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## REPORT OF THE SECRETARY-GENERAL TO THE SECURITY COUNCIL PURSUANT TO THE COUNCIL'S RESOLUTION OF 4 APRIL 1956 ON THE PALESTINE QUESTION

### I. The Security Council Resolution, 4 April 1956

The terms of my mandate are set forth in the Security Council resolution of 4 April 1956 (S/3575) which makes reference to the resolutions of 30 March 1955 (S/3379), of 8 September 1955 (S/3435), and of 19 January 1956 (S/3538). Also of basic importance is the resolution of 11 August 1949 (S/1367) which took note of the coming into effect of the Armistice Agreements between the parties concerned in the Palestine conflict and reaffirmed the cease-fire order under Article 40 of the Charter contained in the Security Council's resolution of 15 July 1948 (S/902). The resolution of 11 August 1949 constitutes the legal basis for the functions of the United Nations Truce Supervision Organization and the Chief of Staff in relation to the cease-fire order. In pursuance of my mandate, I have taken account of this resolution for the reasons and in the manner explained later in this report.

The Security Council resolution of 4 April 1956 (S/3575) which set forth the terms of my mandate is as follows:

#### "The Security Council,

Recalling its resolutions of 30 March 1955, 8 September 1955, and 19 January 1956,

Recalling that in each of these resolutions the Chief of Staff of the Truce Supervision Organization and the parties to the General Armistice Agreements concerned were requested by the Council to undertake certain specific steps for the purpose of ensuring that the tensions along the armistice lines should be reduced,

Noting with grave concern that despite the efforts of the Chief of Staff the proposed steps have not been carried out,

1. Considers that the situation now prevailing between the parties concerning the enforcement of the Armistice Agreements and the compliance given to the above-mentioned resolutions of the Council is such that its continuance is likely to endanger the maintenance of international peace and security;

2. Requests the Secretary-General to undertake, as a matter of urgent concern, a survey of the various aspects of enforcement of and compliance with the four General Armistice Agreements and the Council's resolutions under reference;

3. Requests the Secretary-General to arrange with the parties for the adoption of any measures which after discussion with the parties and with the Chief of Staff he considers would reduce existing tensions along the Armistice Demarcation Lines, including the following points:

(a) Withdrawal of their forces from the Armistice Demarcation Lines;

(b) Full freedom of movement for observers along the Armistice Demarcation Lines and in the Demilitarized Zones and in the Defensive Areas;

(c) Establishment of local arrangements for the prevention of incidents and the prompt detection of any violations of the Armistice Agreements;

4. Calls upon the parties to the General Armistice Agreements to co-operate with the Secretary-General in the implementation of this resolution;

5. Requests the Secretary-General to report to the Council in his discretion but not later than one month from this date on the implementation given to this resolution in order to assist the Council in considering what further action may be required."

The resolution of 30 March 1955 (S/3379) requested the Chief of Staff to continue his consultations with the Governments of Egypt and Israel with the view to introduction of practical measures to preserve security in the area of the Armistice Demarcation Line between Egypt and Israel. It also called upon the Governments of Egypt and Israel to co-operate with the Chief of Staff with regard to his proposals, bearing in mind that in the opinion of the Chief of Staff, infiltration could be reduced to an occasional nuisance if the Agreement were effected between the parties along the lines he had proposed.

In its resolution of 8 September 1955 (S/3435), the Security Council called upon both parties to the Egypt-Israel General Armistice Agreement to take all necessary steps to bring about order and tranquillity and, in particular, to desist from further acts of violence. It endorsed the view of the Chief of Staff that the armed forces of both parties should be clearly and effectively separated by measures such as those which he had proposed. It declared that freedom of movement must be afforded to United Nations observers in the area to enable them to fulfil their functions. It called upon both parties to appoint representatives to meet with the Chief of Staff and to co-operate fully with him to these ends and it requested the Chief of Staff to report to the Security Council on the action taken to carry out the resolution.

In its resolution of 19 January 1956 (S/3538), the Security Council called upon the Government of Israel to comply in future with its obligations under the cease-fire provisions of the resolution of 15 July 1948 under the terms of the General Armistice Agreement between Israel and Syria and under the Charter. It called upon both parties to the General Armistice Agreement between Israel and Syria to comply with the obligations under Article V of the General Armistice Agreement, to respect the Armistice Demarcation Line and the Demilitarized Zone defined therein. It also requested the Chief of Staff to pursue his suggestions for improving the situation in the area of Lake Tiberias without prejudice to the rights, claims and positions of the parties and to report to the Council as appropriate on the success of his efforts. It called upon the parties to arrange with the Chief of Staff for an immediate exchange of all military prisoners and also called upon them to co-operate with the Chief of Staff in this and all other respects to carry out the provisions of the General Armistice Agreement in good faith, and in particular to make full use of the Mixed Armistice Commission's machinery in the interpretation and application of its provisions.

In its resolution of 11 August 1949 (S/1367), the Security Council took note with satisfaction of the conclusion of the Armistice Agreements between the parties to the Palestine conflict. While finding that the Armistice Agreements constitute an important step toward the establishment of permanent peace in

Palestine, the Security Council at the same time reaffirmed, pending the final peace settlement, "the order contained in its resolution of 15 July 1958 to the Governments and authorities concerned pursuant to Article 40 of the United Nations Charter to observe an unconditional cease-fire". It also requested the Secretary-General "to arrange for the continued service of such of the personnel of the present Truce Supervision Organization as may be required in observing and maintaining the cease-fire, and as may be necessary in assisting the parties to the Armistice Agreements in the supervision of the application and observance of the terms of those Agreements". It further requested the Chief of Staff of the Truce Supervision Organization to report to the Security Council on the observance of the cease-fire in Palestine.

Notes on previous compliance with the Security Council resolutions of 30 March 1955, 8 September 1955 and 19 January 1956 are annexed to this report (Annex VIII).

## II. General Observations

In the Security Council resolution of 4 April 1956, the first operative paragraph requests the Secretary-General to undertake, as a matter of urgent concern, a survey of the various aspects of enforcement of and compliance with the four General Armistice Agreements and the Council's resolutions under reference in the resolution. In the fourth operative paragraph, the Secretary-General is further requested to report to the Council on the implementation given to the resolution.

In fulfilment of the Security Council request, I have, during visits to the countries concerned, from 10 April to 3 May 1956, explored the current situation. In a letter to the President of the Security Council, 2 May 1956 (S/3594), I have given an interim report, mainly explaining how I have interpreted the scope and aim of the resolution of 4 April 1956 and how I have approached my task.

My talks with the Governments concerned have, without exception, been conducted on the basis of agreement that their purpose was to explore the possibility to re-establish full implementation of the Armistice Agreements. It should follow that the cause for the present state of non-compliance is not to be found in an unwillingness on the side of the Governments to carry out their obligations under the various Agreements.

The disquieting situation which prevailed when the Security Council passed its resolution, and which was characterized by widespread non-compliance with the stipulations of the Agreements, both by standing departures from the agreed rules and by temporary infringements of those rules, is in the first place explained by political and practical circumstances. However, uncertainty as to the scope of the obligations has also played a part.

The development in the area which, step by step, has led to the situation prevailing until now, has in its political and practical aspects often been considered by the Council. There is no reason here to recapitulate the various stages or incidents in the history. However, attention should be drawn to some circumstances, without which this development cannot be fully understood.

The Demarcation Lines established by the Armistice Agreements were based on the existing Truce Lines. They had, in many cases, no basis in history or in the distribution of population or private property. They had to be observed in a situation of great political tension, coloured by the memories of conflict. When in such a situation people from the two sides of the Demarcation Lines, whether civilians or military, were brought in close contact, frictions had to be foreseen. As incidents continued and their frequency increased this, together with the strained political atmosphere, tended to give the individual occurrences wider implications than certainly in most cases were justified. The development led to explosions, sometimes of great bitterness and causing great suffering. Thus, a chain of actions and reactions was created which, unless broken, is bound finally to constitute a threat to peace and security.

The development could have taken another turn, if the Government and citizens of one country had felt able to assume that transgressors from the other country against the provisions of the Armistice Agreement had acted without any instigation or approval by the authorities and that the authorities had taken active counter-measures, including appropriate punishment for transgressions. No reason would then have existed for acts of reprisal which, by the country taking action, might be considered as acts in self-defence: instead, a complaint to the other party would have been the natural outlet for reactions.

This last pattern is obviously the new state of affairs towards which any effort to re-establish the Armistice Agreements to full and integral implementation must aim. The target can be reached on two conditions: the first one being the re-establishment, as a starting point for a new development, of full compliance with the Armistice Agreements; the second being efforts towards an improvement of the general political relations between the parties concerned and, thereby, the creation of a spirit of less distrust. In both these respects, the United Nations has a contribution to make, not only at the initial stage but also by the continued assistance it can render to Member Governments in order to facilitate compliance with the relevant rules and in putting prevailing general conflicts under the discipline of the Armistice Agreements and the United Nations Charter.

I have already indicated that some uncertainty concerning the scope of the obligations of the Armistice Agreements, in my view, has served to contribute to the unfortunate development. I consider it essential that in the present effort of the Security Council this uncertainty be, to all possible extent, eliminated. It has therefore formed a necessary part of my study.

