its Resolution of 1 September 1951. Here the Council, considering that the Armistice regime "is of a permanent character", and that "neither party can reasonably assert that it is actively a belligerent or requires to exercise the right of visit, search and seizure for any legitimate purpose of self-defense", found that the maintenance of the interference with the passage through the Canal of goods destined for Israel was inconsistent with the "objectives....set forth in the Armistice Agreement". On that basis the Security Council called upon Egypt

"to terminate the restrictions on the passage of international commercial shipping and goods through the Suez Canal wherever bound and to cease all interference with such shipping beyond that essential to the safety of shipping in the Canal itself and to the observance of the international conventions in force."

That call has gone unheeded and, as stated, the restrictions have since been intensified. The situation now prevailing, as regards both the Suez Canal and the Straits of Tiran, is therefore characterized by the complete disregard, on the part of Egypt, of the obligations arising out of the Armistice Agreement. In these respects Egypt is pursuing a policy of non-enforcement of and non-compliance with the Agreement.

In the view of the Israel Government, the maintenance of all the above practices, and the absence of security and freedom from fear of attack by Egypt, are contrary to the principles of Article I of the Agreement, full observance of which by the Parties during the Armistice is a positive obligation accepted by the Parties in Article I.

The principles enunciated in that Article, and their full observance, are fully acceptable to the Government of Israel, which sees in the restoration of that Article to its efficacy the essential step in the implementation of the Resolution of 4 April. In cooperating with the Secretary-General in the implementation of that Resolution, the Government of Israel considers its duty to give full expression to the fundamental importance it attaches to these considerations. The Government therefore believes that a prospect of improvement in the general situation now being surveyed would be offered were the Secretary-General to ascertain that the Egyptian Government is for its part also prepared to give satisfactory assurances that it, too, recognizes the primary importance of full observation of Article I, and is prepared to refrain from measures which, as explained herein, have been authoritatively held to be incompatible with the Armistice. Once the tensions and dangers arising from the non-implementation of Article I are eliminated, the necessary conditions will be established for the full implementation of the Agreement.

I therefore will repeat the policy of the Government of Israel:

- 1) The implementation of Article II (2) is unconditionally accepted on the basis of reciprocity, and as an independent stipulation;
  - 2) Israel is prepared to reaffirm its obligation to observe all the other provisions of the Armistice Agreement on the basis of reciprocity.
- Upon receipt of reassurances that Egypt is prepared to implement fully every provision of the Agreement, including Article I, in letter and in spirit, and to refrain from the aforesaid actions authoritatively held incompatible with the Armistice, the mutual implementation of the provisions of the General Armistice Agreement shall commence.

At Jerusalem, 20 April 1956

Statement in the course of conversation  
of 20 April, 1956  
(as amended by Mr. Ben-Gurion).

On the basis of the General Armistice  
Agreements, the Government of Israel states  
its intention to consider favourably proposals  
by the Chief of Staff aiming at facilitating  
compliance with the General Armistice Agreements.

At Jerusalem, 20 April 1956

Statement in the course of conversation  
of 20 April, 1956  
(as amended by Mr. Ben-Gurion)

On the basis of the General Armistice Agreements and the Security Council resolution of 11 August 1949, the Government of Israel states its intention to consider favourably proposals by the Chief of Staff concerning activities of Observers aiming at facilitating compliance with the General Armistice Agreements.

Amended  
to 175.  
20.4.56.

Joseph  
Would you ask your neighbors if  
we could have this typed here.

draft

20 April 1956

AIDE - MEMOIRE

First written com-  
ments on N.G. statement.  
Pages 4 and 5 were  
used.

Ac concerns compliance with the G.A.A., the situation  
is now as follows.

Both Parties re-stated their willingness to achieve  
full compliance with the whole of the Armistice Agreement, given  
full reciprocity.

