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D. H. trips 1956 April 12

Method of Restoring compliance with articles VII of the General
and VIII

Armistice Agreement

Draft Memorandum

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At Cairo, 12 April 1956

MEMORANDUM

METHOD OF RESTORING COMPLIANCE WITH
ARTICLES VII and VIII of THE
G.A.A.


1. Each side will agree to remove troops and equipment not authorized under Article VII and Annexes to the General Armistice Agreement by a date to be set. Compliance at this time should be checked and certified by UN Military Observers. Thereafter, continued visits by UN Military Observers, ^{whose} ~~for whom~~ free movement ^{would} be allowed, would ensure that both Parties continue to comply with this Article.

2. Compliance with Art. VIII will be effected by:

(a) Israel withdrawing armed forces from the ^{Demilitarized Zone} Demarcation Line and dismantling any ^{defensive positions} fortifications and obstacles ^{& minefields} erected since ~~21 September 1955~~.

(b) Egypt dismantling defensive positions in the area East of the line EL KUSEIMA - ABU AWEIGILA.

(a) and (b) would be carried out simultaneously ^{a specific number} at a time to be ^{of days (to be decided) after} set following the compliance with Article VII ^{had} having been effected.

A time limit would also be set for the dismantling of defended ^{see} positions. 

Marking of the western edge of the Demilitarized Zone, as previously agreed in connection with the Secretary-General's proposals of 3 November will be desirable and should be undertaken at the same time.



At Cairo, 12 April 1956

DRAFT MEMORANDUM

METHOD OF RESTORING COMPLIANCE
WITH ARTICLES VII AND VII OF THE GENERAL ARMISTICE
AGREEMENT

1. Each side will agree to remove troops and equipment not authorized under Article VII and Annexes II & III to the General Armistice Agreement by a date to be set. Compliance at this time should be checked and certified by UN Military Observers. Thereafter, continued visits by UN Military Observers, whose free movement must be allowed, would ensure that both Parties continue to comply with this Article.
2. Compliance with Article VII will be effected by:
 - (a) Israel withdrawing armed forces from the Demilitarized Zone and dismantling any defensive positions, obstacles and mine-fields.
 - (b) Egypt dismantling defensive positions in the area East of the Line El Kuseima - Abou Aoueigila.
 - (a) and (b) would be carried out simultaneously a specific number of days (to be decided) after compliance with Article VII had been effected. A time limit would also be set for the dismantling of defensive positions.

DRAFT MEMORANDUM

At Cairo, 13 April 1956

1. In order to ensure compliance with Article II, paragraph 2 of the GAA along the Demarcation Line surrounding the Gaza Strip, a number of UN Observation posts should be established in the territory controlled by both Parties, on both sides of the Demarcation Line. UN Observers should have free access to these positions at any time. If desired, they can 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 UN Observer should notify the Senior Egyptian Delegate (Senior Israeli 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 UN 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 UN Military Observers should notify the Senior Egyptian Delegate (Senior Israeli 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 UN 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 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. The Chief of Staff shall have the right to attach UNMOs to any Mixed Armistice Commission for carrying out the intentions of the Security Council laid down in the resolution of 11 August 1949 and the functions described above.

6. 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 order, 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.

de Vignier

DRAFT - 12 April 1956

"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 GAA).

An exchange of views has taken place on the question of the limits 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 GAA.

While agreeing that the area of the Western Front under Egyptian control is the Gaza-Rafah area, the Special Committee, on 15 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 GAA, can be maintained,

- 1) in the area under Egyptian control in Palestine from Gaza to Rafah;
- 2) in the area East of El Arish - Abou Aoueilila."

The Egyptian Government considers that the decision of the Special Committee was incorrect and the question even arises whether

the Special Committee has not exceeded its powers in ruling the Egyptian territory East of El Arish - Abou Aueigila was part of the Egyptian "defensive area". However, in view of the provision in Article X, para 4, according to which decisions of the Special Committee "shall be final", and in their desire not to take any action which would weaken the General Armistice Agreement as a whole, the Egyptian Government accepts 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 Aueigila.

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At Cairo, 12 April 1956

AIDE - MEMOIRE

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, laid down in the basic decision of 1949.

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.)

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.