



UNITED NATIONS
SECURITY
COUNCIL



Distr.
GENERAL

S/3343
11 January 1955
ENGLISH
ORIGINAL: ENGLISH-
FRENCH

REPORT BY THE CHIEF OF STAFF OF THE TRUCE SUPERVISION ORGANIZATION
TO THE SECRETARY-GENERAL CONCERNING COMPLAINTS AS TO THE OBSERVANCE
OF THE GENERAL ARMISTICE AGREEMENT BETWEEN ISRAEL AND SYRIA

Note by the Secretary-General: The Secretary-General has the honour to circulate for the information of the members of the Security Council the attached report, dated 6 January 1955, from the Chief of Staff of the Truce Supervision Organization concerning complaints as to the observance of the General Armistice agreement between Israel and Syria.

1. I have the honour to report that on the 15th of December 1954 the Syrian Ministry of Foreign Affairs placed before me a number of complaints as to the observance of the General Armistice Agreement between Israel and Syria, particularly in relation to the three sectors of the Demilitarized Zone defined in article V of the Agreement (S/1353/Rev.1). A copy of the Syrian Aide-Mémoire is attached as Appendix A to this report.
2. On my return from Damascus, I informed the Israeli Ministry of Foreign Affairs of the general nature of these complaints, and of my intention of reporting thereon to the Security Council. The Ministry has since furnished me with a statement of Israeli views, a copy of which is attached hereto as Appendix B.
3. The Security Council considered the situation in the Demilitarized Zone in April and May 1951. The following paragraphs of the Security Council resolution of 18 May 1951 (S/2157) are particularly pertinent to this report:

"The Security Council

...

- (a) Calls upon the Governments of Israel and Syria to bring before the Mixed Armistice Commission or its Chairman, whichever has the pertinent responsibility under the Armistice Agreement, their complaints and to abide by the decisions resulting therefrom;

- (b) Considers that it is inconsistent with the objectives and intent - of the Armistice Agreement to refuse to participate in meetings of the Mixed Armistice Commission or to fail to respect requests of the Chairman of the Mixed Armistice Commission as they relate to his obligations under article V, and calls upon the parties to be represented at all meetings called by the Chairman of the Commission and to respect such requests;
- (c) Calls upon the parties to give effect to the following excerpt cited by the Chief of Staff of the Truce Supervision Organization at the 542nd meeting of the Security Council on 25 April 1951, as being from the summary record of the Syria-Israel Armistice Conference of 3 July 1949, which was agreed to by the parties as an authoritative comment on article V of the General Armistice Agreement between Israel and Syria:
- (i) "The question of civil administration in villages and settlements in the demilitarized zone is provided for, within the framework of an Armistice Agreement, in sub-paragraphs 5 (b) and 5 (f) of the draft article. Such civil administration, including policing, will be on a local basis, without raising general questions of administration, jurisdiction, citizenship, and sovereignty.
 - (ii) "Where Israeli civilians return to or remain in an Israeli village or settlement, the civil administration and policing of the village or settlement will be by Israelis. Similarly, where Arab civilians return to or remain in an Arab village, a local administration and police unit will be authorized.
 - (iii) "As civilian life is gradually restored, administration will take shape on a local basis under the general supervision of the Chairman of the Mixed Armistice Commission.
 - (iv) "The Chairman of the Mixed Armistice Commission, in consultation and co-operation with the local communities, will be in a position to authorize all necessary arrangements for the restoration and protection of civilian life. He will not assume responsibility for direct administration of the zone."
- ...
- (d) Noting the complaint with regard to the evacuation of Arab residents from the demilitarized zone;
- (a) Decides that Arab civilians who have been removed from the demilitarized zone by the Government of Israel should be permitted to return forthwith to their homes and that the

Mixed Armistice Commission should supervise their return and rehabilitation in a manner to be determined by the Commission; and

- (b) Holds that no action involving the transfer of persons across international frontiers, armistice lines or within the demilitarized zone should be undertaken without prior decision of the Chairman of the Mixed Armistice Commission."

4. The Syrian complaints submitted to me on 15 December 1954 may be discussed most conveniently in the first instance under the following headings:

- A. The situation of the Arab inhabitants of the villages of BAQQARA (MR 206269) and GHANNAME (MR 205269) in the central sector of the Demilitarized Zone.
- B. The delay in the reconstruction of the Arab village of NUQUEIB (MR 210245) destroyed during the 1948 fighting;
- C. The conflict over the rights to cultivate land in the TEWAFIQ area (MR 208234);
- D. The denial of watering and fishing rights to the Syrian population in the area bordering the East shore of Lake Tiberias.

5. These four matters will be discussed in some detail in sections of this report which follow, but first it is necessary to state, in general terms, why, in view of the responsibility conferred on him in the Demilitarized Zone by article V, para. 5 (c) of the Israel-Syrian General Armistice Agreement, and by the "authoritative comment" on article V reproduced in the Security Council resolution of 18 May 1951, quoted above, it has not been possible for the Chairman of the Mixed Armistice Commission to have settled the first three of these questions, with the co-operation of the parties. (The fourth question concerns an area which is outside the Demilitarized Zone.)

6. Neither the authority of the Mixed Armistice Commission, nor that of its Chairman has been operative, as will appear in the more detailed statements below. The principal reasons for this are:

- (1) The Israeli claim to sovereignty over the territory of the Demilitarized Zone;
- (2) The control over the Demilitarized Zone effected by Israeli state police, with the exception of certain sections which, according to the Israeli memorandum, "have for all practical purposes been subjected to Syrian domination".

- (3) The failure of the Mixed Armistice Commission to hold ordinary meetings since 20 June 1951, owing to the conflicting interpretations of its authority by the two parties.

7. The situation in regard to these three points will now be discussed briefly.

Israel Claim to Sovereignty over the Territory of the Demilitarized Zone

8. The Demilitarized Zone established by the General Armistice Agreement between Israel and Syria has been "defined with a view toward separating the armed forces of the two Parties in such manner as to minimize the possibility of friction and incident, while providing for the gradual restoration of normal civilian life in the area of the Demilitarized Zone, without prejudice to the ultimate settlement" (article V, para. 2, of the General Armistice Agreement).

9. In addition to the recognition that none of its provisions "shall in any way prejudice the rights, claims and positions of either party in the ultimate peaceful settlement of the Palestine question" (article II, para. 2), the General Armistice Agreement emphasizes that the arrangements arrived at concerning the Demilitarized Zone "are not to be interpreted as having any relation whatsoever to ultimate territorial arrangements affecting the two Parties" (article V, para. 1).

10. The Acting Mediator, in the comment on article V of the General Armistice Agreement reproduced in the Security Council resolution of 18 May 1951 (see paragraph 3 (c) above) stated that civil administration in the villages and settlements in the Demilitarized Zone "will be on a local basis, without raising general questions of administration, jurisdiction, citizenship and sovereignty".

11. Both delegations in the negotiations of the Israel-Syrian Armistice Agreement agreed to consider the Acting Mediator's comment referred to in the previous paragraph, as an "authoritative comment on Article V". However, the two parties drew different conclusions from the clauses of article V and of the "authoritative comment". In the Israel-Syrian Mixed Armistice Commission and in the Security Council, the representatives of Israel have indicated that, in their opinion, the question of sovereignty over the Demilitarized Zone had not been left in abeyance pending a final settlement. They have claimed that

Israel enjoyed sovereign rights over the Zone, with the exception of those specifically excluded by the Armistice Agreement. On the other hand, the representatives of Syria have denied that Israel, under the Armistice Agreement, enjoyed such rights.

12. The present attitude of the Government of Israel is stated in the memorandum by the Foreign Affairs Ministry dated 27 December 1954, (Appendix B) as follows:

...

