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Dual DistributionREPORT DATED 13 OCTOBER 1948 FROM ACTING MEDIATOR FOR PALESTINE
TO THE SECRETARY-GENERAL CONCERNING NEGBE SITUATION

1. I have the honour to submit this report to the Secretary-General for urgent transmission to the President of the Security Council in view of the serious fighting which has been taking place in the Negeb sector of Palestine during the past three days. In submitting the report at this time, as an emergency measure, it is my hope that prompt intervention by the Security Council will result in an immediate cessation of fighting as the indispensable prerequisite for restoring to normal the situation in the Negeb.

Reports of Military Activity

2. The United Nations Chief of Staff of the Truce Supervision at Haifa was informed on 15 October through the United Nations Observers in Gaza of complaints by the Egyptian army commander as follows:

(a) that on 14 October at 2300 hours GMT Israeli forces broke through Egyptian lines 4 km. east of Al Majdal with about fifty armoured cars, and that this force has penetrated 8 km. south-east of the break-through point by 0400 hours GMT 15 October;

(b) that on 15 October at 0400 hours GMT Israeli forces launched an attack south from Karatiya with three armoured cars;

(c) that on 15 October at 2130 hours GMT Israeli forces attacked Beit Hanun on the Gaza-Majdal road;

3. On 15 October 1948, the Acting Foreign Minister of Egypt addressed a cable to the President of the Security Council (S/1038) complaining of a series of aerial attacks by Israeli planes on Egyptian positions in the Negeb beginning early in the morning of 15 October. On 16 October a further cable was received from the Acting Foreign Minister of Egypt addressed to the President of the Security Council (S/1041) complaining of renewed aerial attacks by Israeli forces and also of a land attack south of Karatiya.

4. The following complaints were received from Israeli sources:

(a) on 15 October at 1400 hours GMT the Israeli Liaison Officer at Haifa reported to the Truce Supervision Headquarters at Haifa by telephone that Egyptian planes were attacking Jewish trucks in the Negeb;

(b) on 16 October at 0655 GMT the Senior United Nations Military Observer in Tel Aviv reported that the Israeli authorities had informed him that heavy fighting was proceeding in the Negeb and that Egyptian forces were attacking in the Karatiya area.

15. The reports

5. The reports of the United Nations Military Observers with the Egyptian forces in the Gaza area substantiate that there have been widespread attacks on Egyptian positions by Israeli land and air forces in the Negeb during 15 and 16 October, including heavy shelling and aerial bombing of Gaza.

Requests for Cease-Fire

6. On 16 October the United Nations Chief of Staff of the Truce Supervision addressed a communication to the Egyptian and Israeli military authorities through the United Nations representatives at Gaza and Tel Aviv, stating that the "present military operations in the Negeb are a grave breach of the truce. All parties must cease fire and stop air operations by 1400 hours GMT today. Military forces must return to 1200 GMT 14 October positions under supervision Un Observers".

7. In replying to this request both sides set conditions for their compliance.

(a) The following is the text of the reply of the Provisional Government of Israel, described as a "preliminary observation":

"In view of the continuous Egyptian attacks by land and from the air against Jewish settlement positions and communications in the Negeb, and of the obstinate refusal of the Egyptian authorities to honor the Central Truce Supervision Board decision in case No.12, culminating in an all out attack on the Israeli convoy travelling on the Karatiya road on October 15 within the time prescribed in that decision, the Provisional Government of Israel cannot see its way to ordering a suspension of operations in the area concerned until it obtains full guarantee from the Chief of Staff that the passage of traffic to and from the Negeb will be allowed by the Egyptians unmolested and that all further Egyptian attacks against Jewish settlement positions and communications will cease".