As a matter of course, each party considers its compliance with the stipulations of an Armistice Agreement as conditioned by compliance of the other party to the Agreement. Should such a stand be given the interpretation that any one infringement of the provisions of the Agreement by one party justifies reactions by the other party which, in their turn, are breaches of the Armistice Agreement, without any limitation as to the field within which reciprocity is considered to prevail, it would in fact mean that the armistice regime could be nullified by a single infringement by one of the parties. Although such an interpretation has never been given from responsible quarters, it appears to me that a lack of clarity has prevailed. From no side has it been said that a breach of an Armistice Agreement, to whatever clause it may refer, gives the other party a free hand concerning the Agreement as a whole, but a tendency to regard the Agreements, including the cease-fire clauses, as entities may explain a feeling that in fact, due to infringements of this or that clause, the obligations are no longer in a strict sense fully binding, and specifically that a breach of one of the clauses, other than the cease-fire clause, may justify action in contravention of that clause.

Obviously, therefore, the question of reciprocity must be given serious consideration and full clarity sought. The point of greatest significance in this context is: to what extent can an infringement of one or several of the other clauses of an Armistice Agreement by one party be considered as entitling the other party to act against the cease-fire clause which is to be found in all the Armistice Agreements and which, in the Egypt-Israel Armistice Agreement, reads as follows:<sup>1/</sup>

"No element of the land, sea or air military or para-military forces of either Party, including non-regular forces, shall commit any warlike or hostile act against the military or para-military forces of the other Party, or against civilians in territory under the control of that Party; or shall advance beyond or pass over for any purpose whatsoever the Armistice Demarcation Line set forth in Article VI of this Agreement except as provided in Article III of this Agreement; and elsewhere shall not violate the international frontier; or enter into or pass through the air space of the other Party or through the waters within three miles of the coastline of the other Party."

The very logic of the Armistice Agreements shows that infringements of other Articles cannot serve as a justification for an infringement of the cease-fire Article. If that were not recognized, it would mean that any one of such infringements might not only nullify the armistice regime, but in fact, put in jeopardy the cease-fire itself. For that reason alone, it is clear that compliance with the said Article can be conditioned only by similar compliance of the other party.

The stand that the cease-fire Article can be conditioned only by reciprocity so far as it concerns the implementation of the same Article and that, thus, the cease-fire is a stipulation in the Agreement independent of the other Articles, is supported by the fact that it restates an obligation on all Members of the United Nations whose position in this respect can in no way have been changed by the Armistice Agreement; that, further, the Article only states, though in more clear terms, the reaffirmation by the Security Council, in its

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<sup>1/</sup> Article II, 2, in the Egypt-Israel General Armistice Agreement, and Article III, 2, in the Jordan-Israel, Lebanon-Israel and Syria-Israel General Armistice Agreements.

resolution of 11 August 1949, of the order contained in its resolution of 15 July 1948 to the Governments and authorities concerned to observe an unconditional cease-fire; and, finally, that in the various Agreements the said stipulation is eliminated from the field where the Agreements can be changed by mutual consent.

It should be stressed that the Security Council's reaffirmation of the cease-fire order in the resolution of 11 August 1949, followed the "noting" by the Security Council, in the same resolution, of the conclusion of the several Armistice Agreements and thus co-exists with the Armistice Agreements; from this it follows that even if it were not to be recognized that the said clause has an independent status in the Armistice Agreements and cannot be conditioned by reciprocity as concerns compliance with other clauses, the parties to the Agreements, in accordance with the Security Council decision of 11 August 1949, would nevertheless be under the substantive obligation contained in that clause.

As reported already in my letter to the President of the Security Council, 2 May 1956 (S/3594), I have, in my contacts with the Governments concerned, asked them for their assurance that they will observe the obligations under the said clause unconditionally, provided the other party complies with that same clause, reserving only their right to self-defence under Article 51 of the Charter. The messages exchanged as a result of this initiative have, in the case of the Armistice Agreement between Egypt and Israel, already been circulated as Security Council documents (S/3584). The messages exchanged concerning the other three Armistice Agreements will be annexed to this report. I refer to the next section for my observations on the result achieved.

With an agreement with all parties that the target for the present effort should be general and full compliance with the Armistice Agreements in their entirety, and with, further, the acceptance of the cease-fire clauses as establishing independent obligations within the framework of the various Agreements, a basis was laid for a study of how best to arrange for a balanced return to the full implementation of other clauses, and - through that process and thereafter - how best to protect compliance. Later in this report, I shall revert to the specific problems to which consideration of these two questions gives

rise. In this introductory part I wish, however, first to treat two other subjects of general significance.

In the Security Council resolution of 11 August 1949, to which reference has already been made, the Security Council requested the Secretary-General to arrange for the continued service of such of the personnel of the then already established Truce Supervision Organization, as might be required in observing and maintaining the cease-fire, and as might be necessary in assisting the parties to the Armistice Agreements in the supervision of the application and observance of the terms of those Agreements.

This decision of the Security Council, in the resolution in which the Council took note of the Armistice Agreements, establishes the Truce Supervision Organization as having a position independent of the Armistice Agreements, with the positive task of helping in continued observation and maintenance of the cease-fire. At the same time, however, the observers of the Truce Supervision Organization are requested to serve the Mixed Armistice Commissions as provided in the Armistice Agreements.

In the later development, some confusion has arisen concerning both the status of the Truce Supervision Organization and its functions. A tendency has emerged to regard the United Nations observers, serving in that Organization, merely as impartial investigators charged with the task of presenting the Mixed Armistice Commissions with reports on facts, in cases in which complaints had been made to the Commissions. This tendency obviously represents a departure from the legal stand taken by the Security Council in two respects. It subordinates the Truce Supervision Organization exclusively to the Mixed Armistice Commissions, and it limits, or eliminates, the function which the observers should fulfil in protecting, together with the authorities concerned, compliance with the cease-fire clauses of the Armistice Agreements by the prevention of incidents.

The question has been studied with all the Governments concerned. As a result, they have all stated that, on the basis of the General Armistice Agreements and the Security Council resolution of 11 August 1949, it is their intention to consider favourably proposals by the Chief of Staff of the UNTSO concerning the activities of the observers aiming at facilitating compliance with the General Armistice Agreements.

This stand, which recognizes the observer organization as, in its essential functions in relation to the cease-fire, based on the resolution of the Security Council of 11 August 1949 and which promises full co-operation with the organization in its positive and preventive task of facilitating compliance, should render possible such freedom of action and movement for the observers as lies, in my view, within the terms of the General Armistice Agreements and Security Council decisions. It is my opinion that, given the good will of the parties, this freedom should prove sufficient for the proper functioning of the Truce Supervision Organization.

In specific cases and for specific regions, concrete and detailed arrangements must supplement the general statements just referred to. Such arrangements have been agreed upon with the Governments concerned. An account of the substance of those agreements will be given later in this report.

The Security Council, in its resolution of 4 April 1956, referring to special arrangements for easing the tension along the Demarcation Lines, mentioned not only "freedom of movement" for observers along the Demarcation Lines, in the Demilitarized Zone and in the Defensive Areas, but also "local arrangements" and "withdrawal of troops" from the Armistice Demarcation Lines.

A withdrawal of troops, to the extent that it would not follow from compliance with explicit stipulations in the Armistice Agreements, may serve a useful purpose in special sectors along the Demarcation Lines, and from that viewpoint represents a special type of local arrangement. It has been agreed with the Governments concerned that they will favourably consider proposals by the Chief of Staff of the UNTSO for local arrangements - including separation of forces - where and when he considers such arrangements to be called for.

The framework for various kinds of local arrangements established already by previous proposals from the Chief of Staff and decisions in the Security Council, has been discussed. Apart from a local separation of the parties' forces in the field, it covers the following possible measures:

- (a) Erection of physical obstacles;
- (b) Marking of Demarcation Lines and International Frontiers;
- (c) Local Commanders' Agreements;
- (d) Joint Patrols.

The Governments concerned have declared that they have no objection in principle to any of these measures, reserving their right for a final decision if and when concrete proposals in case of need are made by the Chief of Staff.

### III. The Cease-Fire

As appears from documents already circulated, the Governments of Egypt and Israel gave unconditional assurances to observe a cease-fire - under the terms of Article II, paragraph 2 of the Egypt-Israel General Armistice Agreement, with a reserve only as to self-defence - at a stage when these assurances gave a basis for strict orders which served to relieve the situation along the Gaza Armistice Demarcation Line. The orders - of which I was notified 18 April 1956 - were not limited to that specific situation or any specific area. Nor were they qualified either by requests for compliance by the other party with any other clauses of the Armistice Agreement, or by requests for certain measures by the other party based on the Agreements or for compliance with resolutions of the General Assembly or the Security Council, related to the Agreement.

In negotiating with the Governments party to the General Armistice Agreements between Jordan and Israel, Lebanon and Israel and Syria and Israel, I have presented the reasons for a separate treatment of the cease-fire clause given in the previous section of this report, and requested the Governments for unconditional assurances, identical to the one given by Egypt.