"Syria's withdrawal from the areas beyond her international frontiers which she occupied in 1948 was made a condition for the conclusion of the Armistice Agreement. Israel, for her part, consented to the demilitarization of the areas from which the Syrian Army retreated. In agreeing to refrain from introducing her armed forces into the area Israel was not in any way required to renounce, nor did she renounce, her full rights within the Zone."

...

"Though the formal recognition of sovereignty over the Zone was deferred pending final settlement between the parties - this is true in general of questions of such nature under the Armistice Agreement, irrespective of whether they concern the Demilitarized Zone or other areas - exclusion of Syria from the Demilitarized Zone was complete and definite."

Presence of Israeli State Police in the Demilitarized Zone

13. Article V, paragraph 5 (e) provides that "the Chairman of the Mixed Armistice Commission shall be empowered to authorize... the employment of limited numbers of locally recruited civilian police in the zone for internal security purposes..." The Acting Mediator's authoritative comment on article V states that "civil administration, including policing, will be on a local basis, without raising general questions of administration, jurisdiction, citizenship and sovereignty. Where Israeli civilians return to or remain in an Israeli village or settlement, the civil administration and policing of the village or settlement will be by Israelis. Similarly, where Arab civilians return to or remain in an Arab village, a local Arab administration and police unit will be authorized".

14. The situation arising from the activities of Israeli State police in the Demilitarized Zone was referred to by General Riley, former Chief of Staff, United Nations Truce Supervision Organization, in several reports which he submitted to the Security Council in 1951 and 1952 (Cf. in particular his reports of 16 August 1951 (S/2300, paragraphs 9 and ff); 6 November 1951 (S/2389, paragraphs 14 and ff) and 4 October 1952 (S/2833, paragraph 58)). My predecessor, General Bennike, in reply to a question by the representative of Lebanon likewise described the situation prevailing in 1953 (S/PV.635 (Annex) p. 26). During 1954, there was no change in the situation.

15. In the penultimate paragraph of its memorandum (Appendix B) the Israel Ministry for Foreign Affairs states that "owing to the size and restricted nature of the Zone's population, it has been found impractical to recruit members of the police force entirely from local inhabitants, and consequently in order to satisfy the requirements of the G.A.A. of maintaining local police, local police stations were established by Israel authorities in the Demilitarized Zone. In 1951, an agreement was reached between Israel and the Chief of Staff of the UNTSO regarding the operations of these police forces...".

16. The agreement reached in 1951 was reported to the Security Council by General Riley in S/2389, para. 16. General Riley stated that the representatives of the Government of Israel and he had endeavoured to agree on certain directives which would assist the Chairman of the Mixed Armistice Commission and the Israeli representatives in working out a practical arrangement:

"It was agreed that the Chairman, while he is empowered to authorize the employment of limited numbers of locally recruited Israel and Arab police, is not himself entitled to employ or command them. Police units are to be at the disposal of the local authorities. The police - Arab and Israeli - are employed in the zone for internal security purposes. They should not be tied down exclusively to any one settlement or village. They should have freedom of movement within the zone in the execution of their duties. There should, however, be certain limits to this freedom: I received the assurance that Israeli police would not enter or act directly in Arab villages except in emergency cases when the local Arab police could not cope with the situation, and then only after agreement had first been sought with the Chairman of the Mixed Armistice Commission. My point of view is that in the absence of arrangements authorized by the Chairman, Israel police must not enter the area of an Arab village and vice versa. The Chairman and the representative of Israel, in working out practicable arrangements, should endeavour to reach an agreement on the problem of emergency cases and of the action to be taken in such cases by Israeli and Arab police."

17. In the above agreement on "directives" the employment of locally recruited police in conformity with the General Armistice Agreement and the Acting Mediator's authoritative comment was considered. The possibility of employing non-locally recruited police or of connecting police stations in the Demilitarized Zone with police headquarters outside the Zone is not referred to in the agreement on directives between the Chief of Staff, UNTSO and the Israeli authorities. It was expected in 1951 that the agreement on directives would be followed by practical arrangements. Such arrangements did not materialize.

18. During 1952 and 1953, there was no change as regards the activities of the Israeli police in the Demilitarized Zone. Police from the State of Israel, acting under orders from police headquarters outside the Demilitarized Zone, dominated the zone, with the exception of small areas about Nuqueib, El Hamma and Shamalne. The Chairman of the Mixed Armistice Commission has been unable to implement the provision of the General Armistice Agreement requiring the employment of "locally recruited civilian police" in the zone. Repeated requests by the Chairman of the Mixed Armistice Commission to remove the non-local police from the Demilitarized Zone have been rejected. The same situation prevailed throughout 1954.

19. In the Israel Foreign Affairs memorandum (Appendix B) it is remarked:

"... It may have been felt desirable at times to clarify more fully certain aspects of the operation of Israeli police in the Zone."

and:

"... Israel is aware of the existence of a view that there may be room for greater precision regarding the nexus between the local police stations and Israel police headquarters outside the Demilitarized Zone."

Failure of the Mixed Armistice Commission to hold regular meetings since
20 June 1951

20. The Israeli position concerning the competence of the Mixed Armistice Commission to deal with questions connected with the Demilitarized Zone is in direct opposition to the Syrian position of the same subject. The Israeli position is set forth in the following extracts from the Ministry for Foreign Affairs Memorandum of 27 December 1954 (Appendix B):

"The absence of any Syrian "locus standi" in the Zone is demonstrated conclusively in the limitation of the MAC's competence with regard to matters of the D.Z. According to para. 5 (c) of Article V, it is the Chairman of the MAC (or the Chief of Staff) and not the Commission, of which Syria is a member, that is responsible for ensuring the implementation of Article V, governing the Demilitarized Zone."

...

"It is evident that no distinction can be deduced between the Chairman's jurisdiction over civilian matters and his competence with regard to military aspects of Article V. Indeed para. 5 (c) of that Article defined the Chairman's responsibility as "ensuring the full implementation" of the Article without any difference whatever between its civilian life clauses and its military provisions.

"The aforesaid principle has been followed in practice throughout the years except when otherwise agreed to by Israel (as for instance in a number of MAC discussions held before 1951). The Chairmen of the Israel-Syrian Armistice Commission have taken up and settled numerous questions concerning the Demilitarized Zone directly with Israel representatives. In the last six months at least 15 such matters regarding civilian as well as military questions of the Zone, were brought by the Chairman before the Israel authorities.

"Syria, however, persists in attempts to create for herself a position which would entitle her to intervene in a territory that lies outside her state boundaries, and in several instances questions concerning the Demilitarized Zone have appeared at her insistence on the agenda of the MAC. It is evident that Israel cannot acquiesce in these attempts by Syria to usurp rights which are not hers and is bound to remain consistent in upholding the basic tenet of the Armistice Agreement - the exclusion of Syria from any rights within the Demilitarized Zone, even if this sometimes necessitates absenting herself from meetings of the MAC at which Syria seeks to intervene in questions affecting the Zone."

21. The Syrian position is contained in the Aide-Mémoire of the Syrian Ministry of Foreign Affairs annexed to this report (Para. I (1) (a)). This aide-mémoire also refers to the note verbale of the Syrian Ministry of Foreign Affairs to the Chief of Staff dated 7 June 1954 (S/3230). The Syrian position may be summarized as follows: the Mixed Armistice Commission being competent to supervise the execution of the provisions of the General Armistice Agreement, including article V, relating to the Demilitarized Zone, is empowered to deal with complaints submitted by the Parties relating to the implementation of article V. Paragraph 5 (c) of article V of the Armistice Agreement refers to

the responsibility of the Chairman of the MAC and United Nations Observers for ensuring "the full implementation" of the article, whereas the first paragraph of article VII provides that the MAC shall "supervise the execution of the provisions" of the Agreement.

