

Jordanian-Israeli General Armistice Agreement

April 3, 1949 (1)

http://avalon.law.yale.edu/20th_century/arm03.asp

Preamble

The Parties to the present Agreement,

Responding to the Security Council resolution of 16 November 1948,(2) calling upon them, as a further provisional measure under Article 40 of the Charter of the United Nations and in order to facilitate the transition from the present truce to permanent peace in Palestine, to negotiate an armistice;

Having decided to enter into negotiations under United Nations chairmanship concerning the implementation of the Security Council resolution of 16 November 1948; and having appointed representatives empowered to negotiate and conclude an Armistice Agreement;

The undersigned representatives of their respective Governments, having exchanged their full powers found to be in good and proper form, have agreed upon the following provisions:

Article I

With a view to promoting the return of permanent peace in Palestine and in recognition of the importance in this regard of mutual assurances concerning the future military operations of the Parties, the following principles, which shall be fully observed by both Parties during the armistice, are hereby affirmed:

1. The injunction of the Security Council against resort to military force in the settlement of the Palestine question shall henceforth be scrupulously respected by both Parties;
2. No aggressive action by the armed forces-land, sea, or air-of either Party shall be undertaken, planned, or threatened against the people or the armed forces of the other; it being understood that the use of the term planned in this context has no bearing on normal staff planning as generally practiced in military organizations;
3. The right of each Party to its security and freedom from fear of attack by the armed forces of the other shall be fully respected;
4. The establishment of an armistice between the armed forces of the two Parties is accepted as an indispensable step toward the liquidation of armed conflict and the restoration of peace in Palestine.

Article II

With a specific view to the implementation of the resolution of the Security Council of 16 November 1948, the following principles and purposes are affirmed:

1. The principle that no military or political advantage should be gained under the truce ordered by the Security Council is recognized;

2. It is also recognized that no provision of this Agreement shall in any way prejudice the rights, claims and positions of either Party hereto in the ultimate peaceful settlement of the Palestine question, the provisions of this Agreement being dictated exclusively by military considerations.

Article III

1. In pursuance of the foregoing principles and of the resolution of the Security Council of 16 November 1948, a general armistice between the armed forces of the two Parties-land, sea and air-is hereby established.

2. 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 Lines set forth in articles V and VI of this Agreement; or enter into or pass through the air space of the other Party.

3. No warlike act or act of hostility shall be conducted from territory controlled by one of the Parties to this Agreement against the other Party.

Article IV

1. The lines described in articles V and VI of this Agreement shall be designated as the Armistice Demarcation Lines and are delineated in pursuance of the purpose and intent of the resolution of the Security Council of 16 November 1948.

2. The basic purpose of the Armistice Demarcation Lines is to delineate the lines beyond which the armed forces of the respective Parties shall not move.

3. 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 Lines defined in articles V and VI.

Article V

1. The Armistice Demarcation Lines for all sectors other than the sector now held by Iraqi forces shall be as delineated on the maps in annex I (3) to this Agreement, and shall be defined as follows:

(a) In the sector Kh Deir Arab (MR 1510-1574) to the northern terminus of the lines defined in the 30 November 1948 Cease-Fire Agreement for the Jerusalem area, the Armistice Demarcation Lines shall follow the truce lines as certified by the United Nations Truce Supervision Organization;

(b) In the Jerusalem sector, the Armistice Demarcation Lines shall correspond to the lines defined in the 30 November 1948 Cease-Fire Agreement for the Jerusalem area;

(c) In the Hebron-Dead Sea sector, the Armistice Demarcation Line shall be as delineated on map 1 and marked B in annex I to this Agreement;

(d) In the sector from a point on the Dead Sea (MR 1925-0958) to the southernmost tip of Palestine, the Armistice Demarcation Line shall be determined by existing military

positions as surveyed in March 1949 by United Nations observers, and shall run from north to south as delineated on map 1 in annex I to this Agreement.

Article VI

1. It is agreed that the forces of the Hashemite Jordan Kingdom shall replace the forces of Iraq in the sector now held by the latter forces, the intention of the Government of Iraq in this regard having been communicated to the Acting Mediator in the message of 20 March from the Foreign Minister of Iraq authorizing the delegation of the Hashemite Jordan Kingdom to negotiate for the Iraqi forces and stating that those forces would be withdrawn.

2. The Armistice Demarcation Line for the sector now held by Iraqi forces shall be as delineated on map 1 in annex I to this Agreement and marked A

3. The Armistice Demarcation Line provided for in paragraph 2 of this article shall be established in stages as follows, pending which the existing military lines may be maintained:

(a) In the area west of the road from Baqa to Jaljulia, and thence to the east of Kafr Qasim: within five weeks of the date on which this Armistice Agreement is signed;

(I) In the area of Wadi Ara north of the line from Baqa to Zubeiba: within seven weeks of the date on which this Armistice Agreement is signed;

(c) In all other areas of the Iraqi sector: within fifteen weeks of the date on which this Armistice Agreement is signed.