Both Parties have given assurances, and put them into  
effect, fully to implement Article II, para 2, given reciprocity  
in the implementation of that same Article and paragraph, irrespective of  
compliance of the other Party with any of the other clauses in the GAA.

Egypt has given assurances that it will fully comply with  
Articles VII and VIII along lines suggested by the U.N., given  
reciprocity of compliance, *with these two articles* irrespective of whether this reciprocity  
applies to other clauses of the Armistice Agreement.

Israel, on its side, has stated that it regards the Armistice Agreement, apart from Article II, 2, as an integrated whole; that, therefore, its demand for reciprocity as a condition for compliance means that lack of compliance by the other Party with any specific clause, and in particular Article I, represents a total lack of compliance (which gives Israel a free hand). Israel further contends that interference with Israeli activities like that which exists in the case of the Suez Canal, implies lack of compliance with Article I, and, for that reason, with the Agreement as a whole, with all the consequences such a lack of compliance must have ~~for~~<sup>with</sup> the Israeli stand.

My own stand is that compliance with Article II must be based on reciprocity as concerns that Article, but cannot be conditioned by compliance with the Armistice Agreement as a whole; that, further, the same applies to Articles VII and VIII, and that, finally, the Suez question as adjudicated by t he

Security Council, cannot be made a condition for compliance with any specific clause in the GAA, in particular Art. VII and VIII.

With this stand of mine, I have, however, promised, as Secretary-General, but not under my mandate, <sup>(to try) negotiate</sup> to ~~achieve~~ a direct undertaking to me by the Egyptians to stop such interference with the Israeli shipping, etc., as the Security Council has found incompatible with the state of armistice. ~~xxxxx~~ This "Secretary-General operation" is undertaken in respect for the <sup>in principle</sup> declared stand of the Israeli Government, but does not imply an <sup>by me</sup> acceptance of that stand. <sup>With a background in</sup> ~~On the basis of~~ the Israeli stand, the Secretary-General, so to say, tries to pave the way for the efforts of the agent of the Security Council to full compliance, irrespective of the differences of stand registered above.

If my efforts to win Egyptian acceptance de facto for the Israeli request <sup>do</sup> does not succeed, I have to <sup>report</sup> raise the basic stands <sup>in principle</sup> ~~that I consider it essential that the~~ <sup>(way with undoubtably wish to give continued</sup> Israeli Government ~~give~~ consideration to the problems that <sup>The</sup> would ~~will~~ then arise.

The Israeli stand may be criticized from various angles.

It may, for example, be said that Israel, <sup>makes a</sup> referring to the matter

which is outside the explicit terms of the Armistice Agreement,

<sup>a condition for compliance with</sup>  
~~in fact reserves for itself the free hand concerning~~ the whole

Armistice Agreement, apart from Article II, 2. Even if <sup>a</sup> less

extreme stand is taken, it can be said that Israel, basing its

reaction on its interpretation of Article I, reserves <sup>a</sup> free hand,

<sup>in relation to the whole of the Agreement</sup>  
~~in fact negates the whole of the Armistice Agreement,~~ apart from

Art. II, 2, including, for example, the Mixed Armistice Commission

arrangements and the provisions under Art. XII.

Departing from the question of principle, other criticisms

may be raised. It may be said that Israel makes <sup>this</sup> ~~this~~ Suez question

a condition for its compliance with basic substantive clauses regarding

separation of forces in the special and delicate El Auja area.

In a more critical spirit, it may be said that Israel seems to have

moved into the area in order to establish a position of pressure, or

*Never mind*

that if Israel moved in for other reasons, it now uses the position  
it took in contravention of the Armistice Agreement in order to  
achieve <sup>results</sup> reserves in a sphere outside the explicit terms of the  
Armistice Agreement.

