

MEETING WITH MAJOR GENERAL VAGN BENNIKE
Thursday, 15 October 1953

[Handwritten signatures and initials]

Present: Mr. M. Sharett
Mr. G. Rafael
Mr. J. Tekoa
Sgan-Aluf A. Shalev

Major General Vagn Bennike
M. Henri Vigier
Lt. Col. William T. McAninch
Mr. Axel Serup

(Not so well!)

MR. SHARETT: Well, General, do you wish to say something?

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GEN. BENNIKE: I wish to give my opinion about the whole matter, in three points, as follows:

You started the work and you are still working on Arab-owned land. If the work now affects Arab-owned land it will do so in the future. And the work will more and more change the value of the Demilitarized Zone from the military point of view - separating the two parties. And I fear it is necessary for me to repeat my request to stop the work until an agreement is reached. I think all the questions about a temporary stoppage are of little importance. That is all I have to say now.

MR. SHARETT: We deny that our work affects Arab land. You have indicated four plots of Arab land on which you say, according to the information you received, we started the work. We do not accept that description of the situation. Between those plots and the actual flow of the river there is a little strip of land which is not owned by Arabs and it is on that strip that we started to work. I cannot, of course, guarantee that no worker has ever set his foot on a piece of ground that is within an Arab-owned plot. But that does not mean to me that we are working on Arab land. It is true that we have had to take machines over that land, but there is an old track used by everyone in that area, and it is that track that we have been using. We have introduced no innovation in the existing state of things by using the track. I understand that at a certain stage stones were discharged into a corner of a field owned by an Arab. Orders were given for the stones immediately to be removed and for the place to be restored to its original condition. We do not call that affecting Arab-owned land. The land has in no way been affected thereby, either in configuration or in the shape of the terrain or in any other respect. The digging of the canal, as you yourself will admit, is not proceeding on Arab-owned land. No Arab land is affected by the actual digging of the canal.

I am prepared to go with you to the spot and see there what are the facts, so that we may clear up together what may have been due to a misreading of the facts. (The General indicated assent).

That is the situation with regard to the land.

With regard to the military argument, - quite apart from the legal considerations which I have had an opportunity of setting forth in considerable detail in my letter and which led us to deny the right of Syria to raise any objections on that score - but on the purely factual side, I think it is elementary logic that by digging this canal we are creating a new obstacle to the meeting of the forces, that is, we are contributing to the further separation of the forces and diminishing the danger of a clash. The canal, if you take the cutting of which it is only the middle part, is both wider and deeper than the Jordan river-bed. Even supposing that we would divert the entire water of the Jordan into the canal, the result would be that an even greater obstacle would have arisen for anyone trying to send his armed forces across that area than what is constituted today by the natural Jordan river-bed.

The purpose of the work we are doing is purely economic, not military, but inasmuch as it may have a military angle, it is only an added detriment to an aggressor. So if we are the would-be aggressor, we are placing a new obstacle in our own way; if Syria is the would-be aggressor, there is another obstacle in her way. Is that what Syria is protesting against? She exposes herself to the charge of pursuing aggressive designs. But is the United Nations there to make it easier for Syria to aggress? I am completely baffled by the underlying logic of your statement. I cannot rationalise it in terms of the patent United Nations interest in the matter - to make aggression more difficult and not to facilitate it.

I repeat that if, in order to elucidate certain practical points at issue, you think that a suspension of short duration is imperative, we shall be ready to suspend for that purpose; but if you say that the work must be stopped entirely until agreement is reached, then with all respect I must say that you come very near to attempting to turn the United Nations into an instrument for furthering the economic warfare of the Arab League against Israel. Because that is what Syria is after, and you will help Syria to achieve its objective, which is not a legitimate objective, as it means continuing by other means the war which was stopped by the Armistice Agreements.

You have not referred to the question of water. I wrote to you that we would be ready to offer guarantees to the effect that nothing will result from this work to the detriment of the owners of water rights on the Arab side. I stand by that, and if you are interested I can outline the kind of guarantee we have in mind. In the process of the present work the water situation is not being affected. The canal is dry and will continue to be dry for a long time. While that phase lasts there is every opportunity for us to come to an understanding as to how the existing water rights can be safeguarded, if necessary, for all future.

