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Middle East

Meeting of Advisory Committee on UNEF

12 March 57

CONFIDENTIAL

MEETING OF THE ADVISORY COMMITTEE ON UNEF
(Meeting held in the Secretary-General's Conference
Room on Tuesday, 12 March 1957, at 3:00 p.m.)

THE SECRETARY-GENERAL: We have very little news to add to what we knew yesterday. There are some other matters, however, which I think need clarification or at least consideration by the Committee.

In a way which I cannot but regret, comments have been made, as you know, on the discussion here yesterday in The New York Times today which are, let us say, on the imaginative side. If they were just comments and imaginative, it perhaps would not do any harm. But I cannot help feeling that the article in question conveys a very false impression to a wide public of the deliberations here and of the stand taken by the Advisory Committee. For that reason and without any proposal from my side I would just like to ask you how you look at it. I do feel that the interest of the United Nations, the interest of this Committee and obviously also the interest at least of my office are a little bit at stake when, in this way, a picture is given concerning a serious issue which is so far from the realities of the case and the real stand taken. However, in spite of that, I would not like to go beyond submitting to you the question: if, and if so what, you feel we might do about it.

You certainly realize that I would not have done so if I had not felt that some damage had been done. We are, alas, all of us, so used to inaccurate newspaper stories that if we started reacting to them we would not have anything else to do. But the situation being what it is I felt that at least it was reasonable that the matter should be considered at this table.

Mr. ENGEN (Norway): I would like to say for the record without any hesitation with respect to the account given in The New York Times today of the meeting of this Committee yesterday that I consider that there is not one true word in the account given of what took place here. Now that is a statement of fact. With respect to the question of what this Committee could do about it, I would say that the situation which newspaper accounts of this nature may create

is not only a thing which has consequences with respect to the United Nations and its highest executive officers, but also on the delegations that are represented on this Committee, and finally also upon the Committee as such as an organ of the General Assembly of the United Nations. In practical terms this raises the question of what kind of procedure the Committee should adopt with respect to setting the record straight on what has taken place during the meetings of this Committee.

It may be that we should have considered this particular question at an earlier stage, but I think the incident or shall I call it the article which appeared today in The New York Times has raised the problem in its most acute form, because we may be compelled in our deliberations here not to deal with the actual problems of the situation in the area; we have to divert our attention to issues which arise here. Of course, since they come to wide public attention, they constitute one of the elements in the situation which we may consider. But I do not think they are in any way helpful whatever to the Committee in its work, whatever it can do in order to deal with the situation in the area on the problems arising there.

As I said, I think the problem with which we are immediately confronted is one of public relations. I would very much appreciate having your views, Mr. Secretary-General and the views of my colleagues with respect to a procedure to be adopted by this Committee which would give to the Press and through the Press to the public the correct impression of what problems we are dealing with here and the stands which we are taking both as a Committee and as delegations individually, members of this Committee.

Mr. LALL (India): I think that the question then is: should we give the Press a version of what happens in these meetings? My concept of these meetings is that this is a Committee which advises you on certain matters arising out of United Nations resolutions. If there is to be any documentation which is to be given currency wider than the membership of this Committee, it should go to Members of the United Nations, the General Assembly,

and not to the Press. In other words, I doubt the advisability of a method of giving the Press, after each of these meetings, a summary or an account of what takes place here. I should have thought that the position was as I have stated -- that this is a Committee which advises you; and if anything is to be made public, it should be made public through United Nations documentation in the normal, orderly manner regulating the issue of such documents.

While that is so, I am sure that even Members of the General Assembly would appreciate that there might be occasions when something should be said to the Press, because the situation is such that it would be helpful in terms of the United Nations own objectives for something to be said. So while in my view normally nothing should be said to the Press it should, I think, be open and is open to the Secretary-General to make a press release after these meetings in terms which he considers appropriate. That is what I think should be done.