At the end of my conversations with the Government of Jordan, in Amman, Mr. Samir Rifai, Prime Minister of Jordan, 26 April 1956, agreed on behalf of the Government of Jordan to the requested assurance, as well as on several other

points raised by me, subject to confirmation after report to the appropriate authorities. I received such confirmation by letter, dated 29 April. The letter from Mr. Rifai and my reply are annexed to this report (Annex I).

At the end of my conversations in Beirut, Mr. Lahoud, Foreign Minister of the Lebanon, 27 April 1956, gave me orally, on behalf of the Lebanese Government, the requested assurance, to be put formally on record in a letter to me. I received, by letter dated 1 May, an official declaration from the Government of Lebanon which is annexed to this report together with a covering letter and a letter with general observations. The declaration gives the requested unconditional assurance, with the reserve for self-defence common to all the assurances. It is annexed to this report (Annex II) together with the two other letters mentioned, and my own reply.

Finally, at a meeting in Damascus with representatives of the Government of Syria, under the chairmanship of Mr. Ghazzi, Prime Minister of Syria, I received 2 May the requested assurance from the Government, together with a covering letter indicating the framework within which the action was taken. The declaration, the covering letter and my reply are annexed to this report (Annex III).

From the Government of Israel I received the required cease-fire assurances relating to the Armistice Agreements between Israel, on the one side, and Jordan, Lebanon and Syria on the other side, by letters 26 April 1956. The assurances were, after receipt of the replies from the three last-mentioned nations, repeated in a letter 3 May 1956. This letter and my reply are annexed to the report (Annex IV).

In my contacts with the Governments I made it clear that the giving of an unconditional assurance could not be subject to any condition without contradiction of the very declaration itself. As the declaration is the legally decisive document, no conditions for compliance with the assurance can be established or recognized, which are not covered by the text of the assurance.

The assurances, given to me as representative of the Security Council by the several Member States concerned, are all given within the general framework of the Charter. I have obviously considered compliance with the provisions of the Charter as a basic assumption for the discussion which did not need any explicit confirmation. The immediate relation between the assurances and the Charter is established by the reserve for self-defence to be found in all the assurances. This reserve is the only restriction on the unconditional nature of the assurances put by the text of the declarations and, therefore, the only link through which compliance with the various articles of the Charter can constitute a condition for the validity of the cease-fire assurances. In other words, a party which has given an unconditional assurance to observe the cease-fire clause, with reserve only as to self-defence under the Charter, is covered by its reserve for self-defence in cases of non-compliance by the other party with its obligations under the Charter, or under the Armistice Agreement, only if and when such non-compliance is found to be a reason for the exertion of the right of self-defence as recognized in Article 51 of the Charter. The Security Council alone can decide whether this is the case or not. The reserve for self-defence in the several cease-fire assurances and the significance it may give to compliance with the Charter, other clauses in the Armistice Agreement or relevant Security Council decisions, is thus under the sole jurisdiction of the Security Council, in accordance with the rules established.

In this context the question has been raised what the situation would be in case of different views between the parties as to the interpretation, or the validity, of the legal obligations established in the Charter, in the Armistice Agreements and by Security Council resolutions referring thereto. I have no reason here to go into this question as regards the Charter. I hold that an assurance to comply with the various clauses of the Armistice Agreement implies also an assurance to comply with the results of such authoritative interpretation of the clauses of the Armistice Agreement as may be given under International Law, the Charter or the provisions of the Agreements. Finally, I have stated that the Security Council alone, in cases of doubt, can interpret its own resolutions.

The messages exchanged concerning the cease-fire, together with the comments given here, should fully clarify the legal situation which has resulted from my request to all the Governments concerned to give, unconditionally, cease-fire assurances, with a reserve only for self-defence.

In general terms I have described the legal character of the cease-fire I have been aiming at in the interim report, circulated to the Security Council on 2 May 1956 (S/3594). It remains for me to give my comments on where, in my view, we now stand in substance. In doing so I will not attempt any evaluation. Such an evaluation, if made, would have to take into account not only the effect of the cease-fire on current developments but also the significance of the cease-fire as a newly established firm point in the discipline under which these developments should be brought. This significance of the cease-fire, which is to be found on the level of principle and law, cannot be judged solely - or even primarily - in terms of its immediate influence on the situation in the field.

I have had to accept reserves for self-defence, which, according to the Charter, Article 51, is an "inherent right". However, such a reserve is necessarily of an indeterminate nature. As already indicated, its meaning in a concrete situation can be determined only by the Security Council as established in the Charter.

The limit set to the effect of the cease-fire assurances by the reserve for self-defence, should, in my view, be so understood as not to bring the reserve in conflict with the substance of the cease-fire assurances themselves. In my replies to the Governments I have thus taken the stand that the reserve could not derogate from the obligations assumed under Article II, paragraph 2, in the Armistice Agreement between Egypt and Israel, or in Article III, paragraph 2, in the other Armistice Agreements.

This qualification also gives rise to questions which it is difficult to answer in hypothetical cases. However, my interpretation makes it clear that the reserve for self-defence does not permit acts of retaliation, which repeatedly have been condemned by the Security Council.

More important than the legal uncertainties is the dependence of the cease-fire arrangement on the general situation. Strains may develop which put the arrangement to a test for which the re-established legal obligations prove too

weak. It is first of all a question of the general atmosphere in which the cease-fire is implemented. With fears of attack widely spread among the peoples, even developments without any direct political significance may be so interpreted or release such reactions as to break through the safeguards introduced. I need not go into the question which actions and events may have such an effect; they are well known from previous developments in the region. Anything which gives the other party a feeling that it is exposed to increased risks, may represent a threat to the cease-fire, and any single incident, whatever its background, may, in a situation which is still far from stable, have the same effect.

I shall, in the next section, discuss the question of crossings of the Demarcation Line and acts of violence in connexion therewith. In this context I have only to draw attention to the risk they represent, as well as to the well known fact that the situation prevailing along some parts of the Demarcation Lines is such, that even with active measures to prevent incidents, they still may happen. It is for that reason that the Governments concerned should do all they can to keep the situation under such control as to minimize or eliminate the risk of further incidents. But it is also for the Governments, for the public, and for world opinion, to avoid giving such interpretation to incidents as, without justification, would weaken faith in the cease-fire or discredit the good will of the other party.

#### IV. The question of General Compliance

I have already stated that the talks with the Governments concerned, without exception, were conducted on the basis of an agreement that their purpose was to explore the possibility of re-establishing full implementation of the Armistice Agreements. I have, from all Governments, assurances of their will fully to comply with all clauses of the Armistice Agreements, on the basis of reciprocity, but recognizing the independent position of the cease-fire clause.

It has been made clear that the special assurances given concerning compliance with the cease-fire clauses in no way derogate from the obligation to comply with the other clauses of the Armistice Agreements. This obvious fact is of special significance in the case of clauses, to be found in several but not all of the

Armistice Agreements, which widen the scope of the cease-fire clauses to cover also occurrences related to but not explicitly covered by those clauses.

The general assurance about the will fully to comply with the Armistice Agreements has been specifically covered in the contacts with the Governments of Israel and Egypt, who both have put on record their readiness to observe not only Article II, paragraph 2, but the Armistice Agreement in its entirety and, apart from paragraph 2 of Article II, regarded as an entity.

In its declaration that it sees the entire Agreement, with the exception of Article II, paragraph 2, as an entity, the Government of Israel has stated that without observance of Article I of the Agreement they cannot acknowledge that the Armistice Agreement is observed and that the principle of reciprocity has been maintained.

While regarding the Armistice Agreement in the sense indicated as an entity, covered by a general assurance of compliance, the Governments of Israel and Egypt have given me specific assurances on two points within the framework of the Armistice Agreement between the two countries. In doing so I understand them not to have wished to give these points an independent status similar or equal to the one recognized for the cease-fire clause. The purpose has been to re-enforce the general assurance of compliance on points of high importance.

The first point covers cases of crossings of the Demarcation Line and acts of violence in connexion therewith. The second point refers to the state of standing non-compliance from both sides, which is to be found in the so-called El Auja area and the defensive areas, the status of which is established by Articles VII and VIII of the Armistice Agreement. I will revert to this second point in the next section, but wish here to cover the first one.

The development of the cease-fire has drawn attention to the necessity of active measures against all crossings of the Demarcation Line and acts of violence in connexion therewith. If not covered by Article II, paragraph 2, crossings of the Line are prohibited in consequence of Article V, paragraph 4, which reads as follows:

"Rules and regulations of the armed forces of the parties which prohibit civilians from crossing the fighting lines or entering the area between the lines, shall remain in effect after the signing of this Agreement with application to the Armistice Demarcation Line defined in Article VI".

Uncertainty may be felt concerning the exact limits for the application of Article II, paragraph 2, and for the application of Article V, paragraph 4. This uncertainty represents a weakness in the sense that it may be held that cases of the kind I have in mind are not always unequivocally covered by the clauses of the Armistice Agreement, or, specifically, by Article II, paragraph 2. Without raising the legal issues involved I have, under these circumstances, considered it essential to get assurances concerning certain measures essential for the support of the cease-fire.