(b) The following is the text of the Egyptian reply to the Chief of Staff communication concerning the cease fire, given by the Egyptian General Officer Commanding to the Senior United Nations Military Observer, Gaza:

"Egyptian positions are submitted to continuous and dangerous attacks. Egyptians are merely defending themselves. Firing will cease on both sides if Jewish forces withdraw to their original positions and cease firing and bombing".

8. In an effort to bring an immediate end to the present fighting for the purpose of negotiating a settlement of the major outstanding truce problems in this area, the following question was addressed by me on 17 October to the Government of Egypt and to the Provisional Government of Israel:

"Is /your/ Government ready to order immediate unconditional cease fire for four days in order to provide time in which to settle peacefully basic difficulties which have arisen between Egypt and Israel regarding truce observance in Negeb? It is proposed that both sides should send representatives to neutral place, which might be Government House in Jerusalem. If this proposal is not agreed to, negotiations would be carried out through Acting Mediator's representatives in Cairo and Tel Aviv, Acting Mediator's Headquarters Haifa (sic) acting as intermediary".

Background of the Outbreak

9. The present outbreak of fighting in the Negeb is largely due to the failure of both sides to accept the decision of the Central Truce Supervision Board approved by the late Mediator regarding the passing of supply convoys in the Karatiye area. This decision (case No.12), attached hereto as Annex I, stipulated that within defined periods each day and subject to the conditions set forth in the decision, both parties should use the cross roads lying between Hatta and Karatiye for the passage of such supplies as were permitted under the conditions of the truce. The convoys were to be subject to United Nations supervision. An integral part of the decision precluded the Provisional Government of Israel from supplying its forces in outlying settlements by air except in the case of settlements without road communications and then only under United Nations supervision. Reference to this vital part of the decision, with which the Israeli authorities have thus far failed to comply, was omitted from paragraph 2 of the letter dated 8 October addressed to the Secretary-General by the representative of the Provisional Government of Israel concerning alleged violations of the truce by Arab forces, and circulated to the Security Council as document S/1030.

10. Persistent efforts by the United Nations Truce Supervision Organization to implement this decision, communicated by the late Mediator to the two Governments on 15 September 1948, have failed. The Egyptian Government refused to permit the Israeli convoys to pass until the supply of Jewish settlements by air was stopped, while the Provisional Government of Israel refused to stop the aerial convoys or submit them to United Nations supervision until the Egyptians permitted the land convoys through. Thus an unreasonable impasse was created.

11. In the letter refusing the Chief of Staff's request for a cease fire in the Negev on 16 October, Mr. Eban on behalf of the Provisional Government of Israel, stated that the refusal to accept the cease fire order is explained by "the continuous Egyptian attacks by land and from the air against Jewish settlement positions and communications in the Negev, and of the obstinate refusal of the Egyptian authorities to honor the Central Truce Supervision Board decision in case No. 12, culminating in an all-out attack on the Israeli convoy travelling on the Karatiya road on October 15 within the time prescribed in that decision..."

12. The failure, however, to implement the decision in case number 12, must be ascribed, in considerable measure, to the refusal of the Provisional Government of Israel to accept that part of the decision relating to the control of air supply to the Negev settlements. For had this essential prior condition been fulfilled all legitimate Egyptian objections would have been removed. The point being that under the provisions of the decision no Israeli convoy was entitled to move through this area under any circumstances until there had been prior notification by Israeli authorities of the acceptance of the stipulated conditions regarding aerial convoys and in the absence of the required United Nations supervision. The Truce Supervision personnel had never been in position to inform the Egyptian authorities that these conditions had been met. The Egyptian Government, on its part, had informed the United Nations representative at Cairo that it considered case twelve as controversial and had accepted neither this case nor the Central Truce Board decision in case number eleven, concerning the villages of Eatta and Karatiy

13. The Provisional Government of Israel has not only refused permission to United Nations Observers to enter many of the Israeli airfields, but has limited the movements of United Nations Military Observers to the Israeli positions on the Gaza front, making effective truce supervision in this area impossible. The Provisional Government of Israel has insisted on excluding United Nations Observers from its airfields until such Observers have been placed on all Arab airfields indicated in an exhaustive list presented after a long delay.