At the moment, perhaps in order to counteract the totally false -- you called them "imaginative" -- picture which some newspapers have drawn -- I think they are terribly unimaginative -- a Press release should be put out today saying that if anything has to be said about meetings of the Advisory Committee the Secretary-General will say it in a Press release, and that all information which purports to relate to the Committee from other sources has no official standing and from the experience which we have is generally incorrect. I think that should be said.

In short I think there should be a clear understanding made to the Press through your Information Department that the only authorized accounts of these meetings are those which come from you, and all other accounts have no substance or authority. One should be put out now to make that quite clear. Then, if you like, in your discretion, you could add a paragraph about today's meeting. Perhaps on occasions when you feel it was wisest not to put out anything, your people will simply state that a meeting of the Advisory Committee was held today with the Secretary-General and the next meeting will be held in the near future. That will keep them guessing. In other words, I think this is to be handled by a dextrous press release saying very little except where, in the public interest -- which I cannot see would be the normal situation -- you feel you should say something of substance to the Press.

The SECRETARY-GENERAL: In both cases I think it is a matter that should be agreed upon around this table as to whether something is or is not said. But the trouble is that conventional Press communiques from this meeting, if we were to decide on them, would not in any way correct such situations as the one which developed this morning because those who want to build up stories will build them up out of other stuff and they will not pay much heed to what we have said, which they regard as, so to say, conventional stuff. However, there is always the more acute and direct problem, which I understand that Ambassador Engen, like me, had in mind -- that is, the somewhat awkward situation which has been created by what happened this time.

Mr. MIR KHAN (Pakistan): In this connexion, I am reminded of our experience in the group of Asian-African States which met again in a closed meeting. We understood from the very beginning that our meetings were closed. In actual fact, there was a time when I requested, if it was possible, an extra copy of the verbatim record, if it was kept, to be supplied to us so we could keep our Government in touch. But as we know only one copy is given to us and we keep it to ourselves in rather locked rooms and safes, and not even our Government gets to know much about it except perhaps a month or so later when our mail gets there. But I do agree that this is a problem of public relations. The Press is the Press. I think they sometimes imagine; they sometimes do not imagine; and they sometimes get wrong information. I recognize that the Press has to be fed either with some news or with the fact that there is no news. In the case of the group of Asian-African countries, when they meet, there is invariably a communique drafted around the table before the meeting is over. In most cases, it is just a few lines to say that the Committee met to do its routine business. That really kills any other news, either through leakage or imagination, that the Press can get up.

I would suggest that a statement at the end of the meeting -- in nine cases out of ten it would be just a statement that we met to consider our

routine business -- would kill the possibility of anything being built up. I would suggest that it be from your office here rather than from the Public Information Department.

Mr. MURRAY (Canada): The Canadian Government has suffered quite a lot from false and inaccurate Press reports about UNEF. This has created a Parliamentary situation which has put the Government in a position of considerable embarrassment. I have been in touch with Ottawa today about this report and about others. They take the view that we are probably passing through as difficult a time now as we ever have on this matter and that if it were possible to give guidance -- I think, as Mr. Lall suggested, there are times when guidance should be given -- we hope that might serve as some form of corrective.

The SECRETARY-GENERAL: We can always try it. But I have the feeling that if they want to have a double column first page article, we are not likely to provide the substance for it. And if there is need for substance, they will find it some way, if in no other way than in their own minds. That is the real trouble. We must remember, of course, that certainly at present no closed meetings are held at the United Nations which have more interesting political overtones than our discussions here; although they do not seem sensational to us, obviously they do seem sensational to those who are hungry for news. So I do not in any way react against the idea that we have some kind of Press statement from the thirty-eighth floor with respect to these meetings. I have my doubts concerning the efficiency of that measure in order to stop misunderstandings and wrong presentations of the kind we have seen. But we have the two problems.

Mr. ENGEN (Norway): My immediate concern actually is the situation which has been created by the article in the Times today, which is a problem for the Committee, I think. At least my delegation feels quite strongly about that. To work and to represent a Government under conditions like these with a complete misrepresentation both of the events which take place during the

meetings of the Committee and also of the actual positions of the various members of the Committee is, if I may say so, a Norwegian problem just as much as it is a United Nations problem, and I speak as the representative of my Government in this matter.

