

# Trips: Trips - 9

*HS L 179:70*



Dag Hammarskjöld's saml.

D. M. trips 1956 April 13

Aide-Memoire (Intended to serve as Basis for Report on Compliance  
with the Armistice Agreements under the Security Council Resol.

OR 14/4

At Cairo, 13 April 1956

ANNEX

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

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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 ~~the~~ 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 assurance 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.

ADMINISTRATIVE FOR SUPERVISORS

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.

PROCEDURE FOR HANDLING OF PROBLEMS ARISING OUT OF IMPLEMENTATION OF  
GENERAL ARMS-CONTROLLING AGREEMENT BY THE ARMS-CONTROLLING 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  
INDIVIDUALS 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.

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ANNEX I

1. In order to ensure 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 Israeli Delegate), or his representative in order that the necessary steps may be taken to ensure his safety.

2. The UNMO 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 Desilitarized 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 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 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 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 I

A sufficient number of fixed United Nations Observation Posts should be established along the Armistice Demarcation Line of the Gaza Strip on both sides of the Line. U. N. Observers should be given free access to these Posts, and should have freedom to move between the Posts, it being understood that each of the Parties may, if desired, appoint liaison officers to accompany U. N. Observers. The absence of such liaison officers should in no case be an obstacle to the free movement of the Observers. Upon notification of intention to proceed to or from an Observation Post or to any points along the Demarcation Line a U. N. Observer should either be provided with a liaison officer or given immediate clearance. The Parties will set up the necessary machinery to ensure that either liaison officers are immediately available or that clearance is given without delay.

A B B E E I I

The implementation of Article VII, para. 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, para. 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 Demilitarised 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 Eilat Raïot within the Demilitarised Zone will be maintained, together with a number of civilian police which in view of the roads of the Eilat, 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

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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.

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 13 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 - Abu Souqigila."

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 - Abu Souqigila 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 - Abu Basma.

been issued.

Annex 1

A sufficient number of fixed United Nations Observation Posts should be established along the Armistice Demarcation Line of the Gaza Strip on both sides of the Line. U.N. Observers should be given free access to these Posts, and should have freedom to move between the Posts, it being understood that each of the Parties may, if desired, appoint liaison officers to accompany U.N. Observers. The absence of such liaison officers should <sup>in no case</sup> ~~not~~ be an obstacle to <sup>the</sup> free movement of the Observers. Upon notification of intention <sup>proceed to or from observation post or to any point along the D.L.</sup> to make such visits, <sup>the</sup> U.N. Observer should be provided <sup>the D.L.</sup> either with a liaison officer or ~~be~~ given immediate clearance.

The Parties will set up the necessary machinery to ensure that <sup>either</sup> liaison officers <sup>are immediately available or that</sup> clearance is given without delay.

Annex II

paras 3 & 4,

page 1.)

4. The implementation of Article VII 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 will be visited by U. N. Observers. Subsequently, the areas in question will be visited <sup>periodically</sup> ~~from time to time~~ by U.N. Observers, <sup>as required by the</sup> ~~to ensure~~ <sup>Chief of Staff,</sup> that the stipulations of Article VII continue to be complied with.

5. 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 <sup>Kibbutz Ksilot</sup> ~~Israeli settlement~~ within the Demilitarized Zone will be maintained, together with a ~~reasonable~~ number of civilian police which in any case

view of the needs of the Kibbutz, may be considered normal.



*Annex II*  
*p. 2.*  
~~will not exceed thirty.~~

- (b) The Egyptian Armed Forces will dismantle any defensive positions established in the area referred to in Article VIII, para. 3. The Egyptian checkposts 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. ~~Military~~ Observers will verify compliance by a visit to the areas referred to in Article VIII, and by subsequent *periodic* ~~visits from time to time.~~



13 April 1956

~~Sub-Annex to Annex 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 GAA).

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 G.A.A..

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 G.A.A., 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 Aoueigila."