*New unit*

Of course, it may be held that the specific strategic  
importance of the El Auja area links the stand taken on Articles VII & VIII  
to the whole question of peace and war. But it may be replied that is  
just the reason why specific clauses were agreed in 1949 and  
why the move into the area, in the words of the ~~Syrian~~ Armistice  
Agreement, constituted a flagrant violation *of the Agreement.*

Secret

20 April 1956

AIDE - MEMOIRE

(for personal use only)

Before continuing the  
with a committee on 13.9.  
as requested to him in  
the King's message 20.4.56.

As concerns compliance with the General Armistice Agreement,  
the situation is now as follows.

~~Both Parties re-stated their willingness to achieve full  
compliance with the whole of the Armistice Agreement, given full  
reciprocity.~~ The talks <sup>have been</sup> ~~was~~ conducted on the basis  
of ~~the~~ agreements that their purpose was to explore

the pos-  
sibility  
to re-estab-  
lish full  
implemen-  
tation of  
the Armis-  
tice Agree-  
ment.

Both Parties have given assurances, and put them into effect,  
fully to implement Article II, para 2, given reciprocity in the imple-  
mentation of that same Article and paragraph, irrespective of compliance  
of the other Party with any of the other clauses in the General Armistice  
Agreement.

Egypt has given assurances that it will fully comply with  
Articles VII and VIII, along lines suggested by the U.N., given reciprocity  
of compliance with those two Articles, irrespective of whether this  
reciprocity applies to other clauses of the Armistice Agreement.

Israel, on its side, has stated that it regards the Armistice  
Agreement, apart from Article II, 2, as an integrated whole <sup>and</sup> that <sup>therefore,</sup>  
<sup>Israel's</sup> its demand for reciprocity as a condition for compliance <sup>means</sup> that lack of  
compliance by the other Party with any <sup>specific</sup> clause, and in particular

As a guarantee  
against "Herent".

<sup>was</sup> especially, <sup>Israel</sup> stressed the  
in this <sup>context</sup> .../2 in view of  
significance of Art 1, <sup>and</sup>  
the fact that the other Articles  
(except II: 2) are based on the as-  
sumption of freedom from threat or  
risks to aggressive actions.

the terms of

(and, therefore, is within my mandate).

whose stand is fully stated in a special paper from the Ben Gurion, specifically

Article I, represents a total lack of compliance (which gives Israel a free hand). [Israel] further contends that interference with Israeli activities like that which exists in the case of the Suez Canal, implies

and the Strait of Tiran

Lack of compliance with Article I, and, for that reason, with the Agreement as a whole, with all the consequences such a lack of compliance must have with the Israeli stand.

Israeli

from the question of reciprocity.

in Israel's view, it constitutes a case of non-compliance with the

Such interference, in Israel's view, constitutes a case of non-compliance with the

My own stand is that compliance with Article II must be based on reciprocity as concerns that Article, but cannot be conditioned by compliance with the Armistice Agreement as a whole; that, further, the same applies to Articles VII and VIII, and that, finally, the Suez question as adjudicated by the Security Council, cannot be made a condition for compliance with any specific clause in the General Armistice Agreement, in particular Articles VII and VIII.

With this stand of mine, I have, however, promised, as Secretary-General, but not under my mandate, to try to negotiate a direct undertaking to me by the Egyptians to stop such interference with the Israeli shipping, etc., as the Security Council has found incompatible with the state of armistice. This "Secretary-General operation" is undertaken in respect for the declared stand in principle of the Israeli Government, but does not imply an acceptance by me of that stand. With a background in the Israeli stand, the Secretary-General, so to say, tries to pave the way for the efforts of the agent of the Security Council to full compliance, irrespective of the differences of stand registered above.

12. 11. 56.

.../3

171 Jerusalem, 20 17 June 1956.

If my efforts to win Egyptian acceptance de facto for the Israeli request do not succeed, I have to report the basic stands in principle. The Israel Government may undoubtedly wish to give continued consideration to the problems that would then arise.

Second version of com-  
ments on B.G. given to  
him in Halled 20.4.56.

