

ARTICLE 98

Table of Contents

	<u>Paragraphs</u>
Text of Article 98	
Introductory Note	1 - 2
I. General Survey	3 - 7
II. Analytical Summary of Practice	8 - 318
A. General administrative and executive functions of the Secretary-General	8 - 25
1. Functions of the Secretary-General in connexion with meetings of United Nations organs	8 - 14
** a. Drawing up of the agenda	
b. Convening of sessions and meetings	8 - 10
** c. Examination of credentials	
d. Provision of staff and services	11 - 14
** 2. Transmission of communications	
3. Integration of activities	15 - 19
a. Calendar of meetings	16
** b. Planning of work programmes and priorities	
** c. Integration of activities relating to operational programmes	
d. Co-ordination of services to United Nations organs	17 - 19
4. Co-ordination with specialized agencies and other inter-governmental organizations	20 - 24
** a. Functions of the Secretary-General set forth in the agreements with the specialized agencies	
b. Functions of the Secretary-General with regard to programme co-ordination	21 - 23
c. Functions of the Secretary-General with regard to co-ordination in administrative and financial matters	24
5. Functions of the Secretary-General with regard to the preparation of work and implementation of decisions	25
** 6. Functions of the Secretary-General in connexion with international treaties, conventions and agreements	
** 7. Functions of the Secretary-General in respect of the submission of an annual report	
B. Technical functions of the Secretary-General	26 - 35
1. Functions of the Secretary-General with regard to the collection of information and the undertaking of studies	26 - 27
2. Operational functions of the Secretary-General	28 - 33
3. Functions of the Secretary-General in connexion with assistance in procedural problems	34
4. Functions of the Secretary-General in connexion with the drafting of documents and legal assistance	35
C. Financial functions of the Secretary-General	36 - 43

Table of Contents
(continued)

	<u>Paragraphs</u>
D. Functions of the Secretary-General with respect to political and security matters	44 - 313
1. Functions exercised under General Assembly resolutions with respect to the situation created by the invasion of Egypt	46 - 199
a. Arrangements for a cease-fire in Egypt	52 - 62
b. Establishment of the United Nations Emergency Force	63 - 83
i. Resolution 998 (ES-I) requesting the Secretary-General to submit a plan for establishing an emergency international United Nations Force	64 - 66
ii. Resolution 1000 (ES-I) establishing a United Nations Command for an emergency international Force	67 - 69
iii. Plan submitted by the Secretary-General for an emergency international United Nations Force	70 - 80
(a) Guiding principles	71 - 75
(b) Functions	76 - 77
(c) Financing	78
(d) Size, organization and composition	79
(e) Establishment of an advisory committee	80
iv. Approval by the General Assembly of the basic provisions of the plan submitted by the Secretary-General: resolution 1001 (ES-I)	81 - 83
c. Recruitment, operation and administration of the United Nations Emergency Force	84 - 134
i. Functions entrusted to the Secretary-General by resolution 1001 (ES-I) with respect to recruitment, operation and administration	85 - 87
ii. Conclusion by the Secretary-General of agreements concerning the recruitment of national contingents	88 - 96
(a) Informal arrangements with participating States	89 - 90
(b) Agreements between the United Nations and participating States	91 - 94
(c) Principles governing the choice of national contingents	95 - 96
iii. Conclusion by the Secretary-General of agreements concerning the operation of the United Nations Emergency Force in Egypt	97 - 115
(a) Egypt's consent to its arrival	99
(b) Understanding between the United Nations and Egypt on the basic points for its presence and functioning in that country	100 - 105
(c) Agreement between the United Nations and Egypt concerning its status in that country	106 - 115
iv. Conclusion under the authority of the Secretary-General of agreements concerning the entry of the United Nations Emergency Force into areas to be evacuated by foreign forces withdrawing from Egypt	116 - 117
v. Issuance of administrative instructions and regulations by the Secretary-General	118 - 125

Table of Contents
(continued)

	<u>Paragraphs</u>
vi. Issuance by the Secretary-General of instructions determining the deployment and functions of the United Nations Emergency Force	126 - 134
(a) Deployment along the armistice demarcation line and the international border	131
(b) Functions exercised along the armistice demarcation line and the international border . .	132 - 134
d. Withdrawal of foreign forces from Egypt	135 - 187
i. Functions entrusted to the Secretary-General by resolutions 999 (ES-I) and 1002 (ES-I) with respect to the withdrawal of foreign forces from Egypt	136 - 139
ii. Negotiations conducted by the Secretary-General with respect to the withdrawal of French and United Kingdom forces	140 - 147
iii. Negotiations conducted by the Secretary-General with respect to the withdrawal of Israel forces	148 - 187
(a) Withdrawal of Israel forces to the Sharm el-Sheikh area and to the Gaza Strip	149 - 152
(b) Resolution 1123 (XI)	153
(c) Position of the Israel Government with respect to the Sharm el-Sheikh area and the Gaza Strip	154 - 156
(d) Clarification by the Secretary-General of the limits set by considerations of principle and law on action by the United Nations Emergency Force with respect to the Sharm el-Sheikh area and the Gaza Strip	157 - 164
(e) Resolutions 1124 (XI) and 1125 (XI)	165 - 168
(f) Further clarification by the Secretary-General with respect to the Sharm el-Sheikh area and the Gaza Strip	169 - 173
(g) Withdrawal of Israel forces from the Sharm el-Sheikh area and the Gaza Strip	174 - 182
(h) Functions exercised by the United Nations Emergency Force in the Gaza Strip and the Sharm el-Sheikh area after the withdrawal of Israel forces	183 - 187
e. Clearing the Suez Canal	188 - 199
2. Functions exercised under General Assembly resolutions with respect to the situation in Hungary	200
3. Functions exercised under General Assembly and Security Council resolutions with respect to the situation in Jordan and Lebanon	201 - 252
a. Functions entrusted to the Secretary-General by the Security Council resolution of 11 June 1958 with respect to the dispatch of a United Nations observation group to Lebanon	202 - 203
b. Appointment by the Secretary-General of the members of the United Nations Observation Group in Lebanon and recruitment of military observers	204 - 205

Table of Contents
(continued)

	<u>Paragraphs</u>
c. Conclusion by the Secretary-General of an agreement concerning the status of the United Nations Observation Group in Lebanon	206 - 208
d. Definition by the Secretary-General of the functions of the United Nations Observation Group in Lebanon	209 - 215
e. Statement by the Secretary-General following the failure of the Security Council to adopt a resolution providing additional measures with respect to the situation in Lebanon	216 - 225
f. Functions entrusted to the Secretary-General by General Assembly resolution 1237 (ES-III) with respect to practical arrangements concerning Jordan and Lebanon	226 - 235
g. Analysis by the Secretary-General of the functions entrusted to him by General Assembly resolution 1237 (ES-III)	236 - 240
h. Practical arrangements made by the Secretary-General in relation to Jordan	241 - 246
i. Practical arrangements made by the Secretary-General in relation to Lebanon	247
j. Transmission by the Secretary-General of information concerning the withdrawal of foreign forces from Jordan and Lebanon	248 - 249
k. Issuance by the Secretary-General of instructions for the withdrawal of the United Nations Observation Group in Lebanon	250 - 252
4. Functions exercised by the Secretary-General under the powers inherent in his Office	253 - 313
a. Diplomatic functions	254 - 311
i. Examples of diplomatic functions exercised under the inherent powers	263 - 289
(a) Communications concerning <u>démarches</u> and appeals	264 - 267
(b) Discussions and consultations	268 - 274
(c) Good offices	275 - 278
(d) Fact-finding activities	279 - 282
(e) Negotiations concerning the implementation of an agreement providing for the demilitarization of the Mount Scopus area	283 - 285
(f) Formulation of agreed principles concerning the settlement of the Suez question	286 - 289
ii. Principles governing the exercise of diplomatic functions under the inherent powers	290 - 311
(a) Prerequisite of the agreement of Governments	291
(b) Right of initiative of the Secretary-General	292 - 293
(c) Role of the Secretary-General as representative of the United Nations with regard to Governments	294 - 298
(d) Subject-matter of the diplomatic functions exercised under the inherent powers	299 - 301
(e) Effect of Charter provisions and United Nations resolutions	302 - 307

Table of Contents
(continued)

	<u>Paragraphs</u>
(f) Principles specifically concerned with good offices or fact-finding activities	308 - 311
b. Other functions	312 - 313
i. Exploration of political situations	312
ii. The question of the right of the Secretary-General to make proposals and statements to United Nations organs	313
E. Representational functions of the Secretary-General	314 - 318
1. Functions of the Secretary-General with regard to the negotiation and conclusion of agreements	314
** 2. Representational functions of the Secretary-General in legal proceedings	
** a. Court proceedings	
** b. Arbitration proceedings	
** c. Prosecution of claims	
** 3. Functions of the Secretary-General with regard to United Nations Headquarters	
** a. Implementation of the Headquarters Agreement	
** b. Headquarters regulations	
** 4. Other representational functions of the Secretary-General	
** a. Functions of the Secretary-General with regard to privileges and immunities	
** b. Representation by the Secretary-General at conferences and meetings of other agencies	
** c. Authorization by the Secretary-General to use the United Nations emblem, flag and insignia	
5. Functions of the Secretary-General in the field of public information	315 - 318

TEXT OF ARTICLE 98

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

INTRODUCTORY NOTE

1. The organization of the present study follows that of the previous Repertory studies of Article 98. Other than the omission of two former subheadings under I. "General Survey", the only modification is found in section D, under "II. Analytical Summary of Practice". In view of the development of the political functions of the Secretary-General during the period under review, section D is entitled "Functions of the Secretary-General with respect to political and security matters". It consists of four major subsections: The first three deal with functions exercised by the Secretary-

General under resolutions of United Nations organs; the fourth subsection is concerned with the functions exercised by the Secretary-General under the powers inherent in his Office, including, in particular, his diplomatic functions.

2. The present study, like its predecessors, does not attempt to give an exhaustive catalogue of the functions of the Secretary-General during the period under review. It does not include (a) functions of a routine character which have been summarized in previous studies and (b) functions conferred on the Secretary-General under other Articles of the Charter, notably, Articles 97, 99, 100 and 101.

I. GENERAL SURVEY

3. The most significant development in the period under review was the expansion of the functions of the Secretary-General in the political field. This had resulted, to a large extent, from consideration by the General Assembly of the following questions relating to international peace and security which were the subject-matters, respectively, of the first three emergency special sessions of the General Assembly: (a) the situation created by the invasion of Egypt, (b) the situation in Hungary and (c) the situation in Jordan and Lebanon. In dealing with these questions, the General Assembly and the Security Council had entrusted to the Secretary-General a variety of political functions, such as the arrangements for a cease-fire in Egypt, the establishment and administration of the United Nations Emergency Force (UNEF), the clearance of the Suez Canal, the dispatch of the United Nations Observation Group in Lebanon (UNOGIL) and other practical arrangements in relation to Jordan and Lebanon.

4. The diplomatic and other political functions exercised by the Secretary-General under the powers inherent in his Office and, in some cases, ancillary to the functions conferred on him by United Nations organs, such as good-offices operations and fact-finding activities, also gained momentum during the period covered by the present study.

5. The decisions taken by the General Assembly in regard to the situation in Egypt also enlarged the financial functions and authority of the Secretary-General. Thus, the Secretary-General was entrusted with the establishment, administration and control of the UNEF Special Account. He was authorized to borrow from special funds and accounts in his custody to meet the needs of the UNEF Special Account.

6. The functions of the Secretary-General in the economic and social field, which had been expanding from 1954 to 1956, ^{1/} continued to increase during the period under review. This was especially marked in respect of the functions of co-ordination with specialized agencies and the International Atomic Energy Agency (IAEA) and, in certain cases, with Member Governments, to achieve concerted action and to avoid duplication of effort so far as possible. In addition to the functions exercised by him in his capacity as Chairman of the Administrative Committee on Co-ordination (ACC), dealing with various aspects of technical assistance programmes, the Secretary-General was entrusted with co-ordination functions in such specific fields as the establishment of national food reserves, the utilization of sources of energy as a means of economic development, research in natural science and community development.

7. The administrative and technical functions of the Secretary-General increased considerably with the establishment of the United Nations Special Fund and with the decision of the General Assembly to provide requesting Governments with operational and executive personnel as a means of technical assistance in public administration.

^{1/} See Repertory, Supplement No. 1, vol. II, under Article 98, paras. 5 and 19-24.

II. ANALYTICAL SUMMARY OF PRACTICE

A. General administrative and executive functions of the Secretary-General

1. *Functions of the Secretary-General in connexion with meetings of United Nations organs*

****a. DRAWING UP OF THE AGENDA**

b. CONVENING OF SESSIONS AND MEETINGS

8. During the period under review, the Secretary-General was called upon, in pursuance of resolutions of the General Assembly and other organs of the United Nations to convene international conferences, some of which were at the plenipotentiary level. For example, the Secretary-General was requested to convene the United Nations Conference on the Law of the Sea, 2/ the first meeting of the enlarged Special Committee on the Question of Defining Aggression 3/ and the Disarmament Commission. 4/

9. By General Assembly resolution 1240 B (XIII), the Secretary-General was assigned the recurrent task of convening annually a pledging conference at which Governments would announce their contributions to the Expanded Programme of Technical Assistance and to the United Nations Special Fund; and, under Economic and Social Council resolution 604 (XXI), was asked to make arrangements for calling a Conference of Plenipotentiaries on International Commercial Arbitration.

10. In addition to his Charter functions of convening sessions of the principal organs of the United Nations and the specific tasks of calling international conferences in pursuance of General Assembly resolutions, the Secretary-General was called upon, prior to the convening of the eleventh regular session of the General Assembly, 5/ to convene, under the terms of General Assembly resolution 377 (V), 6/ the first and second emergency special sessions of the General Assembly, which took place from 1 to 10 November 1956 and from 4 to 10 November 1956, to consider, respectively, the question of the intervention by France, Israel and the United Kingdom in Egypt 7/ and the situation in Hungary. 8/ He was also called upon, prior to the twelfth regular session of the General Assembly, to convene the third emergency special session, held from 8 to 21 August 1958, to consider the questions of the withdrawal of foreign troops from Jordan and Lebanon. 9/

2/ G A resolution 1105 (XI).

3/ G A resolution 1181 (XII).

4/ G A resolution 1252 D (XIII).

5/ This was held from 12 November 1956 to 8 March 1957.

6/ Under G A resolution 377 (V), as well as under para. (a) of rule 8 of the rules of procedure of the General Assembly, the Secretary-General was required to convene emergency special sessions within twenty-four hours of his receipt of a request for convening such a session.

7/ Question considered by the Security Council at its 749th and 750th meetings, held on 30 October 1956; G A (ES-I), Suppl. No. 1 (A/3354).

8/ G A (ES-II), Suppl. No. 1 (A/3355).

9/ Questions considered by the Security Council at its 838th meeting, on 7 August 1958; G A (ES-III), Suppl. No. 1 (A/3905).

**c. EXAMINATION OF CREDENTIALS

d. PROVISION OF STAFF AND SERVICES

11. The Secretary-General continued to provide United Nations organs and international conferences convened under the auspices of the United Nations with necessary staff and services, either at the request of the organs concerned or in accordance with the rules of procedure. On occasion, the Secretary-General was asked to provide international commissions, 10/ established by the General Assembly for the supervision of elections or plebiscites in Trust Territories, with observers who were usually selected from among staff members, in consultation with the commissioner or commissioners concerned.

12. In one case the Secretary-General was asked 11/ to provide Governments, at their request and on a temporary basis, with the services of well-qualified persons to perform duties of an executive or operational character, as defined by the requesting Governments.

13. The Secretary-General was also requested to give assistance to individuals, such as applicants for study and training facilities under United Nations auspices 12/ or offered by Member States. 13/

14. The services rendered by the Secretary-General at the request of United Nations organs were of wide scope. For example, the Secretary-General was requested 14/ by the General Assembly, at its twelfth session, to use his good offices to investigate practical possibilities for the provision of delegation office facilities in areas close to United Nations Headquarters.

***2. Transmission of communications**3. Integration of activities*

15. Activities by the Secretary-General in the field of programming meetings and curtailing the publication of documents were continued during the period under review, as meetings of United Nations organs became more numerous and documentation more prolix. Certain steps taken by the Secretary-General to co-ordinate such activities are illustrated in the following paragraphs.

a. CALENDAR OF MEETINGS

16. At its twelfth session, the General Assembly adopted 15/ a fixed pattern of meetings of United Nations organs, designed to make economical use of available resources. This pattern required that, on principle, meetings of United Nations bodies should be held at their headquarters. Exceptions were made, however, in regard to the meetings of certain organs, such as the regular summer sessions of the Economic and

10/ For example, United Nations Commission on Togoland, G A resolution 1182 (XII); United Nations Plebiscite Commissioner in the Cameroons under United Kingdom administration, G A resolution 1350 (XIII).

11/ G A resolution 1256 (XIII)

12/ G A resolution 1154 (XII).

13/ G A resolutions 1209 (XII), 1277 (XIII) and 1331 (XIII).

14/ G A resolution 1228 B (XII).

15/ G A resolution 1202 (XII).

Social Council and the annual sessions of the International Law Commission. 16/ The Secretary-General was also requested, after consultation with the organs concerned, to submit to the General Assembly every year a basic programme of conferences for the following year, established in conformity with the adopted pattern.

****b. PLANNING OF WORK PROGRAMMES AND PRIORITIES**

****c. INTEGRATION OF ACTIVITIES RELATING TO
OPERATIONAL PROGRAMMES**

d. CO-ORDINATION OF SERVICES TO UNITED NATIONS ORGANS

17. In the field of the control and limitation of documentation, already dealt with in the Repertory, 17/ the Secretary-General was requested 18/ to continue his efforts 19/ to reduce the output of documents 25 per cent below the 1957 level, and to report 20/ on progress to the General Assembly before the opening of its thirteenth session.

18. Pursuant to General Assembly resolution 966 (X), the Secretary-General submitted to the General Assembly at its eleventh session a report which continued his study of possible measures to effect economy and reduce delay in the publication of treaties and international agreements. The General Assembly, having considered the reports of the Secretary-General 21/ and of the Advisory Committee on Administrative and Budgetary Questions, 22/ decided 23/ to continue the existing system of registration and publication of treaties and international agreements; requested the Secretary-General to take all necessary measures to achieve an early reduction in the delay in the publication of treaties and international agreements and to accelerate the publication of indexes to the United Nations Treaty Series; and invited the Secretary-General to continue his efforts to bring about whatever further printing economies might be possible without, however, lowering the current standard of reproduction of the Treaty Series. Pursuant to this resolution, an accelerated printing schedule of the Treaty Series was put into force.

19. A further question concerning the co-ordination of services arose in connexion with the distribution of the documents of various United Nations organizations. At its twenty-sixth session, the Economic and Social Council, noting that late distribution of such documents frequently made it difficult not only to prepare for various inter-governmental meetings in a co-ordinated manner, but also to achieve co-ordinated policy during the meetings themselves, requested 24/ the Secretary-General to make available all such documentation not later than six weeks prior to the session of the Council or its subsidiary bodies. The Secretary-General was further requested to explore the reasons for late distribution and to submit to the General Assembly at its thirteenth

16/ Exception was also made in other cases in which a Government issuing an invitation for a meeting to be held within its territory had agreed to defray the additional costs involved.

17/ Repertory, Supplement No. 1, vol. II, under Article 98, para. 18.

18/ G A resolution 1203 (XII).

19/ G A (XII), Suppl. No. 5 (A/3600), para. 57.

20/ For the report by the Secretary-General, see G A (XIII), Annexes, a.i. 51, p. 8, A/3921. See also the report of the Committee on the Control and Limitation of Documentation (ibid., p. 1, A/3888).

21/ G A (XI), Annexes, vol. II, a.i. 50, A/3168.

22/ Ibid., p. 16, A/3387.

23/ G A resolution 1092 (XI).

24/ E S C resolution 694 B (XXVI), section II.

session any proposals to implement the six-week rule for submission of documents. ^{25/} Such a report ^{26/} was submitted by the Secretary-General at the thirteenth session of the General Assembly.

4. *Co-ordination with specialized agencies and other inter-governmental organizations*

20. The responsibilities of the Secretary-General for co-ordinating the work of the United Nations and the other organizations in the United Nations family were discharged, to a large extent, in his capacity as Chairman of the Administrative Committee on Co-ordination (ACC).

**a. FUNCTIONS OF THE SECRETARY-GENERAL SET FORTH IN THE AGREEMENTS WITH THE SPECIALIZED AGENCIES

b. FUNCTIONS OF THE SECRETARY-GENERAL WITH REGARD TO PROGRAMME CO-ORDINATION

21. As before, the General Assembly and the Economic and Social Council continued to request the Secretary-General to collaborate with the appropriate specialized agencies in implementing decisions and undertaking concerted action in specific fields, whenever such decisions or actions fell within the scope of activity of the agencies. During the period under review, these activities covered such diverse matters as the establishment of national food reserves, ^{27/} sources of energy as a means of economic development ^{28/} and co-ordination of the results of scientific research. ^{29/}

22. In addition to the specific questions mentioned in the preceding paragraph, the "development and co-ordination of the economic, social and human rights programmes and activities of the United Nations and the specialized agencies as a whole" was a subject discussed extensively by the Economic and Social Council in the period under review. This resulted in entrusting additional functions to the Secretary-General. Thus, by resolution 665 C (XXIV), the Council requested the Secretary-General to make an appraisal of the scope, trend and cost of the regular United Nations programmes in these fields for the period 1959 to 1964, for consideration by the Council at its twenty-eighth session. In the same resolution, the Council further requested the Secretary-General, and invited the executive heads of the specialized agencies concerned, to consult together as soon as possible, with a view to preparation by the various organizations concerned of programme appraisals in comparable form. In resolution 743 D (XXVIII), the Council noted with appreciation the report submitted by the Secretary-General ^{30/} and authorized him, after making such changes as might seem advisable in the light of comments in debates and resolutions adopted during the twenty-eighth session of the Council, to submit a revised report to its Committee on Programme Appraisals by 1 December 1959.

23. In regard to plans of concerted action, the Council, in its resolution 665 A (XXIV), reaffirmed its reliance on the Administrative Committee on Co-ordination, under the leadership of the Secretary-General, to continue to develop and improve arrangements

^{25/} Rule 14, para. 4 of the rules of procedure of the Council and rule 5 of the rules of procedure of the functional commissions.

^{26/} G A (XIII), Annexes, a.i. 12, p. 3, A/C.5/771.

^{27/} G A resolution 1025 (XI).

^{28/} E S C resolution 653 (XXIV).

^{29/} G A resolution 1260 (XIII).

^{30/} E/3260 and Add.1 and 2 (mimeographed).

for the fullest consultations by the Secretariat of the United Nations and the secretariats of the specialized agencies in all stages of planning and execution of programmes of common interest. In its resolution 694 C (XXVI), the Council invited the Secretary-General, in consultation with the specialized agencies concerned, to submit a report to the Social Commission on the progress and prospects of the plan of concerted action in the field of community development.

C. FUNCTIONS OF THE SECRETARY-GENERAL WITH REGARD TO
CO-ORDINATION IN ADMINISTRATIVE AND FINANCIAL
MATTERS

24. The practice of consultation and collaboration, whenever practicable, between the Secretary-General and the executive heads of the specialized agencies, to ensure uniform financial and administrative policies, was maintained during the period under review. For example, General Assembly resolution 1095 (XI), concerning the United Nations salary, allowance and benefits system was adopted by the General Assembly after it had considered the report of the Salary Review Committee established by General Assembly resolution 975 (X) and the comments thereon by the Secretary-General and the executive heads of the International Labour Organisation (ILO), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Civil Aviation Organization (ICAO), and the observations of the Advisory Committee on Administrative and Budgetary Questions. The resolution requested the Secretary-General to review the question of pensionable remuneration of the staff, in conjunction with the executive heads of the specialized agencies concerned and in co-operation with the Joint Staff Pension Board.

5. *Functions of the Secretary-General with regard to the
preparation of work and implementation of decisions*

25. During the period under review, the Secretary-General continued to discharge his responsibilities regarding the preparation of work and the implementation of decisions adopted by United Nations organs. The nature and scope of these are described elsewhere in this Supplement under the appropriate Articles. 31/ The following are examples of decisions during this period, which the Secretary-General was requested to carry out: to make appropriate arrangements for a plaque to the memory of Dr. van Hoeven Goedhart at the Palais des Nations, 32/ to proceed with the modernization of the Palais des Nations, 33/ to take the necessary steps to effect the clearance of the Suez Canal 34/ and to prepare a report to the General Assembly on the question of publishing of a United Nations juridical yearbook. 35/

**6. *Functions of the Secretary-General in connexion with
international treaties, conventions and agreements*

**7. *Functions of the Secretary-General in respect of
the submission of an annual report*

31/ See this Supplement under Articles 13, 17 (1), 30, 34, 55, 62 (1), 62 (3), 66 (2), 73 and 102.

32/ G A resolution 1039 (XI).

33/ G A resolution 1101 (XI).

34/ G A resolution 1212 (XII).

35/ G A resolution 1291 (XIII).

B. Technical functions of the Secretary-General

1. *Functions of the Secretary-General with regard to the collection of information and the undertaking of studies*

26. Though the Economic and Social Council, at its twentieth session, 36/ had invited the Secretary-General to delegate certain activities in the field of information and studies to universities, national, private or public institutions, or non-governmental organizations, the bulk of the work in this field continued to be undertaken by the Secretary-General. The Secretary-General's functions in this area ranged from collection of data on specific questions to comprehensive studies of certain subjects initiated by organs of the United Nations. For example, the Secretary-General was requested during the period under review to undertake or continue studies or collect information on such diversified subjects as financing economic development, 37/ the effects of the European Economic Community on the development of certain Non-Self-Governing Territories, 38/ co-operation between the United Nations and the Hague Conference on Private Law, 39/ international tax problems, 40/ international community problems, 41/ the international flow of private capital, 42/ scholarship and training in Trust Territories, 43/ the United Nations International School, 44/ participation of women in community development, 45/ scholarships for students from Non-Self-Governing Territories, 46/ economic development of Non-Self-Governing Territories, 47/ technical assistance in public administration 48/ and the promotion of international trade. 49/

27. For convenience, the collection of information and undertaking of studies by the Secretary-General with respect to technical assistance operations are dealt with in the following section.

2. *Operational functions of the Secretary-General*

28. As in the past, the administration of comprehensive operational programmes in the fields of economic development, social affairs and human rights continued to be a major technical function of the Secretary-General. The nature of these programmes remained basically the same as in the previous period: the provision of experts, fellowships and equipment to Governments requesting assistance in these fields.

29. In the field of technical assistance, however, the Secretary-General was requested to give more attention to assistance in certain specific areas of economic development or to extend assistance to a country designated by name. For example,

36/ See *Repertory, Supplement No. 1*, vol. II, under Article 98, para. 29.

37/ E S C resolution 662 (XXIV).

38/ G A resolution 1330 (XIII).

39/ E S C resolution 678 (XXVI).

40/ G A resolution 1032 (XI).

41/ G A resolution 1029 (XI).

42/ G A resolution 1035 (XI).

43/ G A resolution 1063 (XI).

44/ G A resolution 1228 (XII).

45/ G A resolution 1162 (XII).

46/ G A resolution 1154 (XII).

47/ G A resolution 1153 (XII).

48/ G A resolution 1256 (XII).

49/ G A resolution 1323 (XIII).

during the period under review, the Economic and Social Council adopted resolution 649 B (XXIII), on land reform, in which it

"2. Invites the Secretary-General, the Food and Agriculture Organization of the United Nations, the International Labour Organisation and other specialized agencies, in their respective fields of work for advancement of land reform, to give particular attention to such activities as:

"(a) The dissemination of information regarding the experience of individual countries with respect to national measures of land reform;

"(b) The organization of seminars and training courses on institutional problems to assist in the promotion of sound national land policies;

"(c) The promotion, with the aid of technical assistance from the United Nations and the specialized agencies, of appropriate pilot projects and studies in individual countries;

"(d) The promotion, both nationally and internationally, of collaboration by institutions on research related to land reform;

.....