I have, thus, felt that a request should be addressed to the parties for active measures against occurrences which, although they may perhaps not be regarded as in contravention of Article II, paragraph 2, nevertheless must be considered as being in contravention of the spirit of the cease-fire assurance if the Government concerned has omitted to take appropriate active steps to prevent them.

In reply to my requests, I have received assurances to the said effect from the Governments of Egypt and Israel. I consider that the attitudes of the two Governments, as clarified through these assurances, provide a basis for the necessary support of the cease-fire by prevention to all possible extent of occurrences at the Demarcation Lines which might endanger it.

I understand the assurances referred to as extending the moral obligations under the cease-fire assurances, if need be, beyond the legal scope of Article II, paragraph 2, in the sense that they involve a recognition of the obligation to take active measures against all crossings of the Demarcation Line and acts of violence in connexion therewith, irrespective of the interpretation given to the explicit provisions of Article II, paragraph 2.

The problem to which, in the case of the Egypt-Israel Armistice Agreement, I have tried to find a solution in the way just indicated may in the other Armistice Agreements be considered as covered by Article III, paragraph 3. During my discussions in Amman special attention was given to the implementation of this paragraph. I was assured by the Government of Jordan of its intention to enforce active measures to prevent all crossings of the Demarcation Line and actions of violence connected therewith.

The time sequence between various steps in the direction of full compliance with the Armistice Agreements has been carefully studied and the main questions arising discussed with the Governments. This problem cannot be solved by any explicit agreements with any two parties because it is essentially a question of co-ordinated unilateral moves inspired by greater confidence in the possibility of a peaceful development, each of them provoked by and, maybe, provoking similar unilateral moves on the other side. Under these circumstances I find it impossible to put on record any specific results of the discussions to which I have referred. Once the cease-fire has proved effective, and as the stands of all sides have been clarified, the road should be open for the achievement of full implementation by related unilateral moves.

It may be felt that I should give, in this report, a survey of the various temporary infringements of the several clauses of the Armistice Agreements which have occurred, as well as of standing cases of non-compliance. I refrain from doing so, although the field has been fully reviewed. In the first place most of the cases of temporary infringements are now brought into a new perspective by the cease-fire arrangements and related settlements; the main cases of real or presumed standing non-compliance are brought to the attention of the Security Council in parts V and VII of this report. Another reason for not giving a summary of the state of affairs which prevailed when the Security Council passed its resolution 4 April 1956, or of later infringements, is that this could be done by me only to a most limited extent without raising questions which are under the jurisdiction of other United Nations organs or organs established by the Armistice Agreements. A final reason I find in my view that this is the occasion, not for a recapitulation of past failures, but for a constructive forward look from the vantage point reached.

In my letter to the President of 2 May I indicate that I have given consideration to procedural questions arising at a study of the possibilities to support full compliance with the Armistice Agreements.

There is not in all cases an adequate functioning machinery for resolving disputes concerning the interpretation, or implementation, of the obligations assumed by the parties under the Agreements. Obviously an assurance to comply with the Armistice Agreements has little practical bearing on the situation to the extent that any party can reserve for itself the right to give to the

obligations its own interpretation, which may be different from the one which in good faith is maintained by the other party.

A further weakness is that no procedure has been established for the handling of conflicts covered by the general clauses in the Armistice Agreements. For example, the first Article of the several Agreements establishes a right to security and freedom from fear of attack. The parties have in many cases complained of actions from the other side as being in conflict with this stipulation. Were diplomatic relations maintained, such complaints would undoubtedly be handled through normal diplomatic channels and might in that way to a large extent be resolved. For cases of this kind which the party may not wish to bring to the Security Council, there is at present no such possibility available within the framework of the Armistice regime as applied.

I have drawn the attention of the parties to these problems, indicating my conviction that until and unless procedures provided for in the Armistice Agreements could be put more fully into function - and perhaps even when that has happened - it would be worth considering whether procedural arrangements could not be elaborated, which would meet the difficulties. I have not found it appropriate or, indeed, been in a position to make any proposals. I have only indicated that I feel that whatever solution may be considered, it is desirable to avoid organizational innovations and to work within the framework of the United Nations. The Governments, while taking note of my observations concerning the procedural weaknesses indicated, have not gone further into the matter.

V. Compliance with Articles VII and VIII of Egypt-Israel General Armistice Agreement

Article VIII (1) and (2) of the Egypt-Israel General Armistice Agreement establishes a demilitarized zone centred on El Auja and forbids the presence of the armed forces of the parties therein. Israel has had elements of armed forces in the demilitarized zone since the beginning of November 1955, and these presently are of the order of three companies of infantry. The three proposals put forward by the Secretary-General in a letter dated 3 November 1955 which inter alia provided for the withdrawal of this force were accepted in principle by the Government of Israel, but not implemented because they took the stand that their

national security would be imperilled if they did so while Egypt continued to occupy defensive positions in the area between the line El Quseima - Abu Aweigila and the demilitarized zone in violation of Article VIII (3), and also had prohibited arms and an excess of troops in the defensive zone of the Western Front established by Article VII.

Egypt has refused to permit investigation of Israeli complaints to the Mixed Armistice Commission of the violations alleged above, and it may therefore be presumed that the violations in fact exist. In turn Egypt has complained on several occasions of Israeli violations of Article VII, particularly as regards the presence of armoured vehicles and heavy mortars in the defensive zone, which is prohibited.

The establishment by Israel of a Kibbutz in the demilitarized zone in September 1953 caused the Egyptian Government on 6 October of the same year to bring a complaint to the attention of the Security Council charging its establishment as a violation by Israel of Article IV (1) and Article VIII of the General Armistice Agreement. At the request of Egypt on 3 February 1954, the Security Council placed upon its Agenda an item covering this complaint but the matter has never been discussed.

Therefore the position is that both parties are or must be presumed to be, to a greater or lesser extent, violating Articles VII and VIII.

I have specific assurances from both sides of their willingness to establish full compliance with Articles VII and VIII, within the framework of a full return to the state of affairs envisaged in the Armistice Agreement. A plan for the re-establishment of compliance with the two Articles has been prepared by the Chief of Staff. The plan, which as such has not met with any objections from the Governments, is annexed to this report (Annex V).

I have found that I should give a high priority to the implementation of the two Articles both because of their immediate significance and because of my conviction that a return to the state of affairs they envisage, would be a major contribution in allaying fears of attack now to be found on both sides. I note, however, the view that such implementation has to find its place in relation to other steps in fulfilment of the aims of the Armistice Agreement.

## VI. Local Arrangements

### I

The basic principles and decisions governing the freedom of movement of observers and the status of the United Nations Truce Supervision Organization under the Chief of Staff have been set forth elsewhere in this report. The practical measures now needed to observe and assist compliance with the substantive provisions of the General Armistice Agreements have been carefully considered by the Chief of Staff who has made a number of proposals which are described below. These proposals are not far-reaching, but in the view of the Chief of Staff, they are adequate if fully implemented, and he has no further proposals to make for the present. After study of the problems involved during my visit to the region, I endorse this view of the Chief of Staff.

These proposals of the Chief of Staff have, in considerable measure, been accepted by the Governments concerned. They involve, as already indicated, application of the principle of freedom of movement for observers, and local arrangements such as Local Commanders' Agreements, separation of forces and marking of boundaries, all measures endorsed in principle by the Security Council in its resolutions under reference. These measures provide the practical means by which, in given situations, compliance with the basic provisions of the General Armistice Agreement, and in particular of the cease-fire clauses, may be protected and strengthened. The present proposals of the Chief of Staff are immediately important mainly in three areas, namely along the Demarcation Line in the Gaza area, the El Auja demilitarized zone and the defensive areas of the western front, and Lake Tiberias.

#### The Gaza Demarcation Line

In order to observe and assist compliance with the cease-fire assurances along the Gaza Demarcation Line, arrangements proposed by the Chief of Staff for the establishment of an equal number of fixed United Nations observer posts on each side of the Line have been accepted by the Governments of Egypt and Israel. The activities of United Nations military observers covered by these arrangements are, of course, additional to those provided for in the General Armistice Agreements.

In accepting this arrangement the Government of Israel set a time limit of six months (until 31 October 1956) for its operation. It is understood, however, that the Government of Israel will consider proposals from the Chief of Staff for the continuance of this arrangement after 31 October, if, in his view, the situation at that time calls for it. The Government of Egypt, for its part, sets no time limit on its adherence to the arrangement.

The arrangement as negotiated in the terms set out below will be formally adopted in the Mixed Armistice Commission to meet a request of the Government of Israel that the arrangement be tied in with procedure under the General Armistice Agreement.

The arrangement is as follows:

- (a) The location and number of the observation posts on the Egyptian side of the Demarcation Line shall be agreed with Egypt and of those on the Israeli side with Israel. There shall be an equal number of observation posts established on each side. It is the intention of the Chief of Staff to arrange for the establishment of six such posts on each side of the Line.
- (b) United Nations observers shall have free access to those positions at any time.
- (c) If so desired by the party concerned, they shall be accompanied on their way to and during their stay at the observation posts by an officer of the party on whose side of the Demarcation Line the observation post is situated.
- (d) Before proceeding to any of the observation posts, the United Nations observer shall notify the Senior Israel (Senior Egyptian) Delegate, or his representative, to arrange that the party's forces allow passage to the posts.
- (e) The reports of United Nations observers stationed in observation posts shall cover violations of Article II (2), shall be directed to the Mixed Armistice Commission, and shall be used in the examination of complaints in the Commission.
- (f) The parties shall designate a route with the United Nations observers shall follow to the observation posts.