SECRET

At Jerusalem, 20 April 1956

AIDE-MEMOIRE

(for personal use only)

As concerns compliance with the General Armistice Agreement, the situation is now as follows.

The talks have been conducted on the basis of agreements that their purpose was to explore the possibility to reestablish full implementation of the Armistice Agreement.

Both Parties have given assurances, and put them into effect, fully to implement Article II, para 2, given reciprocity in the implementation of that same Article and paragraph, irrespective of compliance of the other Party with any of the other clauses in the General Armistice Agreement.

Egypt has given assurances that it will fully comply with Articles VII and VIII, along lines suggested by the United Nations, given reciprocity of compliance with those two Articles, irrespective of whether this reciprocity applies to other clauses of the Armistice Agreement.

Israel, on its side, has stated that it regards the Armistice Agreement, apart from Article II, para 2, as an integrated whole. Especially, Israel has stressed the significance in this respect of Article I, in view of the fact that the other Articles (except II:2) are based on the assumption of freedom from threat or risks for aggressive action. Therefore, Israel's demand for

reciprocity as a condition for compliance means that lack of compliance by the other Party with any special clause, and in particular Article I, represents a total lack of compliance (which gives Israel a free hand).

Israel, whose stand is fully stated in a special paper from Mr. Ben-Gurion, specifically contends that interference with Israeli activities like that which exists in the Suez Canal and the Straits of Tiran, implies lack of compliance with Article I (and, therefore, is within the terms of my mandate). For that reason, such interference, in Israel's view, constitutes a case of non-compliance with the agreement as a whole, with all the consequences such a lack of compliance must have with the Israeli stand on the question of reciprocity.

My own stand is that compliance with Article II must be based on reciprocity as concerns that Article, but cannot be conditioned by compliance with the Armistice Agreement as a whole; that, further, the same applies to Articles VII and VIII, and that, finally, the Suez question as adjudicated by the Security Council, cannot be made a condition for compliance with any specific clause in the General Armistice Agreement, in particular Articles VII and VIII.

With this stand of mine, I have, however, promised, as Secretary-General, but not under my mandate, to try to negotiate a direct undertaking to me by the Egyptians to stop such interference with the Israeli shipping, etc., as the Security Council has found

incompatible with the state of armistice. This "Secretary-General operation" is undertaken in respect for the declared stand in principle of the Israeli Government, but does not imply an acceptance by me of that stand. With a background in the Israeli stand, the Secretary-General, so to say, tries to pave the way for the efforts of the agent of the Security Council to full compliance, irrespective of the differences of stand registered above.

Collection (Library)

For the interim and in  
the light of the  
17.9.56 in this, I must  
be very explicit (I must not!)  
intermittent

SECRET

At Jerusalem  
20 April 1956

A I D E - M E M O I R E

( for personal use only)

Concerning Banat Yakoub, I declared to Mr. Ben-Gurion that my stand with the Syrians would be as follows:

The cease-fire obligation (in Syrian Agreement under Article III, 2 and 3) is an undisputed obligation which is not cancelled through non-compliance by the other Party with any other clause of the Armistice Agreement.

Thus, use of force can never be justified by Israeli action in what the Syrians consider to be contravention of their legal rights in the case of Banat Yakoub.

The resolution of the Security Council cannot be interpreted by me, but only by the Security Council.<sup>1/</sup>

Thus, my stand on the Canal issue must be that I must request both Parties to abide by decisions of the Security Council ~~and~~ taken under the General Armistice Agreement.

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<sup>1/</sup> This, in fact, means that it must be assumed as remaining valid until the Security Council interprets the word "urgent" as indicating a determined time-limit. (This is my conclusion, which was not stated explicitly at the table.)

SECRET

At Jerusalem, 20 April 1956

A I D E - M E M O I R E

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Thus, my stand on the Canal issue must be that I must request both Parties to abide by decisions of the Security Council or taken under the General Armistice Agreement.