22. Such conflicting views as to the competence of the MAC in relation to the Demilitarized Zone have resulted in the failure of the MAC to hold regular meetings since 20 June 1951, the Syrian Delegation refusing to withdraw complaints relating to the Demilitarized Zone from the list of complaints pending before the MAC, while the Israeli delegation insists that such complaints be deleted.

23. The situation remains therefore as described in para. 4 of the report of 6 November 1951 transmitted by the Chief of Staff in accordance with the Security Council resolution of 18 May 1951 (S/2389):

"There are differences of opinion between the Parties to the Armistice Agreement on the meaning of various provisions of Art. V, including those which relate to the Chairman's powers, but neither Party has requested an interpretation by the Mixed Armistice Commission in the manner established by Article VII of the Agreement, and the Chairman has had to rely on his own interpretation, knowing that in many cases it would probably be found unacceptable by one Party or by both and that his requests were likely to meet with a refusal on the ground that he was exceeding his powers or acting in some other manner contrary to the provisions of the Armistice Agreement."

24. As a recent illustration of the difference of views of the Parties in connexion with the respective functions of the Chairman of the MAC and of the MAC in relation to the Demilitarized Zone, it may be recalled that the Israel Delegation did not attend the emergency meeting of the MAC held on 12 December 1954, which dealt with an incident that occurred in the southern sector of the Demilitarized Zone. The Israel Delegation maintained that incidents happening in the zone were within the competence of the Chairman of the MAC and not of the Commission. After the Syrian complaint had been considered and the Syrian draft resolution adopted in the absence of the Israel delegation, the Chairman of the Mixed Armistice Commission made the following statement:

"I voted in favour of the Syrian draft resolution because, unless a different interpretation of the functions of the Armistice Commission is given at a special meeting attended by both parties, I consider that the incident dealt with in the Syrian complaint is within the purview of the Commission and that the results of the investigation and this debate justify my vote. There is, in fact, a sharing of attributions, recognized by the Security Council in its resolution of 18 May 1951, between the Commission and the Chairman. The Commission has never adopted a stand and the Chairman has not received, in consequence, any directives. In the meantime, it pertains to the Chairman's duties to take a decision on the distribution of competence, subject to the general reservation made at the beginning of this statement."

25. Having pointed out the principal obstacles to the effective implementation of the provisions relating to the Demilitarized Zone by the successive Chairmen of the Israel-Syrian Mixed Armistice Commission, we may now examine in more detail the matters complained of by Syria, and listed in paragraph 4.

A. Situation of the Arab inhabitants of Baqqara and Ghanname villages in the Central Sector of the Demilitarized Zone

26. There are about 350 Arabs now living in Baqqara Village, having returned there in consequence of the part of the Security Council resolution of 18 May 1951 which provided that "Arab civilians who have been removed from the Demilitarized Zone by the Government of Israel should be permitted to return forthwith to their homes, and that the Mixed Armistice Commission should supervise their return and rehabilitation in a manner to be determined by the Commission...". These 350 Arabs comprise former inhabitants of Ghanname as well as of Baqqara.

27. These people are living under very bad conditions; they say more like beasts than men. They are in tents and indifferent mud huts, the original village buildings having been destroyed in March 1951 when they were removed from the area. They have no school, no medical facilities, and are not allowed to circulate beyond the limits of their village without securing a pass each time from the Israeli police, and are not allowed to cross into Syria.

28. They have been cultivating their own lands, and other lands belonging to Arabs, some 5,000 dunams in all, raising crops of wheat, barley, tobacco and citrus fruits; but they are subject to Israeli economic pressure, and have had

to sell their crops often at a very low price, and this year, 1954, until December 23 were not given the opportunity to sell at all. Since 1951, no Chairman has been able to obtain satisfactory co-operation of the Israeli Authorities in this matter.

29. On the other hand, attempts have been made by the Israelis, in co-operation with the Chairman, to organize a school, medical services and a store, but for one reason or another, these proposals were never acceptable to the Arab villagers, who have not always, it seems, been reasonable in their attitude. They complain about losing the assistance of UNRWA which in former years had supplemented their own efforts by supplying them with grocery items and clothing.

30. On the 14th of December 1954, I interviewed the mukhtars and notables of Baqqara and Ghanname, who after reciting their grievances, declared that they despaired of their situation in the Demilitarized Zone, from which the Israelis wanted to oust them, and in which they got no effective help from Syria or the United Nations Truce Supervision Organization. They declared it to be their intention to go over into Syria and become refugees.

31. After advising them to remain where they were and await the improvement in their situation which I hoped would result from my negotiations with the Israeli Authorities and with UNRWA, I said that I would convey their views and wishes to the Syrian Authorities, to see whether they would be willing to allow entry into Syria.

32. This I did at an interview with the Syrian Foreign Minister, and his principal officials, on December 15th, 1954. They replied that they could not permit the entry of the villagers into Syria. At the same time, they requested me to take energetic measures to ensure the implementation of the various agreements under the terms of which these villagers were to be given the right to a peaceful existence on their lands in the Demilitarized Zone.

33. Accordingly, I had another interview with the mukhtars and notables, accompanied by the Senior Syrian Delegate to the Mixed Armistice Commission, who repeated the refusal of the Syrian Authorities to permit them to enter Syria. I assured the villagers' representatives that I would do my best to have the conditions under which they were living improved, and would ask for UNRWA assistance for them. They reluctantly accepted the situation, and said they would await events for a while.

34. On 18 December 1954, I wrote to the Chief of Staff, Israel Defence Forces, requesting that the following steps be taken to improve the villagers' situation:

- (1) UNRWA supply them with immediate necessities (mainly grocery items).
- (2) They be allowed to sell their 1954 crop and buy their needs with the proceeds.
- (3) Arrangements be made to grind their grain.
- (4) They be allowed freedom of movement within the Zone, subject to carrying identification papers.
- (5) Later, arrangements should be made for schools and medical care and the rebuilding of houses.

35. On the 24th of December 1954, the Chief of Staff, Israel Defence Forces, replied accepting these proposals with the exception of (1) which was rejected as unnecessary and tending to encourage undesirable dependency on the part of the villagers. The implementation of this agreement is being followed by the Chairman of the Mixed Armistice Commission and United Nations Observers. I saw the mukhtars again on 29 December. They had sold grain from which they had received 2,500 Israeli pounds with which they had an opportunity to buy groceries, etc. and I was assured by Israeli representatives that the rest of their crop would also be bought, giving them adequate resources with which to purchase their needs.

36. The mukhtars were still dissatisfied on a number of points, and claimed they did not wish to become Israeli subjects or live under Israeli control. I informed them that the whole matter was being reported to the Security Council.

B. Reconstruction of the Village of Nugeib.

37. The greater part of the village of Nugeib, situated in the Southern Demilitarized Zone, north of Ein Gev (MR 210245), was destroyed by the Israelis during the war of 1948, and the disturbances in March-April 1951. Since April 1951, the inhabitants of Nugeib have been considered refugees and draw rations from UNRWA. They are living in temporary dwellings about a half kilometre north of the former site of the village.

38. In 1951, UNRWA prepared an extensive plan for the complete rehabilitation of this village. This plan envisages the reconstruction of homes, the installation of an adequate irrigation system, the establishment of a school, the provision of necessary agricultural animals and equipment, and agricultural assistance to the village. In order to ensure that, if the project were executed, no interference would come from either Party, the Chairman of the Mixed Armistice Commission, in December 1951, discussed the matter with both Parties. The Syrian Government endorsed the project and assured the Chairman that it would provide any assistance possible. On 6 December 1951, the General Staff Officer i/c of the Mixed Armistice Commissions, Israel, informed the Chairman that, although Israel considered the project most worthy, its execution would not be agreed to unless the personnel employed as technical directors, technical assistants, etc. came from Israel. They refused to permit UNRWA, Damascus, to provide, from among the Palestinians employed by it, the assistance necessary for the execution of such a project. The project, therefore, has been dormant, and the United Nations suffer a continuing month to month expense in support of a village which could be made self-sufficient and could be removed from the rolls of UNRWA permanently.