To sum up, we are not affecting Arab land; we are not in the meantime affecting the water situation; we are quite prepared, in fact we are eager, to go with you into the question of guaranteeing water rights for the future, also of guaranteeing that we shall not be working on Arab land, on the basis of an agreed map. Your people can come and check as to whether we are cutting into Arab land. If in your estimation something went wrong at the start - we deny it - we are prepared to go there and check, and restore the position to the status quo ante. I repeat the suggestion we go there together.

In your first expose, you referred to a certain island. You now say it does not appear on the map. It is clear why. Sometimes it is submerged. Sometimes it emerges from the water. It is not the property of anyone and is entirely unused.

You also originally mentioned the water mills. There is no reference to them now. But we are including them in our guarantee.

As far as we are concerned, an interruption of the work can only be justified to clear up certain points, and for a fixed period. If we satisfy you, then we can proceed. But an interruption to get the agreement of Syria cannot be considered - that would be until the Greek Calends. It would mean blocking all progress in Israel. That is the purpose of Syria. It is inconceivable to me that the United Nations should lend itself to cooperation in the achievement of that objective.

GEN. HANNIKI: I don't like to hear you say that I am working for Syria.

About the military question, there are many things to say, many details to mention. If you want to attack, it is always good to have your front protected and attack from the flank. It is good to have an obstacle in front of you while you attack from the side.

You can build peace-time bridges over the canal and you can clear the mountains of rocks on your side, and take the water into your canal.

MR. SHARETT: Supposing we did not start on this work at all and our purpose was to attack Syria, in disregard of the Armistice Agreement. Would we not be able to attack her? If we were determined to do so, could we not do it? The question is whether we are bent upon attacking Syria - not whether it would be easy for us to do so. The barrier to that design is the Armistice Agreement and the undertaking to which we stand committed in it; that is to say the fact that if we violate the Armistice Agreement we would be defying the United Nations and be branded as an aggressor by the whole civilized world. If you proceed to examine every development project from that point of view, then there would be no opportunity for us to do any development work whatsoever. You might say that if we put up a settlement in the Demilitarized Zone, we create a point of support for a future offensive; or if we drain a swamp in the Zone, we are strengthening our position.

GEN. BENNIKE: But there is no swamp in the Demilitarized Zone.

MR. SHARETT: But work was done in the Demilitarized Zone in connection with the drainage project, and the Syrians used that argument. It is a reductio ad absurdum, this argument. We then stay put. If this is the proper interpretation of the Armistice Agreement then nothing whatever can be done. But there is a clear provision for the continuation of civilian life and life is not static. It is dynamic. It is a continuous process of change.

GEN. BENNIKE: But there is a difference between establishing a settlement in the Demilitarized Zone and this big project of yours.

MR. RAFAEL: You must always keep in mind one basic fact of the situation. At the end of the fighting in 1948 our forces were not in Syrian territory, but Syrian forces were inside Palestine, beyond the borders of Syria. If there is a question of aggression, it must be addressed to Syria. The whole question of aggression at this stage is not a legitimate one. Article 24 of the United Nations Charter is the important factor. We are pledged not to use force. Therefore we certainly cannot believe that the digging of a canal, creating an additional obstacle to a would-be aggressor, can be held against a country which has been the victim of aggression and a country which is pledged to support the Charter and not to use force.

GEN. BENNIKE: I forgot to mention a little thing in connection with a guarantee for water for the landowners. It is difficult to give a guarantee to an enemy state.

MR. SHARETT: We offer a guarantee to the United Nations, not to Syria, unless Syria wants to negotiate with us direct. They cannot have it both ways. They cannot claim a guarantee from us and refuse to negotiate with us. If Syria demands a guarantee from Israel, the United Nations should tell them that they must negotiate. But they refuse. If Israel now says it is ready to give a guarantee it means a guarantee to the United Nations. In view of the fact that you are considered the custodian of private rights in the Demilitarized Zone, it is to you that we are prepared to offer a guarantee.

GEN. BENNIKE: This guarantee is only valuable if it is accompanied by good will.