"4. Requests the Secretary-General to keep under review developments in the field of land reform and to prepare, in collaboration with the appropriate specialized agencies, a further report on land reform for submission to the Council in 1962".

The Secretary-General was also requested, in part C of the same resolution, to give Member States all possible assistance and advice in carrying out activities in the field of co-operatives and to ensure that

"(a) In studies on economic and social development, attention should be given when appropriate to the place of co-operatives as a technique for development having important social as well as economic benefits;

"(b) Specific studies on the role of co-operatives in community development and low-cost housing programmes should be continued within the framework of programmes authorized by the Council at its twenty-second session."

30. Respecting assistance to a designated country, the Secretary-General was requested 50/ by the Economic and Social Council at its twenty-fourth session to report to the Commission on Narcotic Drugs and the Economic and Social Council on the extent to which it was possible to meet the request of Iran for technical assistance.

31. The practice of requesting the Secretary-General to undertake studies, convene panels of experts, compile information and make reports concerning operational programmes to the General Assembly or the Economic and Social Council was maintained during the period under review. For example, the Secretary-General was requested by the Economic and Social Council to submit surveys to the Council, on a periodic basis, on international economic assistance for less developed countries, 51/ and to explore, with the appropriate specialized agencies, the possibilities of organizing seminars,

50/ E S C resolution 667 (XXIV).

51/ E S C resolution 662 A (XXIV).

consultation and training centres as "practical assistance and guidance in the industrial progress of the under-developed countries". 52/ He was also requested 53/ by the General Assembly to prepare a report on developments relating to the association of Non-Self-Governing Territories with the European Economic Community.

32. With the establishment of the United Nations Special Fund at the thirteenth session of the General Assembly, 54/ new functions devolved on the Secretary-General. Under the empowering resolution, he was to appoint the Managing Director of the Special Fund, after consultation with its Governing Council, subject to confirmation by the General Assembly. The Secretary-General together with the Executive Chairman of the Technical Assistance Board (TAB) and the President of the International Bank for Reconstruction and Development constituted the Consultative Board of the Special Fund. This Consultative Board was to assist the Managing Director with advice in examining and appraising project requests and the proposed programmes of the Special Fund. Under the same empowering resolution, the Secretary-General was requested to convene annually a pledging conference at which Governments would announce their contributions to the Expanded Programmes of Technical Assistance and to the Special Fund.

33. In the field of social welfare, new responsibilities devolved on the Secretary-General during the period under review in regard to the rehabilitation of refugees. At its eleventh session, the General Assembly took note with appreciation of the efforts of the Secretary-General to help Hungarian refugees and requested him and the United Nations High Commissioner for Refugees to continue these efforts. 55/ At its thirteenth session, the General Assembly requested 56/ the Secretary-General to take such steps as he thought fit in assisting to promote a World Refugee Year.

3. Functions of the Secretary-General in connexion with assistance in procedural problems

34. The Secretary-General continued to assist organs of the United Nations, and conferences held under United Nations aegis, in drafting their rules of procedure and in dealing with other procedural problems. In one case, 57/ a recommendation by the Secretary-General that the number of Vice-Presidents of the General Assembly should be increased to eight resulted in amendment by the General Assembly of its rules of procedure.

4. Functions of the Secretary-General in connexion with the drafting of documents and legal assistance

35. An example of additional functions in this area entrusted to the Secretary-General in the period under review was a provision in General Assembly resolution 1240 (XIII) establishing the United Nations Special Fund. This provided that the financial regulations of the Special Fund were to be drafted by the Secretary-General in consultation with its Managing Director for approval by its Governing Council, after review by the Advisory Committee on Administrative and Budgetary Questions.

52/ E S C resolution 649 A (XXIII), operative para. 1.
53/ G A resolutions 1153 (XII) and 1330 (XIII).
54/ G A resolution 1240 (XIII).
55/ G A resolution 1129 (XI).
56/ G A resolution 1285 (XIII).
57/ G A resolution 1104 (XI).

C. Financial functions of the Secretary-General

36. As before, the practice of the United Nations in financial matters is dealt with under Articles 17 (1), 17 (2) and 17 (3).

37. During the period under review, the Secretary-General was authorized by the General Assembly to perform certain functions in connexion with the financial administration of the United Nations Emergency Force (UNEF). Thus, at its eleventh session, the General Assembly authorized 58/ the Secretary-General to establish a UNEF Special Account, outside the United Nations regular budget, and such rules and procedures for the Special Account and such administrative arrangements as he might consider necessary to ensure effective financial administration and control of the Special Account. At the request of the Secretary-General, 59/ the General Assembly authorized 60/ him to incur expenses for UNEF up to a fixed maximum amount in respect of the period ending 31 December 1957 and, pending receipt of contributions to the UNEF Special Account,

"(a) To advance from the Working Capital Fund such sums as the Special Account may require to meet any expenses chargeable to it;

"(b) Where necessary, to arrange for loans to the Special Account from appropriate sources, including other funds under the control of the Secretary-General, provided that the repayment of any such advances of loans to the Special Account shall constitute a first charge against contributions as they are received and further provided that such loans shall not affect current operational programmes."

38. At its twelfth session, the General Assembly authorized 61/ the Secretary-General to expend an additional amount for UNEF for the period ending 31 December 1957, as well as an amount for the continuing operation of UNEF beyond that date, subject to future decisions based on review of the cost estimates for UNEF. The Secretary-General was also authorized to enter into such agreements as might be necessary for the reimbursement of appropriate extra and extraordinary costs to Member States contributing troops to UNEF.

39. At its thirteenth session, the General Assembly confirmed its authorization to the Secretary-General regarding maximum expenses for the operation of UNEF during 1958 and again authorized 62/ the Secretary-General to expend up to a fixed maximum amount for the continuing operation of UNEF during 1959. It also requested the Secretary-General to consult with Governments of Member States with respect to their views concerning the manner of financing UNEF in the future and to submit a report, together with the replies, to the General Assembly at its fourteenth session.

40. The authority of the Secretary-General to borrow from special funds and accounts in his custody, which was recognized by the General Assembly to meet the needs of the UNEF Special Account, became the subject of discussion at the thirteenth session of the General Assembly in connexion with the general cash position of the United Nations. In

58/ G A resolution 1122 (XI).

59/ G A (XI), Annexes, vol. II, a.i. 66, p. 13, A/3383 and Rev.1; cf. ibid., p. 62, A/3560 and Add.1, part two, annex.

60/ G A resolution 1090 (XI).

61/ G A resolution 1151 (XII).

62/ G A resolution 1337 (XIII).

a report 63/ to the General Assembly, the Secretary-General referred to the dangerous cash position which arose during the early part of each year as a consequence of delay in the payment of contributions by Member States. Apart from requesting an increase in the amount of the Working Capital Fund, the Secretary-General suggested that he should be authorized, in the event of urgent need during that period, to have recourse to the use of cash in special funds and accounts in his custody. He drew attention to the fact that authority of this nature had been given in respect of the financial arrangements for UNEF 64/ and stated that he was prepared to give the same assurances that had preceded that grant of authority:

- (a) Special accounts should be drawn on only as a last resort;
- (b) Such funds would be used only if they were not immediately required for the normal programmes for which they were designed and without prejudice to such programmes;
- (c) Repayment of any such advances would be a first charge on contributions received.

41. In its report on this subject, 65/ the Advisory Committee on Administrative and Budgetary Questions stated that, though authority to draw on special funds and accounts had been given in respect of financial arrangements for UNEF, such authority should be considered an exceptional measure and not treated as normal financial practice. Subject to this reservation, the Advisory Committee agreed that the Secretary-General should be given similar authority in respect of general cash requirements for purposes customarily related to the Working Capital Fund.

42. As a result of consideration of these two reports by the Fifth Committee, the General Assembly authorized 66/ the Secretary-General, in the event of urgent need in 1959, and subject to the conditions set out in his report, 67/ to borrow, from special funds and accounts in his custody, on payment of the usual current rates of interest for purposes which customarily related to the Working Capital Fund.

43. In the period under review, the General Assembly continued the practice of authorizing the Secretary-General to enter into commitments to meet unforeseen and extraordinary expenses under certain conditions, 68/ and to make advances from the Working Capital Fund for the purposes, and within the terms and conditions, prescribed by the General Assembly. 69/ Other financial functions entrusted to the Secretary-General in this period included the following:

- (a) Financial arrangements for clearing the Suez Canal; 70/
- (b) Establishment of administrative rules and procedures governing payment from United Nations funds of travel and subsistence expenses to members of United Nations organs, in accordance with principles laid down by the General Assembly; 71/

63/ G A (XIII), Annexes, a.i. 43 and 44, p. 54, A/C.5/743.

64/ See para. 37 above.

65/ G A (XIII), Annexes, a.i. 43 and 44, p. 56, A/3939.

66/ G A resolution 1341 (XIII).

67/ See para. 40 above.

68/ G A resolutions 1084 (XI), 1231 (XII) and 1339 (XIII).

69/ G A resolutions 1085 (XI), 1232 (XII) and 1340 (XIII).

70/ G A resolutions 1121 (XI) and 1212 (XII).

71/ G A resolution 1075 (XI).

(c) Acceptance from a non-Member State of a loan for modernization, 72/ and of an offer of land from a Member State 73/ for construction of United Nations buildings, as well as initiation of negotiations in regard to financing the construction in the latter case.

D. Functions of the Secretary-General with respect to political and security matters

44. During the period under review, the Secretary-General took action with respect to political and security matters either under the terms of specific mandates entrusted to him by United Nations organs or, in the absence of a mandate, under the powers inherent in his Office.

45. Action taken by the Secretary-General under mandates of United Nations organs is described in the present study in the first three parts of section D. It related to the following questions:

Invasion of Egypt by the armed forces of France, Israel and the United Kingdom in the autumn of 1956;

Action by the armed forces of the Union of Soviet Socialist Republics in Hungary in the autumn of 1956;

Complaints by Jordan and Lebanon of outside intervention in the political situations in these countries in the summer of 1958.

Action taken by the Secretary-General under the powers inherent in his Office is dealt with in the fourth part of section D.

1. Functions exercised under General Assembly resolutions with respect to the situation created by the invasion of Egypt

46. On 29 October 1956, several brigades of the Israel army crossed the demarcation lines established by the General Armistice Agreement between Egypt and Israel. 74/ Neutralizing Egyptian resistance, they overran most of the Sinai Peninsula and advanced rapidly towards the Suez Canal and the Red Sea. On 30 October, the Security Council met to consider the situation created by the invasion of Egypt.

47. On the same day, the Governments of France and the United Kingdom dispatched communications 75/ calling upon Egypt and Israel to cease hostilities forthwith and to withdraw their military forces to a distance of ten miles from the Suez Canal. On 31 October 1956, the two Governments announced 76/ that, since Egypt had rejected their communications of the previous day, they were instructing their armed forces to take military action to safeguard the Suez Canal and to restore peaceful conditions in the Middle East.

72/ G A resolution 1101 (XI).

73/ G A resolutions 1224 (XII) and 1273 (XIII).

74/ See S C, 4th yr., Special Suppl. No. 3.

75/ For the text of the French and United Kingdom communications, see S C, 11th yr., 749th mtg., paras. 4 and 5.

76/ S C, 11th yr., 751st mtg., paras. 36-51 and 57-64.

48. In the Security Council, France and the United Kingdom voted 77/ against two draft resolutions calling for an immediate cease-fire in Egypt and for the withdrawal of Israel forces behind the armistice demarcation lines. The first resolution 78/ received the support 79/ of the other three permanent members of the Security Council and four non-permanent members; the second 80/ received the support 81/ of two permanent and five non-permanent members.

49. In view of this lack of unanimity among its permanent members, the Council decided 82/ on 31 October 1956 "to call an emergency special session of the General Assembly as provided in the General Assembly's resolution 377 A (V) of 3 November 1950, in order to make appropriate recommendations". 83/ On the next day, the General Assembly met in New York in an emergency special session - the first such session to be convened.

50. During that session - from 1 to 10 November 1956 - and during the eleventh regular session - from 12 November 1956 to 8 March 1957 - the General Assembly adopted sixteen resolutions with respect to the situation created by the invasion of Egypt. These resolutions dealt with the following matters:

- a. Arrangements for a cease-fire in Egypt
- b. Establishment of the United Nations Emergency Force
- c. Recruitment, operation and administration of the United Nations Emergency Force
- d. Withdrawal of foreign forces from Egypt
- e. Clearing the Suez Canal

51. The General Assembly entrusted important functions to the Secretary-General with respect to each of these subjects. Though the functions were closely linked and were often exercised simultaneously, it has seemed preferable for the sake of clarity to deal with them in five separate sections corresponding to the five matters listed above.

a. ARRANGEMENTS FOR A CEASE-FIRE IN EGYPT

52. In the early morning of 2 November 1956, the General Assembly adopted 84/ the first resolution of the emergency special session, 997 (ES-I). It was divided into a preamble and six operative paragraphs. The preamble read:

77/ S C, 11th yr., 749th mtg., para. 186; 750th mtg., para. 23.

78/ For draft resolution submitted by the United States (S/3710), see S C, 11th yr., 749th mtg., para. 186, foot-note 2.

79/ S C, 11th yr., 749th mtg., para. 186.

80/ Draft resolution submitted by the USSR: S C, 11th yr., Suppl. for Oct.-Dec., p. 112, S/3713/Rev.1; later amended (S C, 11th yr., 750th mtg., paras. 13-22).

81/ S C, 11th yr., 750th mtg., para. 23.

82/ The decision was taken by 7 votes to 2, with 2 abstentions. The two negative votes were cast by the representatives of France and the United Kingdom (S C, 11th yr., 751st mtg., para. 147).

83/ G A (ES-I), Annexes, a.i. 5, p. 2, A/3213.

84/ The resolution was adopted by 64 votes to 5, with 6 abstentions (G A (ES-I), Plen., 562nd mtg., para. 286).

"The General Assembly,

"Noting the disregard on many occasions by parties to the Israel-Arab armistice agreements of 1949 of the terms of such agreements, and that the armed forces of Israel have penetrated deeply into Egyptian territory in violation of the General Armistice Agreement between Egypt and Israel of 24 February 1949,

"Noting that armed forces of France and the United Kingdom of Great Britain and Northern Ireland are conducting military operations against Egyptian territory,

"Noting that traffic through the Suez Canal is now interrupted to the serious prejudice of many nations,

"Expressing its grave concern over these developments."

53. Operative paragraph 1 of resolution 997 (ES-I) urged "as a matter of priority that all parties now involved in hostilities in the area agree to an immediate cease-fire and, as part thereof, halt the movement of military forces and arms into the area". Operative paragraph 2 dealt with the withdrawal of foreign forces from Egypt, and operative paragraph 4 concerned the reopening of the Suez Canal; these two paragraphs are discussed below. ^{85/} Operative paragraph 3 recommended that all Member States should refrain from any activity which would delay or prevent the implementation of the resolution.

54. In operative paragraph 5, the General Assembly entrusted the Secretary-General with a mission of observation and information, as follows:

"5. Requests the Secretary-General to observe and report promptly on the compliance with the present resolution to the Security Council and to the General Assembly, for such further action as they may deem appropriate in accordance with the Charter."

55. In operative paragraph 6, the General Assembly decided that it would remain in emergency session pending compliance with the resolution.

56. On 3 and 4 November 1956, the Secretary-General submitted two reports ^{86/} to the General Assembly, indicating that hostilities were still in progress in Egypt. Acting on the basis of these reports, the General Assembly adopted ^{87/} resolution 999 (ES-I) on 4 November 1956. The resolution reaffirmed its previous decision of 2 November 1956 in resolution 997 (ES-I) and urged the parties to comply with the General Assembly's call for the withdrawal of foreign forces from Egypt and for the cessation of hostilities.

57. With respect to the latter point, operative paragraph 2 of resolution 999 (ES-I) added to the mission of observation and information previously entrusted to the Secretary-General, the task of arranging with the parties concerned for the implementation of the cease-fire called for by resolution 997 (ES-I). In this paragraph, the General Assembly

"2. Authorizes the Secretary-General immediately to arrange with the parties concerned for the implementation of the cease-fire and the halting of the movement

^{85/} Paras. 135-187 and 188-199.

^{86/} G A (ES-I), Annexes, a.i. 5, p. 3, A/3267; p. 10, A/3284.

^{87/} The resolution was adopted by 59 votes to 5, with 12 abstentions (G A (ES-I), Plen., 563rd mtg., para. 286).

of military forces and arms into the area, and requests him to report compliance forthwith and, in any case, not later than twelve hours from the time of adoption of the present resolution."

58. On the same day, the General Assembly adopted the first resolution - 998 (ES-I) - concerning the establishment "of an emergency international United Nations Force to secure and supervise the cessation of hostilities" in Egypt. 88/

59. In pursuance of operative paragraph 2 of resolution 999 (ES-I), the Secretary-General requested 89/ the Governments of Egypt, France, Israel and the United Kingdom "to bring to a halt all hostile military action in the area" by 05.00 GMT on 5 November 1956. 90/ In informing the General Assembly of this action, the Secretary-General stated that it would obviously be impossible for him to report within twelve hours, as requested in operative paragraph 2 of resolution 999 (ES-I). In order to increase the chances for a successful outcome, however, and in the light of observations 91/ by a sponsor of the resolution of 4 November 1956, "the Secretary-General followed this course, which would still enable the General Assembly to take the matter up for renewed consideration during the evening of 4 November". 92/

60. In response to the Secretary-General's cable, the Government of Egypt, on 4 November 1956, declared its readiness "to bring to a halt all hostile military actions in the area". 93/ The next day, the representative of Israel informed the Secretary-General that his Government had agreed "unconditionally to cease-fire" and stated that "since this morning, 5 November, all fighting has ceased between Israel and Egyptian forces on land, sea and air and full quiet prevails". 94/

61. On 6 November 1956, the Government of the United Kingdom addressed a message 95/ to the Secretary-General, stating that:

"If the Secretary-General can confirm that the Egyptian and Israeli Governments have accepted an unconditional cease-fire, and that the international Force to be set up will be competent to secure and supervise the attainment of the objectives set out in the operative paragraphs of the resolution passed by the General Assembly on November 2, Her Majesty's Government will agree to stop further military operations.

88/ See below, para. 64 et seqq.

89/ The Secretary-General addressed two cables on the matter to the Governments of Egypt, France, Israel and the United Kingdom. In the first cable (G A (ES-I), Annexes, a.i. 5, p. 11, A/3287, annexes 1, 2, 3 and 4), dated 4 November 1956, he requested the four States concerned to bring to a halt all military action by 20.00 GMT on 4 November 1956. In the second cable (G A (ES-I), Annexes, a.i. 5, p. 11, A/3287, annex 5), also dated 4 November 1956, he extended the time limit to 05.00 GMT on 5 November 1956.

90/ G A (ES-I), Annexes, a.i. 5, p. 11, A/3287, annex 5.

91/ The observations referred to by the Secretary-General, which were made by the representative of Ceylon, stated that the draft resolution, which became resolution 999 (ES-I) gave "the Secretary-General at least some time - it may be twelve hours, it may be eighteen hours, just as the Secretary-General would require - to see if something more can be achieved during that period to bring these nations to reason ..." (G A (ES-I), Plen., 563rd mtg., para. 213).

92/ G A (ES-I), Annexes, a.i. 5, p. 11, A/3287, para. 3.

93/ Ibid., annex 6.

94/ Ibid., p. 19, A/3301.

95/ Ibid., p. 27, A/3306; see above, para. 52 et seqq.

.....

"Pending the confirmation of the above points, Her Majesty's Government are ordering their forces to cease fire at midnight GMT unless they are attacked."

On the same day, the Government of France addressed a similar message 96/ to the Secretary-General.

62. During this exchange of communications, the Secretary-General had been proceeding rapidly with the establishment of the United Nations Emergency Force (UNEF). On 5 November 1956, as may be seen below, 97/ the General Assembly, on his recommendation, adopted resolution 1000 (ES-I), which established "a United Nations Command for an emergency international Force to secure and supervise the cessation of hostilities". On 6 November, the Secretary-General submitted a plan 98/ to the General Assembly for establishing UNEF. The General Assembly approved the plan on the following day in resolution 1001 (ES-I). 99/ The Secretary-General was therefore in a position to give the "confirmation" 100/ requested by the Governments of France and the United Kingdom, and on 7 November 1956 hostilities ceased throughout Egypt.

b. ESTABLISHMENT OF THE UNITED NATIONS EMERGENCY FORCE

63. On 4 November 1956 - two days after the adoption of resolution 997 (ES-I) 101/ and three days before the cessation of hostilities in Egypt - the General Assembly requested the Secretary-General to submit a plan for setting up a United Nations Force to secure and supervise the cessation of hostilities. On 5 November 1956, at the Secretary-General's suggestion, it established a United Nations Command for the Force. The next day, the Secretary-General submitted the plan requested by the General Assembly. On 7 November, the General Assembly approved the basic provisions of the Secretary-General's plan and set up the United Nations Emergency Force, hereinafter referred to as UNEF.

i. Resolution 998 (ES-I) requesting the Secretary-General to submit a plan for establishing an emergency international United Nations Force

64. Shortly after the vote on resolution 997 (ES-I) on 2 November 1956, the Foreign Minister of Canada explained to the General Assembly why his delegation had abstained during the vote. His intervention was directed to what he termed the omissions from the resolution. Among them he included the following:

"I believe that there is another omission from this resolution, to which attention has also already been directed. The armed forces of Israel and of Egypt are to withdraw or, if you like, to return to the armistice lines, where presumably, if this is done, they will once again face each other in fear and hatred. What then? What then, six months from now? Are we to go through all this again? Are we to return to the status quo? Such a return would not be to

96/ G A (ES-I), Annexes, a.i. 5, p. 28, A/3307.

97/ Para. 67 et seqq.

98/ G A (ES-I), Annexes, a.i. 5, p. 19, A/3302.

99/ See below, para. 81 et seqq.

100/ For the text of the confirmation given by the Secretary-General, see G A (ES-I), Annexes, a.i. 5, p. 29, A/3310; p. 30, A/3313; p. 31, A/3314.

101/ See above, para. 52 et seqq.

a position of security, or even a tolerable position, but would be a return to terror, bloodshed, strife, incidents, charges and countercharges, and ultimately another explosion which the United Nations Truce Supervision Organization would be powerless to prevent and possibly even to investigate.

"I therefore would have liked to see a provision in this resolution - and this has been mentioned by previous speakers - authorizing the Secretary-General to begin to make arrangements with Member States for a United Nations force large enough to keep these borders at peace while a political settlement is being worked out. I regret exceedingly that time has not been given to follow up this idea, which was mentioned also by the representative of the United Kingdom in his first speech, and I hope that even now, when action on the resolution has been completed, it may not be too late to give consideration to this matter ..." 102/

65. To implement this view, the Foreign Minister of Canada submitted the following draft resolution to the General Assembly the next day:

"The General Assembly,

"Bearing in mind the urgent necessity of facilitating compliance with its resolution 997 (ES-I) of 2 November 1956,

"Requests, as a matter of priority, the Secretary-General to submit to it within forty-eight hours a plan for the setting up, with the consent of the nations concerned, of an emergency international United Nations Force to secure and supervise the cessation of hostilities in accordance with all the terms of the aforementioned resolution." 103/

66. On 4 November 1956, the General Assembly adopted 104/ the above text, which became resolution 998 (ES-I).

ii. Resolution 1000 (ES-I) establishing a United Nations Command for an emergency international Force

67. Later, on the same day, the Secretary-General submitted his first report 105/ on the implementation of General Assembly resolution 998 (ES-I). The report outlined the first measures taken in pursuance of the resolution. It stated that in the course of the day the Secretary-General had "consulted the representatives of various Member States in order to explore the possibility of assistance from those countries in the setting up of a United Nations Force". 106/ Three Member States had already

102/ G A (ES-I), Plen., 562nd mtg., paras. 306 and 307; see also G A (ES-I), Plen., 561st mtg., para. 111.

103/ The text quoted above is the revised version of the draft resolution. The original draft (G A (ES-I), Annexes, a.i. 5, p. 8, A/3276) did not contain the word "all" in the last phrase before the expression "the terms of the aforementioned resolution". The word "all" was subsequently inserted by the Foreign Minister of Canada (G A (ES-I), Plen., 563rd mtg., para. 282) at the request of the representative of India (*ibid.*, para. 275).

104/ The resolution was adopted by 57 votes to none, with 19 abstentions (G A (ES-I), Plen., 563rd mtg., para. 285).

105/ "First report of the Secretary-General on the plan for an emergency international United Nations Force requested in resolution 998 (ES-I) adopted by the General Assembly on 4 November 1956" (G A (ES-I), Annexes, a.i. 5, p. 14, A/3289).

106/ *Ibid.*, para. 2.

"accepted participation in the projected Force". 107/ The report specified that the Secretary-General "would endeavour to develop a plan where, as a matter of principle, troops for UNEF should not be drawn from countries which are permanent members of the Security Council". 108/

68. The report also expressed the view that "a step which should be taken immediately is the setting up of a United Nations Command" for UNEF, and that this would considerably facilitate the Secretary-General's consultations. 109/ In accordance with this view, the report suggested that, without waiting for the plan requested by resolution 998 (ES-I), the General Assembly:

"should now decide that a United Nations Command for 'an emergency international United Nations Force to secure and supervise the cessation of hostilities in accordance with all the terms' of its resolution 997 (ES-I) of 2 November 1956, be established; that the Assembly should further appoint, on an emergency basis, General Burns, at present Chief of Staff of the United Nations Truce Supervision Organization, to be Chief of the new Command; that General Burns, in that capacity, should be authorized immediately to organize a small staff by recruitment from the observer corps of the Truce Supervision Organization of a limited number of officers, drawn from countries which are not permanent members of the Security Council; that, further, General Burns should be authorized, in consultation with the Secretary-General, to recruit directly from various Member States, with the same limitation, the additional number of officers of which he may be in need; and that the Secretary-General should be authorized to take such administrative measures as would prove necessary for the speedy implementation of this decision." 110/

69. Shortly after the circulation of the report, the representatives of three Member States 111/ embodied the suggestion quoted above in a joint draft resolution 112/ which they submitted to the General Assembly. On 5 November, the joint draft was adopted by the General Assembly and became resolution 1000 (ES-I). 113/

111. Plan submitted by the Secretary-General for an emergency
international United Nations Force

70. On 6 November 1956, the Secretary-General submitted his second and final report 114/ on the implementation of resolution 998 (ES-I). The report constituted the plan for establishing UNEF requested by the General Assembly. It is examined below under the following headings: (a) Guiding principles; (b) Functions; (c) Financing; (d) Size, organization and composition; and (e) Establishment of an advisory committee.

107/ G A (ES-I), Annexes, a.i. 5, p. 14, A/3289, para. 8.

108/ Ibid., para. 5.

109/ Ibid., paras. 3 and 5.

110/ G A (ES-I), Annexes, a.i. 5, p. 14, A/3289, para. 4.

111/ Canada, Colombia and Norway.

112/ G A (ES-I), Annexes, a.i. 5, p. 15, A/3290.

113/ Resolution 1000 (ES-I) was adopted by 57 votes to none, with 19 abstentions (GA (ES-I), Plen., 565th mtg., para. 109).

114/ "Second and final report of the Secretary-General on the plan for an emergency international United Nations Force requested in resolution 998 (ES-I), adopted by the General Assembly on 4 November 1956" (G A (ES-I), Annexes, a.i. 5, p. 19, A/3302).

(a) Guiding principles

71. Following a brief introduction recalling the decisions already taken on the matter in resolutions 998 (ES-I) and 1000 (ES-I), 115/ the first section of the report of the Secretary-General was devoted to a study of the legal basis on which UNEF could be established. Paragraphs 4 to 10 were entitled "Questions of principle".