C. Conflict over Rights to Cultivate Land in the Tewafiq Area

39. In the southern sector of the Demilitarized Zone, Israeli settlers of kibbutz Tel-Katzir prevent the cultivation by the legal Arab owners of tracts of land situated to the East and West of Hill -98, on which the kibbutz is located, and there are incidents at ploughing and harvesting time each year.

40. After considerable difficulty, ownership of the lands has been definitely established through the examination of the cadastral books of Palestine which were sent here from United Nations Headquarters and through local search of titles.

41. On 31 December 1952, following incidents in the area of Tel-Katzir the Israel General Staff Officer in charge of the Mixed Armistice Commissions stated that the terrain features prevailing in the area S.W. of Lake Tiberias imposed certain security considerations and Israel considered this area as a security zone. The area East and South of Tel-Katzir was a vital part of this security zone and Israel could not accept the claim of free access of Arab farmers from Tewafiq, to some fields within this area. The Chairman has not recognized the Israeli claim that this area is vital to Israeli security.

42. The most recent incident at this locality took place on 5 December 1954. It was the subject of the Syrian complaint referred to in paragraph 24 of this report. According to the complaint, eight armed Israeli State policemen stationed in the Demilitarized Zone fired on two Arab farmers and wounded one of them. The text of the resolution adopted in the absence of the Israeli delegation which refused to attend the meeting (see paragraph 24 of this report) is annexed as Appendix C.

D. The Denial of Watering and Fishing Rights to the Arab Population in the area bordering the East Shore of Lake Tiberias

43. The Syrians have complained that the Arabs living in the Demilitarized Zone and in Syrian territory close to the shore of Lake Tiberias, have been deprived of their natural and customary rights to fish, to draw water from and to water their animals in the Lake.

44. Part II of the Syrian aide-mémoire of 15 December 1954 (Appendix A) states the basis of the Syrian contention that the reparian Arab civilians are entitled to exercise such rights during the armistice. However, the armistice demarcation line follows in this area the international boundary between Syria and Palestine, that is to say, a line on the shore parallel to

and at 10 metres from the edge of Lake Tiberias, until it joins the Central sector of the Demilitarized Zone at a point on the shore about 1-1/2 kilometre north of Nuqeib. The Mixed Armistice Commission considered this subject on 20 July 1950 and on 15 March 1954, and at the latter meeting adopted a resolution the first two paragraphs of which read as follows:

- "1. Syria and Israel are bound by Article IV, paragraph 3, of the General Armistice Agreement confirmed by various undertakings made by their representatives during the official MAC meetings, which have, according to Article III, paragraph 2 (b), of the Rules of Procedure, the same binding force as the Armistice Agreement, to ensure respectively that no crossings from Syria into Israeli territory and from Israel into Syrian territory will take place.
2. Any crossing from Syria into the ten-metre strip on the eastern shore of Lake Tiberias as well as from Israel into Syrian territory is a violation of Article IV, paragraph 3, and of the above-mentioned undertakings."

45. The Israelis take the position that the questions of water rights and fishing rights can be settled between them and the Syrians and have informed me that they are ready at any time to discuss them. The Syrian position appears to be that they feel their rights in this matter should be established with legal effect by the Mixed Armistice Commission or the Security Council. In view of the provisions of the General Armistice Agreement relating to the crossing of the Armistice Demarcation Line and of the decisions of the Mixed Armistice Commission to which I have referred, I do not think that the Mixed Armistice Commission is in a position to satisfy the Syrian claim in this respect.

Israel's View of the State of Affairs in the Demilitarized Zone

46. The views of the Government of Israel in regard to the state of affairs in the demilitarized zone, and certain of the matters dealt with in the preceding sections are set forth in the following extract from the memorandum of the Ministry of Foreign Affairs, dated 27 December 1954 (Appendix B):

"Even today, after questions of the D.Z. have been clarified to a large degree by the Security Council and by rulings of the Chief of Staff of the UNTSO, Syria's efforts to arrogate to herself rights in the D.Z. are not confined to the framework of legal issues.

"The invasion of 1948 was followed by the attack at Tel-el-Mutillah in 1951. Even at present Syria's territorial aggression against the D.Z. has not been fully brought to an end. Certain sections of the Zone, such as the El Hamma area and Tewafiq, have for all practical purposes been subjected to Syrian domination.

"This state of affairs has resulted in the illegal separation of certain parts of the Demilitarized Zone from the rest of the Zone. On the road to El Hamma, for instance, Syria has constructed a roadblock, which UN representatives have unsuccessfully tried to get removed ever since 1951. Furthermore, Syria has been pouring arms into the sectors under her domination, instigating armed clashes between inhabitants of the Zone such as the one that occurred recently between villagers of Tewafiq and Tel-Katzir. With respect to this incident, it is to be observed that the land-ownership question in the vicinity has been the subject of intermittent conversations between the Chairman, the inhabitants of the Arab village of Tewfiq and those of Tel-Katzir, and that the latter have been cultivating their lands for five years.

"Another part of the Zone severed by Syrian sway from normal civilian development in accordance with the Armistice Agreement has been the eastern bank of the Jordan River in the central Demilitarized Zone. Syrian armed forces are in effective control of the area, preventing residents of the western bank from exercising their right of freedom of movement across the river. The threatening posture adopted by Syrian soldiers roaming along the eastern bank reflects the aggressive purposes of their inroads into that sector. Only a fortnight ago they opened fire on Israelis on the right bank in the latest of several such incidents.

"An evaluation of this situation leads inevitably to the conclusion that Syria's territorial inroads into the Demilitarized Zone, in addition to her persistent attempts to acquire rights of intervention in matters concerning the Zone, constitute the principal dangers to the satisfactory functioning of the Armistice Agreement."

Syria's View of the State of Affairs in the Demilitarized Zone

47. The Syrian position is that Israel has not respected the status of the Demilitarized Zone as defined in the General Armistice Agreement; normal civilian life has not been restored for many Arabs, who since the troubles in 1951, have been subjected to the control of the Israel State police, illegally stationed in the Zone. Arab lands are illegally cultivated by Israeli settlements; Israel policy forces the Arabs to leave the area. Israel does not want to discuss matters pertaining to the Zone in the Mixed Armistice Commission because, in her view, such matters are within the competence of the Chairman, but the requests made by the Chairman are rarely respected.

CONCLUSION

48. The complaints of both Parties in regard to the state of affairs in the Demilitarized Zone having been set forth above and commented upon, the question is, what can be done to improve matters, pending a final settlement.

49. It would appear impossible at this late date to bring the conditions in the Demilitarized Zone into line with the principles set forth in the "authoritative comment" on Article V of the General Armistice Agreement. (vide para. 3 above).

50. A civil administration of the Demilitarized Zone "on a local basis" cannot mean that each village is autonomous; for there must be traffic and intercourse between villages within the Zone, and trade and intercourse outside the zone if there is to be a "normal civil life" in the area. Therefore, there must be some authority to control relations between the Israeli and Arab villages and their inhabitants within the zone, and trade and other intercourse between the Demilitarized Zone and Israel on the one side and Syria on the other.

51. According to the "authoritative comment", the Chairman of the Mixed Armistice Commission is not to assume responsibility for direct administration of the Zone, and indeed it would be entirely impracticable, and against the wishes of the Parties, for him to attempt to do so.

52. The Chairman of the Mixed Armistice Commission by Article V, para. 5 (e) is merely empowered to authorize ... "the employment of limited numbers of locally recruited civilian police in the zone for internal security purposes." He has no powers of administration and does not control such police.