4. The Armistice Demarcation Line in the Hebron-Dead Sea sector, referred to in paragraph (c) of article V of this Agreement and marked B on map 1 in annex I, which involves substantial deviation from the existing military lines in favour of the forces of the Hashemite Jordan Kingdom, is designated to offset the modifications of the existing military lines in the Iraqi sector set forth in paragraph 3 of this article.

5. In compensation for the road acquired between Tulkarem and Qalqiliya, the Government of Israel agrees to pay to the (government of the Hashemite Jordan Kingdom the cost of constructing twenty kilometres of first-class new road.

6. Wherever villages may be affected by the establishment of the Armistice Demarcation Line provided for in paragraph 2 of this article, the inhabitants of such villages shall be entitled to maintain, and shall be protected in, their full rights of residence, property and freedom. In the event any of the inhabitants should decide to leave their villages, they shall be entitled to take with them their livestock and other movable property, and to receive without delay full compensation for the land which they have left. It shall be prohibited for Israeli forces to enter or to be stationed in such villages, in which locally recruited Arab police shall be organized and stationed for internal security purposes.

7. The Hashemite Jordan Kingdom accepts responsibility for all Iraqi forces in Palestine.

8. The provisions of this article shall not be interpreted as prejudicing, in any sense, an ultimate political settlement between the Parties to this Agreement.

9. The Armistice Demarcation Lines defined in articles V and VI of this Agreement are agreed upon by the Parties without prejudice to future territorial settlements or boundary lines or to claims of either Party relating thereto.

10. Except where otherwise provided, the Armistice Demarcation Lines shall be established, including such withdrawal of forces as may be necessary for this purpose, within ten days from the date on which this Agreement is signed.

11. The Armistice Demarcation Lines defined in this article and in article V shall be subject to such rectification as may be agreed upon by the Parties to this Agreement, and all such rectifications shall have the same force and effect as if they had been incorporated in full in this General Agreement.

Article VII

1. The military forces of the Parties to this Agreement shall be limited to defensive forces only in the areas extending ten kilometres from each side of the Armistice Demarcation Lines, except where geographical considerations make this impractical, as at the southernmost tip of Palestine and the coastal strip. Defensive forces permissible in each sector shall be as defined in annex II (4) to this Agreement. In the sector now held by Iraqi forces, calculations on the reduction of forces shall include the number of Iraqi forces in this sector.

2. Reduction of forces to defensive strength in accordance with the preceding paragraph shall be completed within ten days of the establishment of the Armistice Demarcation Lines defined in this Agreement. In the same way the removal of mines from mined roads and areas evacuated by either Party, and the transmission of plans showing the location of such minefields to the other Party, shall be completed within the same period.

3. The strength of the forces which may be maintained by the Parties on each side of the Armistice Demarcation Lines shall be subject to periodical review with a view toward further reduction of such forces by mutual agreement of the Parties.

Article VIII

1. A Special Committee, composed of two representatives of each Party designated by the respective Governments, shall be established for the purpose of formulating agreed plans and arrangements designed to enlarge the scope of this Agreement and to effect improvements in its application.

2. The Special Committee shall be organized immediately following the coming into effect of this Agreement and 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 following, on which agreement in principle already exists: 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 operation of the Latrun pumping station; provision of electricity for the Old City; and resumption of operation of the railroad to Jerusalem.

3. The Special Committee shall have exclusive competence over such matters as may be referred to it. Agreed plans and arrangements formulated by it may provide for the exercise of supervisory functions by the Mixed Armistice Commission established in article XI.

Article IX

Agreements reached between the Parties subsequent to the signing of this Armistice Agreement relating to such matters as further reduction of forces as contemplated in paragraph 3 of article VII, future adjustments of the Armistice Demarcation Lines, and plans and arrangements formulated by the Special Committee established in article VIII, shall have the same force and effect as the provisions of this Agreement and shall be equally binding upon the Parties.

Article X

An exchange of prisoners of war having been effected by special arrangement between the Parties prior to the signing of this Agreement, no further arrangements on this matter are required except that the Mixed Armistice Commission shall undertake to re-examine whether there may be any prisoners of war belonging to either Party which were not included in the previous exchange. In the event that prisoners of war shall be found to exist, the Mixed Armistice Commission shall arrange for an early exchange of such prisoners. The Parties to this Agreement undertake to afford full co-operation to the Mixed Armistice Commission in its discharge of this responsibility.

