

Middle East - Advisory Committee on UNEF - verbatim records of meetings: Mi...

HS L 179:125



Dag Hammarskjöld's saml.

Middle East

Meeting of Advisory Committee on UNEF

19 Feb. 57

CONFIDENTIAL

MEETING OF THE ADVISORY COMMITTEE ON UNEF
(Meeting held in the Secretary-General's
Conference Room on Tuesday, 19 February
1957, at 9:30 a.m.)

The SECRETARY-GENERAL: In view of the various meetings which we have to attend later this morning, I think it would be better and wiser to get started, so I will ask Mr. Stavropoulos to present the point which was the immediate reason for this meeting.

Mr. STAVROPOULOS: You may remember that you reviewed these regulations at the beginning of December. Since then, General Burns has seen them and expressed various opinions on them, and Governments have written to us with a few comments. In addition, the agreement with Egypt made necessary a few changes. None of these changes is of any real importance, and I have prepared a few copies of the amended regulations so that you can see what the changes are and what their value is.

In the last two lines of the first paragraph, instead of saying "rules" and "members" we have said "orders" and "units". This change was necessitated because at this stage it would be difficult to give a copy to every individual member of the Force.

In the second paragraph, we have added the words "following consultation with the Advisory Committee". Our attention was drawn to this omission by the Canadian delegation. In fact, it was a typing error, and we reintroduced the sentence as it existed in the first draft.

Paragraph 4 is a new one which supersedes the previous paragraph 4. After some thought, it was considered better to have the Commander issuing the command orders which, of course, will be communicated to Headquarters. Changes can always be suggested by Headquarters. This will be quicker, and, since these orders should be immediately effective, this was found to be the best way of dealing with the matter. The change was made as a result of a suggestion by General Burns himself.

In paragraph 5 (d) we have added the Commander as a member of the Force, since, as it was first drafted, it appeared that he was not a member of the Force.

/...

The additions which have been made to paragraph 7 have been underlined. We have added the sentence "Other flags or pennants may be displayed only in exceptional cases and in accordance with conditions prescribed by the Commander". That was taken from the Egyptian agreement. It was Egypt which insisted on having such a provision, since they wanted the Commander to issue the order in which he would state which were the exceptional cases. Egypt felt that too many flags might provoke some incidents, and that the United Nations flag would avert such incidents.

This also applies to paragraph 8, which is a suggestion by Egypt and which is in the UNEF agreement. The addition to paragraph 8 states "Civilian dress may be worn at such times and in accordance with such conditions as may be authorized by the Commander". This has been put in a peculiar way because the emphasis is on the other side, that they want the members of the Force sometimes to wear civilian dress. For instance, if any of them went to Cairo and stayed a few days, Egypt would rather have them wear civilian dress instead of military dress.

In paragraph 9, instead of simply saying "United Nations identification" we state "distinctive United Nations mark and licence".

In paragraph 10, it is first of all stated that they would have full immunity regarding their first arrival in Egypt. As to anything coming afterwards, courtesy can be given, but it is not a right applying to all personal effects. At the end of the paragraph we added the sentence:

"The provisions of Article II of the Convention on the Privileges and Immunities of the United Nations shall also apply to the property, funds and assets of Participating States used in a Host State in connexion with the national contingents serving in the Force."

There are no further changes on page 5, and in paragraph 14 there is a slight restriction, again put there by the Egyptians. The addition is "for such areas where the Force is deployed in the performance of its functions". This means that only where the Force exists will there be military police.

/...

Mr. BUNCHE: This again is in the Cairo agreement.

Mr. STAVROPOULOS: Yes. That was understood, of course, but they would rather have it put in there. At the very end of the paragraph is a sentence which was proposed by General Burns. This states "Nothing in this regulation is in derogation of the authority of arrest conferred upon members of a National Contingent vis-à-vis one another. For instance, a Canadian officer by statute has the right to arrest a Canadian soldier who might be misbehaving in the street. They wanted that to show that this is not in derogation of that right.

In paragraph 16, we add the word "facilities", and in paragraph 17 we added the words "and liaison offices".

At the end of that page, in paragraph 19, will be found the immunities of the commanding officer, who is the only one in the Force who has full immunities, since, in fact, he has the rank of an Under-Secretary of the United Nations.

There is a small addition in paragraph 19 (b) at the top of page 7. Further down on page 7 there are two new paragraphs, which also come from the UNEF agreement. One states:

"Disputes concerning the terms of employment and conditions of service of locally recruited personnel shall be settled by administrative procedure to be established by the Commander."