53. The actual policing system has developed as described in the section in regard to Police Forces in the Demilitarized Zone.

54. An alternative solution, if the two Parties agreed to it, would be a provisional arrangement for the division of the Demilitarized Zone into areas within which either Israel or Syria would have administrative responsibility. Inhabitants of such areas would trade and traffic with the contiguous portions of the state having administrative authority over them. It is clear that trading and other normal intercourse of civilian life must be organized in such a way, in view of the absence of normal trade between Israel and Syria.

55. Such provisional division of the Zone is obviously related to and probably dependent upon an agreement for the division of the Jordan waters in this area, to provide equitably for the irrigation and water power requirements of both Israel and Syria.

56. It appears that a satisfactory long-term solution to the difficulties in the Demilitarized Zone can only be achieved by negotiation. Otherwise, the Demilitarized Zone which, it was expected, would "minimize the possibility of friction and incidents" will remain a dangerous trouble spot. Negotiations might be initiated within the framework of the General Armistice Agreement, which provides (Article VII, paragraph 8) that the Mixed Armistice Commission "in its discretion and as the need arises, may from time to time recommend to the Parties modifications in the provisions of this Agreement."

(Signed) E.L.M. Burns
Major-General
Chief of Staff

APPENDIX A

SYRIAN REPUBLIC
MINISTRY OF FOREIGN AFFAIRS

Damascus, 15 December 1954

AIDE-MEMOIRE

Concerning the problems submitted to General BURNS, Chief of
Staff of UNTSO, for his attention

During the visit of General Burns, Chief of Staff of UNTSO, to Damascus on 13, 14 and 15 December 1954, several pending problems dealing with the General Armistice Agreement and its application were raised by Syria (Demilitarized Zones, defensive areas, diversion of the Jordan, serious incidents in the Lake Tiberias area, Arab refugees, etc.). A number of recent incidents arising out of the problems considered jointly were also raised.

I. Problems raised in connexion with the demilitarized zones

(i) General problems

(a) Powers of the Mixed Armistice Commission and its Chairman respectively

The Israel delegation to the MAC continues to boycott meetings of the Commission whenever it is called upon to examine incidents and complaints about the demilitarized zones on the pretext that the MAC is not competent to examine such incidents and complaints and that it is exceeding its powers in so doing. Thus, to cite only one very recent example, the Israel delegation did not attend the meeting of the MAC held on 12 December 1954.

The negative attitude of the Israel delegation is obviously a serious breach of the Security Council resolution of 18 May 1951 which states that it is inconsistent with the objectives and intent of the Armistice Agreement to refuse to participate in meetings of the Mixed Armistice Commission and calls upon the parties to the General Armistice Agreement to be represented at all meetings called by the Chairman of the Commission.

Such an attitude is based upon a wrong and one-sided interpretation of article V of the GAA and of the provisions of that Agreement regarding respective functions of the Chairman of the MAC and of the Commission itself.

This attitude is intended to paralyse the MAC's work in order to enable the Israel authorities to have a free hand in the demilitarized zones with special status and to exercise in them an absolute sovereignty which they had been prohibited from exercising by the GAA and Mr. Bunche's explanatory letter incorporated in the Security Council resolution adopted on 18 May 1951.

The Syrian position with regard to this particular problem was clearly defined in the exchange of notes between the Ministry of Foreign Affairs and General Bennike, the former Chief of Staff of UNTSO (S/3212, 3218, 3225, 3230 and 3231). That position cannot be altered in any way in the future, as it is based on a sound and correct interpretation of the provisions of the GAA concerning the respective powers of the Commission and its Chairman.

Article V, paragraph 5 (c) of the GAA stipulates that the Chairman of the Mixed Armistice Commission and the United Nations observers shall be responsible for ensuring the full implementation of article V (dealing with the demilitarized zones).

Article VII, paragraph 1 of the GAA stipulates that the execution of the provisions of that Agreement (including the execution of the provisions of article V) shall be supervised by a Mixed Armistice Commission.

Furthermore, article VII, paragraph 7 provides that claims or complaints presented by either Party relating to the application of the Agreement (without excepting any article) shall be referred immediately to the Mixed Armistice Commission through its Chairman and that the Commission shall take such action on such claims or complaints (without exception) as it may deem appropriate.

The conclusions which may properly be drawn from the texts cited above are as follows:

1. The Chairman of the MAC is responsible for ensuring the full implementation of article V.
2. The MAC is responsible for supervising that implementation.
3. The MAC is empowered to receive and examine all complaints and claims connected with the GAA, both those relating to article V and the demilitarized zones and other complaints and claims.

It is also empowered to take all appropriate action to settle such complaints and claims.

These conclusions are confirmed by the Security Council resolution of 18 May 1951, one provision (sub-paragraph a) of which stipulates that "Arab civilians who have been removed from the demilitarized zone by the Government of Israel should be permitted to return forthwith to their homes, and that the mixed Armistice Commission should supervise their return and rehabilitation in a manner to be determined by the Commission".

This provision, regarded in the light of article V, paragraph 5 (e) of the GAA, which states that "the Chairman of the Mixed Armistice Commission is empowered to authorize the return of civilians to villages and settlements in the Demilitarized Zone", confirms the fact that the Chairman of the MAC has executive functions and that the MAC has supervisory functions. It might even be said, using a customary legal phrase, that the Chairman of the MAC is the authority of first instance and the MAC the authority of final instance.

It seems that the MAC has begun to become increasingly aware of these irrefutable truths. The resolution it adopted on 12 December 1954 in connexion with an incident which occurred in the Southern Demilitarized Zone, with interesting implications concerning that Zone, amply attests this fact.

(b) Local Civil Police

The Israel authorities claim that the presence and activity of the regular Israel police in the demilitarized zones are compatible with the provisions of the GAA. They base this claim on the following passage from Mr. Bunche's explanatory letter embodied in the Security Council resolution of 18 May 1951:

"Where Israeli citizens return to or remain in an Israeli village or settlement, the civil administration and policing of the village or settlement will be Israeli. Similarly, where Arab civilians return to or remain in an Arab village, a local Arab administration and police unit will be authorized".

At first sight, the absence of the word "local" in the first part of this passage seems to confirm such a claim.

However, this misinterpretation cannot be allowed to pass, for the following reasons:

The word "similarly" at the beginning of the second part of this passage sets up an undeniable analogy between the two parts.

If the passage is restored to its context in the Security Council resolution of 18 May 1951, it no longer lends itself to any such capricious interpretation; in fact the passage of the resolution immediately preceding that cited by the Israeli authorities states clearly and unambiguously:

"Such civil administration, including policing, will be on a local basis, without raising general questions of administration, jurisdiction, citizenship and sovereignty".

Article V (5), paragraph 5 (e) of the GAA clearly states that the Chairman of the Mixed Armistice Commission shall be empowered to authorize the employment in the Demilitarized Zone of limited numbers of locally recruited civilian police for internal security purposes (i.e., the security of the Demilitarized Zone).

The regular Israel police force is a State force wearing official uniform and responsible for protecting Israeli security.

The unrealistic Israeli interpretation of the texts relating to local civil police was rejected by the MAC resolution of 12 December 1954 which considered the presence of a regular Israeli police force in the southern demilitarized zone as flagrant violation of article V of the GAA and called for the definitive withdrawal of those forces.

The above-mentioned MAC resolution also recommended the renewal of negotiations for the establishment of a locally recruited civilian police force.

The Syrian authorities consider that these negotiations should be resumed within the framework of the GAA and on the basis of the draft of 25 June 1951 prepared by the Chairman of the MAC and approved by the Syrian delegation to the MAC.