I have a suggestion I would like to make to the Committee. Is there any feeling in the Committee that there is a need for corrective action on the part of the Committee in this particular situation?

Mr. de FREITAS-VALLE (Brazil): I think we all agree that something has to be done. The point is that, as you very correctly said, if you make just one communique about it and treat it just as routine business, as Mr. Mir Khan said was the case in the Afro-Asian group, that means nothing. If there is the same kind of thing that we have about the Sub-Committee on Disarmament, that does not make news. If you want to make news and if you tell the truth about what happens here, I think in some way the liberty of your advisers would be curtailed. I have many times put questions here that were not exactly opinions. I just wanted some facets of the question to be examined. I just wanted the Committee not to overlook the danger of one question, and I do not think that it would be proper for that to be known by anybody but by us. So it is a question of sincerity, in your case I would say almost fidelity -- I think I am speaking for all of us -- to tell anything that comes into our heads, when we try to help you with our advice. That does not mean that we are firm in those opinions or that we are facing those dangers as real dangers. We are just trying to help examine the situation, and I think we will be curtailed if we have to tell the truth. On the other hand, if we just make a regular statement that the Advisory Committee met and considered different things, that is not news and something would have to be invented. It is very disagreeable for all of us -- I agree with Mr. Engen very strongly on that -- to be put in the newspapers as having opinions which we did not have and, especially as we all represent our Governments, to explain to our Governments that what has been published is not true, the opinions that we are supposed to have stated here. I admit that we have to do something, but I do not think just a communique would help. If you could devise some other way to help the situation, I would feel very strongly with you because as you know -- again I think I speak for all of us -- we want to help you. That is why we are so frank and so open in all our thoughts with you.

The SECRETARY-GENERAL: That is, of course, the basic consideration, the one you bring out now -- that the situation must be such that we can speak openly. And I feel quite sure that we will be able to maintain it in that way. That is one side of the problem, and on that I do not feel any doubts.

The other side of the problem is that we must protect the Committee in another sense against speculation. That is what we now see in a very acute form as a problem before us. At all events, some kind of a statement can always be made by a spokesman of the Secretary-General to the effect that the Advisory Committee met for the consideration of routine business, of such and such matters. I do not believe, however, that it solves the general problem. I repeat that I hope that failure to solve the general problem should not in any way influence the situation within the Committee, which I think is one of very useful constitutional innovations which we have seen, and which I need not tell you we on the Secretariat side appreciate immensely and the value of which can only increase if we speak freely.

On the other hand we have the question raised, especially here by Ambassador Engen, which was the immediate cause for my raising the whole issue -- that is, of course, the awkwardly misleading picture which many of our colleagues and the serious public have received of the stand taken on what is a very serious political issue. We would rather like to have suggestions from your side. How do you look at it? First of all, how serious do you believe it is? I note that our friend from Norway took it quite seriously. I admit that I do too because I think that this article has served to strengthen a misunderstanding which has been prevailing for a long time and which has been nourished for long which is directly harmful to our efforts. We are very independent, I think. We are completely impartial. Any impression created that we are, so to say, at least emotionally taking sides cannot but be very harmful to the whole United Nations effort. Two ways seem to be open. One is, of course, that the Committee as such says in some appropriate form that the picture given of what took place and of the stands in the Committee is inaccurate; there is nothing more to be said about it. The other one is that, with the authorization of the Committee, the spokesman for the Secretariat says the same thing. I say "with the authorization of the Committee" because I think that a flat statement from the Secretariat will not be taken in a sufficiently serious way. But in this case I do not rely only on your advice. I regard it, as Mr. Engen said, primarily as a concern of the Committee itself because it is the position and proceedings of the Committee which hold the main interest.