This has been added because, since we are not subject to the Egyptian courts, we have to provide means by which local staff can put forward claims. The other addition is as follows:

"The Commander may establish, maintain and operate at headquarters, camps and posts, in accordance with such conditions as he may prescribe, service institutes providing amenities for members of the Force and of the United Nations Secretariat detailed by the Secretary-General to serve with the Force."

That was agreed to by the Egyptians, and the words "service institutes" is another way of saying the famous PX.

/...

On page 9, under the heading of "Jurisdiction", it will be seen that in paragraph 34 (b) we have omitted a sentence because it dealt with civil jurisdiction. We have immunity from civil jurisdiction only in matters relating to the official duties of the staff, and no other matters. We had to accept that and, in fact, it was reasonable.

Then there is a new sub-paragraph (d), which again comes from the UNEF agreement. This states:

"Disputes involving the Force and its members shall be settled in accordance with such procedures provided by the Secretary-General as may be required, including the establishment of a claims commission or commissions. Supplemental instructions defining the jurisdiction of such commissions or other bodies as may be established shall be issued by the Secretary-General in accordance with Article 3 of these Regulations."

Then in paragraph 36 we have the following:

"Identity Cards. The Commander, under the authority of the Secretary-General, shall provide for the issuance and use of personal identity cards certifying that the bearer is a member of United Nations Emergency Force. Members of the Force may be required to present, but not to surrender, their identity cards upon demand of an appropriate authority of a State in which the Force operates."

That was also from the UNEF agreement. On the last page, in the paragraph dealing with driving, a few words have been added to bring it in line with the UNEF agreement. In paragraph 40 it will be noted that the last sentence states "The Commander shall have responsibility for arrangements concerning the body and personal property of a deceased member of the Force". We have already had one or two deaths, I think, and that has already been applied.

In the very last article of the Regulations we have omitted the word "humanitarian" which appeared in the heading before. We deleted this because we had very many comments stating that it should not be there. In paragraph 44 we have added the word "principles", and this was suggested by UNESCO.

Those are all the changes, and, as you can see, there is nothing important in them. However, at this stage it is necessary that the Regulations be issued as soon as possible.

The SECRETARY-GENERAL: There is nothing sensational in them. On the other hand, it was a matter which should be brought to your attention and on which the final advice should be given by the Advisory Committee. For that reason, I should like to refer them to you for comments or questions. In fact, substantively part of them is determined by the agreements which we have already looked at, and the disciplinary and administrative part, of course, has been screened by those most directly concerned in the United Nations and in UNEF itself. Are there any observations?

Mr. BUNCHE: In the military group in the early stage of this draft, before Mr. Stavropoulos went to Cairo, as a matter of fact, there had been some discussion on it and it had been submitted to Governments of the participating countries, and two of them made some formal comments. One raised questions which really concerned financial arrangements which were, in fact, not to be a part of these Regulations but would be covered in the agreements that would be entered into between the United Nations and the participating countries. That is being worked on now, and there is to be an exchange of letters. The United Nations letter is being worked on in draft form in the Legal Department, and it will be coming out shortly. I think it was Norway that raised these questions; they will be covered in the letter of agreement and do not properly belong in the Regulations.

/...

Of the two comments raised by the Canadian Government, one of them has been covered here, and we felt that the other did not properly belong in the Regulations, because there was no question of the right of the Commander of the Canadian contingent to communicate directly with his Government. Those were the only comments we had from the members of the military group.

The SECRETARY-GENERAL: May I take it that there is nothing to be said about this and that we can go ahead with the text as it stands? As we have met here, we may use the opportunity just to check where we stand on the various issues. There is nothing special to tell, but I would ask Mr. Bunche and General Martola whether they have anything to say about UNEF, its deployment, and the general situation.

Mr. BUNCHE: There are no immediate problems. There is one problem that is in the offing -- not very far distant -- with regard to some members of the Force, particularly. That is the problem of the length of term of service. This is particularly true of the Norwegian contingent. The term of service in Norway is, I believe, six months --

Mr. ENGEN (Norway): Sixteen months. But the term of service of this contingent expires on 10 May.

Mr. BUNCHE: Yes, their service expires on 10 May. Arrangements will therefore have to be made --

Mr. LALL (India): For their replacement?

Mr. ENGEN (Norway): To replace them, yes.

Mr. BUNCHE: This problem may soon arise with some others.

/...

The SECRETARY-GENERAL: There is, of course, a transport question involved. But that is not excessive.

For the rest, Dr. Bunche, you have nothing to report?

Mr. BUNCHE: No, nothing else.

The SECRETARY-GENERAL: Things are working smoothly?

Mr. BUNCHE: Yes.