MR. SHARETT: If we default in good will we default against the United Nations. We are prepared to make of our offer of guarantee a formal international instrument addressed to the Secretary-General, or submitted to the Security Council for approval.

We stand on record as having offered peace negotiations with Syria as with all the Arab States. We stand on record as having agreed to

negotiate with Syria any ad hoc arrangement which would fall short of a peace treaty. We had actually entered into such negotiations with Syria. It is the Syrians, not we, who broke off the negotiations. It is difficult for us to put up with a situation where a representative of the United Nations suggests that we might want to attack Syria.

GEN. BENNIKE: We don't say that you want to attack Syria. But you might in the future. It is not my job to decide who is to blame for there being no negotiations.

MR. SHARETT: But that is a most important part of the case if the matter comes before the Security Council. The Security Council will not be able to say that it is not part of their job.

MR. RAFAEL: If we stop the work on the canal, Syria would obtain what she wants without negotiations with us. Why should future negotiations be prejudiced in this way? There would certainly be no incentive for Syria to negotiate with us if at this stage we would stop the work. What was the incentive which caused Syria to negotiate with us over a period of six months? They knew that they would not get what they wanted in the Huleh district after the decision of General Riley, so they agreed to negotiate. But if they get it delivered to them prefabricated, as a fait accompli, there would be no incentive for them to come to terms with us.

GEN. BENNIKE: It is you who are creating a fait accompli.

MR. SHARETT: Within our rights! In accordance with previous rulings and resolutions. And you were informed. Brigadier Dayan discussed it with you before you left for New York. Even I, when you were kind enough to call on me before your departure, told you that development work in the Demilitarized Zone must go on.

GEN. BENNIKE: It was in quite general terms. I did not see the work until the 12th.

SGAN-ALUF SHALEV: You were not shown the details of the project, but you were informed of the intention to proceed with the project.

MR. SHARETT: I don't think we had then got to the stage of putting the map before you, but you were told in clear terms that such a project was intended.

GEN. BENNIKE: Not this kind of project.

SGAN-ALUF SHALEV: On 2 September we took Col. Tillotson to the spot. I showed him the map.

M. VIGIER: He was told about it on the 2nd, and was taken to the spot after it had already started. You cannot make an agreement with the Acting Chairman. Nobody had been appointed as Chairman under the provisions of the Armistice Agreement. That conversation with Col. Tillotson cannot be taken as a basis.

MR. TEKOA: With regard to the question of making an agreement with Col. Tillotson, it was not our intention to reach an agreement, because an agreement was not necessary unless private rights were involved. We met with Col. Tillotson in order to show him the plans of the project, to show him the work, which had started an hour before the meeting with him, and in order to obtain his concurrence, which was given.

SGAN-ALUF SHALEV: You yourself say in one of your letters, "in such circumstances he (Col. Tillotson) has not been in a position to discharge his responsibilities under Art. 5 of the Armistice Agreement....", which indicates that he did have responsibilities as Acting Chairman under the Agreement. But that is not the main point.

MR. SERUP: When the General brought up the question of the military argument it was not on the assumption that one party would want to start aggression against the other. The General is convinced that no such intention exists, but he is concerned about the military value of the Demilitarized Zone as such, as defined in the Armistice Agreement. If you have a demilitarized zone - in the specific way in which it is defined in the Armistice Agreements, he feels that the power which is able to control and determine by itself the flow of an important river in the zone has the power to change the structure of the zone as such and therefore change its value. It is not the question of the presence of aggressive intentions on the part of one party or another, it is a question of changing the character of the zone, so that one party is able to control the strategic value of the zone.

MR. SHARETT: If this is the proper interpretation of the Armistice Agreement, then no development at all can be carried out in the zone.

MR. SERUP: I don't think that applies to any irrigation work.

MR. SHARETT: The position in that part of the country is such that no irrigation work of real importance can proceed unless you change the direction of the river and divert it into a canal. I was closely connected with the late Finhas Rutenberg, the creator of the Palestine electrification scheme, and worked with him in 1919-20. He showed me then on the map exactly what we are doing now. It is a thing any hydrological engineer is familiar with. If you have water that is falling down along a steep gradient, you divert it at a certain spot into a canal which you dig along a very mild gradient, just enough to let the water flow by gravitation. In this way you create a difference between the two water levels and at the lower end you let the water fall back into the natural river-bed. A waterfall is thus created, so you put up turbines and proceed to generate power. If that is considered an illegitimate change in the Zone, then no proper development can be carried out.