(g) The United Nations Truce Supervision Organization may send patrols along the Demarcation Line between the observation posts when required, arrangements being made beforehand with Senior Delegates to the Mixed Armistice Commission. The aforesaid provisions in (c), (d), (e) and (f) shall apply to the patrols.

As regards proposals for local arrangements in the Gaza area, or outside of it, referred to in paragraph 3 (c) of the Security Council resolution of 4 April 1956, their present status and the attitude of the parties towards them is as follows.

(a) Separation of Parties' Forces in the Field

The proposal that the parties should withdraw their armed forces, especially patrols, observation posts and defensive positions, back from the Demarcation Line to a distance sufficient to eliminate or greatly reduce provocation which might induce undisciplined individuals to open fire leading to extensive breaches of Article II, paragraph 2, has been accepted by Egypt without reservations. The intentions of Israel are understood to be that they would refrain from sending patrols up to the Demarcation Line except when it proved essential to do so in order to protect agricultural operations of their settlers or to prevent incursions by persons from Egyptian controlled territory. If supported by an effective observer arrangement, the line taken by Israel may prove adequate, although it falls short of the firmer arrangements proposed by the Chief of Staff and endorsed by the Security Council and me. Should the line now taken not meet the needs of the situation, I would find it necessary to bring the matter up for new consideration.

(b) Erection of a Physical Obstacle along the Demarcation Line

Israel is prepared to consider a proposal for the erection of a physical obstacle along the Demarcation Line by the Truce Supervision Organization when and if such a proposal is submitted by the Chief of Staff. Egypt agrees to the erection of obstacles along selected portions of the Demarcation Line, subject to discussion with the Chief of Staff. In present circumstances and until the situation has remained stable for a reasonable period, the Chief of Staff does not propose to submit any specific proposals to this end.

(c) Marking of the Demarcation Line

Both parties have agreed to the placing by the United Nations Truce Supervision Organization of conspicuous markers along the Demarcation Line surrounding the Gaza Strip. The Chief of Staff proposes to make a beginning on this work as soon as possible.

(d) Local Commanders' Agreement

The negotiations to effect an arrangement including a Local Commanders' Agreement between the parties for maintaining security along the Demarcation Line of the Gaza Strip have been at a standstill since August 1955. After a sufficient period of tranquillity the Chief of Staff proposes to suggest to the parties that these negotiations be resumed.

(e) Joint Patrols

It does not now appear opportune to establish joint patrols nor does it seem likely that they would be accepted by either party. Moreover, the proposal for joint patrols is in effect superseded by the agreement for the separation of the parties' forces and the agreement to allow United Nations military observers to patrol along the Demarcation Line accompanied by an officer of the party concerned.

The El Auja Demilitarized Zone and Defensive Areas of the Western Front

Proposals for the free movement of United Nations military observers for the purpose of certifying compliance with the provisions of Article VII of the Egyptian-Israeli General Armistice Agreement were put before the parties. No objections were raised to them and they should go into effect as soon as reciprocal action is taken by both parties to establish compliance with Articles VII and VIII.

Lake Tiberias

In order to facilitate compliance with the General Armistice Agreement and with the special arrangements made in regard to the eastern shore of Lake Tiberias, proposals were made both to Syria and to Israel for the placing of fixed observation posts manned by United Nations military observers on the eastern and

north-eastern shore of the Lake. Approximately two such posts would be on Syrian controlled territory and one in territory controlled by Israel. In addition observers should have the right to move to these posts and to any point where difficulties requiring their intervention might arise in a special United Nations boat.

Syria accepted these proposals and, in regard to the movement of a United Nations boat on the Lake, expressed the view that as the greater portion of the Lake lies in the defensive zone provided for in Article V, paragraph 6, and Annex III of the General Armistice Agreement, United Nations military observers should have complete freedom of movement thereon.

Israel does not agree to the movement of a United Nations military observer boat on Lake Tiberias nor to the establishment of a military observer post on Israel territory, considering these measures uncalled for and as derogating from the rights which she claims over the whole extent of the Lake and the territory to the north thereof and as far east as the old Palestine-Syrian boundary. Israel would, nevertheless, be prepared, after the lapse of a month, to consider a proposal by the Chief of Staff for the establishment of a United Nations military observer post should he then consider it desirable.

I have declared that I find it necessary to maintain the proposal both for a police boat and for a post on Israeli territory. Short of these arrangements, I can scarcely find that the patrolling arrangements, mentioned below under (d), provide adequate safeguards.

It will be recalled that in its resolution of 19 January 1956, the Security Council endorsed five proposals in regard to Lake Tiberias which had been made by the Chief of Staff. The present status of these proposals is as follows.

(a) The request to refrain from firing in contravention of Article III, paragraph 2, of the Israel-Syrian General Armistice Agreement is covered by the cease-fire assurances referred to earlier in this report.

(b) The Syrian authorities have agreed to prevent the inhabitants of Syria from fishing in the Lake pending a solution of the problem of fishing permits. The Israelis have agreed to grant fishing permits to inhabitants of villages in Syria and the Demilitarized Zone near the Lake. As the

Israelis hold that they alone can issue permits to fish in the Lake, application must be made through the Syrian representative on the Mixed Armistice Commission to the Israeli representative. The Syrian Government, on the other hand, considers that permits should be issued by the Chairman of the Mixed Armistice Commission.

(c) The Israeli authorities have agreed not to interfere with the inhabitants of Syria who water their cattle in or draw water from Lake Tiberias, provided that water is drawn for domestic purposes only. The Syrian authorities have agreed not to interfere with Israeli fishing in Lake Tiberias.

(d) Israel has agreed to adopt a policy to keep their police boats back from the eastern shore of the Lake, except when it is necessary to approach it "for security purposes". I understand this latter phrase to refer only to measures for the preservation of order and the protection of Israeli fishermen. As to my evaluation of the stated Israeli patrolling policy on Lake Tiberias, I refer to my observations on the corresponding problem in the Gaza area.

## II

In other areas, the Chief of Staff does not at present propose to suggest to the parties that they put into effect any special arrangements of the type referred to in connexion with Gaza and Lake Tiberias, with the one exception that a Local Commanders' Agreement should be negotiated between the Hashemite Kingdom of the Jordan and Israel. Negotiations to establish such Local Commanders' Agreements covering the whole of the Demarcation Line between Jordan and Israel reached an advanced stage in the autumn of 1955. No agreement was reached, however, because of differences in view on a clause specifying that when desired by either party a United Nations military observer should be present at meetings between local commanders and area commanders of the two parties. Both the parties concerned have now signified, however, that they are prepared to agree to a clause worded in the above sense. The Chief of Staff consequently proposes to invite the parties to resume negotiations in the near future.

### III

Apart from the special arrangements for the establishment of fixed observation posts and for the free movement of United Nations military observers referred to above in relation to the El Auja, Gaza and Lake Tiberias areas, it was proposed to all five Governments concerned that in implementation of the recognition of the status and functions of the Chief of Staff and military observers, a specific assurance should be given that the principle of freedom of movement within the relevant areas should be freely recognized. Such assurances were given by Egypt, Jordan, Syria and Lebanon. The position of the Government of Israel is that they will continue to afford to United Nations observers the same degree of freedom of movement inside Israel which all residents or visitors to Israel normally enjoy, and also such freedom of movement as may be required in respect to specific posts and patrols around the Gaza area referred to above.

### VII. Special Questions

In letters to the Secretary-General of 13 and 14 April 1956, circulated as Security Council Document S/3587 of 16 April 1956, the Government of Israel raised the question of the Egyptian interference with Israeli shipping through the Suez Canal as treated by the Security Council in a resolution of 1 September 1951 (S/2322). In the discussion the viewpoint expressed in the letters has been elaborated and attention drawn also to interference in the Straits of Tiran.

My attitude has been that the Suez question as adjudicated by the Security Council, is not a question of compliance with the Armistice Agreement in the sense of my mandate. For that reason I have not, within the framework of my mandate, discussed the issue with the Egyptian Government. For the same reason I have found that I should not in this report evaluate the legal reasons presented by Israel in support of the view that the blockade represents a case of standing non-compliance with Article I of the Armistice Agreement.

My mandate, as evidenced also by the choice of previous Security Council resolutions to which reference is made in the resolution of 4 April 1956, is directly concerned with the state of tension along the Armistice Demarcation Lines and the state of compliance or non-compliance with the Armistice Agreement as a

cause of such tension. In an approach looking beyond the immediate problems which, as I understand the resolution of 4 April 1956, the Security Council had in mind, it is obvious that the question raised by the Government of Israel should come under consideration in the light of the Council's finding in its resolution of 1 September 1951 that the blockade is incompatible with the Armistice regime, as this regime put an end to a state in which Egypt could avail itself of belligerent rights.