(c) The gradual restoration of normal civilian life

The Israel authorities refer to Mr. Bunche's letter of 26 June 1949 to the Israel Minister of Foreign Affairs. The letter states in particular that the demilitarized zone should not be a "No Man's Land".

This letter, which in Mr. Bunche's own opinion has no effective force, taken in conjunction with the alleged economic dynamism of Israel, is put forward to justify the reconstruction of the demilitarized zone by the Israel authorities at the expense of the rights of the original Arab civil population of the zone and despite the obligations assumed by the Israel party to the GAA.

If one bears in mind the incontrovertible fact that Israeli economic dynamism and military domination are one and the same, the real object of such reconstruction can easily be seen.

Thus, Israeli settlements which did not exist in the demilitarized zone before the operations of 15 May 1948 have been established in places especially chosen for their strategic value (e.g., Tel Katzir constructed in the Southern demilitarized zone in 1949).

These newly established settlements have led to the expulsion of the original Arab civilian population of the zone and the confiscation of their property.

The Syrian authorities rightly consider that these acts are directly opposed to article V, paragraph (2) of the GAA and Mr. Bunche's explanatory letter which was accepted by both parties.

In the view of these authorities, the gradual restoration of normal civilian life in the demilitarized zone should be interpreted as authorizing the reconstruction of those villages and settlements which existed before 15 May 1948 and the return of the original inhabitants of the zone, and nothing more.

Consequently, the Syrian authorities can only express their complete disapproval of the Israel authorities' arbitrary opposition to the rebuilding of the Arab villages in the zone destroyed during the operations which began on 15 May 1948.

The Syrian authorities' interpretation of article V, paragraph (2) is confirmed by the instructions concerning the demilitarized zone given by the Chairman of the Mixed Armistice Commission to the United Nations observers. These instructions clearly emphasized inter alia the need to preserve former properties.

The Syrian authorities also consider that the many restrictions imposed by the Israelis on the freedom of movement of the Arab civilian population within the demilitarized zone and their freedom to use their own properties and resources in that zone is fundamentally incompatible with the gradual restoration of normal civilian life.

In 1951, the Arab inhabitants of the demilitarized zone sold their crops in Syria. This they are now forbidden to do and their crops lie rotting in the granaries.

They have not even adequate resources for milling their grain and are obliged to use hand-operated millstoves to make their flour.

(d) Demilitarization

The military observers' reports enable us to state that the regular Israel police, a para-military force, not only patrol the demilitarized zone but has also installed fixed observation posts at strategic points.

Furthermore, since 1953, the Israelis have stationed regular units of the Israel army, known as frontier guards, in the Demilitarized Zone. It has also been proved that heavy weapons (mortars and artillery) have been set up in the Demilitarized Zone. Finally, the frontier settlements which are the advanced strong points of the Israel army have been reinforced with all kinds of weapons and the Israel Air Force is constantly active in this zone.

(2) Special problems

(a) Central Demilitarized Zone

1. Acts of terrorism

Israeli terrorist activities against the Arab populations of Bakkara and Ghanammé are continuing.

On 12 June 1954 a large part of this population was obliged in desperation to take refuge near the bridge of Banat Yacoub to request admission to Syria. Clear proofs of this policy of harassment and evacuation directed against the Arab civilian population of the Central Demilitarized Zone can easily be furnished on request.

On 4 July 1954 a high Israeli military officer visiting the two villages abovementioned said to the Arab population:

"You must do one of two things, either become Israel nationals or leave the zone, your land, your houses and your property and go to an Arab country."

(References: letters recently received through the Chairman of the Mixed Armistice Commission from the Mukhtars of Baqqara and Ghanamme.)

2. The Khoury farm

The owner of this farm has been the victim of various forms of harassment for several years. He is prevented from working his good land and marketing his crops, which consist mainly of citrus fruits. These, which are now ripe, are falling to the ground and rotting for lack of purchasers.

(b) Southern Demilitarized Zone

1. Reconstruction of the Arab village of Nuqeib

As the Arab village of Nuqeib was destroyed by the Israelis in the course of the military operations which began in May 1948, the Syrian delegation to the MAC proposed that it should be reconstructed. This proposal was adopted by the Chairman of the MAC in 1952. Schemes and plans were prepared. UNRWA gave its full agreement to the plan to carry out this rehabilitation project, which would contribute to the restoration of normal civilian life in the Southern Demilitarized Zone as contemplated by the GAA and in Mr. Bunche's explanatory letter.

As soon as this plan began to take shape, opposition was fostered by the Israel authorities and began to spread within UNTSO itself. The opponents of the plan asserted that it must be carried out by UNRWA at Haifa (supply of materials and labour). UNRWA itself alleged that the buildings to be erected would be exposed to danger from Israel. As a result the implementation of the plan was postponed indefinitely, at the sole and unjustified wish of Israel and in violation of article V of the GAA.

When General Bennike visited the Arab village of Nuqeib on 15 April 1954 to investigate conditions among the population of the Southern Demilitarized Zone, he told Lt. Col. T. Chatila, the former Chairman of the Syrian delegation to the MAC, that he agreed to the reconstruction of the village and that a decision concerning its people's rehabilitation would be taken as soon as possible.

The Syrian authorities urge General Burns to authorize the start of this work.

2. 130 dunams of Arab land in the village of Nugeib

On 16 March 1954 Israelis of the Ein Gev colony began ploughing 130 dunams of land, which are situated near the colony and which belong to the Arab population of demilitarized Nugeib, in violation of the verbal agreement concluded at Samra in 1950 to the effect that the two parties should retain and work the said land until the problem was settled.

3. Arab holdings in the village of Tewafiq

The disturbed situation in the Southern Demilitarized Zone dates from 1951 and it stems chiefly from the illegal working of Arab holdings by the Israelis and the occupation of this land by force of arms. Many complaints have been made by the Syrian delegation with a view to the cessation of this usurpation of land. So far these complaints have had no effect.

The Israelis are working the Arab holdings illegally to this day. For their part, the Arab owners can wait no longer. Immediate steps must be taken to evict the Israelis from the unauthorized occupation of Arab land. The investigation begun in 1952 to determine the ownership of properties in the Southern Demilitarized Zone should be completed, and the UNTSO Chief of Staff should take it as a guide in applying the proposed measures.

The Syrian authorities urge that this question should be settled promptly in accordance with the MAC resolution of 12 December 1954, in view of the fact that the Israelis are taking inhuman and arbitrary measures against the Arab civil population, measures which cannot and should not be permitted to continue indefinitely.

In 1950 Mahmound Tarani, one of the landowners of Tewafiq, was arrested by the Israeli authorities in the Demilitarized Zone with the full knowledge of the United Nations observers, and was taken to Israel. According to the information reaching the Syrian authorities through his relatives, he has been sentenced to five years' imprisonment and has been placed under severe pressure to sell his land.

Arab inhabitants of the Demilitarized Zone are constantly being deported; five persons were deported to Israel on 14 November 1954.

II. Problems raised in connexion with the Lake Tiberias incidents and the customary rights of the riparian Arab civilian population

1. The Lake Tiberias incidents

Serious incidents are taking place along the east shore of the Lake, which under the GAA is regarded as a Defensive Area.

Two successive incidents of a particularly serious nature have greatly disturbed this area recently:

On 30 June 1954 an armoured Israel launch attacked the Syrian post of El-Koursi, situated on Syrian soil, with its 20-mm gun.

Next day two armoured launches attacked the same post with their 20-mm and 57-mm guns, this time with the support of Israel field artillery sited in the Defensive Area. This artillery continued firing for approximately 1 hour 45 minutes, causing material damage to the post.

In addition to the foregoing it is necessary to mention two problems peculiar to this region, namely:

1. The presence of armoured and heavily armed Israel launches in the defensive sector of Lake Tiberias;
2. The customary rights of the riparian Arab civilian population.