The Egyptian Government considers that the decision of the Special Committee was incorrect and <sup>that</sup> the question even arises whether the Special Committee has not exceeded its powers in ruling that the



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Egyptian territory East of El Arish - Abou Aoueigila 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 <sup>maintain a stand</sup> take any action which would weaken the General Armistice Agreement as a whole,~~ the Egyptian Government <sup>Y</sup> 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.

*Y* - while reserving its rights -

*Y*, although in their view legally ~~fully~~ clearly justified and valid, might endorse full and reciprocal agreement on measures for full implementation of G.H.H.

13 April 1956

AIDE-MEMOIRE

CONCRETE MEASURES OF IMPLEMENTATION OF THE FOUR POINTS

IN THE SECRETARY-GENERAL'S AID-MEMOIRE OF

12 APRIL 1956

1. It is assumed that comprehensive standing orders will be issued by the Parties to ensure compliance with Art. II, 2 of the General Armistice Agreement. The Chief of Staff should be given formal assurances that such orders have been issued.
  
2. A sufficient number of fixed United Nations Observation Posts should be established along the Armistice Demarcation Line of the Gaza Strip on both sides of the Line. U.N. Observers should be given free access to these Posts, and should have freedom to move between the Posts, it being understood that each of the Parties may, if desired, appoint liaison officers to accompany U.N. Observers. The absence of such liaison officers should not be an obstacle to free movement of the Observers. Upon notification of intention to make such visits the U.N. Observer should be provided either with a liaison officer or be given immediate clearance. The Parties will set up the necessary machinery to ensure that clearance is given without delay.

3. To strengthen the implementation of Article II, 2, the Chief of Staff and the Governments concerned may agree on additional local arrangements. The Chief of Staff will arrange for the marking by the U.N. of the Armistice Demarcation line and the International Frontier wherever such marking appears necessary for the successful implementation of Article II, 2.
4. The implementation of Article VII 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 will be visited by U. N. Observers. Subsequently, the areas in question will be visited from time to time by U.N. Observers to ensure that the stipulations of Article VII continue to be complied with.
5. 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 Israeli settlement within the Demilitarized Zone will be maintained, together with a reasonable number of civilian police which in any case

will not exceed thirty.

- (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 H.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. Military Observers will verify compliance by a visit to the areas referred to in Article VIII, and by subsequent visits from time to time.
6. The Security Council in its resolution of 11 August 1949 has 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 has requested the Secretary-General to arrange for the continued service of such of the personnel of the Truce Supervision Organization "as may be required in observing and maintaining the cease-fire". To discharge this responsibility, the Secretary-General will place at the disposal of the Chief of Staff a sufficient number of U.N. Observers in accordance with the Security Council resolution of 4 April 1956, the U.N. Observers will be accorded full freedom of movement to observe the maintenance of the cease-fire along the Armistice Demarcation Line and in the areas defined in Articles VII (Defensive Areas) and VIII of the General Armistice

Agreement. The definition of the Defensive Areas is contained in the attached note.

13 April 1956

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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-Safah area as defined in Article VI, para 1 of the G.A.A..

While agreeing that the area of the Western Front under Egyptian control is the Gaza-Safah 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 G.A.A., can be maintained,

- 1) in the area under Egyptian control in Palestine from Gaza to Safah;
- 2) in the area East of El Arish - Abu Basma."

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 that the

Egyptian territory East of El Arish - Abu Ausigila was part of the Egyptian "defensive area". However, in view of the provision in Article I, part. 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 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 - Abu Ausigila.

DRAFT AGREEMENT

At Cairo, 13 April 1956

1. In order to ensure compliance with Article II, paragraph 2 of the GA along the Demarcation Line surrounding the Canal 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 shall 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 UNSC 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. UNMO 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 UNMO to any Military Liaison Commission for carrying out the intentions of the Security Council laid down in the resolution of 22 August 1949 and the Articles 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.