In the letters with which the Governments of Jordan and Lebanon transmitted their cease-fire assurances, they called attention to the Jordan River diversion scheme of Israel, at an earlier stage repeatedly discussed by the Security Council.

A judgement on legal grounds about the question raised by the Governments of Jordan and Lebanon has to take into consideration the status of the Demilitarized Zone as established by Article V in the Armistice Agreement between Syria and Israel, the effect of the diversion scheme in the light of the rules relevant to the Demilitarized Zone as interpreted by the Chief of Staff, and, finally, the situation created by the Security Council resolution of 27 October 1953.

Under these circumstances I have found that my formal stand under the terms of my mandate must be to request the parties to abide by decisions concerning the matter taken by the Security Council or under the Armistice Agreement, and as indicated in a previous section, to underline that in cases where different views are held as to the interpretation of a resolution of the Security Council, the Security Council alone can interpret its resolution. A departure on my side from the stand thus taken would have meant that I interfered with the jurisdiction of the Council or of the Chief of Staff. Such interference would have been objectionable not only as leading to confusion, but also as going beyond the terms of my mandate.

The question how a resumption of work by Israel on the diversion scheme would influence the situation along the Demarcation Line, is obviously separate from the legal questions to which I have referred. It appears from the letters from the Governments of Jordan and Lebanon that the two Governments consider that a resumption of the work might put the situation along the Demarcation Line under an undue strain. This view has been expressed to me also by the other Governments

of the Arab countries. I have given this aspect of the question my most serious attention. I find that the strain feared in case of a resumption of the work should not be permitted to endanger the cease-fire, but as stated during my negotiations, I feel, with equal strength, that, legal considerations apart, it is the duty of all parties to the present effort to reduce tensions to avoid any action that may create an added strain.

Article VIII of the Armistice Agreement between Jordan and Israel establishes a procedure for the implementation of certain arrangements concerning which the same Article states that an agreement in principle was reached at the Armistice. It has so far not proved possible, through the machinery established, to reach agreements on methods for implementation. The Israeli Government considers this to be a case of standing non-compliance from the side of Jordan. The matters involved have been discussed in substance with both Governments. However, I do not feel that I should in this report go into the questions to which the Article gives rise, as the judgement as to the state of compliance is primarily dependent on the jurisdiction of the Chief of Staff or on negotiations to be conducted by him. A memorandum submitted to me by the Chief of Staff on this subject is annexed to the report (Annex VI).

For the same reasons I have not felt that I should in this report discuss issues covered by Article V of the Armistice Agreement between Syria and Israel. The matter has been discussed and the Syrian Government has claimed non-compliance by Israel with the provisions of the Article. A memorandum submitted to me by the Chief of Staff is also in this case annexed to the report (Annex VII).

#### VIII. Conclusions

In the letter to the President of the Security Council of 2 May 1956, in which I presented an interim report, I restated the scope of the Security Council mandate as defined in its resolution of 4 April, and indicated my interpretation of the mandate as permitting me to negotiate for the fullest possible compliance with the Armistice Agreements.

I said in my report that I had stayed strictly within the scope of my mandate. This means that I have left aside those fundamental issues which so deeply influence the present situation, and that I have devoted all my attention to the limited task of re-establishing first of all a cease-fire, and, based on the cease-fire, a state of full compliance with the Armistice Agreements.

It may be said that this does not meet the needs of the situation. In my own view, confirmed by the frank and full discussions I have had with the leaders in the Middle East, I feel that the re-establishment of full compliance with the Armistice Agreements represents a stage which has to be passed in order to make progress possible on the main issues which I have considered to be outside my mandate.

It is still too early to say what has been achieved in substance, but the efforts made, in my view, were necessary as an initial step. Their value and effect will depend first of all on the good will and the actions taken by the Governments directly concerned, in the second place on the support given to those Governments by others and by the world community, as represented by the United Nations.

What has been done may open the door to new fruitful developments. The initiative is now in the hands of the Governments party to the Armistice Agreements. It is my feeling that there is a general will to peace, and that this will should be fostered and encouraged, not by attempts to impose from outside solutions to problems of vital significance to everyone in the region, but by a co-operation which facilitates for the Governments concerned the taking unilaterally of steps to increase confidence and to demonstrate their wish for peaceful conditions.

I believe that the present situation offers unique possibilities. If we have previously experienced chain reactions leading to a continuous deterioration of the situation, we may now have the possibility of starting a chain of reactions in the opposite direction.

The final settlement is probably still far off, but even partial solutions to the harassing problems of the region would be a contribution to the welfare of the peoples concerned and to the peace of the world.

ANNEX I

1. Letter dated 29 April 1956 from the Prime Minister of the Hashemite Kingdom of the Jordan to the Secretary-General

"Our agreement is hereby confirmed. 1/ I wish to invite your utmost care and attention to the grave consequences, if the Jordan River diversion works are resumed by Israel. On the strength of your statement to me that the Security Council resolution affecting this problem can only be interpreted by the Security Council alone, it becomes evident that any unilateral action by Israel would mean not only violation of the said resolution but also defiance of the principle indicated by you."

2. Letter dated 2 May 1956 from the Secretary-General to the Prime Minister of the Hashemite Kingdom of the Jordan

"At Jerusalem, 2 May 1956

"Dear Mr. Rifai,

"I thank you for your letter of 29 April 1956. I note that by that letter you confirm our agreement.

"Your confirmation establishes reciprocity with the assurance given to me by the Government of Israel, that they would observe unconditionally their obligations under Article II, 2, of the Jordan-Israel Armistice Agreement, reserving only the right to self-defence. I thus note that your confirmation means that I have from you an unconditional assurance to the same effect, with a reserve only as to your right to self-defence under Article 51 of the Charter.

"You will remember that I stated in explanation of the reserve for self-defence, that I understand that this reservation does in no way detract from the

1/ The agreement was based on a document from which the following excerpt gives the text of the Secretary-General's formal proposal:

"In his previous contacts with Governments concerned, the Secretary-General has asked them for their assurance that they will observe the obligations under the said clause (Article III, paragraph 2, of the Israel-Jordan General Armistice Agreement) unconditionally, provided the other Party complies with that same clause, reserving only their right to self-defence under Article 51 of the Charter. Such assurances, reaffirming the independent status of the clause within the Agreements which safeguards the cease-fire, have been given by the Governments of Egypt and Israel. The Secretary-General should in his report register the reaction also of the other three Governments, and hopes to be able to note that they too have given unconditional assurances to observe the clause.

unconditional undertaking to observe Article III, 2, of the General Armistice Agreement, and that, therefore, the word "self-defence" has to be interpreted in conformity with the stipulations of the said paragraph and the Charter of the United Nations.

"As our agreement concerning the unconditional assurance was based on a text which I handed you, but as, on the other hand, no minutes were taken of our meetings, I have found it appropriate in this way, in my reply, to put on record the substance of our agreement in this respect.

"I avail myself of this opportunity to thank you for our useful talks in Amman.

"Sincerely yours,

(Signed) Dag Hammarskjöld  
Secretary-General"

ANNEX II

1. Letter dated 1 May 1956 from the Foreign Minister of Lebanon to the Secretary-General

/Original text: French/

"Beirut, 1 May 1956

"Sir,

"I have the nonour to communicate to you the following declaration:

'The Government of Lebanon, while reserving the right of self-defence recognized by the Charter of the United Nations, reaffirms its unconditional acceptance of the provisions of article III, 2, of the Lebanon-Israel General Armistice Agreement'.

"I have the honour to be, etc.

(Signed)

Salim Lahoud  
Minister of Foreign Affairs

2. <sup>1/</sup> Covering letter dated 1 May 1956 from the Foreign Minister of Lebanon to the Secretary-General

"Beirut, 1 May 1956

/Original text: French/

"Dear Mr. Hammarskjold,

"I am pleased to send you herewith:

- An official declaration by the Government of Lebanon regarding the application of article III, 2, of the Lebanon-Israel General Armistice Agreement.

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<sup>1/</sup> As the statements in this letter and the one which follows about stands taken by the Secretary-General are irrelevant to the main subject, the two letters are reproduced here without the comments that the Secretary-General under other circumstances would have considered necessary.

- A letter repeating the Lebanese Government's point of view, expressed during our conversation of 27 April 1956, concerning the need to obtain assurances with regard to the diversion of the Waters of the Jordan.

"The Government of Syria has informed me of the contents of your letter of 28 April 1956 and of its reply dated 30 April 1956.

"I was glad to note that you expected to receive, within one or two days, from the Israeli side, assurances concerning respect for the Security Council's resolutions relating to the putting into force and the implementation of the Syrian-Israeli General Armistice Agreement,

"It is my firm hope that, when you visit Damascus on Wednesday, 2 May, you will be able to satisfy the Syrian request, which we fully support.

"Accept, dear Mr. Hammarskjold, the assurances of my highest consideration.

(Signed)

Salim Lahcud  
Minister of Foreign Affairs."