These armoured launches are intended:

- (a) to intimidate the riparian Arab civilian population and thus prevent the people from peacefully crossing the Demarcation Line to exercise their lawful rights under age-long custom to fish and use the waters of Lake Tiberias for their domestic needs;
- (b) to exercise an act of sovereignty over the ten-metre coastal strip, the final disposal of which has not yet been settled, and to test the strength of the Syrian posts and the riparian civilian population.

According to their authors, these Israel claims are based on:

- (a) Article IV, paragraph 3, of the General Armistice Agreement (with regard to the Demarcation Line).
- (b) The alleged undertakings of a previous head of the Syrian delegation to the MAC.

The Syrian case is based on:

- (a) Annex IV, paragraph III, of the General Armistice Agreement which prohibits the presence of naval forces in the Lake Tiberias Defensive Area, and paragraph I.2 of that annex.
- (b) The provisions of the MAC resolutions concerning the presence of armoured launches.
- (c) Article II and article V, paragraphs 1 and 2, of the GAA.
- (d) The United Nations Charter, particularly Article 40 and the Articles concerning human rights.
- (e) Principles of international law.
- (f) Previous treaties.
- (g) Assurances given by the Israel delegation during the armistice negotiations.

Despite Syrian complaints and the resolutions of the MAC, Israel armoured launches continue to operate with impunity in the Lake Tiberias Defensive Area. They frequently approach Syrian posts and illuminate them with their powerful searchlights. This illustrates, once again, how little respect is shown by the Israel party to the GAA for the decisions of the MAC and the inability of this commission to defend its rights.

The Syrian authorities request the Chief of Staff of UNTSO to give this extremely important problem the attention it deserves. These authorities suggest that:

- (a) A special meeting of the MAC should be held to interpret article IV, paragraph 3 of the GAA.
- (b) Israel armoured launches should be completely withdrawn from the Lake Tiberias Defensive Area in accordance with the resolutions of the MAC.

III. Activity of the Israel Air Force

This activity continues despite all the Syrian complaints made in this connexion. It is occasionally intensified to an extent that the Syrian authorities would be unable to tolerate indefinitely. At the present time

this activity occurs almost daily over the Defensive Area and even over Syrian territory (Koursi, Douga, Bouteiha, Banias, etc.).

IV. Diversion of the Jordan River by Israel

Syria considers that it is bound only by the decision of the Chief of Staff of 23 September 1953 (S/3122, Annex 1), which remains in force, and by the Security Council resolution ordering the suspension of diversion work. Syrian views on this extremely important question have been clearly expressed during the Council's meetings.

The Syrian authorities are firmly determined to resist in every way the unilateral completion of this project, and draw the attention of the Chief of Staff to the fact that the continuation of the diversion work outside the Demilitarized Zone may endanger the future satisfactory settlement of this question.

V. Problems concerning Arabs of Israel nationality driven out of the village of Rihanya

Nineteen Arabs of Israel nationality were forced against their will, to cross the demarcation line near Banias. These Arabs had to abandon their land and houses. This act is a repeated violation of the CAG and calls for energetic and immediate measures for the rapid repatriation of these unfortunate people and the restoration of their property and their homes.

APPENDIX B

27 December 1954

OBSERVATIONS REGARDING THE PRESENT SITUATION
IN THE DEMILITARIZED ZONE

The problem of the Demilitarized Zone created under the Israeli-Syrian General Armistice Agreement is one of repeated Syrian attempts to encroach upon it and to stifle its development. Time and again have United Nations organs been called upon to bar Syrian claims of intervention and campaigns of obstruction. In 1950 Syria attempted to prevent the establishment of new Israel agricultural settlements in the area and the construction of roads. Syrian objections were then overruled, and thereby peaceful development of the Zone devastated when Syrian forces invaded it in 1948, was ensured. In 1951 Syria resorted to force in an attempt to stop the Hule drainage project and went as far as to invade Israel territory at Tel-el-Mutillah with her regular forces. On that occasion, too, Syria's designs were thwarted, but not before the Security Council had been called upon to deal with the problem. In 1953 Syria's obstructionist efforts turned against the hydro-electric project at B'not Yaakov. This eminently beneficial scheme would provide power at the rate of 24,000 kilowatts per hour without in any way infringing upon the water or land rights of local Arabs inhabitants, or affecting possible regional water plans. Once again the Security Council was compelled to deal with the situation created by Syria's intervention. Though the adoption of a resolution failed by a veto, the Council did succeed in clarifying the issues involved, and subsequently a team of experts was assigned by the Secretary-General of the United Nations to examine the technical aspects of the project. The experts dismissed the Syrian accusations that the implementation of the project was incompatible with the assurance of all existing water needs. Syrian policy has nevertheless continued to be directed at claiming a status within the Demilitarized Zone which specifically was not granted in the Armistice Agreement.

Syria's withdrawal from the areas beyond her international frontiers which she occupied in 1948 was made a condition for the conclusion of the Armistice Agreement. Israel, for her part, consented to the demilitarization of the areas from which the Syrian Army retreated. In agreeing to refrain from introducing

her armed forces into the area Israel was not in any way required to renounce, nor did she renounce, her full rights within the Zone. This assurance was set forth in a letter which Dr. R.J. Bunche, the United Nations Acting Mediator sent on 26 June 1949 to the Foreign Minister of Israel, in which he drew attention to the fact that both the Israel-Jordan and the Israel-Egypt Armistice Agreements included instances where the armistice demarcation lines eventually agreed upon involved changes in the then existing truce lines, and that this was done in all cases without any question being raised as to the sovereignty or final disposition of the territory concerned. It was taken for granted that this was a matter for the final peace settlement. The instances referred to in the Israel-Jordan Armistice Agreement were to be found in Article V, paragraph 1(c), and Article VI, paragraph 2, and in the Israel-Egypt Armistice Agreement in Article VIII (El Auja). He therefore felt that the agreement on the unqualified withdrawal of Syrian forces from Palestine should not be undone by legalistic demands about broad principles of sovereignty and administration, which would in any case be worked out satisfactorily in the practical operation of the scheme.

Thus though the formal recognition of sovereignty over the Zone was deferred pending final settlement between the parties - this is true in general of questions of such nature under the Armistice Agreement, irrespective of whether they concern the D.Z. or other areas - exclusion of Syria from the Demilitarized Zone was complete and definite. The clauses of the GAA and Dr. Bunche's explanatory Note provide for Israeli villages and Israeli police but exclude such Syrian interests. The absence of any Syrian "locus standi" in the Zone is demonstrated conclusively in the limitation of the MAC's competence with regard to matters of the D.C. According to para 5c of Article V, it is the Chairman of the MAC (or the Chief of Staff) and not the Commission, of which Syria is a member, that is responsible for ensuring the implementation of Art. V governing the Demilitarized Zone.

This principle has been confirmed repeatedly. In answer to a question by the Syrian Delegate to the Armistice Conference of 1949 as to who would be responsible for the implementation of Article V, Mr. H. Vigier, Chairman of the Conference, declared:

"If we follow the precedents of the previous Armistice Agreement, it will be the MAC itself that shall ensure the implementation of the other Articles of the Agreement. The Chairman of the MAC will have special powers in the Demilitarized Zone."

Lieut.-General W.E. Riley, Chief of Staff of the UNTSO, declared at the 62nd MAC meeting, with reference to a Syrian complaint against alleged Israeli violations of provisions of Article V:

"The Chairman assumes general supervision of the D.Z., therefore it is the Chairman and not the MAC which deals with this problem"...

"The Complaint submitted should not have been accepted by the Chairman, it should not have been discussed within the MAC itself."