The SECRETARY-GENERAL: I wonder whether Mr. Cordier can say anything about the clearance story.

Mr. CORDIER: I should like to mention first the resolution that is coming before the Fifth Committee on the financing of the Force. There was a resolution presented by the United States which was considered by the sub-committee of the Fifth Committee -- the committee of nine -- and approved by them yesterday, and which will be considered by the Fifth Committee on Thursday. The operative part of the resolution now reads as follows:

"1. Authorizes the Secretary-General to incur expenses for UNEF up to a total of \$16,500,000;

"2. Invites Member States to make voluntary contributions to meet the sum of \$6,500,000 so as to ease the financial burden for 1957 on the membership as a whole;

"3. Authorizes the Secretary-General, pending receipt of contributions to the 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) When necessary, to arrange for loans to the Special Account from appropriate sources, including other funds under control of the Secretary-General, provided that the repayment of any such advances or 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;

"4. Decides that the General Assembly at its twelfth session shall consider the basis for financing any costs of UNEF not covered by voluntary contributions."

That is the form in which the resolution will come before the Fifth Committee tomorrow.

The SECRETARY-GENERAL: Have you anything to say about the general clearance status?

Mr. CORDIER: The clearance by the salvor fleet has been proceeding in the whole length of the Canal. There has really been very effective and very efficient work on the part of the United Nations salvors, to the extent that practically all of the obstacles are now freed from the Canal, except for two or three. There have been some problems in regard to one of the obstacles, because there have been explosives on that ship and therefore we have not yet been able to get to work on that ship, the Edgar Bonnet.

There are related problems, in addition to the salvage -- on work shops, lighting, communications, dredging and, to the degree to which we have responsibility, floating equipment. In all of these areas, the United Nations has taken active and timely steps to discharge our responsibilities in connexion with each of the problems involved.

/...

As to the work shops, which are so essential to the operation of the Canal, those shops have returned to about 80 per cent efficiency. The shops themselves are, in a sense, self-creative, because they can produce in the shops much of the machinery that was destroyed or damaged. But, in addition, some machinery has had to be imported from abroad, principally from France, because the machinery in these shops was principally French in the first instance. That machinery has been ordered and is on the way. There will be no real hold-up, then, in the opening of the Canal on account of the workshop problem.

The lighting problem is of this character: The system that existed there was a gas lighting system. The gas plant was destroyed at Ismailia, and therefore it is necessary to introduce a temporary gas lighting system. But, after a survey of the situation, it was felt that this was in fact a system which should be replaced by modern lighting, electric lighting. What is envisaged, therefore, is that there will be a temporary restoration of the gas system and a plan for the development of an electric lighting system which will take about a year. This, however, does not hold up operations at all. The gas lighting system will be fairly satisfactory for a short-range period.

The telecommunications problem is also in hand in the sense that we have made the necessary surveys, have ordered the necessary equipment, and that equipment is on the way.

In the case of the dredging, there was a special problem in that it required careful surveying. It required the use by us of the hydrographic surveys which were in the hands of the Egyptians and which are now available to us. The survey indicated that the silting problem was not as serious as many had predicted.

As far as the particular problem of the relationship of the United Nations and Egypt is concerned, it was a problem of determining how much of it ought to be regarded as United Nations responsibility -- that is, in terms of getting the channel in proper shape for safe navigation -- and how much of

it would be regarded as the continuing responsibility of the Egyptian authority. That problem is now resolved and there should be no difficulty in terms of the understanding of Egypt on the question, and the dredging equipment is being put in shape.

The fifth question is the question of floating equipment. On that question, the limit of the United Nations responsibility is to assist the Egyptian Government in securing tugs and launches to supplement their own supply, which is short, again in order to provide for safe navigation in the first phase.

That represents, I think, a general picture of the situation as it stands at the moment.

By a very narrow interpretation of our responsibility, it might be said that our responsibilities could have been limited to sheer salvage. But we felt that that was not quite the proper interpretation of our role, and as a result, we have engaged in a rather more responsive interpretation of the responsibility of the United Nations in order to meet the requirement of a "resumption of normal traffic". It seems that that simple formula is a formula that is quite justified under the circumstances.

I should like to conclude simply by saying that we have been aware of these responsibilities from the beginning and have engaged in collaboration and discussion with the Egyptian authority on the outlining of the way in which each of these problems is to be pursued in terms of studies, surveys, arrangement of relative responsibilities, purchase of necessary equipment. In other words, all of the steps that we felt should be taken in order fully to carry out our responsibilities have been taken.