72. Paragraphs 4 and 5 of the report referred to the precedent of the Unified Command in Korea and reviewed the various types of emergency force which the United Nations could establish. The conclusion was that, in adopting resolution 1000 (ES-I), the General Assembly had clearly shown its intention not to follow the precedent of the Unified Command in Korea but to establish, instead, a force under a commander who would be "fully independent of the policies of any one nation" and responsible only to the United Nations. 116/

73. Paragraphs 6 to 9 of the report, 117/ which were subsequently approved by the General Assembly in resolution 1001 (ES-I), formed what the resolution termed "the guiding principles for the organization and functioning" of UNEF. 118/ They may be summarized as follows.

74. The establishment of UNEF would be based on a decision taken by the General Assembly in pursuance of resolution 377 (V) "Uniting for peace" and not on enforcement measures contained in Chapter VII of the Charter. It would therefore "be limited in its operations to the extent that consent of the parties concerned is required under generally recognized international law". 119/ As regards the recruitment of UNEF, this requirement would apply to the consent of the States providing contingents. As regards the deployment and operation of UNEF, the requirement would apply to the consent of the States on whose territories UNEF would be stationed. Resolution 998 (ES-I) clearly showed that the General Assembly intended to establish UNEF on an emergency and temporary basis, and for the sole purpose of securing and supervising the cessation of hostilities in Egypt, in accordance with all the terms of resolution 997 (ES-I). It followed that UNEF should not be used "to influence the military balance in the present conflict and, thereby, the political balance affecting efforts to settle the conflict." 120/ Resolution 1000 (ES-I) emphasized both the independence of the Chief of Command in the recruitment of his officers and the exclusion from UNEF and its staff of contingents or officers belonging to any of the permanent members of the Security Council.

75. Paragraph 10, the last paragraph of this section of the report, stressed the "obvious difference between establishing the Force in order to secure the cessation of hostilities, with a withdrawal of [foreign] forces [from Egypt], and establishing such a Force with a view to enforcing a withdrawal of [foreign] forces". 121/

115/ See above, paras. 65 and 66; 67-69.

116/ G A (ES-I), Annexes, a.i. 5, p. 19, A/3302, para. 4 (a).

117/ Paragraph 6 of the report referred to a proposal which was contained in letters dated 5 November 1956, addressed to the Secretary-General by the representatives of France and the United Kingdom (G A (ES-I), Annexes, a.i. 5, p. 16, A/3293, para. 2; A/3294, para. 2). It read: "The composition of the staff and contingents of the international Force would be a matter for discussion."

118/ See below, para. 83.

119/ G A (ES-I), Annexes, a.i. 5, p. 19, A/3302, para. 9.

120/ Ibid., para. 8.

121/ G A (ES-I), Annexes, a.i. 5, p. 19, A/3302, para. 10.

(b) Functions

76. Paragraphs 11 and 12 formed the next part of the report and were entitled "Questions of functions". Paragraph 11 stated that, in the initial stage, the Secretary-General could only submit observations of a general nature with respect to the definition of the functions of UNEF, a matter which had been dealt with to some extent in the first part of the report. Paragraph 12 formulated the observations in question and was subsequently approved by the General Assembly in resolution 1001 (ES-I). 122/ It may be summarized as follows.

77. The reference in resolution 998 (ES-I) to "all the terms" of resolution 997 (ES-I) and the provisions of operative paragraphs 1 and 2 of the latter "indicate that the functions of the United Nations Force would be, when a cease-fire is being established, to enter Egyptian territory with the consent of the Egyptian Government, in order to help maintain quiet during and after the withdrawal of non-Egyptian troops, and to secure compliance with the other terms established in the resolution" that is, General Assembly resolution 997 (ES-I). The zone of operations of UNEF would therefore not extend beyond the Suez Canal, on the one side, and the Egyptian-Israeli armistice demarcation lines, on the other. Moreover, UNEF would enjoy only the rights necessary for the execution of its functions. It would have no "military functions exceeding those necessary to secure peaceful conditions on the assumption that the parties to the conflict take all necessary steps for compliance with the recommendations of the General Assembly". It would be "more than an observers' corps, but in no way a military force temporarily controlling the territory in which it is stationed".

(c) Financing

78. Paragraph 15 of the report was entitled "Questions of financing". In it the Secretary-General expressed the view that the methods of financing UNEF could be determined only after further study and suggested the adoption, in the meantime, of the following basic rule: "a nation providing a unit would be responsible for all costs for equipment and salaries, while all other costs should be financed outside the normal budget of the United Nations". The rule was subsequently approved on a provisional basis by the General Assembly in resolution 1001 (ES-I). 123/

(d) Size, organization and composition

79. In paragraphs 13 and 16, the report dealt with the size, organization and composition of UNEF. It pointed out that no estimate of the size of UNEF could be submitted without further experience. It also stated that it was desirable "that countries participating in the Force should provide self-contained units". 124/ It referred to the offers of assistance received from several Member States and specified that:

"It is likely that during the first period, at all events, the Force would have to be composed of a few units of battalion strength, drawn from countries or groups of countries which can provide such troops without delay." 125/

122/ See below, para. 83.

123/ See below, para. 83.

124/ G A (ES-I), Annexes, a.i. 5, p. 19, A/3302, para. 14.

125/ G A (ES-I), Annexes, a.i. 5, p. 19, A/3302, para. 14.

(e) Establishment of an advisory committee

80. In conclusion, the report noted that it had been necessary to leave questions open on several matters and suggested that these open matters should "be submitted to exploration by a small committee of the General Assembly; this body, if established, might also serve as an advisory committee to the Secretary-General for questions relating to the operations". 126/

iv. Approval by the General Assembly of the basic provisions of the plan submitted by the Secretary-General: resolution 1001 (ES-I)

81. On 7 November 1956, the General Assembly discussed the Secretary-General's plan for setting up UNEF and adopted 127/ resolution 1001 (ES-I). The preamble to the resolution recalled the General Assembly's previous decisions on the matter and noted the plan submitted by the Secretary-General "with appreciation".

82. Paragraphs 1, 2 and 5 of the operative part of the resolution expressed approval of the principles and concurrence with the basic provisions of the plan. Paragraph 6 established the Advisory Committee suggested by the Secretary-General. Other operative paragraphs defined the terms of reference of the Advisory Committee and entrusted functions to the Secretary-General with respect to the recruitment, operation and administration of UNEF. 128/

83. The full text of resolution 1001 (ES-I) read as follows:

"The General Assembly,

"Recalling its resolution 997 (ES-I) of 2 November 1956 concerning the cease-fire, withdrawal of troops and other matters related to the military operations in Egyptian territory, as well as its resolution 998 (ES-I) of 4 November 1956 concerning the request to the Secretary-General to submit a plan for an emergency international United Nations Force,

"Having established by its resolution 1000 (ES-I) of 5 November 1956 a United Nations Command for an emergency international Force, having appointed the Chief of Staff of the United Nations Truce Supervision Organization as Chief of the Command with authorization to him to begin the recruitment of officers for the Command, and having invited the Secretary-General to take the administrative measures necessary for the prompt execution of that resolution,

"Noting with appreciation the second and final report of the Secretary-General on the plan for an emergency international United Nations Force as requested in General Assembly resolution 998 (ES-I), and having examined that plan,

"1. Expresses its approval of the guiding principles for the organization and functioning of the emergency international United Nations Force as expounded in paragraphs 6 to 9 of the Secretary-General's report; 129/

126/ Ibid., para. 18.

127/ The resolution was adopted by 64 votes to none, with 12 abstentions (G A (ES-I), Plen., 567th mtg., para. 269).

128/ See below, para. 84 *et seqq.*

129/ See above, paras. 73 and 74.

"2. Concurs in the definition of the functions of the Force as stated in paragraph 12 of the Secretary-General's report; 130/

"3. Invites the Secretary-General to continue discussions with Governments of Member States concerning offers of participation in the Force, toward the objective of its balanced composition;

"4. Requests the Chief of the Command, in consultation with the Secretary-General as regards size and composition, to proceed forthwith with the full organization of the Force;

"5. Approves provisionally the basic rule concerning the financing of the Force laid down in paragraph 15 of the Secretary-General's report; 131/

"6. Establishes an Advisory Committee composed of one representative from each of the following countries: Brazil, Canada, Ceylon, Colombia, India, Norway and Pakistan, and requests this Committee, whose Chairman shall be the Secretary-General, to undertake the development of those aspects of the planning for the Force and its operation not already dealt with by the General Assembly and which do not fall within the area of the direct responsibility of the Chief of the Command;

"7. Authorizes the Secretary-General to issue all regulations and instructions which may be essential to the effective functioning of the Force, following consultation with the Committee aforementioned, and to take all other necessary administrative and executive action;

"8. Determines that, following the fulfilment of the immediate responsibilities defined for it in operative paragraphs 6 and 7 above, the Advisory Committee shall continue to assist the Secretary-General in the responsibilities falling to him under the present and other relevant resolutions;

"9. Decides that the Advisory Committee, in the performance of its duties, shall be empowered to request, through the usual procedures, the convening of the General Assembly and to report to the Assembly whenever matters arise which, in its opinion, are of such urgency and importance as to require consideration by the General Assembly itself;

"10. Requests all Member States to afford assistance as necessary to the United Nations Command in the performance of its functions, including arrangements for passage to and from the area involved."

C. RECRUITMENT, OPERATION AND ADMINISTRATION OF THE
UNITED NATIONS EMERGENCY FORCE

84. This section of the present study lists the functions entrusted to the Secretary-General by General Assembly resolution 1001 (ES-I) with respect to the recruitment, operation and administration of UNEF and describes the action taken by him in the exercise of these functions.

130/ See above, paras. 76 and 77.

131/ See above, para. 78.

i. Functions entrusted to the Secretary-General by resolution 1001 (ES-I) with respect to recruitment, operation and administration

85. It will be recalled 132/ that operative paragraph 3 of resolution 1001 (ES-I) invited the Secretary-General to continue the negotiations he had been conducting with Member States concerning offers to provide contingents for UNEF and that operative paragraph 7 authorized him to take all administrative and executive action necessary for its effective functioning.

86. The action taken by the Secretary-General in the exercise of the functions entrusted to him by these provisions is studied below, with the exception of measures concerning the financing of UNEF, which are dealt with in this Supplement under Articles 17 (1) and 17 (2). The action may be summarized as follows.

87. Under operative paragraphs 3 and 7 of General Assembly resolution 1001 (ES-I), the Secretary-General concluded agreements concerning the recruitment of national contingents for UNEF. 133/ These agreements were concluded with States providing national contingents, hereafter called "participating States". 134/ Under paragraph 7 of the resolution, the Secretary-General concluded agreements with Egypt concerning the operation of UNEF in that country, 135/ instructed the Commander of UNEF to conclude agreements concerning the entry of UNEF into areas evacuated by the foreign forces withdrawing from Egypt, 136/ issued administrative instructions and regulations 137/ and determined the deployment and functions of UNEF. 138/

ii. Conclusion by the Secretary-General of agreements concerning the recruitment of national contingents

88. The first task which confronted the Secretary-General in fulfilment of the provisions of General Assembly resolution 1001 (ES-I) was to recruit and assemble the military units necessary to carry out the functions assigned to UNEF. In accordance with the "guiding principles" 139/ approved by the General Assembly, this required the consent of the States to whose national armies the units in question belonged. Their consent was obtained in two stages.

(a) Informal arrangements with participating States

89. In the first stage, arrangements were concluded between the Secretary-General and ten 140/ of the twenty-four States which had offered to provide contingents to UNEF. 141/ Because of the urgent need to assemble a force as rapidly as possible,

132/ The text of resolution 1001 (ES-I) is quoted above in para. 83.

133/ See below, paras. 88-96.

134/ Article 5 (e) of the Regulations for the United Nations Emergency Force (ST/SGB/UNEF/1) defined a participating State as "a State providing national contingents to the Force".

135/ See below, para. 97 et seqq.

136/ See below, para. 116 et seqq.

137/ See below, para. 118 et seqq.

138/ See below, para. 126 et seqq.

139/ See above, para. 71 et seqq.

140/ See below, paras. 93 and 94.

141/ For the offers of contingents, see G A (ES-I), Annexes, a.i. 5, p. 19, A/3302 and Add.1-6, annexes 1-7; G A (XI), Annexes, vol. II, a.i. 66, p. 3, A/3302/Add.17-28.

these arrangements were made informally, often by direct contact between the Secretary-General's military advisers and the military attachés of the States concerned.

90. On the basis of these informal arrangements, the first military units recruited by the Secretary-General were flown from their home countries to a staging area near Naples provided by the Italian Government, 142/ where they awaited Egypt's consent to the entry of UNEF into that country. When this consent was given, 143/ they were flown from the staging area into Egypt. The units recruited at a later date were sent directly to Egypt by air or by sea.

(b) Agreements between the United Nations and participating States

91. In the second stage, the Secretary-General proposed to convert into formal agreements the informal arrangements concluded with ten States providing national contingents to UNEF. To that end, he addressed identical letters 144/ on 21 June 1957 to the permanent representatives of the ten States.

92. Each of the Secretary-General's letters referred to the "guiding principles" approved by the General Assembly, 145/ to General Assembly resolutions 1000 (ES-I) and 1001 (ES-I), 146/ to the Regulations for UNEF 147/ and to the agreement with Egypt on the status of UNEF. 148/ The letters quoted the provision of the Status Agreement with Egypt which conferred exclusive jurisdiction on participating States over criminal offences committed by members of their national contingents and requested assurance that the participating State would "be prepared to exercise jurisdiction with respect to any crime or offence which might be committed by a Member of such national contingent". The letters also dealt with the authority of the Commander of UNEF and noted that any change in the commanding officers of national contingents should be made in consultation between the Commander and the appropriate authorities of the participating State. The Secretary-General requested assurance that no national contingent would be withdrawn "without adequate prior notification, to the Secretary-General, so as to avoid the impairment of the ability of the Force to discharge its functions". He stated that the letter, together with the reply accepting the proposals, would constitute an agreement between the United Nations and the participating State addressing the reply.

93. Eight of the ten States participating in UNEF at the time addressed written replies 149/ to the Secretary-General's letters of 21 June 1957. Each reply gave the requested assurances and specified that the exchange of letters with the Secretary-

142/ G A (XI), Annexes, vol. II, a.i. 66, p. 7, A/3302/Add.30.

143/ See below, para. 99.

144/ See, for instance, the letter addressed by the Secretary-General to the Permanent Representative of Finland (United Nations, Treaty Series, vol. 271, I, No. 3913, p. 135).

145/ See above, para. 71 et seqq.

146/ See above, para. 67 et seqq.; para. 81 et seqq.

147/ See below, para. 120 et seqq.

148/ See below, para. 106 et seqq.

149/ The eight States and the dates of their replies were as follows: Finland, 27 June 1957; Sweden, 1 July 1957; Norway, 9 July 1957; Denmark, 16 July 1957; Canada, 29 July 1957; Brazil, 13 August 1957; India, 14 August 1957; and Yugoslavia, 1 October 1957.

General constituted an agreement between the United Nations and the participating State concerned. 150/

94. Two States 151/ did not address a formal reply to the Secretary-General's letters. Both subsequently withdrew their national contingents from UNEF.

(c) Principles governing the choice of national contingents

95. Since the recruitment of UNEF came under the agreements concluded between the participating States and the Secretary-General, acting on behalf of the United Nations, final authority for the choice of national contingents to be included in UNEF, and hence for the composition of UNEF, rested with the Secretary-General. In a summary study on UNEF 152/ issued in 1958, the Secretary-General commented on the principles which had guided him in the exercise of this authority. Referring to the composition of the military elements which the United Nations might be called upon to station on the territory of a Member State, the Secretary-General wrote:

"While the United Nations must reserve for itself the authority to decide on the composition of such elements, it is obvious that the host country, in giving its consent, cannot be indifferent to the composition of those elements. In order to limit the scope of possible difference of opinion, the United Nations in recent operations [that is, UNEF] has followed two principles: not to include units from any of the permanent members of the Security Council; and not to include units from any country which, because of its geographical position or for other reasons, might be considered as possibly having a special interest in the situation which has called for the operation." 153/

96. Referring to the application of the second of these principles to future operations which the United Nations might be called upon to conduct, the Secretary-General expressed the belief that:

"... in actual practice the area within which conflicting views may be expressed will in all probability be so reduced normally as to facilitate the harmonizing of the rights of the United Nations with the interests of the host country. It would seem desirable to accept the formula applied in the case of UNEF, which is to the effect that, while it is for the United Nations alone to decide on the composition of military elements sent to a country, the United Nations should, in deciding on composition, take fully into account the view of the host Government as one of the most serious factors which should guide the recruitment

150/ The agreements thus concluded between the United Nations and the eight participating States which had replied to the Secretary-General's letter were registered with the United Nations and published in the Treaty Series. They were as follows: agreement with Finland (United Nations, Treaty Series, vol. 271, I, No. 3913, p. 135); agreement with Sweden (ibid., No. 3914, p. 187); agreement with Norway (ibid., No. 3917, p. 223); agreement with Canada (ibid., vol. 274, I, No. 3957, p. 47); agreement with Denmark (ibid., No. 3959, p. 81); agreement with Brazil, (ibid., No. 3966, p. 199); agreement with India (ibid., No. 3968, p. 233); agreement with Yugoslavia (ibid., vol. 277, I, No. 4006, p. 191).

151/ Colombia and Indonesia.

152/ "Summary study of the experience derived from the establishment and operation of the Force: report of the Secretary-General" (G A (XIII), Annexes, a.i. 65, p. 8, A/3943).

153/ Ibid., para. 160; see also paras. 67-69 above.

of the personnel. Usually, this is likely to mean that serious objections by the host country against participation by a specific contributing country in the United Nations operation will determine the action of the Organization. However, were the United Nations for good reasons to find that course inadvisable, it would remain free to pursue its own line, and any resulting conflict would have to be resolved on a political rather than on a legal basis." 154/

iii. Conclusion by the Secretary-General of agreements concerning the operation of the United Nations Emergency Force in Egypt

97. It will be recalled 155/ that the area of operation assigned to UNEF lay entirely in Egypt or in territory placed under Egyptian control by the Palestine armistice agreements. 156/ It will also be recalled that one of the "guiding principles" 157/ provided that UNEF could not operate in the territory of a State without the latter's consent. In order to obtain the necessary consent, the Secretary-General conducted negotiations with Egypt with respect to the stationing and operation of UNEF in that country.

98. These negotiations took place in three steps. First, the Secretary-General obtained Egypt's consent to the arrival of UNEF in that country. Second, he reached an "understanding on the basic points for the presence and functioning of UNEF" in Egypt. Third, he concluded an agreement on the status of UNEF in Egypt.

(a) Egypt's consent to its arrival

99. The first stage of the Secretary-General's negotiations was described by him in a report 158/ submitted to the General Assembly on 20 November 1956. The report recalled that, on 5 November 1956, the Government of Egypt had "accepted the Force in principle by formally accepting ... resolution 1000 (ES-I)". It noted, however, that before consenting to the arrival of UNEF, the Government of Egypt wished "to have certain points in the resolutions of the General Assembly clarified". 160/ An exchange of views, described by the Secretary-General in his report of 20 November 1956, took place for that purpose between the Secretary-General and representatives of the Egyptian Government. The Egyptian Government gave its consent to the arrival of UNEF after the exchange of views,

154/ G A (XIII), Annexes, a.i. 65, p. 8, A/3943, para. 161.

155/ See above, para. 77.

156/ Agreements between Israel and Jordan (S C, 4th yr., Special Suppl. No. 1, S/1302/Rev.1); Israel and Syria (*ibid.*, Special Suppl. No. 2, S/1353/Rev.1); Egypt and Israel (*ibid.*, Special Suppl. No. 3, S/1264/Rev.1); Israel and Lebanon (*ibid.*, Special Suppl. No. 4, S/1296/Rev.1). These agreements are also referred to as the "General Armistice Agreement".

157/ See above, para. 74.

158/ "Report of the Secretary-General on basic points for the presence and functioning in Egypt of the United Nations Emergency Force" (G A (XI), Annexes, vol. II, a.i. 66, p. 9, A/3375).

159/ G A (XI), Annexes, vol. II, a.i. 66, p. 9, A/3375, para. 2. The reference was to the following cablegram addressed on 5 November 1956 to the Secretary-General by the Minister of Foreign Affairs of Egypt:

"I have the honour to inform you that the Egyptian Government accepts the resolution (1000 (ES-I)) adopted by the General Assembly of the United Nations on 5 November 1956" (G A (ES-I), Annexes, a.i. 5, p. 17, A/3295).

160/ G A (XI), Annexes, vol. II, a.i. 66, p. 9, A/3375, para. 2.

"... in which the Secretary-General in reply to questions addressed to him by the Government of Egypt, gave his interpretations of the relevant General Assembly resolutions, in respect of the character and functions of the Force. At the end of the exchange, he gave to the Advisory Committee set up General Assembly resolution 1001 (ES-I), a full account of the interpretations given. Approving these interpretations, the Advisory Committee recommended that the Secretary-General should proceed to start the transfer of the United Nations Emergency Force.

"3. On the basis of the resolutions, as interpreted by the Secretary-General, the Government of Egypt consented to the arrival of the United Nations Force in Egypt. The first transport of troops took place on 15 November 1956." 161/

(b) Understanding between the United Nations and Egypt on the basic points for its presence and functioning in that country

100. The second stage of the Secretary-General's negotiations with Egypt regarding UNEF was also described in the report of 20 November 1956. 162/ Commenting on the exchange of views which had led to the arrival of UNEF in Egypt, the report stated:

"While the Secretary-General found that the exchange of views which had taken place was sufficient as a basis for the sending of the first units, he felt, on the other hand, that a firmer foundation had to be laid for the presence and functioning of the Force in Egypt and for the continued co-operation with the Egyptian authorities. For that reason, and also because he considered it essential personally to discuss with the Egyptian authorities certain questions which flowed from the decision to send the Force, after visiting the staging area of the Force in Naples, he went to Cairo, where he stayed from 16 until 18 November ..." 163/

101. In Cairo, the Secretary-General discussed the "basic points for the presence and functioning of the Force in Egypt" with the President and the Foreign Minister of Egypt. The discussions concerned only questions of principle since, as the Secretary-General noted in his report, "time ... did not permit a detailed study of the various legal, technical and administrative arrangements which would have to be made ..." 164/

102. As a result of these discussions, the Secretary-General and the Government of Egypt agreed on the text of an "Aide-mémoire on the basis for the presence and functioning of the United Nations Emergency Force in Egypt". 165/ The preamble of the aide-mémoire referred to the guiding principle that UNEF could not "operate on the territory of a given country without the consent of the Government of that country". 166/ It also recalled that Egypt had accepted General Assembly resolution 1000 (ES-I) and had given its consent to the arrival of UNEF. The operative part of the aide-mémoire read:

"The Government of Egypt and the Secretary-General of the United Nations have stated their understanding on the basic points for the presence and functioning of UNEF as follows:

161/ Ibid., paras. 2 and 3.

162/ G A (XI), Annexes, vol. II, a.i. 66, p. 9, A/3375.

163/ Ibid., para. 4.

164/ Ibid., para. 5.

165/ G A (XI), Annexes, vol. II, a.i. 66, p. 9, A/3375, annex.

166/ See above, para. 74.

"1. The Government of Egypt declares that, when exercising its sovereign rights on any matter concerning the presence and functioning of UNEF, it will be guided, in good faith, by its acceptance of General Assembly resolution 1000 (ES-I) of 5 November 1956.

"2. The United Nations takes note of this declaration of the Government of Egypt and declares that the activities of UNEF will be guided, in good faith, by the task established for the Force in the aforementioned resolutions; in particular, the United Nations, understanding this to correspond to the wishes of the Government of Egypt, reaffirms its willingness to maintain UNEF until its task is completed.

"3. The Government of Egypt and the Secretary-General declare that it is their intention to proceed forthwith, in the light of points 1 and 2 above, to explore jointly concrete aspects of the functioning of UNEF, including its stationing and the question of its lines of communication and supply; the Government of Egypt, confirming its intention to facilitate the functioning of UNEF, and the United Nations are agreed to expedite in co-operation the implementation of guiding principles arrived at as a result of that joint exploration on the basis of the resolutions of the General Assembly."

103. On 20 November 1956, the Secretary-General submitted the aide-mémoire to the General Assembly in the following terms:

"The text of this Aide-mémoire, if noted with approval by the General Assembly, with the concurrence of Egypt, would establish an understanding between the United Nations and Egypt, on which the co-operation could be developed and necessary agreements on various details be elaborated. The text, as it stands, is presented on the responsibility of the Secretary-General. It has the approval of the Government of Egypt." 167/

104. On 24 November 1956, the General Assembly adopted 168/ resolution 1121 (XI), which, in operative paragraph 1, noted "with approval the contents of the aide-mémoire on the basis for the presence and functioning of the United Nations Emergency Force in Egypt".

105. Commenting in 1958 on the understanding between the United Nations and Egypt in the light of two years of experience, the Secretary-General wrote: 169/

"157. The formula employed in relation to the Government of Egypt for UNEF seems, in the light of experience, to provide an adequate solution ... The Government of Egypt declared that, when exercising its sovereign right with regard to the presence of the Force, it would be guided by good faith in the interpretation of the purposes of the Force. This declaration was balanced by a declaration by the United Nations to the effect that the maintenance of the Force by the United Nations would be determined by similar good faith in the interpretation of the purposes.

167/ G A (XI), Annexes, vol. II, a.i. 66, p. 9, A/3375, para. 7.

168/ The resolution was adopted by 65 votes to none, with 9 abstentions (G A (XI), Plen., vol. I, 594th mtg., para. 159). The other provisions of the resolution dealt with the clearing of the Suez Canal (see below, para. 191).

169/ G A (XIII), Annexes, a.i. 65, p. 8, A/3943, paras. 157-159.

"158. The consequence of such a bilateral declaration is that, were either side to act unilaterally in refusing continued presence or deciding on withdrawal, and were the other side to find that such action was contrary to a good-faith interpretation of the purposes of the operation, an exchange of views would be called for towards harmonizing the positions. This does not imply any infringement of the sovereign right of the host Government, nor any restriction of the right of the United Nations to decide on the termination of its own operation whenever it might see fit to do so. But it does mean a mutual recognition of the fact that the operation, being based on collaboration between the host Government and the United Nations, should be carried on in forms natural to such collaboration, and especially so with regard to the questions of presence and maintenance.

"159. It is unlikely that any Government in the future would be willing to go beyond the declaration of the Government of Egypt with regard to UNEF. Nor, in my view, should the United Nations commit itself beyond the point established for UNEF in relation to the Government of Egypt. In these circumstances, I consider it reasonable to regard the formula mentioned in paragraph 158 above as a valid basis for future arrangements of a similar kind."

(c) Agreement between the United Nations and Egypt concerning its status in that country

106. The third stage of the Secretary-General's negotiations with Egypt concerning the status of UNEF was devoted to the "various legal, technical and administrative arrangements" referred to in the report of 20 November 1956. 170/ It led to the conclusion on 8 February 1957 of an agreement between the United Nations and the Government of Egypt concerning the status of UNEF in Egypt, 171/ referred to in this study as the "Status Agreement with Egypt".

107. The text of the Status Agreement with Egypt consisted of two letters, both dated 8 February 1957. The first was addressed by the Secretary-General to the Minister for Foreign Affairs of Egypt. The second was the latter's reply to the Secretary-General's letter.

108. The Secretary-General's letter proposed several "ad hoc arrangements defining certain of the conditions necessary for the effective discharge of the functions of the United Nations Emergency Force while it remains in Egypt". 172/ These arrangements were mainly concerned with the rights and duties of UNEF and its members.

109. The Secretary-General's letter affirmed the principle that UNEF, "as a subsidiary organ of the United Nations established by the General Assembly, enjoys the status, privileges and immunities of the Organization in accordance with the Convention on the Privileges and Immunities of the United Nations" 173/ (the "General Convention"). The letter also contained detailed proposals concerning the right of UNEF to display the United Nations flag, 174/ to arm its members, 175/ to operate its own communications and postal services 176/ and to use Egyptian roads, water-ways, port facilities, railways and airfields. 177/

170/ G A (XI), Annexes, vol. II, a.i. 66, p. 9, A/3375.