In a letter addressed to the Syrian Ministry of Foreign Affairs on 19 May 1954 and published in Security Council document S/3231, General V. Bennike stated, inter alia:

"...The responsibility of the Chairman of the Mixed Armistice Commission in respect of matters other than those of civilian nature in the Demilitarized Zone must be considered in the light of the provisions of paragraphs 5(b) and 5(c) of Article V. Both parties to the Armistice Agreement were alive to the grave consequences which would ensue from 'any advance by the armed forces' of either into the Demilitarized Zone. They agreed that such an advance, if 'confirmed by the United Nations representatives' (the Chairman of the commission and the United Nations Observers), would constitute a 'flagrant violation' of the Agreement. The Chairman of the Commission and the United Nations Observers are responsible for ensuring the full implementation of this provision."

It is evident from the above that no distinction can be deduced between the Chairman's jurisdiction over civilian matters and his competence with regard to military aspects of Article V. Indeed para. 5 c of that Article defined the Chairman's responsibility as "ensuring the full implementation" of the Article without any difference whatever between its civilian life clauses and its military provisions.

The aforesaid principle has been followed in practice throughout the years except when otherwise agreed to by Israel (as for instance in a number of MAC discussions held before 1951). The Chairmen of the Israel-Syrian Mixed Armistice Commission have taken up and settled numerous questions concerning the Demilitarized Zone directly with Israel representatives. In the last six months at least 15 such matters regarding civilian as well as military questions of the Zone were brought by the Chairman before the Israel authorities.

Syria, however, persists in attempts to create for herself a position which would entitle her to intervene in a territory that lies outside her state boundaries, and in several instances questions concerning the Demilitarized Zone have appeared at her insistence on the agenda of the MAC. It is evident that Israel cannot acquiesce in these attempts by Syria to usurp rights which are not hers and is bound to remain consistent in upholding the basic tenet of the Armistice Agreement - the exclusion of Syria from any rights within the Demilitarized Zone, even if this sometimes necessitates absenting herself from meetings of the MAC at which Syria seeks to intervene in questions affecting the Zone.

It is also clear that if the Armistice Agreement is to function satisfactorily nothing must be done to undermine this fundamental principle. The problem is not one of seeking additional interpretations but of thwarting attempts to discard or impair it.

Ominously enough even to-day, after questions of the D.Z. have been clarified to a large degree by the Security Council and by rulings of the Chiefs of Staff of the UNTSO, Syria's efforts to arrogate to herself rights in the D.Z. are not confined to the framework of legal issues.

The invasion of 1948 was followed by the attack at Tel-el-Mutillah in 1951. Even at present Syria's territorial aggression against the D.Z. has not been fully brought to an end. Certain sections of the Zone, such as the El Hamma area and Tewfiq, have for all practical purposes been subjected to Syrian domination.

This state of affairs has resulted in the illegal separation of certain parts of the Demilitarized Zone from the rest of the Zone. On the road to El-Hamma, for instance, Syria has constructed a roadblock, which United Nations representatives have unsuccessfully tried to get removed ever since 1951. Furthermore, Syria has been pouring arms into the sectors under her domination, instigating armed clashes between inhabitants of the Zone such as the one that occurred recently between villages of Tewfiq and Tel-Katzir. With respect to this incident, it is to be observed that the land-ownership question in the vicinity has been the subject of intermittent conversations between the Chairman, the inhabitants of the Arab village of Tewfiq and those of Tel-Katzir and that the latter have been cultivating their lands for five years.

Another part of the Zone severed by Syrian sway from normal civilian development in accordance with the Armistice Agreement has been the eastern bank of the Jordan river in the central Demilitarized Zone. Syrian armed forces are in effective control of the area, preventing residents of the western bank from exercising their right of freedom of movement across the river. The threatening posture adopted by Syrian soldiers roaming along the eastern bank reflects the aggressive purposes of their inroads into that sector. Only a fortnight ago they opened fire on Israelis on the right bank in the latest of several such incidents.

An evaluation of this situation leads inevitably to the conclusion that Syria's territorial inroads into the Demilitarized Zone, in addition to her persistent attempt to acquire rights of intervention in matters concerning the Zone, constitute the principal dangers to the satisfactory functioning of the Armistice Agreement.

On the other hand, those parts of the D.Z. which are not suffering from Syrian encroachment are generally peaceful areas. In the course of the past six months four incidents involving violence took place in the Zone. Undoubtedly, as would be expected in so complex a regime, local difficulties and misunderstandings do occur. These, however, are quite insignificant when compared to the aforesaid fundamental problems resulting from Syrian territorial assaults and illegitimate interference, reflected most strikingly in the campaigns against such economic development schemes as the drainage of the Hule marshes and the hydro-electric project of B'not Yaacov.

Thus in recent weeks certain difficulties have arisen with respect to the sale of the Baqqara village crop but these have by now been clarified and are on the way to settlement. Similarly, it may have been felt desirable at times to clarify more fully certain aspects of the operation of Israeli police in the Zone. Owing to the size and restricted nature of the Zone's population, it has been found impractical to recruit members of the police force entirely from local inhabitants, and consequently in order to satisfy the requirement of the GAA of maintaining local police, local police stations were established by Israel authorities in the Demilitarized Zone. In 1951 an agreement was reached between Israel and the Chief of Staff of the UNTSO regarding the operation of these

police forces. The activities of the Israeli police remain governed by that agreement, though Israel is aware of the existence of a view that there may be room for greater precision regarding the nexus between the local police stations and Israel police headquarters outside the Demilitarized Zone.

In the light of the above, it is evident that a resotration of the lawful situation in the Demilitarized Zone requires an immediate termination of Syria's territorial encroachments and political designs which violate the principal provisions of the Armistice Agreement.

HEADQUARTERS
TRUCE SUPERVISION ORGANIZATION

JERUSALEM, 12 December 1954

The Syrian-Israeli Mixed Armistice Commission held on 12 December 1954 its 72nd (Emergency) meeting at Customs House in order to examine the incident of Tel El Katzir - Tawaficq area (Southern Demilitarized Zone) of 5 December. By letter to the Chairman of the Commission dated 11 December 1954, the Israeli Delegation informed the Chairman of the Commission of their decision not to attend this meeting of the MAC. The MAC examined the following Syrian complaint:

"On 5 December 1954 at approximately 1630 hours, a group of 8 armed Israel State Policemen stationed approximately at MR 209.600-233.400 opened fire on two Arab farmers at approximately MR 209.600-233.450 in the Southern D.Z. (Tawafiq). The fire was returned by the two Arabs. One of them was hit by a bullet and immediately taken to hospital."

The Israeli complaint concerning the same case was not examined by the Commission due to the absence of the Israeli Delegation. The members of the Commission present and voting adopted unanimously the following resolution submitted by the Syrian Delegation:

"HAVING EXAMINED the Syrian complaint No. 606 D/S (ISMAL 1954-256) dated 6 December 1954, concerning the incident of 5 December 1954 in the Southern Demilitarized Zone,

"DECIDES:

1. The presence of a regular Israeli police force in the Southern D.Z. is a flagrant violation of Art. V of the GAA.
2. The action by fire conducted by the regular Israeli police force with rifles and automatic weapons against the civilian Arab population is a reiterated violation of the GAA and more specifically of paras. 2 and 3 of Art. III and of Art. V.
3. REQUESTS the Israeli authorities to take promptly the necessary steps to discontinue the above mentioned hostile and aggressive acts and to withdraw definitely Israeli regular police from the Southern D.Z.

4. INSTRUCTS the Chairman of the Commission to ensure the discontinuation of the illegal work undertaken by Israeli tractors on lands belonging to the civilian Arab population of the Southern D.Z.
5. REQUESTS the Israeli authorities to pay to the wounded Arab civilian an appropriate compensation.
6. RECOMMENDS the renewal of negotiations relative to a locally recruited civilian police force, provided for in paragraph 5, Art. V of the GAA."