3. <sup>1/</sup> Letter dated 1 May 1956 from the Foreign Minister of Lebanon to the Secretary-General

/Original text: French/

"Beirut, 1 May 1956

"Sir,

"I have the honour to communicate to you the declaration of the Government of Lebanon with regard to the application of article III, 2, of the Lebanese-Israeli General Armistice Agreement.

"Further to our conversation of 27 April 1956, I should like to draw your attention once more to the prime importance, from the point of view of the maintenance of peace, of the question of the diversion of the Waters of the Jordan. You were good enough to inform me in this connexion that, during the conversations you are to have with the Israeli authorities, you will endeavour to obtain from them the assurance that they will not undertake any work in the demilitarized zone with a view to diverting the Waters of the Jordan.

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<sup>1/</sup> See footnote <sup>1/</sup> on page 1.

"I cannot too strongly urge that any such initiative taken by Israel might have extremely serious consequences, and would constitute a manifest breach both of the General Armistice Agreement with Syria and of the resolution adopted by the Security Council in this matter.

"I trust that your efforts will be crowned with success. Your mission of peace will then have been accomplished in the most satisfactory manner.

"Accept, Mr. Secretary-General, the assurances of my highest consideration.

(Signed) Salim Lahoud  
Minister of Foreign Affairs."

4. Letter dated 2 May 1956 from the Secretary-General to the Foreign Minister of Lebanon

[Original text: French]

"2 May 1956

"Dear Mr. Lahoud,

"I have the honour to acknowledge receipt of your letter of 1 May, and also of the declaration in which you reaffirm your unconditional acceptance of the provisions of article III, 2, of the Lebanon-Israel General Armistice Agreement.

"I appreciate your declaration, of which I take note. I note that the Government of Lebanon reserves the right of self-defence recognized in the Charter of the United Nations. This reservation in no way detracts from the unconditional undertaking to observe the provisions of article III, 2, of the General Armistice Agreement. The word "self-defence" should therefore be interpreted in conformity with the stipulations of the aforesaid paragraph and of the Charter of the United Nations.

"I have also noted the observations made by you in the covering letter accompanying your declaration. When making public the exchanges of messages, I propose to quote the first and third paragraphs of that letter.

"Accept, dear Mr. Lahoud, the assurances of my highest consideration.

(Signed) Dag Hammarskjöld  
Secretary-General"

ANNEX III

1. Declaration of the Government of Syria communicated to the Secretary-General under cover of a letter dated 2 May 1956 from the President of the Council and Foreign Minister of Syria

/Original text: French/

"The Government of Syria, while reserving the right of self-defence recognized by the Charter of the United Nations, reaffirms its unconditional acceptance of the provisions of article III, 2, of the Syrian-Israeli General Armistice Agreement.

2. Letter dated 2 May 1956 from the President of the Council and Foreign Minister of Syria to the Secretary-General

/Original text: French/

"Damascus, 2 May 1956

"Dear Mr. Hammarskjold,

"I have the honour to communicate to you herewith the declaration concerning article III, 2, of the Syrian-Israeli General Armistice Agreement.

"Please note that the aforesaid declaration is made within the framework of the Charter of the United Nations. In this connexion, I should be glad if you would take note of the following declaration:

'Considering that, under the terms of Article 25 of the Charter of the United Nations, "the Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter",

'The Government of Syria reaffirms its resolve to respect the provisions of the resolutions adopted by the Security Council in connexion with the putting into force and implementation of the Syrian-Israeli General Armistice Agreement, including the resolution of 27 October 1953.' I consider that the Syrian Government's attitude should be shared by the other Party to the Armistice Agreement.

"Accept this expression of my high consideration.

(Signed)

Said El-Ghazzi  
President of the Council and  
Foreign Minister"

3. Letter dated 2 May 1956 from the Secretary-General to the President of the Council and Foreign Minister of Syria

/Original text: French/

"Damascus, 2 May 1956

"Dear Mr. President,

"I have the honour to acknowledge receipt of your note of today's date communicating to me a declaration under which 'the Government of Syria, while reserving the right of self-defence recognized in the Charter of the United Nations reaffirms its unconditional acceptance of the provisions of article III, 2, of the Syrian-Israeli General Armistice Agreement'.

"I appreciate this declaration, of which I take note. I note that the Government of Syria reserves the right of self-defence recognized in the United Nations Charter. That reservation in no way detracts from the unconditional undertaking to comply with the provisions of article III, 2, of the General Armistice Agreement. The term "self-defence" should therefore be interpreted in conformity with the stipulations of the said paragraph and with the Charter of the United Nations.

"I note your statement regarding the general framework within which the undertaking to comply with the cease-fire instituted by article III, 2, of the General Armistice Agreement is given. I can confirm that Article 25 of the United Nations Charter enters into the framework of the Secretary-General's conversations during his current mission.

"Please accept the assurances of my high consideration.

(Signed)

Dag Hammarskjöld,  
Secretary-General"

ANNEX IV

1. 1/ Letter dated 3 May 1956 from the Prime Minister of Israel to the Secretary-General

"May 3, 1956

"Dear Mr. Hammarskjold,

"Informed by you that you have now received from the Governments of Jordan, Lebanon and Syria their unconditional acceptance of Article III, paragraph 2 of the General Armistice Agreements, with a reserve for the right of self-defence, and that, thus, you have received unconditional cease-fire assurances, the Government of Israel reiterates its agreement to comply fully and unconditionally with the provisions of Article III, paragraph 2 of the General Armistice Agreements with Jordan, Lebanon and Syria. This assurance is given on the basis of reciprocity and with reserve for the right of self-defence.

"Yours sincerely,

(Signed) David Ben-Gurion"

2. Letter dated 3 May 1956 from the Secretary-General to the Prime Minister of Israel

"May 3, 1956

"Dear Mr. Ben-Gurion,

"I have received your letter of 3 May 1956 regarding the unconditional acceptance of Article III, paragraph 2, of the GAA's with Jordan, Lebanon and Syria.

"My interpretation of the term 'self-defence' is given in my reply of 10 April 1956 to the Israel assurance to comply with Article II, paragraph 2 of the Israel-Egypt Armistice Agreement. When used in a declaration to the United Nations by a Member Government, the expression 'self-defence' must be interpreted by the Secretary-General as meaning 'self-defence' as stipulated in the Charter of the United Nations.

"Yours sincerely,

(Signed) Dag Hammarskjold"

- 1/ The assurance given in this letter restates an assurance previously given by the Government of Israel on 26 April 1956 in anticipation of the replies of the other three Governments referred to in the letter.

ANNEX V

Implementation of Articles VII and VIII of the Egypt-Israel  
General Armistice Agreement

(Memorandum submitted to the Secretary-General by the Chief  
of Staff and presented to the Governments concerned)

The implementation of Article VII, paragraphs 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, paragraphs 3 and 4 will be visited by United Nations observers. Subsequently, the areas in question will be visited periodically by United Nations observers as required by the Chief of Staff to ensure that the stipulations of Article VII continue to be complied with.

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

(a) The Israeli Armed Forces presently in the Demilitarized Zone will be evacuated, the existing fortifications will be dismantled and the minefields will be removed within a time limit fixed by the Chief of Staff in consultation with the authorities concerned. Pending a decision by the Security Council, the Kibbutz Ktsiot within the Demilitarized Zone will be maintained, together with a number of civilian police which in view of the needs of the Kibbutz, may be considered normal.

(b) The Egyptian Armed Forces will dismantle any defensive positions established in the area referred to in Article VIII, paragraph 3. The Egyptian checkpoints as defined by the Chairman of the Mixed Armistice Commission on 22 June 1955, in his statement appended to the MAC 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, United Nations observers will verify compliance by a visit to the areas referred to in Article VIII, and by subsequent periodic visits.

ANNEX VI

Complaints of Israel of non-compliance by Jordan with Article VIII of  
the General Armistice Agreement

(Memorandum submitted to the Secretary-General by the Chief of Staff)

Israel complains of the non-compliance of Jordan under Article VIII of the Jordan-Israel GAA, which provides for the creation of a special committee to formulate agreed plans and arrangements designed to effect improvements in the application of the GAA.

The matters specifically referred to in paragraph 2 of this Article include free movement of traffic on vital roads, including the Bethlehem and Latrun-Jerusalem roads; resumption of the normal functioning of the cultural and humanitarian institutions on Mount Scopus and free access thereto; free access to the Holy Places and cultural institutions and use of the cemetery on the Mount of Olives; resumption of the Latrun pumping station; provision of electricity for the Old City and resumption of the railroad to Jerusalem.

The Special Committee met on 20 April 1949 and during that year several matters were referred to it. It settled the question of the resumption of operation of the railroad to Jerusalem desired by Israel. The Special Committee was not able to resolve any of the other items specifically referred to it in paragraph 2 of Article VIII. Two of the items, resumption of operation of the Latrun pumping station and provision of electricity for the Old City, have, with the passage of time, lost the significance they had at the time of the conclusion of the General Armistice Agreement. The construction by Jordan of two by-roads to replace the direct road between Jerusalem and Bethlehem and by Israel of a by-road which connects the two sections of the direct Jerusalem - Tel Aviv road divided by the Latrun salient have reduced the importance of the problem of free movement of traffic on these roads. The Special Committee has not met since 1950 despite the Security Council resolution of 17 November 1950 (S/1907).