171/ Ibid., p. 52, A/3526.

172/ Ibid., section II.

173/ Ibid., para. 23.

174/ G A (XI), Annexes, vol. II, a.i. 66, p. 52, A/3526, section II, para. 20.

175/ Ibid., para. 22.

176/ Ibid., paras. 29-31.

177/ Ibid., para. 33.

110. As regards the rights and duties of members of UNEF, the Secretary-General's letter provided that officers and men should respect the laws of Egypt, 178/ but should be exempt from Egyptian legislation on certain specific matters, such as taxation, and passport and visa formalities; 179/ and should be subject to the exclusive jurisdiction of their respective national States in respect of any criminal offence committed in Egypt. 180/ It also stated that the Commander should "be entitled to the privileges, immunities and facilities of sections 19 and 27 of the Convention on the Privileges and Immunities of the United Nations", 181/ and that the officers of the Commander's headquarters staff should be entitled to the privileges and immunities of article VI of the General Convention. 182/

111. In conclusion, the Secretary-General's letter noted that:

"Upon acceptance of this proposal by your Government, the present letter and your reply will be considered as constituting an agreement between the United Nations and Egypt that shall be deemed to have taken effect as from the date of the arrival of the first element of the Force in Egypt, and shall remain in force until the departure of the Force from Egypt." 183/

112. In his reply, the Minister for Foreign Affairs of Egypt expressed his Government's "full agreement on, and its acceptance of, the terms of" the Secretary-General's letter and stated that the exchange of letters would "be considered as constituting an agreement between Egypt and the United Nations". 184/

113. The reply of the Minister for Foreign Affairs of Egypt had converted the exchange of letters into an agreement binding on the United Nations as from the date of the arrival of the first element of UNEF in Egypt (15 November 1956). The Secretary-General, nevertheless, thought it desirable to obtain the concurrence of the General Assembly on the matter. He therefore submitted 185/ the two letters, 186/ which formed sections II and III of his report, to the General Assembly for its approval.

114. Shortly after the circulation of the report, several Member States presented the following joint draft resolution 187/ to the General Assembly:

"The General Assembly,

"Bearing in mind its resolutions 1000 (ES-I) and 1001 (ES-I) of 5 and 7 November 1956 concerning the United Nations Emergency Force,

"Having received the report of the Secretary-General of 8 February on arrangements concerning the status of the United Nations Emergency Force in Egypt (A/3526),

178/ Ibid., para. 6.

179/ Ibid., paras. 7 and 26.

180/ Ibid., para. 11.

181/ Ibid., para. 25.

182/ Ibid.

183/ G A (XI), Annexes, vol. II, a.i. 66, p. 52, A/3526, section II, para. 44.

184/ Ibid., section III. The agreement thus concluded between the United Nations and Egypt was registered with the United Nations and published (United Nations, Treaty Series, vol. 260, I, No. 3704, p. 61).

185/ G A (XI), Annexes, vol. II, a.i. 66, p. 52, A/3526, para. 3.

186/ Ibid., sections II and III.

187/ G A (XI), Annexes, vol. II, a.i. 66, p. 62, A/3542.

"Notes with approval this report." 188/

115. During the debate on the joint draft resolution, which was considered by the General Assembly on 22 February 1957, a representative suggested 189/ an amendment to the text of the Secretary-General's letter to the Minister for Foreign Affairs. Since, however, he did not present a formal proposal to that effect, his suggestion was not put to a vote, and the General Assembly adopted 190/ the joint draft, which became resolution 1126 (XI), without further debate.

iv. Conclusion under the authority of the Secretary-General of agreements concerning the entry of the United Nations Emergency Force into areas to be evacuated by foreign forces withdrawing from Egypt

116. In accordance with the arrangements concluded with Egypt, the first units of UNEF arrived on 15 November 1956 in the area assigned to UNEF. 191/ Parts of the area, however, were still occupied by forces of France, Israel and the United Kingdom. Since UNEF was not empowered to enforce the withdrawal of these forces, the Secretary-General conducted negotiations with the three Governments in order to obtain their compliance with the General Assembly resolutions on the matter. 192/

117. As a result of these negotiations, the forces of France, Israel and the United Kingdom withdrew from Egypt in several stages. At the beginning of each stage, the Secretary-General instructed the Commander of UNEF to conclude agreements of a technical nature with the commanders of the withdrawing forces to provide for the entry of UNEF into areas to be evacuated by their forces. 193/

v. Issuance of administrative instructions and regulations by the Secretary-General

118. While the negotiations described above were in progress, the Secretary-General proceeded with the administrative organization of UNEF. On 21 November 1956, he submitted a first report 194/ on the matter to the General Assembly.

119. The report indicated the first "administrative and executive measures" which the Secretary-General had taken, in consultation with the Advisory Committee, to organize UNEF. These measures determined the responsibilities of the United Nations Commander in matters such as the supervision of personnel, food and accommodations, transportation, equipment, supplies, communications and medical services. 195/ They

188/ It may be observed that the Secretary-General had submitted the text of the agreement itself to the General Assembly, but the draft resolution noted "with approval" the report to which it was annexed.

189/ G A (XI), Plen., vol. II, 659th mtg., para. 13.

190/ The resolution was adopted by 67 votes to none, with 7 abstentions (G A (XI), Plen., vol. II, 659th mtg., para. 22).

191/ See above, para. 99.

192/ See below, para. 135 et seqq.

193/ Examples of the agreements concluded in pursuance of the Secretary-General's instructions may be found below in section II D 1 d, dealing with the withdrawal of foreign forces from Egypt; see paras. 146, 147 and 180.

194/ "Report of the Secretary-General on administrative and financial arrangements for the United Nations Emergency Force" (G A (XI), Annexes, a.i. 66, vol. II, p. 13, A/3383 and Rev.1).

195/ Ibid., para. 2 (a) to (g).

also reserved for the "Secretary-General, in consultation with the Advisory Committee, ... final authority for all administrative and financial operations of the Force". 196/

120. Three months later, the administrative organization of UNEF was completed, and on 20 February 1957 the Secretary-General issued a bulletin 197/ containing the Regulations for the United Nations Emergency Force. The bulletin noted that the Regulations for UNEF were "issued pursuant to authorization by the General Assembly in resolution 1001 (ES-I) of 7 November 1956, following consultation with the Advisory Committee established by the same resolution. They shall be effective from 1 March 1957. The Regulations, for the most part, are intended to continue in effect the orders, instructions and practices which have been followed with respect to the Force since it first came into existence". 198/

121. The Regulations for UNEF were based, in general, on the Status Agreement with Egypt. 199/ They stressed the international character of UNEF. Article 6, in particular, specified that UNEF was "a subsidiary organ of the United Nations", and article 10 stated that it would enjoy "the status, privileges and immunities of the Organization provided in the Convention on the Privileges and Immunities of the United Nations". Both articles were based on the relevant provisions of the Status Agreement with Egypt.

122. The Regulations for UNEF detailed the responsibilities of the Secretary-General and the Commander as stated in the report 200/ of 21 November 1956.

123. Article 15 of the Regulations for UNEF stated that the Secretary-General "shall have authority for all administrative, executive and financial matters affecting the Force and shall be responsible for the negotiation and conclusion of agreements with Governments concerning the Force".

124. Article 11 provided that the Commander "has full command authority over the Force. He is operationally responsible for the performance of all functions assigned to the Force by the United Nations, and for the deployment and assignment of troops placed at the disposal of the Force". Article 12 dealt with the chain of command and with the delegation of the Commander's authority. Article 4 authorized the Commander to issue orders in the discharge of his duties or in implementation of the Secretary-General's Regulations for UNEF. Article 13, referring to good order and discipline, stated, in particular, that the Commander "shall have general responsibility for the good order of the Force. Responsibility for disciplinary action in national contingents provided for the Force rests with the commanders of the national contingents". Articles 19 to 28 specified the Commander's responsibilities in the recruitment of personnel, in food and accommodations, in transportation, supplies, equipment, communications, maintenance services, medical services, contracts and public information.

125. The Regulations for UNEF also indicated the rights and duties of its members. Article 30, in particular, specified that members of UNEF were entitled to the legal protection of the United Nations. Article 34 (a) provided that they "shall be subject

196/ Ibid., para. 2 (h). In addition, the report dealt with measures taken by the Secretary-General to finance UNEF. See also para. 36 et seqq., above.

197/ ST/SCG/UNEF/1.

198/ ST/SCG/UNEF/1, page iii.

199/ See above, para. 106 et seqq.

200/ G A (XI), Annexes, vol. II, a.i. 66, p. 13, A/3383 and Rev.1.

to the criminal jurisdiction of their respective national States... They shall not be subject to the criminal jurisdiction of the courts of the Host State". This article was based on a provision of the Status Agreement with Egypt. 201/ Article 44 stated that:

"The Force shall observe the principles and spirit of the general international Conventions applicable to the conduct of military personnel."

vi. Issuance by the Secretary-General of instructions determining the deployment and functions of the United Nations Emergency Force

126. It will be recalled 202/ that in his plan for establishing UNEF, the Secretary-General formulated the general principles governing its deployment and functions. In addition, as will be seen below, 203/ he clarified some aspects of these principles in the course of his negotiations on the withdrawal of Israel forces.

127. The Secretary-General, however, did not limit his action to formulation and clarification of the general principles governing the matter. He also issued specific instructions to the UNEF Commander, applying the general principles to concrete situations confronting the Force and thereby determining the actual deployment and functions of UNEF in the field.

128. As a rule, the Secretary-General's instructions were confidential, and their text was not published. 204/ Their tenor, however, may be inferred from the actual deployment of UNEF and the functions it exercised in the field following its arrival in Egypt.

129. Information concerning the deployment and functions of UNEF along the armistice demarcation line and the international border is contained in reports submitted to the General Assembly by the Secretary-General. The reports also shed some light on the deployment and functions of UNEF in the Gaza Strip and the Sharm el-Sheikh area. 205/ Information concerning the armistice demarcation line and the international border is presented in the present section. Information concerning the Gaza Strip and the Sharm el-Sheikh area is analysed below, in the section concerned with UNEF functions after the withdrawal of foreign forces from Egypt, 206/ since the question of the functions to be exercised by UNEF in the Gaza Strip and the Sharm el-Sheikh area arose in connexion with the Secretary-General's negotiations on the withdrawal of Israel forces from Egypt.

130. A detailed description of the situation along the armistice demarcation line and the international border may be found in a report issued by the Secretary-General in 1958. 207/ The description in this report sheds light both on the deployment and on the functions of UNEF along the demarcation line and the international border.

201/ See above, para. 106 et seqq.

202/ See above, para. 73 et seqq.

203/ Paras. 157-164, 169-173.

204/ In some instances, however, the Secretary-General informed the General Assembly of the contents of his instructions to the Commander (see below, paras. 146 and 180).

205/ See below, para. 148, foot-note 237.

206/ See para. 183 et seqq.

207/ "Summary study of the experience derived from the establishment and operation of the Force: report of the Secretary-General" (G A (XIII), Annexes, a.i. 65, p. 8, A/3943).

(a) Deployment along the armistice demarcation line
and the international border

131. With regard to the deployment of UNEF, the study of the Secretary-General 208/ referred to General Assembly resolution 1125 (XI), 209/ which stated that the scrupulous maintenance of the General Armistice Agreement required "the placing of the United Nations Emergency Force on the Egyptian-Israel armistice demarcation line ...". The study indicated that no agreement had been reached with Israel concerning the stationing of UNEF on the Israel side of the line and noted that UNEF was deployed on the Egyptian side "along the demarcation line and the international border, over a length of 273 kilometres in largely rugged terrain". 210/

(b) Functions exercised along the armistice demarcation line
and the international border

132. The study noted that the "primary purposes of the observation posts and patrols are to prevent any movements across the line and to observe and report incidents". 211/ Referring to the right of self-defence of UNEF, the study stated:

"UNEF troops have a right to fire in self-defence. They are never to take the initiative in the use of arms, but may respond with fire to any armed attack upon them, even though this may result from a refusal on their part to obey an order from the attacking party not to resist; a proper refusal, since they are to take orders only from the Commander. UNEF is authorized to apprehend infiltrators and persons approaching the demarcation line in suspicious circumstances. In practice, this applies to a zone extending up to 500 metres from the demarcation line; after interrogation, the persons apprehended are handed over to the local police." 212/

133. Elaborating on the question of the right of self-defence, 213/ the study pointed out that the policy followed by UNEF on the matter was laid down by the Secretary-General in consultation with the Advisory Committee. It described the policy concerning the right of self-defence as follows:

"It should be generally recognized that such a right exists. However, in certain cases this right should be exercised only under strictly defined conditions. A problem arises in this context because of the fact that a wide interpretation of the right of self-defence might well blur the distinction between operations of the character discussed in this report and combat operations, which would require a decision under Chapter VII of the Charter and an explicit, more far-reaching delegation of authority to the Secretary-General than would be required for any of the operations discussed here. A reasonable definition seems to have been established in the case of UNEF, where the rule is applied that men engaged in the operation may never take the initiative in the use of armed force, but are entitled to respond with force to an attack with arms, including attempts to use force to make them withdraw from positions which they occupy under orders

208/ G A (XIII), Annexes, a.i. 65, p. 8, A/3943, para. 61.

209/ See below, para. 167.

210/ G A (XIII), Annexes, a.i. 65, p. 8, A/3943, paras. 61 and 71. The armistice demarcation line was in the region of Gaza and around El Auja. Elsewhere, the Egyptian and Israel forces were separated by what was known as the "international border".

211/ G A (XIII), Annexes, a.i. 65, p. 8, A/3943, para. 71.

212/ Ibid., para. 70.

213/ Ibid., para. 30.

from the Commander, acting under authority of the Assembly and within the scope of its resolutions. The basic element involved is clearly the prohibition against any initiative in the use of armed force. This definition of the limit between self-defence, as permissible for United Nations elements of the kind discussed, and offensive action, which is beyond the competence of such elements, should be approved for future guidance." 214/

134. The study also noted that, in addition to the principles approved by the General Assembly, and to the policies implementing them, such as the policy concerning self-defence, "a series of basic rules has been developed in practice". It quoted as an example of such a basic rule "the precept that authority granted to the United Nations group cannot be exercised within a given territory either in competition with representatives of the host Government or in co-operation with them on the basis of any joint operation". The study specified in this respect that:

"... a United Nations operation must be separate and distinct from activities by national authorities. UNEF experience indicates how this rule may apply in practice. A right of detention which normally would be exercised only by local authorities is extended to UNEF units. However, this is so only within a limited area where the local authorities voluntarily abstain from exercising similar rights, whether alone or in collaboration with the United Nations. Were the underlying principle of this example not to be applied, United Nations units might run the risk of getting involved in differences with the local authorities or public or in internal conflicts which would be highly detrimental to the effectiveness of the operation and to the relations between the United Nations and the host Government." 215/

d. WITHDRAWAL OF FOREIGN FORCES FROM EGYPT

135. In addition to containing provisions for the cessation of hostilities and the establishment of UNEF, the resolutions adopted by the General Assembly early in November 1956 called upon the States which had invaded Egypt to withdraw their forces from that country and entrusted functions to the Secretary-General in this respect. The present section reviews these provisions and the action taken by the Secretary-General in pursuance thereof.

i. Functions entrusted to the Secretary-General by resolutions 999 (ES-I) and 1002 (ES-I) with respect to the withdrawal of foreign forces from Egypt

136. It will be recalled 216/ that resolution 997 (ES-I) of 2 November 1956 - the first resolution adopted by the General Assembly with respect to the situation created by the invasion of Egypt - dealt with the question of the withdrawal from Egypt of the foreign forces which had invaded that country. Since, at the time of the adoption of the resolution, the forces of France and the United Kingdom were conducting only naval and aerial operations and had not yet landed troops in Egypt, operative paragraph 2 referred exclusively to the "parties to the armistice agreements", that is, Egypt and Israel. In this resolution, the General Assembly

214/ G A (XIII), Annexes, a.i. 65, p. 8, A/3943, para. 179.

215/ G A (XIII), Annexes, a.i. 65, p. 8, A/3943, para. 165.

216/ See above, para. 52 et seqq.

"2. Urges the parties to the armistice agreements promptly to withdraw all forces behind the armistice lines, to desist from raids across the armistice lines into neighbouring territory, and to observe scrupulously the provisions of the armistice agreements."

137. Two days after the adoption of resolution 997 (ES-I), the General Assembly entrusted to the Secretary-General the task of obtaining compliance with its call for withdrawal. The mandate was defined as follows in operative paragraph 3 of resolution 999 (ES-I), adopted on 4 November 1956, in which the General Assembly

"3. Requests the Secretary-General, with the assistance of the Chief of Staff and the members of the United Nations Truce Supervision Organization, to obtain compliance of the withdrawal of all forces behind the armistice lines."

138. On 5 November 1956, French and United Kingdom troops landed in Egypt. On 7 November 1956, the General Assembly adopted 217/ resolution 1002 (ES-I). The preamble to the resolution referred to resolutions 997 (ES-I), 218/ 998 (ES-I), 219/ 999 (ES-I) 220/ and 1000 (ES-I). 221/ In the operative part of resolution 1002 (ES-I), the General Assembly

"1. Reaffirms the above-mentioned resolutions;

"2. Calls once again upon Israel immediately to withdraw all its forces behind the armistice lines established by the General Armistice Agreement between Egypt and Israel of 24 February 1949;

"3. Calls once again upon the United Kingdom and France immediately to withdraw all their forces from Egyptian territory, consistently with the above-mentioned resolutions;

"4. Urges the Secretary-General to communicate the present resolution to the parties concerned, and requests him promptly to report to the General Assembly on the compliance with this resolution." 222/

139. In pursuance of the above resolutions, the Secretary-General conducted extensive negotiations with the three Governments on the withdrawal. The negotiations were divided into two phases. The first phase concerned the withdrawal of French and United Kingdom forces, the second the withdrawal of Israel forces. Both phases are examined below on the basis of the reports and communications which the Secretary-General submitted on the matter to the General Assembly.

217/ The resolution was adopted by 65 votes to 1, with 10 abstentions (G A (ES-I), Plen., 567th mtg., para. 278).

218/ See above, para. 52 et seqq.

219/ See above, paras. 65 and 66.

220/ See above, para. 56.

221/ See above, paras. 67-69.

222/ Resolution 1002 (ES-I) was the first to call expressly upon France and the United Kingdom to withdraw their forces from Egyptian territory; the expression "once again" in paragraph 3 of the resolution appears to refer to the spirit rather than to the letter of the General Assembly's previous resolutions.

ii. Negotiations conducted by the Secretary-General with respect to the withdrawal of French and United Kingdom forces

140. On 19 November 1956, four days after the arrival in Egypt of the first elements of UNEF, 223/ the Secretary-General addressed to the Governments of France, Israel and the United Kingdom a "request for clarification of the present state of compliance as a basis for a report to the General Assembly". 224/

141. In response to this request, the Government of France informed the Secretary-General, in an aide-mémoire 225/ dated 21 November 1956, that "Approximately one-third of the French forces which were deployed on 7 November has been withdrawn". 226/ As regards future withdrawals, the aide-mémoire stated that:

"The French Government remains ready to proceed with the withdrawal of its forces as soon as the international Force which is being established is in a position to discharge the functions which have been entrusted to it under the General Assembly resolutions 997 (ES-I) of 2 November, 1000 (ES-I) of 5 November and 1002 (ES-I) of 7 November." 227/

142. A similar communication, also dated 21 November 1956, was received from the Government of the United Kingdom. 228/

143. On 24 November 1956, the General Assembly adopted 229/ resolution 1120 (XI), which noted "with regret" the lack of compliance with its previous resolutions on withdrawal and reiterated its call to France, Israel and the United Kingdom "to comply forthwith with resolutions 997 (ES-I) and 1002 (ES-I) of 2 and 7 November 1956".

144. On 3 December 1956, the Secretary-General transmitted 230/ to the General Assembly a note verbale 231/ addressed to him by the representative of the United Kingdom. The note recorded the results of further discussions between the Secretary-General and representatives of the Governments of France and the United Kingdom in the following terms:

"Her Majesty's Government and the French Government note that:

"(a) An effective United Nations Force is now arriving in Egypt charged with the tasks assigned to it in the Assembly resolutions of 2, 5 and 7 November. [232/]

223/ See above, para. 99.

224/ "Report of the Secretary-General in compliance with General Assembly resolutions 997 (ES-I) and 1002 (ES-I)" (G A (XI), Annexes, vol. II, a.i. 66, p. 16, A/3384, para. 2).

225/ G A (XI), Annexes, vol. II, a.i. 66, p. 16, A/3384, annex I.

226/ Ibid., para. 1.

227/ Ibid., para. 3.

228/ Ibid., annex III.

229/ The resolution was adopted by 63 votes to 5, with 10 abstentions, (G A (XI), Plen., vol. I, 594th mtg., para. 157).

230/ G A (XI), Annexes, vol. II, a.i. 66, p. 28, A/3415.

231/ Ibid., section A. A similar note, also dated 3 December 1956, was received from the representative of France (ibid., section B).

232/ The following G A resolutions are referred to: 997 (ES-I), examined above, in para. 52 et seqq.; 1000 (ES-I) discussed in paras. 67-69 above; and 1001 (ES-I), quoted above in para. 83.

"(b) The Secretary-General accepts the responsibility for organizing the task of clearing the Canal as expeditiously as possible. [233/]

"(c) In accordance with the General Assembly resolution of 2 November free and secure transit will be re-established through the Canal when it is clear.

"(d) The Secretary-General will promote as quickly as possible negotiations with regard to the future regime of the Canal on the basis of the six requirements set out in the Security Council resolution of 13 October." [234/]

145. In addition, the note stated that the Governments of France and the United Kingdom had instructed the Allied Commander "to seek agreement with the United Nations Commander, General Burns, on a time-table for the complete withdrawal of their forces, taking account of the military and practical questions involved".

146. On the same day, 3 December 1956, the Secretary-General informed the General Assembly that he had "instructed the Commander of the United Nations Emergency Force, Major-General Burns, to get into immediate touch with the Anglo-French Commander with a view to working out with him arrangements for the complete withdrawal of Anglo-French forces without delay". 235/

147. From 4 to 22 December 1956, the withdrawal of French and United Kingdom forces proceeded in accordance with a time-table agreed upon with the Commander of UNEF. On 22 December 1956, the withdrawal of these forces was completed, achieving, as the Secretary-General subsequently reported 236/ to the General Assembly,

"full compliance with one aspect of the requirement defined in the four resolutions of the General Assembly relating to withdrawal of forces (resolution 997 (ES-I) of 2 November 1956, resolution 999 (ES-I) of 4 November 1956, resolution 1002 (ES-I) 7 November 1956 and resolution 1120 (XI) of 24 November 1956). Thereafter, those aspects of compliance concerning withdrawal of forces have involved only Israel troops."

iii. Negotiations conducted by the Secretary-General with respect to the withdrawal of Israel forces

148. The withdrawal of Israel forces behind the armistice lines was made in three stages. From 21 November 1956 to 22 January 1957, the Israel forces withdrew gradually from the positions occupied at the time of the cease-fire to the Sharm el-Sheikh area 237/ and to the Gaza Strip. From 23 January to 1 March 1957, they remained in the Sharm el-Sheikh area and in the Gaza Strip. During that period, the General Assembly adopted two further resolutions 238/ on the matter, and the Secretary-General discussed with representatives of the Israel Government the question of the

233/ See below, para. 188 et seqq.

234/ See below, para. 287 et seqq.

235/ G A (XI), Annexes, vol. II, a.i. 66, p. 28, A/3415, section C.

236/ Ibid., p. 42, A/3500 and Add.1, para. 1.

237/ Sharm el-Sheikh was an Egyptian gun position on the Straits of Tiran, at the entry of the Gulf of Aqaba, which had been occupied by Israel forces in the first days of November 1956. It controlled the only passage from the open sea to the Israel port of Elath on the Gulf of Aqaba (see G A (XI), Annexes, vol. II, a.i. 66, p. 47, A/3512, annexed map).

238/ G A resolutions 1124 (XI) and 1125 (XI).

functions to be exercised by UNEF in the area and in the Gaza Strip after the withdrawal of Israel forces. From 1 to 8 March 1957, the Israel forces evacuated the Sharm el-Sheikh area and the Gaza Strip and completed their withdrawal behind the armistice demarcation lines and the international border.

(a) Withdrawal of Israel forces to the Sharm el-Sheikh area
and to the Gaza Strip

149. In response to the request of 19 November 1956 for clarification, 239/ the Government of Israel submitted an aide-mémoire 240/ dated 21 November 1956 to the Secretary-General; this stated that:

"There has been a withdrawal of Israel's forces for varying distances along the entire Egyptian frontier.

"The Government of Israel reiterates the position conveyed to the Secretary-General on 8 November 1956. Israel will willingly withdraw its forces from Egypt immediately upon the conclusion of satisfactory arrangements with the United Nations in connexion with the emergency international Force. The 'satisfactory arrangements' which Israel seeks are such as will ensure Israel's security against the recurrence of the threat or danger of attack, and against acts of belligerency by land or sea." 241/

150. After the receipt of the aide-mémoire, the Secretary-General held "extensive discussions with representatives of the Government of Israel, aiming at full compliance with the withdrawal requirements by the earliest possible date". 242/ These discussions led to a series of partial withdrawals which the Secretary-General described 243/ in the report submitted to the General Assembly on 15 January 1957.

151. As to planned withdrawals, the report quoted the following communication from the Government of Israel:

"By 22 January the Sinai desert will be entirely evacuated by Israel forces with the exception of the Sharm el-Sheikh area, that is, the strip on the western coast of the Gulf of Aqaba which at present ensures freedom of navigation through the Straits of Tiran and in the Gulf.

"In connexion with the evacuation of this strip the Government of Israel is prepared to enter forthwith into conversations with the Secretary-General." 244/

152. In commenting on the above communication, the Secretary-General's report noted that it was "silent about withdrawal from the Gaza Strip which, according to this

239/ See above, para. 140.

240/ G A (XI), Annexes, vol. II, a.i. 66, p. 16, A/3384, annex II.

241/ G A (XI), Annexes, vol. II, a.i. 66, p. 16, A/3384, annex II, paras. 1 and 2. On 8 November, the Government of Israel had informed the Secretary-General by cable that it would "willingly withdraw its forces from Egypt immediately upon the conclusion of satisfactory arrangements with the United Nations in connexion with the emergency international Force" (G A (ES-I), Annexes, a.i. 5, p. 32, A/3320).

242/ G A (XI), Annexes, vol. II, a.i. 66, p. 42, A/3500 and Add.1, para. 3.

243/ Ibid., A/3500 and Add.1.

244/ G A (XI), Annexes, vol. II, a.i. 66, p. 42, A/3500 and Add.1, para. 4.

armistice agreement, falls on the Egyptian side of the armistice demarcation line. Further discussions with the representatives of Israel are required on this point". 245/

(b) Resolution 1123 (XI)

153. On 19 January 1957, after a discussion of the Secretary-General's report of 15 January, the General Assembly adopted 246/ a further resolution, 1123 (XI), on the withdrawal of Israel forces. The preamble to the resolution took note of the report and recalled resolutions 997 (ES-I), 998 (ES-I), 999 (ES-I), 1002 (ES-I) and 1120 (XI). In the operative part, the General Assembly

"1. Notes with regret and concern the failure of Israel to comply with the terms of the above-mentioned resolutions;

"2. Requests the Secretary-General to continue his efforts for securing the complete withdrawal of Israel in pursuance of the above-mentioned resolutions, and to report on such completion to the General Assembly, within five days."

(c) Position of the Israel Government with respect to the Sharm el-Sheikh area and the Gaza Strip

154. On 23 January 1957, the representative of Israel submitted an aide-mémoire 247/ to the Secretary-General on "the Israel position on the Sharm el-Sheikh area and the Gaza Strip". 248/ With regard to the former, the aide-mémoire claimed that after the conclusion of the Palestine armistice agreements, Egypt had exercised a "policy of belligerency" in imposing "illegal restrictions on the passage of shipping to Elath ... through the establishment of gun positions at Sharm el-Sheikh". 249/ The aide-mémoire accordingly suggested that:

"(a) On the withdrawal of Israel forces, the positions evacuated along the western coast of the Gulf of Aqaba would be held by the United Nations Emergency Force, as had been the case with other areas from which Israel forces have withdrawn.