Mr. ANGEL ESCOBAR (Colombia): We feel that some Press release would be important especially because the completely false statement of yesterday's meeting does harm UNEF and the Advisory Committee with respect to public opinion. So it would help the Governments and it would give a much better understanding of the position.

The position at this moment is that the preparation of a statement would be very serious and difficult. I think that just to tell the Press that the Advisory Committee is not in any disagreement would do a great good.

The SECRETARY-GENERAL: You add that accent, too. I said it was inaccurate both in general terms and as to the stands taken within the Committee. you add the other accent that there was no disagreement. If we go back, it was a great dramatic picture -- insisting in that direction, insisting in this direction and overruled and whatnot.

Mr. LALL (India): If you want to bring in that kind of accent, which might be desirable in this case, you would say that the Committee met today and authorized you to say, both on your behalf and on behalf of the Committee that ...

The SECRETARY-GENERAL: The representation was inaccurate.

Mr. LALL (India): Yes, that there was no truth whatsoever in the press report which appeared today regarding yesterday's meeting; and draw attention again to the fact that these are confidential and closed meetings and that speculation on results serves no useful purpose at all. You might add that if there is anything to be put out on these meetings, the Secretary-General himself will make statements as appropriate in consultation with the Committee.

There is one point which I would also add. It is a general point which perhaps has not been brought out. It is that these Press releases, however

innocuous and unpalatable or flat they might be to the Press, they do protect the Committee and the Secretariat. If you were to adopt that course in your discretion of saying something to the Press of a rather flat character, we all know it will not satisfy the appetite of the Press for news, but it will protect you and us, which is a very important consideration. Then, if there were a false story, attention could be drawn to the release which you had put out on the appropriate day and we could say, "This is what we said."

The SECRETARY-GENERAL: A practical way to proceed, if you so agree, if you do not want to add anything at this stage, may be to ask Mr. Smith, who is the public relations man for us here, to put a few words on paper. We may just have a look at it because he will act as the spokesman for the Secretary-General. Mr. Smith, put on paper what you feel we should say in the light of this discussion. You could submit it to the Committee and we could have a look at it.

Mr. MIR KHAN (Pakistan): I think that is a very good arrangement, and that is why I suggested that perhaps we could do something similar every time we meet because that really protects the Committee, as Mr. Lall has said. I think it prevents the possibility of dilating or enlarging on those things. I said that in nine cases out of ten it will be flat and perhaps say that it was one of those usual meetings. But it can have a few more words such as "dealt with the subject of clearance" or "the subject of deployment" or some such thing. That would prevent some people from dilating or enlarging on the subject and misrepresenting the work of the Committee. I have a feeling that a statement at the time would perhaps help.

The SECRETARY-GENERAL: We will ask Mr. Smith to make a proposal somewhat later. We can pass on to the next point which I would like to raise with you.

The next point is closely related to what we talked about yesterday. The Egyptian decision to appoint an administrative governor is there on the table and confirmed in appropriate ways. We know that a very violent discussion has started around this, which is explained, I think, by a lack of comprehension of the whole development so far, as far as the legal issues are concerned. However, it is quite obvious that the legal issues are one

side of the matter. The other side is the practical one. It is of course true that there are occasions where somebody may have a right and it is not the ideal thing for him to use that right in a certain form at a certain time. I think we have no reason to go into a discussion here of the wisdom or lack of wisdom of the policy of any single country. What remains is the basic issue as to what is the position of the General Assembly.

On that score, I think that in fact there are no different views around the table. But all the same anyone who goes over the records may feel that there is not enough of a clear guidance as to what the position is which should, so to say, determine United Nations actions. For the Secretary-General, it is of course always possible to interpret the General Assembly decisions together with his colleagues and to pursue the line which seems indicated in line with his interpretation. But I think it is a proper task for the Advisory Committee to assist in that respect and in the most serious way. The Advisory Committee does represent the General Assembly and for that reason has special authority when it comes to the interpretation of the stand taken by the General Assembly.