Article XI

1. The execution of the provisions of this Agreement, with the exception of such matters as fall within the exclusive competence of the Special Committee established in article VIII, shall be supervised by a Mixed Armistice Commission composed of five members, of whom each Party to this Agreement shall designate two, and whose Chairman shall be the United Nations Chief of Staff of the Truce Supervision Organization or a senior officer from the observer personnel of that organization designated by him following consultation with both Parties to this Agreement.
2. The Mixed Armistice Commission shall maintain its headquarters at Jerusalem and shall hold its meetings at such places and at such times as it may deem necessary for the effective conduct of its work.
3. The Mixed Armistice Commission shall be convened in its first meeting by the United Nations Chief of Staff of the Truce Supervision Organization not later than one week following the signing of this Agreement.
4. Decisions of the Mixed Armistice Commission, to the extent possible, shall be based on the principle of unanimity. In the absence of unanimity, decisions shall be taken by a majority vote of the members of the Commission present and voting.
5. The Mixed Armistice Commission shall formulate its own rules of procedure. Meetings shall be held only after due notice to the members by the Chairman. The quorum for its meetings shall be a majority of its members.
6. The Commission shall be empowered to employ observers, who may be from among the military organizations of the Parties or from the military personnel of the United Nations Truce Supervision Organization, or from both, in such numbers as may be considered essential to the performance of its functions. In the event United Nations observers should be so employed, they shall remain under the command of the United Nations Chief of Staff of the Truce Supervision Organization. Assignments of a general or special nature given to United Nations observers attached to the Mixed Armistice Commission shall be subject to approval by the United Nations Chief of Staff or his designated representative on the Commission, whichever is serving as Chairman.
7. Claims or complaints presented by either Party relating to the application of this Agreement shall be referred immediately to the Mixed Armistice Commission through its

Chairman. The Commission shall take such action on all such claims or complaints by means of its observation and investigation machinery as it may deem appropriate, with a view to equitable and mutually satisfactory settlement.

8. Where interpretation of the meaning of a particular provision of this Agreement, other than the preamble and articles I and II, is at issue, the Commission's interpretation shall prevail. The Commission, in its discretion and as the need arises, may from time to time recommend to the Parties modifications in the provisions of this Agreement.

9. The Mixed Armistice Commission shall submit to both Parties reports on its activities as frequently as it may consider necessary. A copy of each such report shall be presented to the Secretary-General of the United Nations for transmission to the appropriate organ or agency of the United Nations.

10. Members of the Commission and its observers shall be accorded such freedom of movement and access in the area covered by this Agreement as the Commission may determine to be necessary, provided that when such decisions of the Commission are reached by a majority vote United Nations observers only shall be employed.

11. The expenses of the Commission, other than those relating to United Nations observers, shall be apportioned in equal shares between the two Parties to this Agreement.

Article XII

1. The present Agreement is not subject to ratification and shall come into force immediately upon being signed.

2. This Agreement, having been negotiated and concluded in pursuance of the resolution of the Security Council of 16 November 1948 calling for the establishment of an armistice in order to eliminate the threat to the peace in Palestine and to facilitate the transition from the present truce to permanent peace in Palestine, shall remain in force until a peaceful settlement between the Parties is achieved except as provided in paragraph 3 of this article.

3. The Parties to this Agreement may, by mutual consent, revise this Agreement or any of its provisions, or may suspend its application, other than articles I and III, at any time. In the absence of mutual agreement and after this Agreement has been in effect for one year from the date of its signing, either of the Parties may call upon the Secretary-General of the United Nations to convoke a conference of representatives of the two Parties for the purpose of reviewing, revising, or suspending any of the provisions of this Agreement other than articles I and III. Participation in such conference shall be obligatory upon the Parties.

4. If the conference provided for in paragraph 3 of this article does not result in an agreed solution of a point in dispute, either Party may bring the matter before the Security Council of the United Nations for the relief sought on the grounds that this Agreement has been concluded in pursuance of Security Council action toward the end of achieving peace in Palestine.

5. This Agreement is signed in quintuplicate, of which one copy shall be retained by each Party, two copies communicated to the Secretary-General of the United Nations for transmission to the Security Council and to the United Nations Conciliation Commission on Palestine, and one copy to the United Nations Acting Mediator on Palestine.

DONE at Rhodes, Island of Rhodes, Greece, on the third of April one thousand nine hundred and forty-nine in the presence of the United Nations Acting Mediator on Palestine and the United Nations Chief of Staff of the Truce Supervision Organization.

NOTES

1. U.N doc. S/1302/Rev. 1, June 20, 1949. For entry into force, see article XII (1).
2. U.N doc. S/1080, U.N. Security Council, Official Records, Third Year, Supplement for November 1948, pp. 13-14.
3. Not reprinted here.
4. Not reprinted here.