The Government of Israel has drawn attention to the stipulation in paragraph 2 of Article VIII. It provides that the Special Committee shall direct its attention to the formulation of agreed plans and arrangements for such matters

as either party may submit to it, which, in any case, shall include the specific matters in question "on which agreement in principle already exists". For Israel Article VIII is one of the crucial provisions of the General Armistice Agreement and its proper implementation is urgently called for to formulate agreed plans and arrangements for resumption of the normal functioning of the cultural and humanitarian institutions on Mount Scopus and free access thereto, free access to the Holy Places and cultural institutions, the use of the cemetery on the Mount of Olives and free movement of traffic on the Latrun-Jerusalem road.

The position of Jordan is that it is impossible in present circumstances to find practical means of solving these remaining problems because of serious security reasons. The Government of Jordan, therefore, generally favours maintaining the status quo regarding the outstanding specific matters until changes in the general situation remove the security problems involved.

If Israel has any practical proposals for the solution of the problem, the Chief of Staff is prepared to bring them to the attention of Jordan.

ANNEX VII

Complaints of Syria of non-compliance by Israel with Article V  
of the General Armistice Agreement

(Memorandum submitted to the Secretary-General by the Chief of Staff)

The complaints of the Government of Syria relative to non-compliance by Israel with Article V of the GAA, which relates to the Demilitarized Zone between the two countries, are set forth at length in the report of the Chief of Staff UNTSO to the Secretary-General dated 11 January 1955 (S/3343) and the Aide-Memoire of the Ministry of Foreign Affairs attached thereto as Annex 4. The position has not changed in any essential since then.

The complaints may be briefly summarized as follows:

- (1) Syria alleges that Israel violates Article V (5b) by having a paramilitary force, viz. the Border Police, in the Demilitarized Zone. Only "locally recruited civilian police" are allowed, vide V (5e). This complaint is substantiated by the facts.
- (2) Syria also complains that Israeli military and paramilitary forces continue to carry on activities within the Demilitarized Zone in contravention of Article V (5a). It is not considered that this complaint is borne out by the facts as established by United Nations military observers, except as regards (1) above.
- (3) Syria further complains that the "restitution of normal civilian life" in certain villages in the Demilitarized Zone inhabited by Arabs has not taken place. This is true, and the circumstances are described in the Chief of Staff's report referred to above. Since it was written, however, some improvement has been effected in the conditions of the inhabitants of the Baqqara and Ghanname villages, due to a more liberal policy being followed by the Israel authorities.

The Israel-Syria MAC has ceased holding either emergency or ordinary meetings for a considerable period (See Chief of Staff's report to the Security Council dated 15 December 1955). Israel, which refused emergency meetings while certain paramilitary prisoners were held by the Syrians, has indicated willingness to resume such meetings, now that the prisoners have been released.

The Syrians have lodged complaints regarding the violation of Article V which they want the MAC to discuss. Israel maintains that violations of Article V are a matter between the Israeli Delegation and the Chairman, and that the Syrians have no right to intervene. Consequent disagreement regarding the agenda has prevented ordinary meetings being held since 1951. It is apparently impossible to resume regular meetings unless Israel agrees to submit to the MAC the interpretation of Article V for a decision as to its competence in matters concerning the Demilitarized Zone, a procedure, which according to the legal advice I have received, is in accordance with the terms of the Armistice Agreement. Israel, however, is not prepared to agree to this.

ANNEX VIII

Compliance with the Security Council's Resolutions of  
30 March, 8 September 1955, and 14 January 1956

The proposals of the Chief of Staff referred to in the resolution of 30 March 1955 were as follows:

- (a) Joint patrols along sensitive sections of the Demarcation Line;
- (b) Negotiation of a Local Commanders' Agreement;
- (c) A barbed wire obstacle along certain portions of the Demarcation Line;
- (d) Manning of all outposts and patrols by regular Egyptian and Israeli troops.

On 28 June meetings on these proposals were initiated under the chairmanship of the Chief of Staff. Egypt agreed in principle with a detailed plan for joint patrols along sensitive sections of the Demarcation Line presented by the Chief of Staff.

No progress was made, however, because of a wide difference of views between the parties as to the scope and nature of the proposed joint patrols.

In discussions on a Local Commanders' Agreement the following points were accepted by both parties:

1. Only well trained and disciplined military personnel would be employed on military duties;
2. Strict measures would be taken to prevent civilians from crossing the Demarcation Line;
3. The parties would exchange all relevant information concerning civilians who illegally crossed the Demarcation Line and would investigate suspected crossings;
4. The parties would use their best endeavours to recover livestock and property stolen from the other party.

No agreement, however, was reached on the type and status of the responsible officers on each side, the presence of United Nations observers at local commanders' meetings, the establishment of telephonic communications between the responsible officers on both sides, and the form of signature to be used in

concluding the agreement. In consequence of the position taken by the parties, on these points it proved impossible to conclude a Local Commanders' Agreement.

With regard to the proposal to erect a barbed wire obstacle along certain portions of the Demarcation Line Israel took the position that two physical barriers with a space between them should be erected all along the Line. Egypt indicated that it had no objections to the erection by Israel of a continuous obstacle within Israeli controlled territory along the Demarcation Line. Egypt, however, was opposed to the erection of an obstacle along the Demarcation Line itself, but was prepared to erect barbed wire fences along certain portions inside the Gaza Strip. As a result of lack of progress on other points, the proposal to erect a physical obstacle never came up for formal consideration.

Agreement had been reached in principle that only well trained and disciplined regular military or police personnel would be employed on security duties in a zone one kilometre wide on either side of the Demarcation Line, when discussions broke down with the beginning of the series of incidents which culminated in the incident of Khan Yunis on 31 August 1955.

The proposals of the Chief of Staff which the Security Council endorsed in its resolution of 8 September 1955 were:

- (a) The separation of the armed forces of Egypt and Israel by an effective barrier along the Demarcation Line;
- (b) Defensive positions and motorized patrols of both parties to be kept at least 500 metres from the Demarcation Line.

On the separation of forces Egypt restated its willingness to keep its forces 500 metres back from the Demarcation Line. Israel was prepared to consider such an arrangement only after the establishment of a physical barrier along the whole Demarcation Line.

Freedom of movement of United Nations observers continued to be impeded, principally in the El Auja demilitarized zone and vicinity, from time to time by both parties. Reasons given for such interference included military activities, the presence of mines and the safety of the observers.

On 21 September 1955 the El Auja demilitarized zone was occupied by Israeli forces.

The suggestions of the Chief of Staff for improving the situation in the area of Lake Tiberias which the Security Council resolution of 19 January 1956 requested him to pursue, were communicated by the Chief of Staff to the two Governments on 21 January 1956. They consisted of the following points:

- (a) Both parties will give strict orders to their armed forces not to advance beyond or fire across the Armistice Demarcation Line;
- (b) Pending an arrangement which might be arrived at with the assistance of the Chairman of the Mixed Armistice Commission, the Syrian authorities will prevent the inhabitants of Syria from fishing in Lake Tiberias;
- (c) The Israelis will not interfere with the inhabitants of Syria who water their cattle in or draw water from Lake Tiberias;
- (d) The Syrian authorities will not interfere with Israelis fishing in Lake Tiberias;
- (e) The Israeli police boats will not come closer than 250 metres from the shore of the Lake;
- (f) Acceptance of the above suggestions will in no way prejudice the rights, claims and positions of either party in an ultimate peaceful settlement.

Syria assured the Chief of Staff of its co-operation in putting the above suggestions into effect and of its desire to have the Security Council resolution implemented in its entirety, particularly as it concerned Article V of the General Armistice Agreement relating to the Demilitarized Zone, and as it sought an improvement of the situation not only in the area of Lake Tiberias but along the entire Demarcation Line.

The Government of Israel indicated that in its view the immediate exchange of prisoners should have priority over the implementation of the Chief of Staff's suggestions, although they were willing to discuss these before any exchange took place. They considered further that negotiations between the Chief of Staff and the parties should be restricted to a consideration of the Chief of Staff's suggestions and to the exchange of military prisoners.

With regard to the suggestions of the Chief of Staff, both parties accepted points (a), (b) and (d). With regard to point (c), Israel considered that it would

be acceptable if "drawing water" meant drawing water for domestic purposes only, excluding irrigation. Syria agreed that "drawing water" meant drawing water for domestic purposes and did not refer to irrigation.

Israel considered point (e) as unacceptable if there were any implication that the 250 metres were related to Syria as territorial waters or in some other way. Syria denied that any implication that 250 metres from the shore of the Lake would be considered as "territorial waters" was involved.

Israel also indicated that it regarded the implementation of points (c) and (e) as necessitating revision of the Armistice Agreement and that such revision would have to be effected under the procedures laid down in Article VIII of the Agreement. At that time, Israel would probably wish to put forward some other subjects for discussion. Syria considered that points (c) and (e) be discussed at a meeting of the Mixed Armistice Commission.

The paragraph of the Security Council resolution relating to the exchange of prisoners was implemented on 29 March 1956.