"(b) It would be the function of the United Nations Emergency Force to see to it that freedom of navigation was maintained and belligerent acts avoided in the Gulf of Aqaba and the Straits of Tiran. The prevention of acts of belligerency is definitely within the mandate of the United Nations Emergency Force." 250/

155. Regarding the Gaza Strip, the aide-mémoire submitted a plan providing, in particular, that

"(a) No Israel military forces will remain in the area of the Gaza Strip.

"(b) Israel will continue to supply administrative services including agriculture, education, health, industry, labour, welfare.

245/ Ibid., para. 9.

246/ The resolution was adopted by 74 votes to 2, with 2 abstentions (G A (XI), Plen., vol. II, 642nd mtg., para. 123).

247/ G A (XI), Annexes, vol. II, a.i. 66, p. 45, A/3511.

248/ See above, para. 148, foot-note 237.

249/ G A (XI), Annexes, vol. II, a.i. 66, p. 45, A/3511, paras. 2 and 7 (a).

250/ G A (XI), Annexes, vol. II, a.i. 66, p. 45, A/3511, para. 10.

"(c) Law and order will be maintained by the Israel police (including local police)." 251/

156. The aide-mémoire noted that "the entry of the United Nations Emergency Force into the Gaza area is not envisaged under this plan". 252/

(d) Clarification by the Secretary-General of the limits set considerations of principle and law on action by the United Nations Emergency Force with respect to the Sharm el-Sheikh area and the Gaza Strip

157. The next day - 24 January 1957 - the Secretary-General submitted the report 253/ which had been requested by the General Assembly in resolution 1123 (XI). 254/ The report was divided into two parts.

158. The first part of the report informed the General Assembly that Israel had "not fully complied with the requests of the General Assembly for withdrawal". 255/ A map annexed to the report indicated that the Israel forces had not evacuated the Sharm el-Sheikh area 256/ and the Gaza Strip.

159. The second part of the report "endeavoured to clarify both the limits on United Nations action set by considerations of principle and law, and the directions in which such action might be usefully developed in the case of the two ... problems" of the Gaza Strip and the Sharm el-Sheikh area. 257/ The clarification was prefaced by the following statement of the principles which had guided the Secretary-General:

"(a) The United Nations cannot condone a change of the status juris resulting from military action contrary to the provisions of the Charter. The Organization must, therefore, maintain that the status juris existing prior to such military action be re-established by a withdrawal of troops, and by the relinquishment or nullification of rights asserted in territories covered by the military action and depending upon it.

"(b) The use of military force by the United Nations other than that under Chapter VII of the Charter requires the consent of the States in which the force is to operate. Moreover, such use must be undertaken and developed in a manner consistent with the principles mentioned under (a) above. It must, furthermore, be impartial, in the sense that it does not serve as a means to force settlement, in the interest of one party, of political conflicts or legal issues recognized as controversial.

"(c) United Nations actions must respect fully the rights of Member States recognized in the Charter, and international agreements not contrary to the aims of the Charter, which are concluded in exercise of those rights." 258/

160. The report next discussed the question of the Gaza Strip and the Sharm el-Sheikh area in the light of the above principles and on the basis of an analysis of the

251/ Ibid., para. 14.

252/ Ibid., para. 14 (g).

253/ G A (XI), Annexes, vol. II, a.i. 66, p. 47, A/3512.

254/ See above, para. 153.

255/ G A (XI), Annexes, a.i. 66, vol. II, p. 47, A/3512, para. 3.

256/ See above, para. 148, foot-note 237.

257/ G A (XI), Annexes, a.i. 66, vol. II, p. 47, A/3512, para. 32.

258/ G A (XI), Annexes, vol. II, a.i. 66, p. 47, A/3512, para. 5.

General Armistice Agreement between Egypt and Israel, the United Nations resolutions on the matter and generally accepted rules of international law.

161. As to the Gaza Strip, the report found that the relevant provisions of the General Armistice Agreement between Egypt and Israel, viewed in the light of the principles formulated above, precluded "the United Nations from accepting Israel control over the area, even if it were of a non-military character". ^{259/} It specified that:

"Deployment of the Force in Gaza, under the resolutions of the General Assembly, would have to be on the same basis as its deployment along the armistice line in the Sinai peninsula. Any broader function for it in that area, in view of the terms of the Armistice Agreement and a recognized principle of international law, would require the consent of Egypt." ^{260/}

162. With respect to the Sharm el-Sheikh area, the report examined the question whether Israel was entitled to claim a right of innocent passage through the Straits of Tiran. Noting that there existed "a legal controversy ... as to the extent of the right of innocent passage" ^{261/} through straits which, as in the case of the Straits of Tiran, formed part of the territorial sea of one or more States and constituted the sole means of access to the port of another State, the report concluded that no authoritative opinion could be expressed on the matter.

163. The report next considered the question whether Egypt was entitled to exercise belligerent rights in the Straits of Tiran and in the Gulf of Aqaba. It noted that under a Security Council resolution of 1 September 1951, ^{262/} "the parties to the Armistice Agreement [between Egypt and Israel] may be considered as not entitled to claim any belligerent rights". ^{263/} It expressed the view, however, that the armistice régime could be considered operative only so long as Israel forces did not occupy Egyptian territory. The report stated:

"Were the substantive clauses of the Armistice Agreement ... again to be implemented, the case against all acts of belligerency, which is based on the existence of the armistice régime, would gain full cogency. With such a broader implementation of the Armistice Agreement, the parties should be asked to give assurances that, on the basis established, they will not assert any belligerent rights (including, of course, such rights in the Gulf of Aqaba and the Straits of Tiran)." ^{264/}

164. The report noted that after the withdrawal of Israel forces from the Sharm el-Sheikh area, UNEF would be called upon to exercise the following functions in the area:

"Israel troops, on their withdrawal from the Sharm el-Sheikh area, would be followed by the United Nations Emergency Force in the same way as in other parts of Sinai. The duties of the Force in respect of the cease-fire and the withdrawal will determine its movements. However, if it is recognized that there is a need

^{259/} G A (XI), Annexes, vol. II, a.i. 66, p. 47, A/3512, para. 13.

^{260/} Ibid., para. 14.

^{261/} Ibid., para. 24. The report referred to the commentary submitted by the International Law Commission on article 17 of the law of the sea (see G A (XI), Suppl. No. 9 (A/3519), chapter II, section III, article 17, para. (4)).

^{262/} S C, 6th yr., 558th mtg., S/2322, paras. 5 and 6.

^{263/} G A (XI), Annexes, vol. II, a.i. 66, p. 47, A/3512, para. 27.

^{264/} Ibid.

for such an arrangement, it may be agreed that units of the Force (or special representatives in the nature of observers) would assist in maintaining quiet in the area beyond what follows from this general principle. In accordance with the general legal principles recognized as decisive for the deployment of the United Nations Emergency Force, the Force should not be used so as to prejudice the solution of the controversial questions involved. The Force, thus, is not to be deployed in such a way as to protect any special position on these questions, although, at least transitionally, it may function in support of mutual restraint in accordance with the foregoing." 265/

(e) Resolutions 1124 (XI) and 1125 (XI)

165. The General Assembly devoted seven meetings to the discussion 266/ of the Secretary-General's report and, on 2 February 1957, adopted 267/ two further resolutions on the matter.

166. The first, 1124 (XI), deplored "the non-compliance of Israel to complete its withdrawal behind the armistice demarcation line despite the repeated requests of the General Assembly" and called "upon Israel to complete its withdrawal behind the armistice demarcation line without further delay".

167. The operative part of the second resolution, 1125 (XI), stated that the General Assembly

"1. Notes with appreciation the Secretary-General's report and the measures therein to be carried out upon Israel's complete withdrawal;

"2. Calls upon the Governments of Egypt and Israel scrupulously to observe the provisions of the General Armistice Agreement between Egypt and Israel of 24 February 1949;

"3. Considers that, after full withdrawal of Israel from the Sharm el Sheikh and Gaza areas, the scrupulous maintenance of the Armistice Agreement requires the placing of the United Nations Emergency Force on the Egyptian-Israeli armistice demarcation line and the implementation of other measures as proposed in the Secretary-General's report, with due regard to the considerations set out therein with a view to assist in achieving situations conducive to the maintenance of peaceful conditions in the area;

"4. Requests the Secretary-General, in consultation with the parties concerned, to take steps to carry out these measures and to report, as appropriate, to the General Assembly."

168. During the debates which led to the adoption of resolution 1125 (XI), several of its sponsors expressed the view 268/ that the first phrase of operative paragraph 3

265/ G A (XI), Annexes, vol. II, a.i. 66, p. 47, A/3352, para. 29.

266/ G A (XI), Plen., vol. II, 644-646th and 649th-652nd mtgs.

267/ Resolution 1124 (XI) was adopted by 74 votes to 2, with 2 abstentions (G A (XI), Plen., vol. II, 652nd mtg., para. 223); resolution 1125 (XI) was adopted by 56 votes to none, with 22 abstentions (G A (XI), Plen., vol. II, 652nd mtg., para. 224).

268/ G A (XI), Plen., vol. II, 649th mtg., para. 142 et seqq.; 650th mtg., paras. 50, 87 and 95.

made it clear that the resolution dealt exclusively with the situation which would exist after Israel's withdrawal from the Sharm el-Sheikh area and the Gaza Strip. They held that resolution 1124 (XI) was unconditional, and that resolution 1125 (XI) could not be implemented so long as Israel had not withdrawn its forces behind the armistice lines. As noted below, 269/ a similar opinion was subsequently expressed by the Secretary-General himself.

(f) Further clarification by the Secretary-General with respect to the Sharm el-Sheikh area and the Gaza Strip

169. On 11 February 1957, the Secretary-General submitted the report 270/ requested by resolution 1125 (XI) to the General Assembly. The report summarized further discussions which had taken place after the adoption of the resolution. The discussions did not reveal any substantial change in the position of the Secretary-General and of the Government of Israel. They did, however, throw some additional light on the matter.

170. Thus, for instance, the report noted that the Government of Israel had sought clarification in an aide-mémoire "... as to whether 'immediately on the withdrawal of Israel forces from the Sharm el-Sheikh area, units of the United Nations Emergency Force will be stationed along the western shore of the Gulf of Aqaba in order to act as a restraint against hostile acts; and will remain so deployed until another effective means is agreed upon between the parties concerned for ensuring permanent freedom of navigation and the absence of belligerent acts in the Straits of Tiran and the Gulf of Aqaba'." 271/ Commenting on this request for clarification, the report stated that the debates 272/ in the General Assembly and the Secretary-General's previous report of 24 January 1957 273/ had "made it clear that the stationing of the Force at Sharm-el-Sheikh, under such terms as those mentioned in the question posed by Israel, would require Egyptian consent". 274/

171. The report also set out the Secretary-General's position with respect to a communication from the Government of Israel concerning the Sharm el-Sheikh area. Noting that the communication had requested "the Secretary-General 'to ask the Government of Egypt whether Egypt agrees to the mutual and full abstention from belligerent acts ...'", 275/ the report stated that:

"The Secretary-General shares the view of the Government of Israel that his offices may serve as a means for an interchange between Member States of 'proposals and ideas', but wishes to draw attention to the fact that the action which the Government of Israel has requested cannot be regarded as properly described in such terms, as it would be an action within the scope of resolution 1125 (XI) and in implementation of this resolution which, although closely

269/ See para. 171.

270/ G A (XI), Annexes, vol. II, a.i. 66, p. 57, A/3527.

271/ G A (XI), Annexes, vol. II, a.i. 66, p. 57, A/3527, para. 3.

272/ See above, para. 165, foot-note 266.

273/ See above, para. 157 et seqq.

274/ G A (XI), Annexes, vol. II, a.i. 66, p. 57, A/3527, para. 5.

275/ Ibid., para. 3.

related to resolution 1124 (XI), has, at least, full and unconditional acceptance of the demand in that resolution as its prerequisite." 276/

172. Eleven days after the submission of the above report, the Secretary-General informed 277/ the General Assembly at its 659th plenary meeting, on 22 February 1957, that events after the submission of that report had "not called for a further report, and I have presented none". He added, however, that

"... discussions have been carried on outside this house in the continuing resolve to attain the goals defined in the several resolutions of the General Assembly. I have maintained close contact with these activities and have been kept well informed on them. These serious efforts to break through the unfortunate impasse and to unlock the door to constructive endeavour are deserving of warm appreciation.

"In so far as United Nations activities and positions are concerned, developments in the interim have given no reason to revise any of the substance of the previous report ..." 278/

173. The Secretary-General stated, however, that, in the light of further discussions in which he had engaged, he was in a position to make the following clarification concerning the position of the Egyptian Government with respect to the Gaza Strip:

"The Secretary-General states with confidence that it is the desire of the Government of Egypt that the take-over of Gaza from the military and civilian control of Israel - which, as has been the case, in the first instance would be exclusively by UNEF - will be orderly and safe, as it has been elsewhere.

"It may be added with equal confidence that the Government of Egypt, recognizing the present special problems and complexities of the Gaza area and the long-standing major responsibility of the United Nations there for the assistance of the Arab refugees, and having in mind also the objectives and obligations of the Armistice Agreement, has the willingness and readiness to make special and helpful arrangements with the United Nations and some of its auxiliary bodies, such as the United Nations Relief and Works Agency for Palestine Refugees and UNEF. For example, the arrangement for the use of UNEF in the area should ensure its

276/ G A (XI), Annexes, vol. II, a.i. 66, p. 57, A/3527, para. 10. The Secretary-General concluded this report with a discussion of the difference in legal force and effect between General Assembly recommendations which "implement a Charter principle, which in itself is binding on Member States, and recommendations which, although adopted under the Charter, do not implement any such basic provision." He stated in that respect:

"A recommendation of the first kind would have behind it the force of the Charter, to which collective measures recommended by the General Assembly could add emphasis, without, however, changing the legal character of the recommendation. A decision on collective measures referring to a recommendation of the second kind, although likewise formally retaining its legal character, would mean that the recommendation is recognized by the General Assembly as being of such significance to the efforts of the United Nations as to assimilate it to a recommendation expressing an obligation established by the Charter." (*ibid.*, para. 20).

277/ G A (XI), Plen., vol. II, 659th mtg., para. 24.

278/ G A (XI), Plen., vol. II, 659th mtg., paras. 24 and 25.

deployment on the armistice line at the Gaza Strip and the effective interposition of the Force between the armed forces of Egypt and Israel.

"Similarly, the assistance of the United Nations and its appropriate auxiliary bodies would be enrolled towards putting a definite end to all incursions and raids across the border from either side.

"Furthermore, with reference to the period of transition, such other arrangements with the United Nations may be made as will contribute towards safeguarding life and property in the area by providing efficient and effective police protection; as will guarantee good civilian administration; as will assure maximum assistance to the United Nations refugee programme; and as will protect and foster the economic development of the territory and its people." 279/

(g) Withdrawal of Israel forces from the Sharm el-Sheikh area and the Gaza Strip

174. On 1 March 1957, at the 666th plenary meeting, the Foreign Minister of Israel informed 280/ the General Assembly of the decision of the Government of Israel to withdraw its forces from the Sharm el-Sheikh area and the Gaza Strip "in compliance with General Assembly resolution 1124 (XI) of 2 February 1957".

175. The Foreign Minister did not state whether the Government's decision had been taken on the basis of further negotiations with the Secretary-General or with Governments of Member States, but clarified its position as follows.

176. Regarding the Sharm el-Sheikh area, the Foreign Minister of Israel referred to a memorandum 281/ addressed on 11 February 1957 by the United States Secretary of State to the Ambassador of Israel in Washington, and stated that the memorandum

"...discusses the rights of nations in the Gulf of Aqaba and declares the readiness of the United States to exercise those rights on its own behalf and to join with others in securing general recognition of those rights.

"My Government has subsequently learned with gratification that other leading maritime Powers are prepared to subscribe to the doctrine set out in the United

279/ G A (XI), Plen., vol. II, 659th mtg., paras. 26-29. On 25 February 1957, the Secretary-General and the representative of Israel held two further meetings which brought about no substantial change in their positions (G A (XI), Annexes, vol. II, a.i. 66, p. 70, A/3563). In the course of these meetings, the Secretary-General referred to his statement of 22 February concerning the Gaza Strip, quoted above in paras. 172-173, and clarified it by noting that

"... his statement obviously was made within the framework of the legal situation established by international agreement. He could neither detract from, nor annul, any rights existing under the Armistice Agreement. His statement indicated practical arrangements, envisaged within the framework of Egyptian control of the territory as established by the Agreement, and could, therefore, not be understood as limiting Egyptian rights within the area under the terms of the Agreement" (*ibid.*, annexes, Special Memorandum).

280/ G A (XI), Plen., vol. II, 666th mtg., para. 1.

281/ For the full text of the memorandum, see G A (XI), Plen., vol. II, 666th mtg., para. 33.

States memorandum of 11 February and have a similar intention to exercise their rights of free and innocent passage in the Gulf and the Straits." 282/

177. The Foreign Minister of Israel also quoted 283/ an excerpt from a statement 284/ by the United States representative at the 645th plenary meeting of the General Assembly, on 28 January 1957, as follows:

"... It is essential that units of the United Nations Emergency Force be stationed at the Straits of Tiran in order to achieve there the separation of Egyptian and Israel land and sea forces. This separation is essential until it is clear that the non-existence [285/] of any claim to belligerent rights has established in practice the peaceful conditions which must govern navigation in waters having such an international interest."

178. The Foreign Minister further stated that:

"In the light of these doctrines, policies and arrangements by the United Nations and the maritime Powers, my Government is confident that free and innocent passage for international and Israel shipping will continue to be fully maintained after Israel's withdrawal." 286/

179. As to the Gaza Strip, the Foreign Minister referred to the statement 287/ by the Secretary-General at the 659th plenary meeting of the General Assembly and announced that the Government of Israel was "making a complete withdrawal" from the Gaza Strip on the following assumptions:

"(a) That on its withdrawal the United Nations forces will be deployed in Gaza and that the take-over of Gaza from the military and civilian control of Israel will be exclusively by the United Nations Emergency Force.

"(b) It is, further, Israel's expectation that the United Nations will be the agency to be utilized for carrying out the functions enumerated by the Secretary-General, namely:

'... safeguarding life and property in the area by providing efficient and effective police protection; as will guarantee good civilian administration; as will assure maximum assistance to the United Nations refugee programme; and as will protect and foster the economic development of the territory and its people.'

"(c) It is, further, Israel's expectation that the aforementioned responsibility of the United Nations in the administration of Gaza will be maintained for a transitory period from the take-over until there is a peace settlement, to be sought as rapidly as possible, or a definitive agreement on the future of the Gaza strip." 288/

282/ G A (XI), Plen., vol. II, 666th mtg., paras. 4 and 5. For the position of the Powers referred to by the Foreign Minister of Israel, see G A (XI), Plen., vol. II, 666th mtg., para. 58; 667th mtg., paras. 13, 51, 56, 123, 139, 148, 196 and 224.

283/ G A (XI), Plen., vol. II, 666th mtg., para. 7.

284/ Ibid., 645th mtg., para. 4.

285/ The United States representative had used the term "non-exercise" (G A (XI), Plen., vol. II, 645th mtg., para. 4).

286/ Ibid., 666th mtg., para. 9.

287/ See above, paras. 172 and 173.

288/ G A (XI), Plen., vol. II, 666th mtg., para. 18.

180. On 4 March 1957, the Secretary-General announced to the General Assembly that the Commander of UNEF and the Chief of Staff of the Israel Army had reached an agreement "on the technical arrangements for the withdrawal and for the movement of the Force into the Gaza strip and the Sharm el Sheikh area". ^{289/} He noted that the "instructions given to General Burns [the UNEF Commander] were to arrange for the full and unconditional withdrawal of Israel's military and civilian units, with initial take-over exclusively by the United Nations Emergency Force". ^{290/}

181. On 8 March 1957, the Secretary-General notified ^{291/} the General Assembly of Israel's complete withdrawal from the Sharm el-Sheikh area and the Gaza Strip and reported full compliance with General Assembly resolution 1124 (XI).

182. After that date, UNEF was deployed on the Egyptian side ^{292/} of the entire length of the armistice demarcation line and the international border, including the Gaza Strip. A detachment was also stationed in the Sharm el-Sheikh area. The functions exercised by UNEF along the demarcation line and the international border are described above. ^{293/} The functions exercised in the Gaza Strip and the Sharm el-Sheikh area are examined in the following section.

(h) Functions exercised by the United Nations Emergency Force in the Gaza Strip and the Sharm el-Sheikh area after the withdrawal of Israel forces

183. A description of the functions exercised by UNEF in the Gaza Strip was contained in a summary study of experience with UNEF, ^{294/} issued by the Secretary-General in 1958.

184. According to this study, the operations of UNEF in the Gaza Strip took place in two stages. ^{295/} The first stage covered the evacuation of the Gaza Strip by Israel forces at the beginning of March 1957 and the simultaneous entry of UNEF. The second began "after local authority had been re-established under the Egyptian Administrative Governor and the local administration was able to resume its duties". ^{296/}

185. The study described the first stage of the functions exercised by UNEF and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in the following terms:

"As the first step, arrangements were made between the Commander of UNEF and the Chief of Staff of the Israel Defence Forces for the United Nations to take over its responsibilities in the Gaza Strip as Israel withdrew. Pending the re-establishment of local civilian authority in the Strip, and on the basis of a division of responsibilities suggested by the Secretary-General, UNEF and UNRWA co-operated in meeting local needs, as a purely temporary measure.

^{289/} Ibid., 667th mtg., para. 200.

^{290/} G A (XI), Plen., vol. II, 667th mtg., para. 201.

^{291/} G A (XI), Annexes, vol. II, a.i. 66, p. 72, A/3568, para. 6.

^{292/} See above, para. 131.

^{293/} See para. 132 et seqq.

^{294/} G A (XIII), Annexes, a.i. 65, p. 8, A/3943.

^{295/} G A (XIII), Annexes, a.i. 65, p. 8, A/3943, para. 63.

^{296/} Ibid. The study does not specify the date at which local authority was re-established.

"The operation of the Force at the time of its entry into Gaza was facilitated by the presence there of an important branch of UNRWA, which permitted a quick distribution of civil functions between UNEF and UNRWA to meet the immediate needs of the local population, and by the fact that the Egyptian-Israel Mixed Armistice Commission had its headquarters in Gaza, thus enabling the Force to enjoy the immediate use of the Commission's communications facilities and its personnel." 297/

186. The study described the functions exercised by UNEF in the Gaza Strip during the second stage as follows:

"After the local authorities had taken over administration and internal security, the Force was deployed along the armistice demarcation line and the international border south of the Gaza Strip, in patrol and reconnaissance activities designed to avert incidents and to maintain quiet along that entire sector.

"The population of Gaza was officially informed that the Government of Egypt, as a matter of policy, is opposed to infiltration across the armistice demarcation line, UNEF's purpose was explained, and the Administrative Governor-General of the Gaza Strip took other effective measures. Gaza inhabitants were notified that they were forbidden to approach the demarcation line within 50-100 metres by day and 500 metres by night. The CID (police) in Gaza were instructed to act vigorously with the object of finding persons responsible for mining and other incidents and to prevent recurrences. The local (Palestine) police co-operate with UNEF in preventing infiltration." 298/

187. The study did not specify the functions and deployment of UNEF in the Sharm el-Sheikh area. 299/ Information on the matter, however, may be found in reports 300/ on the activities of UNEF which the Secretary-General submitted to the General Assembly at its twelfth session and, later, at its fourteenth session. Both reports listed Sharm el-Sheikh and Ras Nasrani 301/ among the places where a detachment of UNEF was stationed during the period under review. The report 302/ submitted to the fourteenth session further specified that the mission of the detachment stationed at Sharm el-Sheikh and Ras Nasrani was "to observe traffic through the Strait of Tiran".

e. CLEARING THE SUEZ CANAL

188. During the aerial and naval operations around Port Said in the first days of November 1956, several ships were sunk in the Suez Canal, obstructing its main channel and interrupting all traffic. Desirous of re-establishing navigation through the Canal, the General Assembly adopted resolution 997 (ES-I) 303/ of 2 November 1956, which

297/ G A (XIII), Annexes, a.i. 65, p. 8, A/3943, paras. 64 and 65.

298/ Ibid., paras. 66 and 67.

299/ See above, para. 148, foot-note 237.

300/ G A (XII), Annexes, a.i. 65, A/3694, paras. 13, 14 (iii) and 34 (b) (i);

G A (XIV), Annexes, a.i. 28, p. 21, A/4210, para. 12.

301/ Ras Nasrani, a cape on the Straits of Tiran, is twelve miles north of Sharm el-Sheikh.

302/ G A (XIV), Annexes, a.i. 28, p. 21, A/4210, para. 12.

303/ See above, para. 52 et seqq.

"4. Urges that, upon the cease-fire being effective, steps be taken to reopen the Suez Canal and restore secure freedom of navigation."

189. On 20 November 1956, the Secretary-General submitted a report 304/ to the General Assembly on the action he had taken in pursuance of the above provision. The report stated:

"Immediately upon the adoption of the resolution the Secretary-General proceeded to explore the technical possibilities of engaging the services of private firms for assistance in the clearing operation. For that purpose the Secretary-General addressed himself to the Governments of Denmark and of the Netherlands. On the basis of replies received, contacts were made with a number of private firms." 305/

190. The report of the Secretary-General stated further that he had discussed the matter of reopening the Suez Canal with representatives of the Egyptian Government during a visit to Cairo from 16 to 18 November 1956. In the course of these discussions, "the Government of Egypt addressed to him a request for assistance from the United Nations in arrangements for this purpose ...". 306/ The report specified that, in response to this request and

"Under the authority given to the Secretary-General under the relevant resolutions adopted by the General Assembly, the Secretary-General gave his assurance, in principle, that the United Nations would seek to provide such assistance." 307/

191. After discussion of the Secretary-General's report, the General Assembly included two provisions on the clearing of the Suez Canal in resolution 1121 (XI), adopted 308/ 24 November 1956. In operative paragraphs 2 and 3, 309/ the General Assembly

"2. Notes with approval the progress so far made by the Secretary-General in connexion with arrangements for clearing the Suez Canal, as set forth in his report;

"3. Authorizes the Secretary-General to proceed with the exploration of practical arrangements and the negotiation of agreements so that the clearing operations may be speedily and effectively undertaken." 310/

304/ G A (XI), Annexes, vol. II, a.i. 66, p. 10, A/3376.

305/ Ibid., para. 2.

306/ G A (XI), Annexes, vol. II, a.i. 66, p. 10, A/3376, para. 3.

307/ Ibid., para. 4. The expression "relevant resolutions" appeared to refer to resolutions 997 (ES-I), 999 (ES-I) and 1002 (ES-I). Resolution 997 (ES-I) contained a specific provision on the clearing of the Suez Canal (see above, para. 188). Resolutions 999 (ES-I) and 1002 (ES-I) reaffirmed resolution 997 (ES-I).

308/ The resolution was adopted by 65 votes to none, with 9 abstentions (G A (XI), Plen., 594th mtg., para. 159).

309/ Paragraph 1 of the resolution dealt with another matter; see above, para. 104.

310/ The report referred to was the Secretary-General's report of 20 November 1956 (G A (XI), Annexes, vol. II, a.i. 66, p. 10, A/3376).

192. On 10 January 1957, the Secretary-General submitted a second report 311/ to the General Assembly on the measures he had taken on the clearing of the Suez Canal in pursuance of resolution 1121 (XI). The report informed the General Assembly that he had appointed 312/ a special representative to assist him the conduct of the clearing operations and it outlined a plan of work 313/ drawn up in consultation with the special representative.