MR. RAFAEL: We have to stick to the Armistice Agreement. There nothing is said about the topographical situation. If we decided to dig fish ponds, that would change the Demilitarized Zone; or if we establish a settlement there, or build roads. That would be a most far-fetched interpretation of the Armistice Agreement.

MR. SERUP: The Armistice Agreement says that the Demilitarized Zone has been designed to keep the forces apart.

MR. SHARETT: The mere existence of a Demilitarized Zone is the important thing, not its topography, - the existence of a zone free from any military forces and the guarantee of each side not to enter it with military forces.

GEN. BENNIKE: Assuming good will...

MR. SHARETT: I am assuming for the time being that Syria has no intention of sending forces into the Zone, and we for our part certainly do not intend to do so.

MR. TEKOA: This question is not a new one and I should like to recall that all the issues which were referred to by General Bennike in his memorandum of September 23 have been debated already in the Security Council, and changes have been made in the past. We deepened

and straightened and changed the Jordan river bed. At certain stages we actually stemmed it up and constructed new channels. We have all heard it before, and the Security Council has debated it and made it clear that the only problem that arose was the question of private rights. Once a problem like this arises, one would have to object to the construction of fish ponds, the construction of roads, etc.

MR. SHARRETT: Let us read from the Israeli-Syrian General Armistice Agreement:

Article V, par. 5 (a): "Where the Armistice Demarcation Line does not correspond to the international boundary between Syria and Palestine, the area between the Armistice Demarcation Line and the boundary, pending final territorial settlement between the Parties, shall be established as a Demilitarized Zone (MS: This is a decree laid down) from which the armed forces of both Parties shall be totally excluded, and in which no activities by military or para-military forces shall be permitted..."

It does not say in which no changes in the topography shall be effected. It could have said that, if that was the intention. It did not. The only operative provision which it lays down is that the armed forces of both Parties shall be excluded.

Then Par. 5 (b): "Any advance by the armed forces, military or para-military, of either Party into any part of the Demilitarized Zone, when confirmed by the United Nations representatives referred to in the following sub-paragraph, shall constitute a flagrant violation of this Agreement."

Again, it does not say any change of terrain, any alteration of its structure - it does not say it, though it could have said it. It restricts it only to the entry of military forces. It limits it to that one possible violation.

Par. 5 (c): "The Chairman of the Mixed Armistice Commission... and United Nations observers attached to the Commission shall be responsible for ensuring the full implementation of this article."

Par. 5 (e): "The Chairman of the Mixed Armistice Commission shall be empowered to authorize the return of civilians to villages and settlements in the Demilitarized Zone."

Article V, Par. 2: "In pursuance of the spirit of the Security Council resolution of 16 November 1948, the Armistice Demarcation Line and the Demilitarized Zone have been defined with a view toward separating the armed forces of the two Parties in such manner as to minimize the possibility of friction and incident (MS: by the mere creation of the Zone - not by its topography), while providing for the gradual restoration of normal civilian life in the area of the Demilitarized Zone, without prejudice to the ultimate settlement."

That is what normal civilian life means - movement and change.

MR. SERUP: I think it is quite true that this is not a new problem, but I think you will agree with me that when the question of the Huleh drainage arose, it was not in connection with work within the Demilitarized Zone. Now we hold that the Demilitarized Zone will be changed. At that time, when it was a question of that particular work, the purpose was the drainage of a swamp which was clearly on the Israel side. At present the change is being achieved within the Demilitarized Zone. Therefore the character of the zone is being

MR. SHARETT: The Huleh project started exactly in the same manner, by deepening and altering the river-bed in the Demilitarized Zone. Anyhow, if we differ on such a fundamental thing, only the Security Council can resolve that difference. We may be in for some unpleasant surprises, but a priori I must tell you not only that we are very confident of our ground, but also confident of the outcome of the discussion, unless the Security Council goes back on the doctrine which it itself has adopted.