In this special case, as we know there was no final decision taken by the General Assembly last Friday. In a certain sense the matter was left open -- that is to say, it was a decision where the conclusions would have to be drawn from the records of the General Assembly as they stand. I have here a memorandum which presents those extracts from the documentation of the United Nations which I think are relevant in this case.

(The memorandum was distributed to the members of the Committee.)

The SECRETARY-GENERAL: There is nothing in it which you do not know only too well because all of the extracts are something you have read several times in their original context. All the same, I felt that it might be useful to bring it all together.

There is only one thing which you may consider has been omitted -- that is, the paragraph in Mrs. Meir's speech which followed the three assumptions, the paragraph where she said that a change in the situation which indicated a

deterioration would, from their point of view, justify a certain type of action. I consider that as a clause which does not define the legal status but is more in the nature of a legal reserve reserving freedom of action on the Israeli side. For that reason, it does not belong to this document which is directed exclusively to the status of Gaza.

If the Committee could find it possible to formulate its understanding in the light of this, which I think is a complete record, and other relevant information -- of course, only for inside use -- as to what is the legal situation, it would be quite appropriate. I would like to submit this to you for consideration. It would have been perfectly proper for the General Assembly itself to try to do so. I think it is to put the responsibility somewhat too exclusively on the executive if it is taken for granted that the Secretary-General and the Secretary-General alone should draw his conclusions from the records. The Advisory Committee is an organ of the General Assembly, and I feel that it would be quite appropriate for the Committee, on the basis of the records, as advice to the Secretariat in its action, to state its own view. My hope would be that the Committee would find it possible to do so on the record because, although I have my own views on the conclusions that must be drawn from the record, it certainly would be immensely valuable for what may develop into a rather difficult situation if this responsible organ of the General Assembly formulated its own conclusions without the interference of the Secretary-General. That is to say, this is one of the cases where I do feel that a split between, to use constitutional jargon, the parliamentary side and the executive side, which are happily married in this Advisory Committee, might be indicated and wise. However, in this as in other matters, I am in your hands.

I venture to make the suggestion because I feel that although to a certain extent it is wise not to say anything to the outside world which is not strictly necessary at a given moment, it is very good to be perfectly clear in the inner operations. You have seen that we have today in front of us interpretations which are at least difficult to reconcile with the records,

for example, the statement by a spokesman of the Israeli Foreign Office, to the effect that acceptance of an Egyptian governor in the Gaza Strip would be regarded by Israel as a breach of its withdrawal agreement. Well, I leave that to you. But I repeat my appeal for assistance in creating the clearest possible basis for the hour-to-hour and day-to-day activities of the Secretariat.

Mr. de FREITAS-VALLE (Brazil): May I ask what is the change in the situation in Gaza since yesterday, if any?

The SECRETARY-GENERAL: There is nothing further known to us apart from what I guess is a preliminary indication of the timetable. I can put our own stand in two points. First of all, we consider that no decisions on administrative issues should be taken which are not in conformity with the long-term aims as they were explained in my statement of the 22nd. And further, that even if such decisions are taken it is desirable that they are not implemented, put into effect, until an understanding is reached concerning the responsibilities of the United Nations and UNEF in Gaza. That is to say, we have not raised the legal issue but we go straight for the practical issue of guiding principles in the practical policy and the timetable for a practical policy.

Mr. LALL (India): This has been announced to whom?

The SECRETARY-GENERAL: It has not been announced. It is an instruction to our people on the spot for their contacts with the Egyptian authority. It is nothing official.

Mr. MIR KHAN (Pakistan): Have you or Dr. Bunche or General Burns heard directly from the Egyptian authorities on their intentions or with respect to clarifications with regard to their announcement? If we could know something, that would help a great deal.

The SECRETARY-GENERAL: Not at the top level. That is the reason why I said that what has been said about timetables and so on seemed to me preliminary. There is really nothing of substance beyond what you know officially.

There is also another experience -- that is, that in matters of this type which are politically significant it is only on the top level that a settlement can or should be sought.