193. The report also transmitted to the General Assembly the text of an agreement 314/ with the Government of Egypt concerning the clearing operations. The agreement consisted of an exchange of letters, dated 8 January 1957. The first was addressed by the Secretary-General to the Foreign Minister of Egypt, the second was the Foreign Minister's reply to the Secretary-General's letter.

194. The Secretary-General's letter advised the Foreign Minister that "the United Nations would be prepared to assist the Government of Egypt by undertaking the operation necessary for the speedy clearance of the Canal". 315/ The letter specified that:

"It is envisaged that the United Nations would conduct the clearance operation through contractual arrangements with private firms which would have the primary responsibility for the work under the direction and control of the Secretary-General and his special representative. Such sub-contractual arrangements as may have to be entered into by the prime contractors in order to expedite the work would be subject to the approval of the Secretary-General.

"The undertaking would be regarded as a United Nations enterprise and its personnel would be under obligation to discharge their functions and regulate their conduct solely in the interests of the United Nations. In keeping with the United Nations responsibilities, the vessels would fly the flag of the United Nations in place of their national flags. The property and persons engaged in the clearance operation (including the contractors, sub-contractors and their personnel) would, in view of their United Nations character, be covered by the Convention on the Privileges and Immunities of the United Nations to which Egypt is a party, in so far as it may be applicable mutatis mutandis...". 316/

195. After referring to the question of responsibility for damage to persons and property and to salvage rights, the letter concluded by stating that, together with the reply of the Government of Egypt, it would constitute "an agreement between Egypt and the United Nations, effective from the date of the reply." 317/

196. The Foreign Minister's reply expressed "full agreement on, and acceptance of, the terms" of the Secretary-General's letter in the name of the Government of Egypt,

311/ G A (XI), Annexes, vol. II, a.i. 66, p. 38, A/3492.

312/ Ibid., para. 9.

313/ Ibid., annex I.

314/ Ibid., annex II.

315/ G A (XI), Annexes, vol. II, a.i. 66, p. 38, A/3492, annex II.

316/ Ibid.

317/ G A (XI), Annexes, vol. II, a.i. 66, p. 38, A/3492, annex II.

and specified that the "letter and this reply will be considered as constituting an agreement between Egypt and the United Nations". 318/

197. The Secretary-General's report of 10 January 1957 also dealt with financing the clearing operation. It stated that "the Secretary-General is not yet in a position to submit to the General Assembly complete cost estimates for the clearing operation". 319/ It indicated that, in the meantime, the Secretary-General had "approached all Member Governments suggesting that they might advance to the United Nations the funds required during the first phase. ... In response to his approach to the Member Governments, the Secretary-General has received firm assurances from a number of Governments that assistance by way of interim advances will be forthcoming". 320/

198. On 1 November 1957, the Secretary-General reported 321/ to the twelfth session of the General Assembly that "the final clearance of the Canal in all its stages, including the opening of ports and harbourages, was completed on 10 April ...". He noted that the cost of the operation had been paid by the United Nations from interim advances made by Member States in accordance with the assurances referred to in his report of 10 January 1957. The Secretary-General submitted the following recommendation to the General Assembly regarding the reimbursement of these advances:

"After consideration of various possible alternatives for meeting the costs of the operation ... the Secretary-General would recommend that, subject to reduction by such resources as might become otherwise available, repayment to contributor countries be effected by means of the application of a surcharge on Canal traffic under which arrangement a levy of 3 per cent on Canal tolls would be paid into a special United Nations account, the procedures to govern such payments to be negotiated with the Egyptian Government and with the other parties to the payments. On the basis of the current level of Canal traffic, it can be estimated that by this method the costs would be reimbursed over a period of about three years." 322/

199. On 14 December 1957, the General Assembly adopted 323/ resolution 1212 (XII), expressing its appreciation of the successful conclusion of the clearing operation and endorsing the Secretary-General's recommendations concerning the reimbursement of advances by Member States.

2. Functions exercised under General Assembly resolutions with respect to the situation in Hungary

200. The functions exercised by the Secretary-General under General Assembly resolutions concerning the situation in Hungary are dealt with in this Supplement under Article 2 (7). 324/

318/ Ibid. The agreement thus concluded between the United Nations and Egypt was registered with the United Nations and published (United Nations, Treaty Series, vol. 260, I, No. 3704, p. 61).

319/ Ibid., para. 14.

320/ Ibid., paras. 15 and 16.

321/ G A (XII), Annexes, a.i. 64, A/3719, para. 30.

322/ G A (XII), Annexes, a.i. 64, A/3719, para. 42.

323/ The resolution was adopted by 54 votes to none, with 19 abstentions (G A (XII), Plen., 730th mtg., para. 45).

324/ See Article 2 (7), paras. 74-81 and 102-108.

3. *Functions exercised under General Assembly and Security Council resolutions with respect to the situation in Jordan and Lebanon*

201. The present section of this study is devoted to the functions exercised by the Secretary-General with respect to the political situation in Jordan and Lebanon in the summer and autumn of 1958. It is divided into eleven subsections: The first (3a) deals with the functions entrusted to the Secretary-General by a resolution adopted by the Security Council on 11 June 1958 with respect to the dispatch of a United Nations observation group to Lebanon; the next four subsections (3b to 3e) describe the action taken by the Secretary-General in pursuance of the Security Council resolution; subsection 3 f deals with the functions entrusted to the Secretary-General by General Assembly resolution 1237 (ES-III) with respect to practical arrangements concerning Jordan and Lebanon; and the next five subsections (3g to 3k) describe the action taken by the Secretary-General in pursuance of that resolution.

a. FUNCTIONS ENTRUSTED TO THE SECRETARY-GENERAL BY THE SECURITY COUNCIL RESOLUTION OF 11 JUNE 1958 WITH RESPECT TO THE DISPATCH OF A UNITED NATIONS OBSERVATION GROUP TO LEBANON

202. By a letter dated 22 May 1958, 325/ the representative of Lebanon requested the Security Council to consider a complaint submitted by his Government "in respect of a situation arising from the intervention of the United Arab Republic in the internal affairs of Lebanon, the continuance of which is likely to endanger the maintenance of international peace and security". The letter stated that armed bands had infiltrated from Syria, destroying Lebanese life and property, and that arms from Syria had been supplied to individuals and bands in Lebanon seeking to overthrow the established authorities. The situation, it added, was aggravated by a violent campaign waged against the Lebanese Government by the press and radio of the United Arab Republic.

203. After placing the Lebanese complaint on the agenda and devoting several meetings to its discussion, the Council adopted 326/ the following resolution, dated 11 June 1958: 327/

"The Security Council,

"Having heard the charges of the representative of Lebanon concerning interference by the United Arab Republic in the internal affairs of Lebanon and the reply of the representative of the United Arab Republic,

"1. Decides to dispatch urgently an observation group to proceed to Lebanon so as to ensure that there is no illegal infiltration of personnel or supply of arms or other matériel across the Lebanese borders;

"2. Authorizes the Secretary-General to take the necessary steps to that end;

"3. Requests the observation group to keep the Security Council currently informed through the Secretary-General."

325/ S C, 13th yr., Suppl. for Apr.-June, p. 33, S/4007.

326/ The resolution was adopted by 10 votes to none, with 1 abstention (S C, 13th yr., 825th mtg., para. 82).

327/ S C, 13th yr., Suppl. for Apr.-June, p. 47, S/4023.

The action taken by the Secretary-General in pursuance of the resolution of 11 June 1958 is analysed in the following sections on the basis of the reports which he submitted to the Security Council and the statements which he made before that body.

b. APPOINTMENT BY THE SECRETARY-GENERAL OF THE MEMBERS OF THE UNITED NATIONS
OBSERVATION GROUP IN LEBANON AND RECRUITMENT OF MILITARY OBSERVERS

204. On 14 June 1958, the Secretary-General "appointed as members of the Observation Group to be set up in pursuance of the resolution Mr. Galo Plaza (Ecuador), Mr. Rajeshwar Dayal (India), and Major General Odd Bull (Norway)". 328/ Shortly after their appointment, the three members of the United Nations Observation Group in Lebanon (UNOGIL) travelled to Beirut, where they held a meeting on 19 June 1958, with the Secretary-General presiding. 329/

205. The Secretary-General put at the disposal of UNOGIL a secretariat and a staff of military observers which, by the end of November 1958, totalled 591 officers and men. 330/ The observers were recruited by the Secretary-General from the United Nations Truce Supervision Organization in Palestine (UNTSO) and from the national forces of several Member States, by arrangement with the Governments concerned. 331/ They were equipped with modern means of transportation and communication, such as jeeps, helicopters and radio systems.

c. CONCLUSION BY THE SECRETARY-GENERAL OF AN AGREEMENT CONCERNING
THE STATUS OF THE UNITED NATIONS OBSERVATION GROUP IN LEBANON

206. On 13 June 1958, the Secretary-General addressed a letter 332/ to the Foreign Minister of Lebanon, proposing to extend to the members and military observers of UNOGIL, over and above the status which they enjoyed under the General Convention, 333/ "the privileges and immunities, exemptions and facilities which are enjoyed by diplomatic envoys in accordance with international law". The letter specified that immunities necessary for the fulfilment of the functions of UNOGIL included unrestricted right of communication and freedom of entry and movement for personnel and equipment. It stated, in conclusion, that:

"If these proposals meet with your approval, I should like to suggest that this letter and your reply should constitute an agreement between the United Nations and Lebanon, to take effect from the date of the arrival of the first members of the Observation Group in Lebanon."

207. The Foreign Minister of Lebanon replied in writing on the same day, expressing his Government's "acceptance of the terms" of the Secretary-General's letter, and stating that his reply and the Secretary-General's letter constituted "an agreement between the United Nations and Lebanon". 334/

328/ Press release, 14 June 1958, SG/687 (mimeographed); also S C, 13th yr., Suppl. for Apr.-June, p. 70, S/4029, para. 2.

329/ S C, 13th yr., Suppl. for Apr.-June, p. 119, S/4038, para. 3.

330/ S C, 13th yr., Suppl. for Oct.-Dec., p. 7, S/4114, para. 7.

331/ S C, 13th yr., Suppl. for Apr.-June, p. 70, S/4029, paras. 4-8 and 11.

332/ *Ibid.*, annex II.

333/ Convention on the Privileges and Immunities of the United Nations (United Nations, Treaty Series, vol. 1, I, No. 4, p. 15).

334/ The agreement thus concluded between the United Nations and Lebanon was registered with the United Nations and published (United Nations, Treaty Series, vol. 303, I, No. 4386, p. 271).

208. On 26 June 1958, the above agreement was amended 335/ to extend the diplomatic privileges and immunities granted therein to the "experts sent to Lebanon to perform missions in connexion with the work of the United Nations Observation Group in Lebanon".

d. DEFINITION BY THE SECRETARY-GENERAL OF THE FUNCTIONS OF THE
UNITED NATIONS OBSERVATION GROUP IN LEBANON

209. In a statement 336/ before the Security Council on 15 July 1958, the Secretary-General defined the functions to be exercised by UNOGIL under the Council's resolution of 11 June 1958.

210. The Secretary-General prefaced his statement with the following interpretation of the resolution:

"The Security Council, in deciding to dispatch to Lebanon an 'observation group', defined not only the character of the operation but also its scope. It did so by linking the observation to illegal traffic in arms and infiltration, requesting the Group to keep the Council currently informed of its findings. In taking this stand, the Council defined the limits for authority delegated to the Secretary-General in this case." 337/

211. On the basis of the above interpretation, the Secretary-General defined 338/ the mission entrusted to him by the Council as follows:

"I have, in the light of the decision, considered myself free to take all steps necessary for an operation, covering illegal traffic in arms and infiltration, as effective as it could be made as a tool towards ensuring against such traffic or infiltration with its basic character of observation maintained. I have had a free hand as to the structure and organization of the operation but have considered myself as barred from an interpretation of the authority granted which would have implied that I changed the policy, laid down by the Council, by my decisions on the scope of the operation and the authority of the observers."

212. The Secretary-General stated that his actions "had no relation to developments which must be considered as the internal affairs of Lebanon". 339/ He also emphasized the difference between an "observation operation" and a "police operation", noting that:

"In fact, had I, by going beyond the reasonable limits of a 'group' charged with 'observation', or by deciding on terms of reference exceeding observation, changed the observation operation into some kind of police operation, not only would I have overstepped the resolution but I would also have faced a conflict with principles laid down in the Charter. In a police operation, the participants would in this case need the right, if necessary, to take the initiative in the use of force. Such use of force would, however, have belonged to the sphere of Chapter VII of the Charter and could have been granted only by the Security Council itself, directly or by explicit delegation, under conditions spelled out in that chapter." 340/

335/ Ibid., pp. 278 and 280.

336/ S C, 13th yr., 827th mtg., paras. 58-69.

337/ Ibid., para. 62.

338/ S C, 13th yr., 827th mtg., para. 63.

339/ Ibid., para. 61.

340/ S C, 13th yr., 827th mtg., para. 64.

213. In its reports to the Council, UNOGIL made it clear that it had endeavoured to keep its operations within the limits defined by the Secretary-General. Thus, for instance, after describing the system of patrols and fixed stations set up in Lebanon, in a report 341/ submitted on 17 July 1958, UNOGIL stated:

"It should be emphasized ... that the Observation Group's operations and activities are directed mainly along the border areas. Permanent stations have been moving progressively closer to the frontiers on all sides. The development of the plans outlined in the report is fully in accordance with the mandate of the Security Council, which charged the Observation Group in its resolution of 11 June 1958 'to ensure that there is no illegal infiltration of personnel or supply of arms or other matériel across the Lebanese borders'."

214. In an interim report, 342/ UNOGIL also noted that access to the areas where it was conducting observation operations had been obtained through the consent of the authorities in control. In the case of areas under Government control consent had been given in advance by the Government itself. 343/ Regarding areas under the control of the opposition forces, UNOGIL wrote in its report of 1 July 1958:

"Where the frontier is controlled by opposition forces, the obtaining of free passage and safe-conduct throughout the area in question is, in practice, a prerequisite for effective observation in that area. Such passage can be granted only by the particular opposition leader in that district and has so far not been forthcoming. Steps have been taken to assure regular access to such areas, and it is to be hoped that the opposition leaders will grant the necessary safe-conducts for the observer patrols." 344/

215. Two weeks later, UNOGIL reported 345/ that the necessary safe conducts had been granted by the opposition leaders and that it had "completed the task of obtaining full freedom of access to all sections of the Lebanese frontier".

e. STATEMENT BY THE SECRETARY-GENERAL FOLLOWING THE FAILURE OF THE
SECURITY COUNCIL TO ADOPT A RESOLUTION PROVIDING ADDITIONAL
MEASURES WITH RESPECT TO THE SITUATION IN LEBANON

216. On 15 July 1958 the United States informed 346/ the Security Council that it was dispatching military forces to Lebanon at the express request of the Lebanese Government. It announced that these forces would be withdrawn from Lebanon as soon as the United Nations could protect the independence and political integrity of that country. In the course of the ensuing debate, the Security Council considered three draft resolutions, one submitted by Sweden, one by the United States and the third by the Union of Soviet Socialist Republics.

217. The preamble to the draft resolution submitted by Sweden 347/ recalled the terms of article 2 (7) of the Charter and stated that "the action now taken by the

341/ S C, 13th yr., Suppl. for July-Sept., p. 34, S/4052, para. 10; see also S C, 13th yr., Suppl. for Apr.-June, p. 47, S/4023.

342/ S C, 13th yr., Suppl. for July-Sept., p. 33, S/4051.

343/ Ibid., p. 3, S/4040 and Add.1, para. 5.

344/ Ibid., para. 15.

345/ Ibid., p. 33, S/4051, para. 1.

346/ S C, 13th yr., 827th mtg., para. 34 et seqq.

347/ S C, 13th yr., Suppl. for July-Sept., p. 38, S/4054.

United States Government has substantially altered the conditions under which the Security Council decided, on 11 June 1958, to send observers to Lebanon". The operative part of the draft resolution requested "the Secretary-General to suspend the activities of the observers in Lebanon until further notice".

218. The preamble to the draft resolution submitted by the United States ^{348/} referred to General Assembly resolutions 290 (IV), "Essentials of peace" and 380 (V), "Peace through deeds" and to statements made in the course of the debate by the representatives of Lebanon and the United States. In the operative part of the draft resolution, the Security Council:

"1. Invites the United Nations Observation Group in Lebanon to continue to develop its activities pursuant to the Security Council resolution of 11 June 1958;

"2. Requests the Secretary-General immediately to consult the Government of Lebanon and other Member States as appropriate with a view to making arrangements for additional measures, including the contribution and use of contingents, as may be necessary to protect the territorial integrity and independence of Lebanon and to ensure that there is no illegal infiltration of personnel or supply of arms or other matériel across the Lebanese borders;

"3. Calls upon all Governments concerned to co-operate fully in the implementation of the present resolution;

"4. Calls for the immediate cessation of all illegal infiltration of personnel or supply of arms or other matériel across the Lebanese borders, as well as attacks upon the Government by Lebanon by government-controlled radio and other information media calculated to stimulate disorders;

"5. Requests the Secretary-General to report to the Security Council as appropriate."

219. The draft resolution submitted by the Soviet Union ^{349/} concerned both the situation in Lebanon and the situation in Jordan. ^{350/} The preamble characterized actions by the United States in Lebanon and the United Kingdom in Jordan as violations of Article 2 (7) of the Charter and as "a serious threat to international peace and security". The operative part called upon the Governments of the United States and of the United Kingdom "to cease armed intervention in the domestic affairs of the Arab States and to remove their troops from the territories of Lebanon and Jordan immediately".

220. The three draft resolutions were put to the vote at the 834th meeting of the Security Council, on 18 July 1958. The draft resolution submitted by the United States was not adopted ^{351/} because of the lack of unanimity of the permanent members of the Council. The other two draft resolutions were rejected ^{352/} by majority votes.

^{348/} Ibid., p. 31, S/4050/Rev.1

^{349/} S C, 13th yr., 831st mtg., S/4047/Rev.1, para. 88.

^{350/} See below para. 226.

^{351/} There were 9 votes in favour of the draft resolution, 1 against and 1 abstention. The negative vote was cast by the USSR, a permanent member of the Council (S C, 13th yr., 834th mtg., para. 68).

^{352/} The draft resolution submitted by Sweden was rejected by 9 votes to 2 (S C, 13th yr., 834th mtg., para. 69); the draft resolution submitted by the USSR was rejected by 8 votes to 1, with 2 abstentions (S C, 13th yr., 834th mtg., para. 67).

221. Three days later, another draft resolution 353/ concerning the situation in Lebanon was submitted to the Council by the representative of Japan. As subsequently revised by its sponsor, the draft resolution read:

"The Security Council,

"Having further heard the charges of the representative of Lebanon concerning interference by the United Arab Republic in the internal affairs of Lebanon and the reply of the representative of the United Arab Republic,

"1. Requests the Secretary-General to make arrangements forthwith for such measures, in addition to those envisaged by the resolution of 11 June 1958, [354/] as he may consider necessary in the light of the present circumstances, with a view to enabling the United Nations to fulfil the general purposes established in that resolution, and which will, in accordance with the Charter of the United Nations, serve to ensure the territorial integrity and political independence of Lebanon, so as to make possible the withdrawal of United States forces from Lebanon;

"2. Requests the Secretary-General to report to the Security Council on the arrangements made;

"3. Calls upon the Governments concerned to co-operate fully in the implementation of this resolution."

222. The above text was put to the vote at the 837th meeting of the Security Council, on 22 July 1958, but was not adopted, 355/ owing to lack of unanimity among the permanent members of the Council.

223. Immediately after the vote, the Secretary-General made a statement 356/ concerning the situation confronting the United Nations. He began by observing that:

"The Security Council has just failed to take additional action in the grave emergency facing us. However, the responsibility of the United Nations to make all efforts to live up to the purposes and principles of the Charter remains.

"The Council now has before it two proposals for the calling of an emergency special session of the General Assembly. I cannot anticipate its decision on those proposals. However, time is of the essence, and, whatever the outcome of the further consideration in this Council, there is need for practical steps to be taken without any delay. That is the background against which I would like to make the following declaration." 357/

353/ S C, 13th yr., Suppl. for July-Sept., p. 38, S/4055/Rev.1.

354/ S C, 13th yr., Suppl. for Apr.-June, p. 47, S/4023.

355/ There were 10 votes in favour of the draft resolution and 1 against; the negative vote was cast by the USSR (S C, 13th yr., 837th mtg., para. 9).

356/ S C, 13th yr., 837th mtg., paras. 10 and 11.

357/ For the two proposals referred to, see draft resolution S/4056, submitted by the United States (S C, 13th yr., 834th mtg., para. 72) and draft resolution S/4057, submitted by the USSR (S C, 13th yr., Suppl. for July-Sept., p. 39). On 7 August 1958, the Security Council adopted the United States draft resolution in a revised form (see below, para. 227).

224. The Secretary-General then referred 358/ in the following terms to his responsibilities under the Charter:

"In a statement before this Council on 31 October 1956, I said that the discretion and impartiality imposed on the Secretary-General by the character of his immediate task must not degenerate into a policy of expediency. 359/ On a later occasion - it was 26 September 1957 - I said in a statement before the General Assembly that I believed it to be the duty of the Secretary-General 'to use his office and, indeed, the machinery of the Organization to its utmost capacity and to the full extent permitted at each stage by practical circumstances'. I added that I believed that it is in keeping with the philosophy of the Charter that the Secretary-General also should be expected to act without any guidance from the Assembly or the Security Council should this appear to him necessary towards helping to fill any vacuum that may appear in the systems which the Charter and traditional diplomacy provide for the safeguarding of peace and security. 360/

"It is my feeling that, in the circumstances, what I stated in those two contexts, on 31 October 1956 and 26 September 1957, now has full application.

"I am sure that I will be acting in accordance with the wishes of the members of the Council if I, therefore, use all opportunities offered to the Secretary-General, within the limits set by the Charter and towards developing the United Nations effort, so as to help to prevent a further deterioration of the situation in the Middle East and to assist in finding a road away from the dangerous point at which we now find ourselves."

225. The Secretary-General concluded 361/ his statement by outlining the action he intended to take with respect to the United Nations Observation Group in Lebanon (UNOGIL):

"First of all - the continued operation of the United Nations Observation Group in Lebanon being acceptable to all members of the Council - this will mean the further development of the Observation Group so as to give it all the significance it can have, consistent with its basic character as determined by the Security Council in its resolution of 11 June 1958 [362/] and the purposes and principles of the Charter.

"The Council will excuse me for not being able to spell out at this moment what it may mean beyond that. However, I am certain that what I may find it possible to do, acting under the provisions of the Charter and solely for the purposes of the Charter, and guided by the views expressed around this table to the extent that they have a direct bearing on the activities of the Secretary-General, will be recognized by you as being in the best interests of the Organization and, therefore, of the cause of peace.

"The Security Council would, of course, be kept fully informed on the steps taken. Were you to disapprove of the way these intentions were to be translated by me into practical steps, I would, of course, accept the consequences of your judgement."

358/ S C, 13th yr., 837th mtg., paras. 12-14.

359/ S C, 13th yr., 751st mtg., para. 4; see also this Supplement, under Article 100.

360/ See below, para. 307.

361/ S C, 13th yr., 837th mtg., paras. 15-17.

362/ S C, 13th yr., Suppl. for Apr.-June, p. 47, S/4023.

f. FUNCTIONS ENTRUSTED TO THE SECRETARY-GENERAL BY GENERAL ASSEMBLY
RESOLUTION 1237 (ES-III) WITH RESPECT TO PRACTICAL
ARRANGEMENTS CONCERNING JORDAN AND LEBANON

226. After 17 July 1958, the Security Council considered the situation in Lebanon concurrently with an additional item included 363/ in its agenda on that day, concerning the "complaint by the Hashemite Kingdom of Jordan of interference in its domestic affairs by the United Arab Republic". Shortly after the inclusion of the item in the agenda, the Council was informed by the representative of Jordan 364/ and of the United Kingdom 365/ that, at the request of Jordan, the United Kingdom had sent military forces to that country. The representative of the United Kingdom observed that the action had been taken in order to preserve Jordan's political independence and territorial integrity until such time as arrangements could be made by the Council to maintain peace and security in the area and protect the Government of Jordan from external threats. 366/

227. On 7 August 1958 the Security Council, finding that the lack of unanimity of its permanent members, as reflected in the votes on the draft resolutions mentioned above, 367/ had prevented it from exercising its primary responsibility for the maintenance of international peace and security, called 368/ an emergency special session of the General Assembly to consider the situation in Jordan and in Lebanon.

228. In pursuance of the Council's decision, the General Assembly held an emergency special session from 8 to 21 August 1958. In the course of the session, the Security Council received a further report 369/ from UNOGIL, concluding that:

"the situation in regard to the possible infiltration of personnel and the smuggling of arms from across the border is that, while there may have been a limited importation of arms into some areas prior to the presidential election on 31 July, any such movement has since markedly diminished. A virtual truce has prevailed since about that time in most of the disturbed areas". 370/

229. On 21 August 1958 - the last day of the emergency special session - the General Assembly adopted 371/ a resolution requesting the Secretary-General to make practical arrangements in relation to Jordan and Lebanon. This resolution, 1237 (ES-III), consisted of a preamble and four operative sections. The preamble referred to the principles of the Charter and the Pact of the League of Arab States and expressed the General Assembly's desire to relieve international tensions.

230. Section I of the resolution welcomed renewed assurances given by the members of the League of Arab States to observe the principle of non-intervention in the internal affairs of other members, laid down in the Pact of the League, and called upon all Members of the United Nations

363/ S C, 13th yr., 831st mtg., para. 15.

364/ Ibid., paras. 18-26.

365/ Ibid., paras. 27-34.

366/ Ibid., para. 30.

367/ See paras. 220-222.

368/ See resolution S/4083, S C, 13th yr., Suppl. for July-Sept., p. 126.

369/ S C, 13th yr., Suppl. for July-Sept., p. 127, S/4085.

370/ Ibid., para. 42.

371/ The resolution was adopted unanimously (G A (ES-III), Plen., 746th mtg., para. 161).

"to act strictly in accordance with the principles of mutual respect for each other's territorial integrity and sovereignty, of non-aggression, of strict non-interference in each other's internal affairs, and of equal and mutual benefit, and to ensure that their conduct by word and deed conforms to these principles".

231. Section II of the resolution concerned practical arrangements regarding the above; it

"Requests the Secretary-General to make forthwith, in consultation with the Governments concerned and in accordance with the Charter, and having in mind section I of this resolution, such practical arrangements as would adequately help in upholding the purposes and principles of the Charter in relation to Lebanon and Jordan in the present circumstances, and thereby facilitate the early withdrawal of the foreign troops from the two countries".

232. Section III invited the Secretary-General to continue the studies he had undertaken in the course of 1958 with respect to the establishment of an Arab development institution designed to further economic growth in the Arab countries of the Near East.

233. Section IV requested Member States to co-operate in implementing the resolution and invited the Secretary-General "to report hereunder, as appropriate, the first such report to be made not later than 30 September 1958".

234. On 29 September 1958, the Secretary-General submitted a report 372/ on measures taken by him to implement sections II and III of resolution 1237 (ES-III). With respect to section III, the Secretary-General concluded from his consultations in the Middle East, that:

"... while there was a wide-spread interest in a constructive approach to the development problem along the lines on which the Arab League had already embarked, it was felt that a successful re-activation of economic co-operation might require that some further progress should be made in the political field, and also that financial surpluses should become available from national sources beyond what, in view of imperative domestic needs which have to be met, seemed likely within the immediate future".

235. The parts of the Secretary-General's report which were devoted to the implementation of section II of resolution 1237 (ES-III) are discussed in the sections which follow. They contain an analysis of the functions entrusted to the Secretary-General by the resolution, a description of the practical arrangements made in relation to Jordan and Lebanon, a summary of the information transmitted to the Secretary-General by the United Kingdom and United States Governments with respect to the withdrawal of their armed forces from Jordan and Lebanon, and the Secretary-General's instructions for the withdrawal of UNOGIL.