*Its mission for Ben-Gurion, initiated, 20.4.56.*

Israeli reaction to "Annex I", as amended.

Israel  
1949-50

No. 20000  
D.S.

In order to ensure compliance with Article II para. 2 of the General Armistice Agreement, an agreed number of Observation Posts along the Demarcation Line surrounding the Gaza Strip shall be established on both sides of the Demarcation Line for a limited period of ~~six months~~ ending 31 October 1956, by agreement in the Mixed Armistice Commission. The agreement shall consist of the following points:

- a) The location of the Observation Posts shall be <sup>designated</sup> established with the consent of the Parties concerned;
- b) U.N. Observers shall have free access to those positions at any time;
- c) If so desired by the Party concerned, they shall be accompanied on their way to and during their stay at the Observation Posts by an Officer of the Party in whose territory the Observation Post is situated;
- d) Before proceeding to any of the Observation Posts, the U.N. Observer shall notify the Senior Israel (Senior Egyptian) Delegate, or his representative, to arrange that the Party's forces allow passage to the Posts;
- e) The reports of U.N. Observers stationed in Observation Posts shall cover violations of Article II (2), shall be directed to the Mixed Armistice Commission, and shall be used in the examination of complaints in the Commission;
- f) The Parties shall designate a route which the U.N. Observers shall follow to the Observation Posts;
- g) The UNTSO may send patrols along the Demarcation Line between the Observation Posts when required, arrangements being made beforehand with Senior Delegates to the Mixed Armistice Commission. The aforesaid provisions in c), d), and f) shall apply to the patrols.

1 e/1

First Jerusalem revision  
of Cairo Annex I "Giv  
to D.G. 18.4.56.

4. If, in order that U.N. Military Observers may have access to the areas and positions referred to in paragraphs 1 and 3 above, it is necessary to pass through territory of the Parties not comprised in those described in paragraph 3 above, the Parties shall, in consultation with the Chief of Staff, UNTSO, designate a route which the U.N. Military Observers may follow at all times without interference.

5. When, in the opinion of the Chief of Staff, UNTSO, there are conditions in any area lying within five kilometres of the line of demarcation 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.

*Revised Text 20 April*  
*Annex revision of "Israeli*  
*reaction to Annex I. In this*  
*para transmitted to Foreign.*

In order to ensure compliance with Article II, para. 2 of the General Armistice Agreement, an adequate number of Observation Posts along the Demarcation Line surrounding the Gaza Strip shall be established on both sides of the Demarcation Line for a limited period ending 31 October 1956, by agreement in the Mixed Armistice Commission. The agreement shall cover the following points:

- (a) The location and number of the Observation Posts on the Egyptian side of the Demarcation Line shall be agreed with Egypt and of those on the Israeli side with Israel. There shall be an equal number of Observation Posts established on each side.
- (b) U.N. Observers shall have free access to those positions at any time;
- (c) If so desired by the Party concerned, they shall be accompanied on their way to and during their stay at the Observation Posts by an Officer of the Party on whose side of the Demarcation Line the Observation Post is situated;
- (d) Before proceeding to any of the Observation Posts, the U.N. Observer shall notify the Senior Israel (Senior Egyptian) Delegate, or his representative, to arrange that the Party's forces allow passage to the Posts;
- (e) The reports of U.N. Observers stationed in Observation Posts shall cover violations of Article II (2), shall be directed to the Mixed Armistice Commission, and shall be used in the examination of complaints in the Commission;
- (f) The Parties shall designate a route which the U.N. Observers shall follow to the Observation Posts;
- (g) The UNTSO may send patrols along the Demarcation Line between the

Observation Posts when required, arrangements being made beforehand with Senior Delegates to the Mixed Armistice Commission. The aforesaid provisions in (c), (d), (e) and (f) shall apply to the patrols.