14. On 30 September 1948, Colonel Baruch of the Israeli General Staff addressed a letter to the United Nations Chief of Staff on the subject of the movement of United Nations Observers to the southern front, in which he stated:

"Now that the truce lines in Tel Aviv Northern and Southern areas are already defined, we are of opinion that observers' visits to the fronts should be much more seldom. Experience has taught us, I regret to say it, that these visits are futile and entail only a waste of time and gasoline, the use of which is restricted."

/Colonel Baruch's

Colonel Baruch's position on this matter was rejected by the Chief of Staff of the Truce Supervision Organization in his reply of 4 October.

15. On 11 October Brigadier Yadin of the Israeli Defence Force informed the Senior Military Observer in Tel Aviv that the Israeli Defence Force would not permit the establishment of a permanent Observation post in the southern sector at least until they received satisfactory Egyptian answer on the convoy problem. This statement was confirmed in a written statement addressed to the Chief of Staff on 14 October from Captain Harakabi on behalf of Colonel Baruch. This reply is as follows:

"I am instructed by Chief of General Staff Branch in pursuance of your conversation with him on Monday, 11 October at Foreign Office, to inform you that he regrets that he cannot, for time being, sanction the posting of two UN Military Observers at Karatiya.

"We understand that these Observers specific jobs would have been control of traffic by us and by Egyptians as specified in CTSB decision Number 12 of 11 September.

"So long as this decision has not been put into effect, we fail to realize the necessity for such a posting. Occurrence of last Saturday, 9 October, when UN Observers in jeep flying no fewer than three large white flags accompanied by Israeli Liaison Officer in clear view of Egyptians were heavily attacked by anti-tank cannon fire in vicinity of Karatiya is portent of Egyptian disregard of Observers presence in area".

16. In view of this attitude on the part of the Israeli authorities, it was a matter of serious concern that the United Nations Chief of Staff of the Truce Supervision should receive notice of the intentions of the Israeli authorities to send a convoy through at Karatiya without any possibility of United Nations supervision as required by the Central Truce Board decision in case number twelve. On 15 October the United Nations Chief of Staff of the Truce Supervision received a letter from Colonel Baruch dated 14 October as follows:

"On 11 September 1948 the Central Truce Supervision Board pronounced its decision on the Karatiya Road (Case Number 12) which was subsequently approved on 15 September by the late Count Bernadotte. Although more than a month has elapsed since then, no Egyptian reply has been published.

"In principle this decision was the confirmation of the decision made by General Lundstrom on 18 August. We have repeatedly urged that the Egyptians must finally be made to signify their acceptance or rejection of the decisions. In CTSB case Number 12 the UN Mission during these two months has apparently been unable to make any headway

/against

against Egyptian intransigence and an intolerable situation has been allowed to continue unrelieved.

"I am accordingly directed by the Chief of General Staff Branch to inform you that we shall tomorrow dispatch a convoy within the time limits stipulated by the CYSB decision. May I remind you in this connection that the Egyptians run their traffic for 24 hours a day in defiance of the UN decision which stipulates that their traffic be permitted for 6 hours a day only".

Conclusions

17. A serious breach of the truce is involved in the Negev outbreak as defined in the resolutions of the Security Council of 29 May, 15 July and 19 August. The resolution of 15 July ordered an indefinite cease fire, while the resolution of 19 August specifically precludes acts of reprisal or retaliation. It would seem clear that the military action of the last few days has been on a scale which could only be undertaken after considerable preparation, and could scarcely be explained as simple retaliatory action for an attack on a convoy.