GEN. BENNIKE: I think there must have been a reason for creating a zone and not a line. If there was confidence in the good faith of both parties, a line would have been sufficient. It is a zone because the Armistice Agreement has not complete faith in both parties.

MR. SHARETT: Alright, that is why the Zone was created. We abide by that. If we offend against that, we are the aggressors.

GEN. BENNIKE: I don't say that.

MR. RAFAEL: The history of the Zone was not military. The idea was to permit the Syrians, the aggressors, to leave Palestine without loss of face. That is why we agreed to give them that face-saving device. It is not because of military reasons. There are places on the border where we stand face to face with them.

MR. SHARETT: That is to say, if the reason was lack of confidence, the Demilitarized Zone should have extended all the way up the boundary line.

MR. RAFAEL: That is the political reason why we agreed to the Zone. I remember that the Armistice Agreement almost broke down because we wanted to have our rights in this area. It was then that Dr. Bunche devised these particular provisions of Art. V. He recognized the necessity for the restoration of civilian life, but requested us at that time not to go into the matter of sovereignty, etc. It was assumed that after three or four months a Conference would be held and the parties would get together and proceed from the Armistice Agreement to peace. It is not our fault that the situation is as it is. If we had known that this situation was going to be extended to five years, I wonder whether the Government of Israel would have agreed to the establishment of the Demilitarized Zone.

MR. TEKOA: Here is Dr. Bunche's letter of 26 June 1949 to the Minister for Foreign Affairs, in which the Acting Mediator explained his proposal for the establishment of the Demilitarized Zone:

"...From the beginning of these negotiations our greatest difficulty has been to meet Israel's unqualified demand that Syrian forces be withdrawn from Palestine. We have now, with very great effort, persuaded the Syrians to agree to this. I trust that this will not be undone by legalistic demands about broad principles of sovereignty and administration which in any case would be worked out satisfactorily in the practical operation of the scheme..."

MR. SHARETT: Satisfactory to us. The letter was written to me.

M. VIGIER: A similar letter was written to the Syrians.

MR. SHARETT: I doubt whether that phrase appears in the letter to Syria.

M. VIGIER: The letter is not important. Only Dr. Bunche's explanatory note is important in the interpretation of the Agreement.

MR. SHARETT: I assure you that this letter was of great importance in persuading the Israel Cabinet to accept the provisions regarding

I think the only constructive suggestion that has so far arisen is that we should visit the spot and see the thing together.

GEN. BENNIKE: I think it would be better to go to the Security Council with the whole matter.

MR. SHARETT: Without a visit?

GEN. BENNIKE: We have photographs.

(Here the Conference went over to the map table).

MR. SHARETT: (Referring to the map). As I pointed out in my letter, one might think that we were oblivious of the existence of Arab land. Far from it. We took it fully into consideration. Our engineers wanted originally to start higher up, but that would have taken the canal right into Arab land. We told them they had to keep off Arab land, so they started lower down. They say they lost three and a half meters - that is a permanent loss - in order to build the canal without touching Arab land. In any civilised country this land would have been expropriated and the owners paid compensation. We have adapted the plan to that. On this issue we are ready to go to the Security Council.

GEN. BENNIKE: My second point was the effect on the water.

MR. SHARETT: On the water question we are ready to offer guarantees. There is plenty of time for that. The United Nations should have competent people to judge the technical value of the guarantees we offer.

GEN. BENNIKE: I think it best to go to the Security Council.

MR. SHARETT: What procedure do you contemplate? You will be sending a report?

GEN. BENNIKE: Yes.

MR. SHARETT: We shall take our steps, naturally. Do you attach importance to our visiting the spot together?

GEN. BENNIKE: No. It is only a small point. The matter of the water is more important.

MR. SHARETT: So we shall meet at the Security Council. I don't know whether I shall be there, but no doubt you will and you will meet Israel there. What shall we tell the press about this meeting? Your people talk to the press, our people talk to them. Will you be telling the press that you will be sending a report to the Security Council?

GEN. BENNIKE: Yes, I believe so.

MR. SERUP: The General intends to report the situation to the Security Council. Anybody can ask for a meeting.

MR. SHARETT: I had thought we might come to an agreement. I am very sorry.

The meeting lasted an hour and a quarter.