G. ANALYSIS BY THE SECRETARY-GENERAL OF THE FUNCTIONS ENTRUSTED
TO HIM BY GENERAL ASSEMBLY RESOLUTION 1237 (ES-III)

236. At the outset of its analysis of the functions entrusted to the Secretary-General by General Assembly resolution 1237 (ES-III), the Secretary-General's report of 29 September 1958 expressed the view that the General Assembly's mandate excluded mediation and good offices. It stated in that respect:

372/ A/3934/Rev.1 (mimeographed).

"As the task of the Secretary-General is limited to practical arrangements it is, in the first place, clear that it does not cover a mediation of good offices intended to further the implementation among the Arab States of their agreed policy". 373/

237. Regarding the Secretary-General's functions and responsibilities under resolution 1237 (ES-III) with respect to the withdrawal of foreign forces, the report specified that:

"While the resolution does not - as was the case in the Suez question - establish negotiations regarding withdrawals as a task of the Secretary-General, he is, under the resolution, to facilitate 'early withdrawal' by the practical arrangements he is requested to make. For that purpose he must inform himself about the intentions of the Governments concerned and consult with them with a view to clarifying the relationship between the practical arrangements to be made and the withdrawals. Likewise, he must maintain contact with Governments so as to be able to respond to the invitation of the General Assembly to him to report on the developments under the resolution also in this respect. These contacts or consultations, however, include responsibilities for him regarding the withdrawals only to the extent which follows from the relationship, established in the resolution, between the implementation of a good neighbour policy, the practical arrangements which the Secretary-General is in a position to make in its support, and the withdrawal." 374/

238. Having indicated some of the measures excluded by resolution 1237 (ES-III), the report analysed the functions entrusted to the Secretary-General by that resolution as follows:

"What emerges as the task of the Secretary-General under the resolution is in the first instance to consult with the Arab Governments concerned regarding their views on the need for, and form of, practical arrangements as envisaged in the resolution. In the second place he has to see how he can relate the various governmental positions, as determined in the course of the consultations, so that they can best serve and support the implementation of a general good neighbour policy, especially in relation to Lebanon and Jordan." 375/

239. With respect to the nature of the practical arrangements which resolution 1237 (ES-III) requested the Secretary-General to make, the report expressed the view that these arrangements should serve a dual purpose, stated in the following terms:

"... the practical arrangements should, on the one hand, provide means for the United Nations to keep the implementation of part I, and the policy it establishes, continuously within its purview and, on the other hand, provide means for the United Nations, in case of departures from a good neighbour policy, as set out in the resolution, to take appropriate diplomatic or political action. The two sets of arrangements, although naturally closely related, should be kept strictly apart so that neither the arrangements for the purview may come to be used also for diplomatic purposes, nor the character of the diplomatic arrangements may be distorted by their being used also for the purpose of the purview. The natural link between the two sets of arrangements is the office of the Secretary-General which would receive reports on the findings, made in the course of the purview, and

373/ Ibid., para. 12.

374/ A/3934/Rev.1 (mimeographed), para. 14.

375/ A/3934/Rev.1 (mimeographed), para. 15.

decide on the political or diplomatic action to be taken through the means created for that purpose." 376/

240. The Secretary-General's report of 29 September 1958 informed the General Assembly that during August and September 1958, he had visited "the capitals of the nations most directly concerned with the problem, for personal talks". 377/ The report then dealt with the practical arrangements which had been made as a result of the Secretary-General's consultations with the Governments concerned.

h. PRACTICAL ARRANGEMENTS MADE BY THE SECRETARY-GENERAL
IN RELATION TO JORDAN

241. Before describing the practical arrangements made in relation to Jordan under General Assembly resolution 1237 (ES-III), the Secretary-General's report recalled that the representative of Jordan had informed 378/ the General Assembly that "his Government did not accept the stationing of a United Nations force in Jordan nor the organization of a border observation group in the country for purposes similar to those served by UNOGIL in Lebanon. This view was restated to me [the Secretary-General] in the consultations in Amman". 379/ Commenting on Jordan's position, the Secretary-General observed:

"As from the beginning it had been also my view that neither a United Nations force nor a border observation group would adequately serve the purposes of the resolution in relation to Jordan; I accepted this stand of the Government of Jordan." 380/

242. The report noted, however, that in the course of the Secretary-General's visit to Amman

"Jordan stated its willingness to serve as host country for a United Nations representative, properly staffed, to serve as a special representative of the Secretary-General to assist in the implementation of the resolution, specifically with a view to help in upholding the purposes and principles of the Charter in relation to Jordan in the present circumstances." 381/

243. In his report the Secretary-General stated that, in view of Jordan's position on the matter, the

"Under-Secretary in charge of the European Office of the United Nations in Geneva, has been assigned to go to Amman in order to work out the necessary practical arrangements for the new operation with the Governments concerned. He proceeded to Amman on 27 September. In the course of his stay there he will also,

376/ A/3934/Rev.1 (mimeographed), para. 24.

377/ Ibid., para. 17.

378/ G A (ES-III), Plen., 735th mtg., para. 51; ibid., 738th mtg., para. 8.

379/ A/3934/Rev.1 (mimeographed), para. 26.

380/ Ibid., para. 27.

381/ Ibid., para. 29.

on a preliminary basis, serve as special representative with the terms of reference mentioned above...". 382/

244. Emphasizing the difference between the mission of the Secretary-General's special representative in Amman and the mission of the United Nations Observation Group in Lebanon (UNOGIL), the report observed that:

"... the terms of reference of the Group precluded it from reporting on all the possible departures from a satisfactory implementation by Arab States of the principles of the resolution in relation to Lebanon. This marks a basic difference between the Observation Group in Lebanon and the planned arrangement in relation to Jordan. The Observation Group must follow any infiltration and smuggling of arms, and its reports are public. The special representative in relation to Jordan should follow any departures from the principles of the resolution and report to the Secretary-General, for further action, but his findings would not be public unless their nature would seem to call for a circulation of a report in the United Nations." 383/

245. The appointment of a special representative stationed at Amman served the first purpose 384/ of the practical arrangements the General Assembly had requested the Secretary-General to make. As to the second purpose, the report stated that it had been agreed, in consultation with the Governments concerned, that the Secretary-General would appoint a second special representative who would visit the various Governments from time to time on behalf of the Secretary-General "for consultations and negotiations". 385/

246. The report summarized the dual arrangements described above as follows:

"Under the planned practical arrangements there will thus be two officials assigned to assist the Secretary-General, for purposes of the resolution: one keeping within his purview the implementation of the principles of the resolution by all nations in relation to Jordan; one serving as a special representative of the Secretary-General in such direct contacts of a diplomatic nature with the

382/ A/3934/Rev.1 (mimeographed), para. 31. The purpose of the "practical arrangements" referred to above was described by the Secretary-General as follows:

"The stationing in Jordan of a United Nations organ, for the purposes mentioned, gave rise to a practical problem because the new organ with this location would require an established and guaranteed line of communication. For practical reasons this would involve also the Governments of Lebanon and the United Arab Republic. However, as both these Governments have undertaken to grant all the facilities, including liaison offices in Beirut and Damascus, needed in support of the establishment of a United Nations organ in Jordan, I have concluded that the practical problems can be resolved and that the new organ can be stationed in Amman." (A/3934/Rev.1 (mimeographed), para. 30.)

383/ A/3934/Rev.1 (mimeographed), para. 41.

384/ See above, para. 239.

385/ A/3934/Rev.1 (mimeographed), para. 34. The report noted that the Government of Jordan had expressed preference for the permanent stationing of diplomatic representatives of the Secretary-General in the capitals of the Arab States. This, however, was considered undesirable by the Secretary-General and by the Governments of Iraq and the United Arab Republic (ibid., paras. 33-35).

Governments concerned as the Secretary-General may find called for in the light of the findings of the representative charged with the purview. The last mentioned representative would for practical reasons be stationed in Jordan, while the diplomatic spokesman would be at Headquarters." 386/

i. PRACTICAL ARRANGEMENTS MADE BY THE SECRETARY-GENERAL
IN RELATION TO LEBANON

247. Turning to the situation in Lebanon, the Secretary-General's report of 29 September 1958 observed that it had been agreed during his consultations with Lebanese authorities that the United Nations Observation Group in Lebanon, set up under the Security Council resolution of 11 June 1958 "presents a practical arrangement in the sense of the resolution of the General Assembly, 21 August 1958 /1237 (ES-III)7, and in present circumstances, with the further development of it envisaged, adequately helps in upholding the purposes of the Charter in relation to Lebanon". He added that it "was found unnecessary for the time being to consider any additional practical arrangements...". 387/

j. TRANSMISSION BY THE SECRETARY-GENERAL OF INFORMATION CONCERNING
THE WITHDRAWAL OF FOREIGN FORCES FROM JORDAN AND LEBANON

248. In his report of 29 September 1958, the Secretary-General informed the General Assembly that, in view of the practical arrangements he had made in relation to Jordan and Lebanon, the United Kingdom and United States Governments had expressed their willingness to withdraw their forces from these two countries. 388/

249. On 10 November 1958, the Secretary-General informed 389/ the General Assembly that "the withdrawal of United States troops from Lebanon was completed on 25 October and the withdrawal of United Kingdom troops from Jordan on 2 November 1958". Since the withdrawal of the United Kingdom troops from Jordan had to be made by air over Lebanon and the United Arab Republic, the operation required the prior consent of the Governments of these two countries. As the Secretary-General indicated in a subsequent report 390/ to the General Assembly, this consent was obtained through negotiations conducted on his behalf by a member of the United Nations Observation Group in Lebanon (UNOGIL).

k. ISSUANCE BY THE SECRETARY-GENERAL OF INSTRUCTIONS FOR THE
WITHDRAWAL OF THE UNITED NATIONS OBSERVATION GROUP IN
LEBANON

250. As a result of the events and decisions described in the preceding sections, the Foreign Minister of Lebanon, on 16 November 1958, requested the Security Council "to delete from the list of matters before it the Lebanese complaint submitted to it on 22 May 1958". 391/ On 17 November the United Nations Observation Group in Lebanon

386/ A/3934/Rev.1 (mimeographed), para. 36.

387/ A/3934/Rev.1 (mimeographed), paras. 39 and 40.

388/ Ibid., paras. 42 and 43.

389/ A/3986 (mimeographed), para. 1.

390/ A/4056 (mimeographed).

391/ S C, 13th yr., Suppl. for Oct.-Dec., p. 6, S/4113, para. 4. On 25 November 1958, the Council acceded to the request of the Foreign Minister and deleted the Lebanese complaint from the list of matters of which it was seized (S C, 13th yr., 840th mtg., paras. 22-26).

(UNOGIL) reported 392/ to the Council that it had "come to the conclusion that its task under the 11 June resolution may now be regarded as completed".

251. On the same day, the Secretary-General informed 393/ the Council that, in view of the conclusions of UNOGIL and the request of the Foreign Minister of Lebanon, he had asked UNOGIL to present a plan for its withdrawal from Lebanon in consultation with the Government of that country. The Secretary-General noted that:

"I have taken this step under the authorization given to the Secretary-General in the Security Council resolution of 11 June 1958 to take the necessary steps for implementation of the Security Council's decision. The instruction given to the Observation Group implies that I consider the task of the Group as completed and that my remaining duty under the resolution thus covers only the necessary measures for the liquidation of the operation." 394/

252. A few days later, UNOGIL submitted a plan 395/ for its withdrawal from Lebanon. The plan received the approval of the Secretary-General and the Government of Lebanon, and was carried out during December 1958.

4. Functions exercised by the Secretary-General under the powers inherent in his Office

253. The present section deals with functions exercised by the Secretary-General without a mandate from a United Nations organ; in other words, under the powers inherent in his Office. It is divided into two parts: a. "Diplomatic functions" and b. "Other functions".

a. DIPLOMATIC FUNCTIONS

254. The great majority of the functions exercised by the Secretary-General with respect to political and security questions were of a diplomatic nature. As he himself stated, in a speech delivered in Oslo on 3 June 1958: 396/

"Over the years, the weight of the work of the Secretary-General has increasingly moved from what are conventionally regarded as political and administrative tasks to the diplomatic ones. This has not stemmed from any direct or planned developments; it has happened under the pressure of practical needs which have increasingly made themselves felt."

392/ S C, 13th yr., Suppl. for Oct.-Dec., p. 7, S/4114, para. 20.

393/ Ibid., p. 13, S/4115.

394/ S C, 13th yr., Suppl. for Oct.-Dec., p. 14, S/4115, para. 2; for "resolution of 11 June 1958", see S C, 13th yr., Suppl. for Apr.-June, p. 47, S/4023.

395/ S C, 13th yr., Suppl. for Oct.-Dec., p. 14, S/4116.

396/ United Nations, Today's World and the United Nations: Four addresses by Secretary-General Dag Hammarskjöld, "III. Why the United Nations? An Answer", p. 25.

255. In another speech, 397/ the Secretary-General expressed the belief that it is "diplomacy, not speeches and votes, that continues to have the last word in the process of peace-making".

256. The diplomatic functions exercised by the Secretary-General with respect to political and security questions were of two kinds. Some were undertaken under mandates of United Nations organs; these are dealt with in the foregoing sections 398/ in the study of action taken by the Secretary-General under United Nations resolutions. Others were carried out without a mandate, under the powers inherent in the Office of the Secretary-General; they form the subject-matter of the present section.

257. Study of the diplomatic functions exercised by the Secretary-General under the powers inherent in his Office with respect to political and security questions encounters two serious difficulties which impart a tentative and fragmentary character to any analysis of these functions.

258. The first difficulty stems from new and extensive development of these functions. Though they represented continuations of practices originating in the League of Nations, they received fresh impetus and underwent a process of expansion and evolution. The Secretary-General emphasized 399/ the pragmatic character of this development and the difficulty of spelling it out "in theoretical terms".

259. The second difficulty resides in the necessarily confidential character of the Secretary-General's diplomatic activity. As he himself pointed out, 400/ "He is in a position of trust vis-à-vis all the Member Governments. He speaks for no Government. It should go without saying that in the course of a negotiation, or a mission of good offices, he must respect fully the laws of diplomatic discretion...". Because of its confidential character, this activity was always carried out in private.

397/ Speech delivered at Ohio University on 5 February 1958 (Press release SG/656 (mimeographed), p. 3). In the same speech, the Secretary-General stated that:

"I think the experiences of the past 12 years have demonstrated that there is need to redress the balance between the public and private procedures of the United Nations if we are to make better progress in peace-making. When I speak of private procedures I mean here the methods of classical diplomacy as applied within the new framework provided by the Charter and the institutions of the World Organization. There has always been this practice of private - or quiet - diplomacy in the United Nations, and there has been a marked increase in its use within the past year or two. But the need for it is not sufficiently understood. The best results of negotiation between two parties cannot be achieved in international life, any more than in our private worlds, in the full glare of publicity with current public debate of all moves, unavoidable misunderstandings, inescapable freezing of position due to considerations of prestige, and the temptation to utilize public opinion as an element integrated in the negotiation itself" (*ibid.*, pp. 3 and 4).

398/ Sections II D 1, II D 2 and II D 3 of this study.

399/ Press conference, 5 Feb. 1959, Note No. 1934 (mimeographed), p. 6. The statements for the Press were issued at United Nations Headquarters, unless otherwise noted.

400/ Press release, 3 Feb. 1958, SG/656 (mimeographed), p. 6.

260. When such activity was exercised under a mandate of a United Nations organ, the Secretary-General from time to time submitted public and detailed reports to that organ, describing the measures taken by him and the results achieved. These reports are the basis for the description in the preceding section of this study of diplomatic and other functions carried out by the Secretary-General under United Nations resolutions with respect to political and security questions.

261. When, on the other hand, his diplomatic activity was exercised without a mandate, the Secretary-General did not issue public detailed reports. He did, however, make occasional public references to his diplomatic activity in written and oral statements to the Press, in speeches delivered before various bodies and in his annual reports on the work of the Organization.

262. It is on the basis of these public references that the present section examines the diplomatic functions exercised by the Secretary-General under the powers inherent in his Office with respect to political and security questions. Because of the "laws of diplomatic discretion", these public references were usually of a general character; they seldom mentioned specific cases or identified the States concerned. As a rule, they did not indicate the procedures followed or the results achieved. Though they cannot, therefore, serve as a basis for a complete analytical description of the type found in the preceding sections, they furnish examples of the diplomatic functions exercised by the Secretary-General under the powers inherent in his Office. They also shed light on the legal basis of these diplomatic functions, and they indicate some of the principles which guided the Secretary-General in their exercise.

1. Examples of diplomatic functions exercised
under the inherent powers

263. The examples of diplomatic functions mentioned by the Secretary-General in his public statements are grouped below under the following headings: (a) "Communications concerning démarches and appeals", (b) "Discussions and consultations", (c) "Good offices", (d) "Fact-finding activities", (e) "Negotiations concerning the implementation of an agreement providing for the demilitarization of the Mount Scopus area" and (f) "Formulation of agreed principles concerning the settlement of the Suez question".

(a) Communications concerning démarches and appeals

264. The functions connected with this group of the Secretary-General's activities consisted in action by which the Secretary-General informed the Government concerned of a démarche or appeal made to him by another Government. This action was described described 401/ by the Secretary-General in the following terms:

"... every time a démarche is made to me touching problems which also concern another country ... It is a matter of routine from one angle, and a matter of courtesy from another angle, to inform the other party concerned about the appeal and what has taken place ...".

265. The Secretary-General illustrated the functions of this group of activities by two examples. The first concerned a démarche made by the Albanian delegation with a view to restoring diplomatic relations between Albania and Greece; the second, an appeal addressed by several delegations from Africa and Asia in connexion with the situation in Algeria.

401/ Press conference, 25 Aug. 1955, Note No. 1158 (mimeographed), p. 10.

266. The Secretary-General referred to the Albanian démarche at one of his Press conferences 402/ in the following terms:

"In cases of this kind, it is not a question of being a mediator; it is not even a question of good offices; it is a question of being a letterbox. The presentation of the Albanian desire is forwarded by the Secretary-General to the other party concerned. It is an operation which is used now and again. The Secretariat in this respect functions very much like any third Government functions when there are no direct relations between two countries - that is, as a kind of purely formal go-between."

267. At a subsequent Press conference, 403/ the Secretary-General stated, in connexion with the African-Asian appeal:

"I have transmitted to the French delegation ... the views expressed to me by a number of delegations on the Arab side ... my information to the French delegation on what had been said on the appeal from the Asian-African group was information and not a démarche on my side; that is to say, from my point of view it does not require any reply or action from me."

(b) Discussions and consultations

268. The functions of the Secretary-General in this group were more complex. They consisted of discussions and consultations for the purpose of deeper understanding of the situations involved, lessening of international tensions, clarification of the United Nations position and possibilities of action, and exploration of potential solutions. They were mentioned frequently in his public pronouncements and covered a wide range of important international questions.

269. The functions in this group are illustrated by four examples, concerning the question of disarmament, preparation for a "summit conference", the situation in Laos and the Middle East question. All these matters were international problems of long standing; the discussions and consultations described below constituted only one aspect of the international efforts made to solve them.

270. The Secretary-General referred to his discussions and consultations on the question of disarmament at a Press conference held on 7 March 1956. Asked by a correspondent whether he could "take a direct action to break the present deadlock" on the disarmament question, the Secretary-General said: 404/

"If, by 'direct action', you mean public action, I do not think that it would be a good idea at all. On the other hand, if you mean continuing direct discussions with the delegations most deeply involved in order to try to find certain paths and to try to influence them in a direction which may give some promise of more tangible results, I think such contacts are most useful and certainly, on my side, they will be continued to whatever extent I find a basis for continuing them."

271. Reverting to the matter at a subsequent conference, the Secretary-General stated: 405/

-
- 402/ Press conference, 8 July 1955, Note No. 1131 (mimeographed), pp. 16 and 17.
403/ Press conference, 25 Aug. 1955, Note No. 1158 (mimeographed), pp. 10 and 11.
404/ Press conference, 7 Mar. 1956, Note No. 1248 (mimeographed), p. 14.
405/ Press conference, 8 Apr. 1958, Note No. 1779 (mimeographed), p. 13.

"I think that it is quite useful to put solidly on record with Member Governments how I look at various possibilities, how I look at various possible procedures, possible actions, and so on."

272. Concerning the preparation for a "summit conference", the Secretary-General was asked by a Press correspondent whether he foresaw the possibility that his "quiet diplomacy" would help "to narrow the gap between the East and the West ...". He replied as follows: 406/

"I do not put my target that high; I do not expect anything of the kind. But I do happen to believe that a frank exchange of views, in which I can express how this matter looks from my angle, from my office, is always useful and, at best, helpful."

273. With respect to his consultations and discussions on Laos, the Secretary-General said at a Press conference 407/ held on 18 June 1959:

"My attention to the situation in Laos was in fact aroused by the events themselves, and quite some time ago. You know that I was in Laos early this year, and later I remained in contact not only with the Government of Laos but also with other Governments which are directly or indirectly concerned with the remaining ex-Indochina problems. I believe that this kind of contact, where I can act - I would not call it as an adviser but, after all, representing the United Nations judgement and United Nations possibilities of action - is the most useful contribution I can make for the moment. That is to say, the contribution of the United Nations, as matters now stand, I believe, is entirely in the field of diplomacy, and in a fairly modest field of diplomacy."

274. With regard to discussions and consultations on the Middle East, the Secretary-General stated at one of his Press conferences: 408/

"... I think there is no need for very great imagination to see it [the United Nations] does quite a lot. It does quite a lot directly in current negotiations concerning small matters and major matters. It does quite a lot to bridge the gulfs, to act as a lightning conductor service for bringing high tensions down by explanations. It does a current operation from day to day, and even from hour to hour. It cannot and it will never make news because no single piece of it is news, and the whole thing, the continuous operation, should not be news because it is a matter of course. But it is an operation; it is very much like the constant attendance of a good nurse, which may be just as important as the operation itself. Surgeons' operations are news, the work of nurses is not."

(c) Good offices

275. On several occasions the Secretary-General emphasized the important part played by operations concerned with good offices in the diplomatic functions exercised under the powers inherent in his Office. Thus, in a speech delivered on 3 February 1958, 409/

406/ Press conference, 6 Mar. 1958, Note No. 1752 (mimeographed), p. 1.

407/ Press conference, Note No. 2006 (mimeographed), pp. 12-15. For a further statement by the Secretary-General on the situation in Laos, see below, para. 311.

408/ Press conference, 8 Mar. 1956, Note No. 1249 (mimeographed), p. 5.

409/ Press release SG/656 (mimeographed), p. 6.

he stated that he had "increasingly been used for operations of a purely diplomatic type, either on behalf of the United Nations as such, or for one government in relation to another on a good offices basis". On 18 June 1959, he indicated at a Press conference 410/ that "we have at present on our hands something like four operations which might be called 'good offices operations' of this type or another type", adding that it was "very difficult to run more than four 'good offices operations' reasonably well at the same time". At a subsequent Press conference, 411/ he said: "As regards the frequency of 'good offices operations', it is now fairly constant; if one falls away there is always another one which comes into the picture."

276. The Secretary-General gave two concrete examples of operations related to good offices. The first concerned a border dispute between Jordan and Syria; the second which took place later, related to a border dispute between Cambodia and Thailand.

277. Regarding the first example, the Secretary-General stated 412/ at a Press conference:

"I may however perhaps draw your attention to one very important development, and that is the one around the Syrian-Jordan border conflict which was one of the things I had in mind when I happened to mention this figure of four good offices operations 413/. You have seen recent information to the effect that there we have something which I would definitely qualify as clear progress. It is, as always, the result of the good will of the Governments concerned and of such co-operation as we have been able to give and such co-operation as the Arab League has been able to give."

278. As to the second example, the Secretary-General wrote: 414/

"At the end of last year, Cambodia and Thailand became involved in certain border difficulties which led to a suspension of diplomatic relations between the two countries. The two Governments invited the Secretary-General to send a special representative to assist them in their efforts to overcome the difficulties that had arisen. After consultation with the members of the Security Council, the Secretary-General acted in accordance with the invitation received. With the help of the good offices of the representative dispatched to the area, diplomatic relations between Cambodia and Thailand were resumed and the way paved to a general improvement of the relations between the two countries. Continued interest from the United Nations, in appropriate forms, may help the Governments in a policy aiming at increasing stability in the area on the basis of the general orientations chosen by the countries. This premise holds true also for the other Members of the Organization in the region."

410/ Press conference, 18 June 1959, Note No. 2006 (mimeographed), pp. 21, 22-25.

411/ Press conference, 23 July 1959, Note No. 2015 (mimeographed), p. 20.

412/ Ibid.

413/ See the statement by the Secretary-General at the Press conference held on 18 June 1959 (para. 275 above).

414/ "Introduction to the Annual Report of the Secretary-General on the work of the Organization, 16 June 1958-15 June 1959" (G A (XIV), Suppl. No. 1 A (A/4132/Add.1), p. 4); see also the Secretary-General's statement at Press conference held on 5 Feb. 1959, Note No. 1934 (mimeographed), pp. 6 and 7.

(d) Fact-finding activities

279. The Secretary-General referred to the fact-finding activities of his Office in a written statement issued on 27 August 1959 and at a Press conference held on 23 July 1959.

280. In the statement of 27 August 1959, 415/ the Secretary-General made it clear that he had, on several occasions, exercised fact-finding activities at the request of Governments of Member States. He did not, however, describe these activities or specify the occasions on which they were exercised.

281. At the Press conference of 23 July 1959, the Secretary-General was asked the following:

"I wonder if you could answer either one of these two related questions about Berlin. If the Big Four Powers were to agree to request a United Nations team to observe the propaganda activities in and about Berlin, would this activity come within the area that you have mentioned earlier as appropriate to United Nations action? And second, if they were to request you to set up such a team, would you feel that you could do so without specific authorization by the Security Council or by the General Assembly?" 416/

282. In his answer, 417/ the Secretary-General made it clear that, within the limits of budgetary appropriations, fact-finding activities fell within the powers inherent in his Office. The answer was as follows:

"As to the first question, you are right in your assumption; it is a kind of activity which I feel in principle falls within the competence of the United Nations. Fact-finding activity is nothing new, and I have understood the situation, or the proposals made, as aiming just at a fact-finding operation.

"Regarding the second question, it is a bit premature to talk about what is necessary budgetwise or financially or by way of authorization because it all depends on the scope and more detailed character of the operation which the four Foreign Ministers may have in mind. I would say, however, that if it does not involve us in undue budget problems, according to the interpretation that I have, it is so much within the scope of natural United Nations activities to help Member Governments in fact-finding, and similar things such as implementation of agreements, that I at least would consider very seriously going ahead, if there is a need to go ahead, without waiting for the Security Council or the General Assembly. And that is so particularly in view of the fact that if such a request were made, it would be made by four permanent Members of the Security Council."

(e) Negotiations concerning the implementation of an agreement providing for the demilitarization of the Mount Scopus area

283. In November 1957, the United Nations encountered difficulties in the performance of the duties entrusted to it by an agreement 418/ providing for the demilitarization

415/ Press release SG/849 (mimeographed). The statement is quoted below, in paras. 310 and 311.

416/ Press conference, 23 July 1959, Note No. 2015 (mimeographed), p. 5.

417/ Ibid.

418/ For the text of the agreement, see S C, 8th yr., Suppl. for Apr.-June, p. 28, S/3015, annex.

of the Mount Scopus area, 419/ which had been concluded on 7 July 1948 between the United Nations and the Arab and Jewish Military Commands.

284. During the following month, on 5 December 1957, the Secretary-General announced in a Press release 420/ that he had discussed the matter with the Governments of Israel and Jordan in the course of a visit to the Middle East, and that both Governments had "stated to the Secretary-General that they are willing, on a basis of reciprocity, to give full implementation to this agreement and that they accept, on that basis, the inspection of Mount Scopus by the United Nations which is necessary in order to fulfil United Nations responsibilities for checking that such implementation is established and maintained". The Secretary-General stated that he had "decided to assign a personal representative for [further] negotiations with the governments of the two countries with a view to full implementation of the 7 July 1948 Agreement for the Demilitarization of the Mount Scopus Area". 421/

285. On 18 January 1958, the Secretary-General published a report 422/ submitted by his personal representative on arrangements with the two Governments for full implementation of the Mount Scopus agreement and performance of the duties entrusted thereunder to the United Nations.