18. The present situation in the Negev is complicated by the fluid nature of military dispositions making the demarcation of truce lines difficult, the problem of the convoys to the Jewish settlements, as well as the problems of the dislocation of large numbers of Arabs and their inability to harvest their crops. In the circumstances, the indispensable condition to a restoration of the situation is an immediate and effective cease fire. After the cease fire, the following conditions might well be considered as the basis for further negotiations looking toward insurance that similar outbreaks will not again occur and that the truce will be fully observed in this area:

- (a) Withdrawal of both parties from any positions not occupied at the time of the outbreak.
- (b) Acceptance by both parties of the conditions set forth in the Central Truce Supervision Board decision number twelve affecting convoys.
- (c) Agreement by both parties to undertake negotiation through United Nations intermediaries or directly as regards such problems in the Negev as the return to their lands of dislocated Arabs, the harvesting of crops, the evacuation of Jewish settlements held by Egyptian forces, and the permanent stationing of United Nations Observers throughout the area.

(Signed) Ralph J. Bunch
Acting United Nations
Mediator on Palestine

PARIS, 18 October 1948

/ANNEX 1

ANNEX 1

CENTRAL TRUCE SUPERVISION BOARD

NAME OF CASE: Supply Convoys in
El Faluja area.

APPROVED

Signed: F. Bernadotte

CASE NO: 12

COUNT FOLKE BERNADOTTE

United Nations Mediator on
Palestine

14 September 1948

1. Statement of facts

The Hatta-Karatiya road (marked in red on the overlay contained in Annex I attached hereto) provides a supply route between the Israeli-controlled territory to the north and Israeli settlements to the south, which settlements largely depend for their existence on being supplied with food from Israeli-controlled territory to the north. The El Majdal-El Faluja road (marked in blue on the above-mentioned overlay) provides a supply route between Egyptian-held positions.

At the present time neither side is permitting the other to use these roads. The result has been that the Israeli forces have been obliged to supply the settlements to the south by air, and Egyptian forces have been obliged to route their supply columns along a dirt road (marked in green on the above-mentioned overlay), which will become impassable once the rainy season commences.

The Israeli forces have stated that they are prepared to permit passage of Egyptian convoys, providing the Egyptian Army agrees to a reciprocal arrangement.

The Egyptian Army has indicated that it has refused to consider any convoy systems until the Israeli forces withdraw from the villages of Hatta and Karatiya (which are shown on the above-mentioned overlay), the Egyptian Army claiming that these villages were wrongfully occupied by the Israeli forces subsequent to the commencement of the second truce.

2. Decision of the Board

The Board decides:

(1) That the Israeli forces shall be permitted to use the road marked in red on the above-mentioned overlay, including the intersection of this road with the road marked in blue, without interference from any Arab forces between the hours of 0300 - 0900 GMT daily, and at no other times, for the purpose of transporting supplies and personnel permitted under the terms
dd /of the truce,

of the truce, to and from the Israeli settlements to the south.

(2) That the Egyptian forces shall be permitted to use the road marked blue on the above-mentioned overlay, including the intersection of such road with the road marked red, without interference of any kind from the Israeli forces, between the hours 1000 - 1600 GMT daily, and at no other times, for the purpose of transporting supplies and personnel permitted under the terms of the truce between El Majdal and El Faluja.

(3) That the Israeli forces shall cease forthwith supplying the Israeli settlements to the south by air except such settlements as are inaccessible by road. All flights made to and from any such settlements shall only be made under the supervision of UN Military Observers.

(4) That the implementing of these decisions shall be under the close supervision of United Nations Military Observers.

(5) That it cannot accept the position taken by the Egyptian Army to the effect that the question of the use of supply routes in this area is not to be resolved until the withdrawal of Israeli forces from the villages of Hatta and Karatiya. The Board desires to draw the attention of the Egyptian Government in this connection to its decision in Case No. 11.

(Signed) Aage LUNDSTRÖM
Major General of the Swedish Air Force
Chief of Staff

Dated this 11th day of September 1948 at Haifa.