The SECRETARY-GENERAL: I might add that, as a matter of course, as soon as General Wheeler considers himself to be on the safe side in his forecasts, the United Nations will release information on the time for the opening of traffic and those facilities which are arranged on United Nations

/...

responsibility. On the other hand, there are, of course, other facilities -- pilots, for example -- which are definitely on Egyptian responsibility. We cannot speak or should not speak for the Egyptian authority. For that reason, the information concerning those matters will have to be released by the Egyptian authority.

At any rate, not only our own people in the field but also the Egyptians are very much aware indeed of the need to give publicity to all this information as soon as possible in order to facilitate planning. Up to now, as you know, there has been nothing said publicly of that character. But the reason simply is that the margin of uncertainty is still too large to give guidance, so to speak, to people as a basis for their taking practical action with economic consequences. It is a question of responsibility, when you have reached a point when you really can safely give people such guidance.

Anyway, I stress what I said at the beginning: that our own people there and the Egyptians have their attention fully on the time factor in this affair.

I might now perhaps pass on to the question of financing, which was discussed the last time the Advisory Committee met. As you will remember, we then decided, on a Canadian proposal, to set up a sub-committee for further study of the matter. The sub-committee was composed of India and Norway, and Ambassador Freitas-Valle kindly joined the group by way of co-option. We had a meeting, Saturday a week ago, with Dr. Fawzi, and later, on Sunday, with the representatives of Britain and France. On the basis of those contacts, other discussions have been going on between those most interested in the affair and ourselves.

The matter has now been brought closer to clarification of possible stands -- not on the financing, but on the prior question of how payments should be made. I hope that in the course of the next few days I will have clearer reactions from Egypt as to how they envisage the technical arrangements.

/...

This means, however, that we have not been able to go on with the financing question proper, and I am a little bit at a loss as to how to handle it in relation to the General Assembly. It is certainly premature to bring any proposals before the General Assembly before the probable end of the committee work. However, it is most likely that the General Assembly will continue in connexion with item 66 and item 67. In such circumstances an administrative matter of this rather limited scope is, of course, one of those things which can be taken care of by the General Assembly with the representation that Governments have in the General Assembly -- mainly the permanent representatives, I imagine.

On balance, then, I have considered that it was wiser to let the matter take its natural course and not to rush it through against what might be too heavy political odds and with inadequate preparation. I felt it was wiser to wait until the matter could be handled with full clarity as to the issues involved and with a better knowledge of how various interested Governments look at the issue.

All the same, there may be a report -- a purely factual one -- on the costs for this whole operation. But I do not now see any likelihood that in such a report, if it is put before the General Assembly within the next few days, any proposals calling for General Assembly action can be put forward concerning the matter of financing the Canal clearance operation.

It is an unsatisfactory situation, but I can assure you that our attention has been directed toward the best possible handling of it. We simply have not been able to put it in better shape than we have it now. I guess that it is just another case where we have to recognize that the situation is one which has not permitted the normal administrative handling of the issues involved.

I do not know whether there is anything to add on this matter. Mr. Cordier, have you anything to say about it?

/...

Mr. CORDIER: The actual pledges now total \$11,803,500, and there are two or three Governments with which we are engaging in further consultation. The sum will probably run to about \$13,000,000 -- taking into consideration those pledged, paid, or about to pledge.

The SECRETARY-GENERAL: We should perhaps add that it is extremely desirable that the sums pledged should also be paid, because the workmen do not grant us credit.

Mr. URRUTIA (Colombia): Do you think that, with that sum of roughly \$13,000,000, you will pay most of the --

The SECRETARY-GENERAL: Certainly the first phase and into the second one. But I do not think it is the full second one, because the estimates still run up to \$20,000,000.

Mr. URRUTIA (Colombia): But the first phase will be covered?

The SECRETARY-GENERAL: That is certainly covered, yes -- if the pledges follow through, of course.

Mr. URRUTIA (Colombia): I do not know, but my feeling is that probably the arrangement for the financing will come somewhere between the first and the second phase.

The SECRETARY-GENERAL: I guess so, too.

Mr. URRUTIA (Colombia): I therefore think that the most important thing is that we have the money for the first phase.

/...

The SECRETARY-GENERAL: Definitely.

Mr. URRUTIA (Colombia): And then we will see.

The SECRETARY-GENERAL: Yes. My own feeling would be that we in the Secretariat would be happy to count on the continued assistance of the sub-committee as soon as the present intermediary phase of informal contacts is passed, because just now I do not think there is any reason at all to formalize meetings. The various Governments involved have to think it over -- and, short of clarifications of their stands, there is nothing very much to be done.

I think that is all from our side. If you have no other questions to raise, I think that we can now attend to other and perhaps more sensational matters.