(f) Formulation of agreed principles concerning the settlement
of the Suez question

286. At the beginning of October 1956, when the Security Council was engaged in considering the Suez question, 423/ the Secretary-General, acting at the suggestion of the United Kingdom, 424/ conducted several exploratory conversations on the matter with the Ministers for Foreign Affairs of Egypt, France and the United Kingdom. 425/ At the 741st meeting of the Council, on 12 October 1956, the Secretary-General and the three Ministers for Foreign Affairs gave the Council oral accounts of these conversations. The meeting was held in private, and no record of the proceedings was published. It is known, however, from statements 426/ made by members of the Council at subsequent meetings held in public, that in the course of his account, the Secretary-General formulated six principles concerning the settlement of the Suez question; these had been agreed upon by the three Ministers for Foreign Affairs during the exploratory conversations.

419/ The area was located north-east of Jerusalem in what was the no-man's land between the Jewish and Jordanian front lines in 1948.

420/ Press release SG/635 (mimeographed).

421/ Ibid.

422/ Press release SG/653 (mimeographed).

423/ The question appeared in the agenda of the Security Council under the following heading:

"Situation created by the unilateral action of the Egyptian Government in bringing to an end the system of international operation of the Suez Canal which was confirmed and completed by the Suez Canal Convention of 1888" (S C, 11th yr., 735th-743rd mtgs.).

It was placed on the agenda at the request of France and the United Kingdom shortly after the nationalization of the Suez Canal Company by the Egyptian Government (S C, 11th yr., Suppl. for July-Sept., p. 47, S/3654).

424/ S C, 11th yr., 743rd mtg., para. 33.

425/ G A (XII), Suppl. No. 1 (A/3594), p. 7.

426/ S C, 11th yr., 742nd mtg.: President (France), paras. 32-35; Egypt, para. 42; Iran, para. 53; United Kingdom, paras. 13-17; 743rd mtg.: China, para. 18.

287. At the next meeting, on 13 October 1956, the representatives of France and the United Kingdom submitted a joint draft resolution 427/ based on the six principles formulated by the Secretary-General. The preamble to the joint draft noted the declarations made before the Security Council "and the accounts of the development of the exploratory conversations on the Suez question given by the Secretary-General of the United Nations and the Foreign Ministers of Egypt, France and the United Kingdom". The first operative paragraph quoted the six principles formulated by the Secretary-General. In it, the Security Council:

"1. Agrees that any settlement of the Suez question should meet the following requirements:

"(a) There should be free and open transit through the Canal without discrimination, overt or covert - this covers both political and technical aspects;

"(b) The sovereignty of Egypt should be respected;

"(c) The operation of the Canal should be insulated from the politics of any country;

"(d) The manner of fixing tolls and charges should be decided by agreement between Egypt and the users;

"(e) A fair proportion of the dues should be allotted to development;

"(f) In case of disputes, unresolved affairs between the Universal Suez Maritime Canal Company and the Egyptian Government should be settled by arbitration, with suitable terms of reference and suitable provisions for the payment of sums found to be due."

288. The other paragraphs of the operative part of the draft resolution dealt with the implementation of the six principles.

289. The joint draft resolution was put to a vote at the 743rd meeting of the Council, on 13 October 1956. The preamble and first operative paragraph were adopted unanimously. 428/ The other operative paragraphs were rejected 429/ because of the negative vote of a permanent member of the Council.

ii. Principles governing the exercise of diplomatic functions
under the inherent powers

290. The Secretary-General made several public statements with reference to the principles which had guided him in the exercise of diplomatic functions under the powers inherent in his Office. These statements concerned the following points: the prerequisite of the agreement of Governments; the Secretary-General's right of initiative; his role as representative of the United Nations with regard to Governments; the subject-matter of diplomatic functions exercised under the inherent

427/ The draft resolution (S C, 11th yr., Suppl. for Oct.-Dec., p. 19, S/3671) replaced an earlier draft which the two representatives had submitted at the 735th meeting (S C, 11th yr., Suppl. for Oct.-Dec., p. 5, S/3666).

428/ S C, 11th yr., 743rd mtg., para. 105. For the text of the resolution, see S C, 11th yr., Suppl. for Oct.-Dec., p. 47, S/3675.

429/ S C, 11th yr., 743rd mtg., para. 106.

powers; the effect of Charter provisions and United Nations resolutions; and, principles specifically concerning good offices or fact-finding activities.

(a) Prerequisite of the agreement of Governments

291. As in the case of other diplomatic functions, those coming under the powers inherent in the Office of the Secretary-General could be exercised only with the consent of the Government in respect of which they were exercised. The Secretary-General emphasized this point at a Press conference held on 8 May 1959. ^{430/} A correspondent had asked him to clarify "the limits of the active and preventive diplomacy of the Secretary-General" and to state in particular "in virtue of what principles we should expect of the Secretary-General a more active policy than that which limits itself to the execution of resolutions of the General Assembly or the Security Council". The Secretary-General answered in the following terms:

"The limits are imposed on the Secretary-General by two factors - on the one hand, by the Charter and, on the other hand, by the desires of the governments. In other words, as soon as the Secretary-General approaches functions that go beyond the duties that have been established for him by the Charter, what he does depends upon the acceptance and the good will of governments."

(b) Right of initiative of the Secretary-General

292. Referring to his diplomatic activities, the Secretary-General pointed out on several occasions that he was, as a rule, reluctant to take the initiative and preferred to respond to requests or suggestions made by Governments. Thus, at a Press conference held on 5 May 1955, the Secretary-General declared ^{431/} that he "has to see to it that he uses all the possibilities he can possibly have in his direct current contacts. That does not mean that he forces himself, his office or this Organization on the Government for this or that kind of action. It means ... a kind of intensified availability ...". At subsequent Press conferences, he maintained that the "role of the Secretary-General in the field of initiatives generally" is "subsidiary" ^{432/} and that "the Secretary-General should respond to needs and demands and not volunteer with any premature initiatives of his own". ^{433/}

293. If the Secretary-General found it advisable in most cases to leave the initiative to the Governments concerned, he nevertheless made it clear that, with the exception mentioned in paragraphs 303 and 304 below, the right of initiative belonged to his Office and on occasion had been exercised by him. As he pointed out, ^{434/} his position was not one of "negative neutrality"; he had the "right to take a stand in these [international] conflicts". On several occasions, he took the initiative of offering his "diplomatic services" to Governments. ^{435/} In one instance at least, he made

^{430/} Palais des Nations, Geneva. The original statement in French is not available; the quoted excerpts are from page 2 of the transcript of the English interpretation. For the use of the term "governments", see below, para. 294, foot-note 439.

^{431/} Press conference, 5 May 1955, Note No. 1090 (mimeographed), p. 9.

^{432/} Press conference, 26 Feb. 1959, Note No. 1947 (mimeographed), p. 6.

^{433/} Press conference, 8 June 1956, Note No. 1319 (mimeographed), p. 4.

^{434/} "Do we need the United Nations? - An affirmative answer", United Nations Review, June 1959, vol. 5, No. 12, p. 25.

^{435/} Press conference, 2 Jan. 1958, Note No. 1706 (mimeographed), p. 13.

formal "proposals" in the course of a "good offices operation". 436/ Though this instance was based on the implementation of the mandate which had been entrusted to him by the Security Council resolution of 4 April 1956 concerning the situation in the Middle East, 437/ it was, nevertheless, indicative of the scope of the diplomatic functions exercised under the powers inherent in his Office, since, as he himself stated after the adoption of the resolution, the mandate "neither detracts from nor adds to the authority of the Secretary-General under the Charter". 438/

(c) Role of the Secretary-General as representative of the United Nations with regard to Governments

294. It may be inferred from several statements made by the Secretary-General that the parties to the diplomatic activity carried out under the powers inherent in his Office were, on the one hand, the United Nations, represented by himself; and, on the other, Governments, 439/ acting through their official representatives. The statements in question follow.

295. The Secretary-General referred to his role as United Nations representative during a speech delivered in Copenhagen on 2 May 1959, 440/ in a passage dealing with the diplomatic functions exercised under the powers inherent in his Office. He observed that the possibility of United Nations interventions, such as the good offices conducted on behalf of the Secretary-General between Cambodia and Thailand, 441/

"is explained by the fact that in the manner I have indicated [442/] the Organization has begun to gain a certain independent position, and that this tendency has led to the acceptance of an independent political and diplomatic activity on the part of the Secretary-General as the 'neutral' representative of the Organization."

296. The Secretary-General referred to the other parties in his diplomatic activities at a Press conference held on 17 June 1958. 443/ On that occasion, he said that the United Nations

436/ The Secretary-General used the term "proposal" in his letter dated 2 May 1956 to the President of the Security Council and in his report to the Council pursuant to the resolution of 4 April 1956 (S C, 11th yr., Suppl. for Apr.-June, p. 27, S/3594; p. 30, S/3596, para. 67).

437/ S C, 11th yr., Suppl. for Apr.-June, S/3575; see also Repertory, Supplement No. 1, vol. II, under Article 98, para. 51 et seqq.

438/ S C, 11th yr., 722nd mtg., para. 51 et seqq.

439/ In referring to his diplomatic activities, the Secretary-General generally used the term "Governments", not "States".

440/ "Do we need the United Nations? - An affirmative answer", United Nations Review, June 1959, vol. 5, No. 12, p. 26.

441/ See above, para. 278.

442/ The reference is to an earlier passage of his speech, which read as follows: "To the extent that events have led the governments to accord an independent position as spokesman of the United Nations to the Secretary-General even politically, this has also given him wider opportunities for independent diplomatic activity". "Do we need the United Nations? - An affirmative answer", United Nations Review, June 1959, vol. 5, No. 12, p. 26.

443/ Press conference, 17 June 1958, Note No. 1824 (mimeographed), p. 6.

"... is an Organization of Governments, and the official relations of the Secretary-General are with spokesmen of Governments, with their ambassadors, or directly with the Governments. The Secretary-General, as Secretary-General, never contacts anybody over the head or at the side of a Government."

297. On another occasion, the Secretary-General made it clear that the fact that he could deal only with Governments would, in principle, prevent him from issuing a public appeal since such an appeal would be addressed "not to Governments but over the heads of Governments to public opinion". 444/ In this respect, however, the Secretary-General indicated a possible exception in the following terms: 445/

"In nine cases out of ten, a Secretary-General would destroy his chances of exerting an independent influence on developments by publicly appealing to opinion over the heads of the governments. Only in rare exceptions - in the tenth case, one might say - this is what the situation requires, and then he must of course be prepared to see his future value as a negotiator endangered or even lost. In the latter case, he ought, naturally, to resign from his post."

298. At a Press conference held on 5 May 1955, 446/ the Secretary-General specified that Governments which were not Members of the United Nations, as well as Member Governments, could be parties to his diplomatic activity. This activity, he said "... applies between Members and it applies between Members and non-Members, and I do not think that any few countries or any group of countries is excluded, provided I have something to say which makes sense and where I am on solid ground."

(d) Subject-matter of the diplomatic functions exercised under the inherent powers

299. The Secretary-General referred to the subject-matter of his diplomatic activities in a brief statement at a Press conference on 6 March 1958. 447/ The statement concerned consultations and discussions with the Soviet Government which he was then contemplating, but was expressed in general terms and appeared to apply to all the diplomatic activities carried out under the inherent powers of his Office. The statement was as follows:

"There is no agenda for the talks in Moscow. That means that all matters which are pending before the United Nations are also, in principle, pending for me during such discussions."

300. The word "pending" in the above statement should be interpreted to mean "falling within the competence of". Indeed, the Secretary-General stated at the same Press conference, 448/ "... I do not in my free activities, so to speak, consider myself bound by the United Nations General Assembly agenda". Moreover, on several occasions, he exercised diplomatic activities with respect to questions which did not appear on the agenda of any United Nations organ. 449/

444/ Press conference, 16 May 1957, Note No. 1601 (mimeographed), p. 11.

445/ "Do we need the United Nations? - An affirmative answer", United Nations Review, June 1959, vol. 5, No. 12, p. 26.

446/ Press conference, Note No. 1090 (mimeographed), p. 10.

447/ Press conference, Note No. 1752 (mimeographed), p. 1.

448/ Press conference, 6 Mar. 1958, Note No. 1752 (mimeographed), p. 2.

449/ Such was the case, for instance, in the border dispute between Cambodia and Thailand (see above, para. 278).

301. It follows from this interpretation of the word "pending" that the diplomatic functions exercised under the powers inherent in the Office of the Secretary-General might cover not only security and political questions but any matter falling within the competence of a United Nations organ.

(e) Effect of Charter provisions and United Nations resolutions

302. On several occasions the Secretary-General emphasized that in the exercise of his diplomatic functions, he must, as a matter of principle, conform to the Charter provisions and to the United Nations resolutions applicable to the situation with which he was dealing.

303. Regarding the binding effect of Charter provisions, the Secretary-General stated at a Press conference held on 11 May 1956 ^{450/} that "... the Secretary-General cannot possibly be supposed to have discussions with Member nations on any other basis than that of the Charter". Referring at a subsequent Press conference ^{451/} to the question whether the United Nations could investigate the situation in Algeria, the Secretary-General said:

"You know that even for the main organs, the Security Council and the General Assembly, there are very strict limits to the demands of that type [demand to conduct an investigation] that can be put to a member nation. The Secretary-General has no such rights. He can, for that reason, act only on the basis of some kind of good offices idea. In doing that, of course, he is himself at least limited to the same extent as the main organs of the United Nations. That is to say, I think that a good offices operation, which would, so to say, potentially infringe upon - or mean that he assumed authority in a way which would infringe upon - safeguards established in the Charter, which have to be respected by the main organs, is out of the question. In other words, in cases of this type - and I do not refer specifically to the case in point but to the several cases of good offices which have arisen in the last few years - the initiative in the final analysis must be an initiative of the Government directly concerned. It must be an initiative which is their own in the light of the consideration they wish to give to feelings expressed, but not in response to any specific demand, the legal justification of which we should not bring out for discussion."

304. Since the question of domestic jurisdiction had played a prominent part in previous discussions of the Algerian question before the General Assembly and the Security Council, it may be assumed that, in the above statement, the Secretary-General intended to refer to Article 2 (7) of the Charter.

305. As to the binding effects of United Nations resolutions, the Secretary-General declared ^{452/} with reference to the Security Council's resolutions on the Suez Canal:

"But these resolutions have never been shelved; they are part of United Nations legal history, and, for that reason, they are part of the background of whatever I am doing."

^{450/} Press conference, Note No. 1303 (mimeographed), p. 12, See also the Secretary-General's statement quoted above in para. 291.

^{451/} Press conference, 19 June 1957, Note No. 1616 (mimeographed), p. 8.

^{452/} Press conference, 23 Aug. 1956, Note No. 1378 (mimeographed), p. 16.

306. The Secretary-General further made it clear, in connexion with the binding effect of United Nations resolutions, that though a resolution had conferred upon him a mandate with respect to a particular situation it did not debar him from exercising the inherent powers of his Office with respect to that situation. ^{453/} Referring in particular to the mandate given him by the Security Council resolution of 4 April 1956, ^{454/} the Secretary-General said: ^{455/}

"... you must not forget that the Secretary-General remains the Secretary-General, and - something quite apart from the Security Council action, where I represent the Security Council - I have, of course, unlimited, my regular right to bring up with Governments points which I think are worth consideration because they tend to complicate matters or increase tension."

307. Since the Charter and the resolutions adopted by United Nations organs constituted the law applicable to his diplomatic activity, the Secretary-General sought in their provisions the necessary guidance for the exercise of the powers inherent in his Office. The fact, however, that, in a particular situation no guidance could be found either in the Charter or in United Nations resolutions did not debar him from exercising these powers. As he said in a speech ^{456/} delivered on the occasion of his appointment for a second term:

"... I believe that it is in keeping with the philosophy of the Charter that the Secretary-General should be expected to act also without such guidance [in the Charter or in the decisions of the main United Nations organs] should this appear to him necessary in order to help in filling any vacuum that may appear in the systems which the Charter and traditional diplomacy provide for the safeguarding of peace and security."

(f) Principles specifically concerned with good offices
or fact-finding activities

308. In addition to the general principles noted above, which applied to all diplomatic functions exercised under his inherent powers, the Secretary-General, in the Introduction to his 1959 Annual Report and in a written statement issued on 27 August 1959 formulated several principles specifically concerned with good offices or fact-finding activities. ^{457/}

309. In the former, ^{458/} the Secretary-General emphasized that, even in the absence of a mandate from a United Nations organ, "actions of a 'good offices' nature" fell "within the competence of" his Office ^{459/} when they were carried out with the consent

^{453/} Press conference, 5 Apr. 1956, Note No. 1265 (mimeographed), pp. 6 and 12; Press conference, 17 June 1958, Note No. 1824 (mimeographed), p. 21.

^{454/} See above, para. 293; see also S C, 11th yr., Suppl. for Apr.-June, S/3575, and Repertory, Supplement No. 1, vol. II, under Article 98, para. 51 et seqq.

^{455/} Press conference, 5 Apr. 1956, Note No. 1265 (mimeographed), p. 6. See also the Secretary-General's statement quoted above at the end of para. 293.

^{456/} G A (XII), Plen., 690th mtg., para. 73; see also paragraph 224 above.

^{457/} For examples of good offices and fact-finding activities, see above, paras. 275-278 and 279-282.

^{458/} "Introduction to the Annual Report of the Secretary-General on the Work of the Organization, 16 June 1958-15 June 1959" (G A (XIV), Suppl. No. 1 A (A/4132/Add.1)).

^{459/} G A (XIV), Suppl. No. 1 A (A/4132/Add.1), p. 3.

or at the invitation of the Governments concerned. He also indicated that, in several cases, 460/ he had entrusted the conduct of such operations to personal representatives dispatched on the spot and that, as "a matter of course, the members of the appropriate organ of the United Nations have been informed about the action planned by the Secretary-General and were given an opportunity to express views on it". 461/ The Secretary-General added, however, that these cases "should not be considered as setting precedents, especially as it always remains open to the appropriate organs to request that such an action, before being taken by the Secretary-General, be submitted to them for formal decision". 462/

310. The statement of 27 August 1959 463/ was divided into two parts. The first formulated several principles governing both good offices and fact-finding activities. It read as follows: 464/

"Until recently political fact-finding or 'good offices' missions have always been based on decisions by the General Assembly or the Security Council unless the Secretary-General in agreement with the government concerned and within the range of his competence, has gone on the mission personally.

"Lately, the Secretary-General has, in practice and without specific sanction from Charter provisions or decisions by the General Assembly or the Security Council, gone a step further. He has, thus, in the case of a conflict between two Member Countries, sent a personal representative at the joint request of those countries. He has, further, in the case of problems concerning only one Member country, acted on the invitation of that country."

311. The second part of the statement applied the principles formulated above to the situation prevailing in Laos at the time. 465/ It read as follows: 466/

"It must be considered as outside the competence of the Secretary-General to arrange a mission regarding the border situation in Laos without a prior decision by the General Assembly or the Security Council, or an invitation from Laos and the other country concerned. An alternative might be a joint initiative by the two Co-Chairmen of the Geneva Conference of 1954, after consultation with the two countries concerned, in view of their special responsibilities under the Geneva agreements. Naturally, the Secretary-General cannot act in a way which would involve an interpretation from his side of those agreements for which he has no authority.

"The sending of a representative to Laos for fact-finding purposes would be in line with the Secretary-General's attitude in other similar cases and would be arranged by him provided that the legal situation were to develop so as to make it constitutionally possible for him to act. What this involves has been explained above. On the basis of a desire expressed by the Government of Laos, the Secretary-General, otherwise, could send a representative to Laos only with terms

460/ The Secretary-General did not identify the cases in question.

461/ G A (XIV), Suppl. No. 1 A (A/4132/Add.1), p. 3.

462/ Ibid.

463/ "Statement by the Secretary-General on principles regarding fact-finding or 'good offices' missions" (Press release SG/849 (mimeographed)).

464/ Press release SG/849 (mimeographed).

465/ See above, para. 273.

466/ Press release SG/849 (mimeographed).

of reference limiting his task to developments proper to Laos itself which would not seem to serve the intended purpose.

"It should be emphasized that neither the Government of Laos, nor any other government, has requested the United Nations to send an observer or observers to the area."

b. OTHER FUNCTIONS

i. Exploration of political situations

312. Information on the studies or "explorations" of political situations carried out by the Secretary-General prior to diplomatic or other action may be found in the records of two Press conference, held on 7 March and 5 April 1956. At the first Press conference, 467/ the Secretary-General explained the reason that such studies were often undertaken by his Office as follows: "Whatever my personal ideology may be, I have certain obligations in relation to all the Member nations, and one primary obligation, of course, is to understand - without approval or disapproval - what the facts are and how they fit into the picture". At the second Press conference, 468/ he made it clear that the study or "exploration" of political situations represented a normal function of his Office, requiring no special authorization. He observed that "an exploration by the Secretary-General of this and that situation is something which, in this and that form, happens again and again. There is no need for an authorization for the Secretary-General to undertake such an exploration".

ii. The question of the right of the Secretary-General to make proposals and statements to United Nations organs

313. During the period under review, the Secretary-General continued to propose items and to make statements 469/ to United Nations organs with respect to political and security questions. The question of his right to do so was not raised.

E. Representational functions of the Secretary-General

1. *Functions of the Secretary-General with regard to the negotiation and conclusion of agreements*

314. Pursuant to former practice in this area, the Secretary-General was requested in the period under review to negotiate and conclude several agreements on behalf of the United Nations. Thus, at its thirteenth session the General Assembly, in its resolution on "United Nations technical assistance in public administration", 470/ authorized the Secretary-General to supplement technical assistance programmes in the field of public administration by providing requesting Governments with executive or operational personnel 471/ and, in this connexion, to negotiate agreements defining the relationship to be established between the United Nations, the experts and the Governments concerned, including the terms and conditions of employment of the experts. A further example was General Assembly resolution 1233 (XII), authorizing the Secretary-General to conclude an agreement with the United States Government modifying the previous agreement for the repayment of the Headquarters loan.

467/ Press conference, 7 Mar. 1956, Note No. 1248 (mimeographed), p. 16.

468/ Press conference, 5 Apr. 1956, Note No. 1265 (mimeographed), p. 8.

469/ See, for example, paras. 172, 173, 210, 224 and 225 above; see also this Supplement under Article 100.

470/ G A resolution 1256 (XIII).

471/ See para. 12 above.

****2. *Representational functions of the Secretary-General in legal proceedings***

****a. COURT PROCEEDINGS**

****b. ARBITRATION PROCEEDINGS**

****c. PROSECUTION OF CLAIMS**

****3. *Functions of the Secretary-General with regard to United Nations Headquarters***

****a. IMPLEMENTATION OF THE HEADQUARTERS AGREEMENT**

****b. HEADQUARTERS REGULATIONS**

****4. *Other representational functions of the Secretary-General***

****a. FUNCTIONS OF THE SECRETARY-GENERAL WITH REGARD TO PRIVILEGES AND IMMUNITIES**

****b. REPRESENTATION BY THE SECRETARY-GENERAL AT CONFERENCES AND MEETINGS OF OTHER AGENCIES**

****c. AUTHORIZATION BY THE SECRETARY-GENERAL TO USE THE UNITED NATIONS EMBLEM, FLAG AND INSIGNIA**

5. *Functions of the Secretary-General in the field of public information*

315. At its twelfth session, the General Assembly requested the Secretary-General to appoint an expert committee to review the public information activities of the United Nations. 472/ In paragraph 227 of its report, 473/ the Committee of Experts on United Nations Public Information made a number of general recommendations regarding principles to guide the United Nations Office of Public Information (OPI) in planning and organizing its work. These recommendations stressed, among other things, (a) the need for OPI and United Nations information centres to disseminate information about the activities of the United Nations and the specialized agencies among the peoples of the world as widely as possible and (b) the need for effective planning and co-ordination of programmes which would "as far as practicable, reflect the complex of knowledge and experience of the differing cultural patterns represented among the Member States of the United Nations". 474/

316. The report of the Committee of Experts and the comments thereon submitted by the Secretary-General 475/ were considered by the General Assembly at its thirteenth session. At the 682nd and 689th meetings of the Fifth Committee, the Secretary-General interpreted the basic principles which had been enunciated by the General Assembly in 1946 and 1952 476/ as follows: 477/

472/ G A resolution 1177 (XII).

473/ G A (XIII), Annexes, a.1. 55, A/3928.

474/ G A (XIII), Annexes, a.1. 55, A/3928, para. 227 (e).

475/ Ibid., p. 49, A/3945.

476/ See Repertory, vol. V, under Article 98, paras. 145-148.

477/ G A (XIII), 5th Com., 682nd mtg., para. 2; see also 689th mtg., paras. 48 and 50.

"... first, that the United Nations information services must be strictly objective in the presentation of facts regarding problems facing the United Nations and regarding the treatment of those problems within the United Nations or through its actions and, secondly, that in order to be properly understood, the United Nations should adjust its public information activities to the natural idioms of various parts of the world; that adjustment, however, must not be made at the cost of factual accuracy and objectivity of presentation. A third principle which should, in his view, guide the United Nations was that of universality of information - in other words, the United Nations should make an effort to reach all parts of the world on as equal a basis as possible."

317. On the recommendation of the Fifth Committee, the General Assembly adopted the following resolution: 478/

"The General Assembly,

"Noting with appreciation the report of the Committee of Experts on United Nations Public Information and the comments of the Secretary-General thereon,

"Noting further the statements made by the Secretary-General at the 682nd and 689th meetings of the Fifth Committee concerning the public information activities of the United Nations, in particular his statement that it is his intention to act upon the many excellent recommendations included in paragraph 227 of the report of the Committee of Experts in the light of the basic principles as interpreted in his statement made at the 682nd meeting,

"Recalling its resolution 13 (I) of 13 February 1946, as modified by its resolution 595 (VI) of 4 February 1952, setting forth the basic policy of the United Nations public information programme and the principles for the implementation thereof,

"Considering that, pursuant to the above-mentioned resolutions, the Secretary-General should, within budgetary limitations imposed by the General Assembly, make available objective and factual information concerning the United Nations and its activities to all the peoples of the world through any appropriate media,

"Believing that, consistent with this policy, the Secretary-General should give priority to the use of all media of information which ensure the maximum of effectiveness at the lowest possible cost,

"Considering that the Secretary-General should place greater emphasis than heretofore upon enlisting the co-operation of Governments of Member States, privately owned mass media of information, private institutions, non-governmental organizations, and educators in the programme of informing the peoples of the world of the United Nations and its activities,

"Considering that greater emphasis should be placed upon the operations and effectiveness of information centres in relation to the Office of Public Information at Headquarters, without impairing the over-all central direction of the United Nations information programme or the present facilities for the representatives of media of mass communication,

478/ G A resolution 1335 (XIII).

"Decides to request the Secretary-General:

"1. To give effect in 1959 in so far as practicable to those recommendations made by the Committee of Experts on United Nations Public Information and to any other means which, in the opinion of the Secretary-General, will further the objectives set out in the preamble of the present resolution with the maximum of effectiveness at the lowest possible cost;

"2. To consult the Advisory Committee on Administrative and Budgetary Questions concerning the financial implications of the action consequent upon his implementing the recommendations in operative paragraph 1 above;

"3. To report to the General Assembly at its fourteenth session concerning the progress he has made in implementing the present resolution."

318. In addition to his general responsibility in the field of public information, the Secretary-General was sometimes requested by United Nations organs to give publicity to specific subjects. For example, he was requested 479/ by the General Assembly at its twelfth session to report to the Disarmament Commission on the means available for conducting an effective and continuing publicity campaign on a world-wide scale, under the auspices of the United Nations, on the dangers of the armament race.

479/ G A resolution 1149 (XII).