Mr. ENGEN (Norway): Am I to take it that clarifications have been sought?

The SECRETARY-GENERAL: Clarifications are sought all the time. This is a matter of discussion, of course, and the stand that I have indicated is a stand which constitutes, so to speak, guidance in these very contacts.

Mr. MIR KHAN (Pakistan): May I suggest, then, that if the clarifications are sufficient and if they fit in with the situation and the General Assembly's aims, within the framework of the Assembly's resolutions, perhaps there is not really much on which we need to either give advice or take positions. I should have very much preferred it if there had already been some clarification. If there had been some clarification, perhaps there would really have been nothing much for us to say.

In this situation, we are actually groping in the dark -- assuming that perhaps the Egyptians mean this, or perhaps they mean that. It is rather difficult in such circumstances to give advice. If you insist, Mr. Secretary-General, on having such advice, I would say that I should like to study this document. I repeat, however, that it would help a great deal if some sort of clarification from the Egyptian authorities were available.

The SECRETARY-GENERAL: Yes, but I do think that we have certain facts.

Mr. MIR KHAN (Pakistan): We have only the announcement that the Egyptians have appointed this person -- but that may not entail any challenge to any position.

The SECRETARY-GENERAL: All the same, does not the following question remain: What is the view of the General Assembly, as represented by this Committee, on desirable developments in conformity with the Assembly's stand? I have my own views on that question, but I have been unkind enough not to express them here in order not to influence the views of members of the Committee.

Mr. LALL (India): I should like to ask a question. The communique yesterday spoke of a protest to the Secretary-General. Has that protest come through?

The SECRETARY-GENERAL: An oral démarche has been made today. I do not regard it as a protest, because it seems to me that it is to be regarded rather as a demand for clarification about how we really view our role in this initial phase. The overtones are understandable in the light of the development on Sunday, which was dramatic although in no sense so dramatic as the newspapers may have led the public to believe. With regard to this démarche I said, roughly, the following:

First, I corrected the statement of facts. There had been no firing on the population. It was an entirely different kind of reaction from the UNEF soldiers -- who, by the way, were Danish and Norwegian. I added that the UNEF has to maintain order and protect itself within the limits of rights which exist in the absence of civilian police or other State authorities who can take care of the situation. Both as regards the maintenance of order in the absence of other functioning authorities and as regards administrative activities -- safeguarding the basic needs of the population, and so forth -- the UNEF, as I said here yesterday, is acting strictly within the limits of international law. For that reason, it is quite obvious that the activities of the UNEF in no way detract from Egypt's rights in the area under the Armistice Agreement -- whatever understanding one may have of those rights. I repeat, however, that the UNEF, being the only functioning authority in a position to do so at once, has the duty and therefore the right to do what is necessary in the interests of the population itself.

Now, there are other things which we must keep in mind. There is no difference in principle between the functioning of the UNEF in Gaza and the functioning of the UNEF in Port Said -- and the latter was fully approved by the Egyptian authorities. There is nothing new. Furthermore, this maintenance of order is perfectly in line with what I said in the General Assembly on 22 February, which, as members know, did not give rise to any objections. Quite apart from the preceding discussions with the Egyptians, this was presented

in the General Assembly without any objection from that side. The legal assumptions of what was said on 22 February were made perfectly clear on 26 February in the circulated report. It follows from that report that the plan for certain administrative assistance in the Gaza area was in no way in conflict with any rights established by the Armistice Agreement. As I said on 26 February, the Secretary-General can neither detract from nor annul any rights existing under the Armistice Agreement. It can, of course, be said that the UNEF functions relate to the cease-fire and withdrawal. On that point, however, I feel that its obligations in relation to withdrawal are such that they must be considered as including the maintenance of order in the troubled situation which necessarily arises on the withdrawal of occupying forces.

Then, there is another matter which I brought up. Of course, when we talk about an "initial take-over", the very terminology indicates that that is not a lasting arrangement. It is the lasting arrangement which really attracts interest, in the legal sense -- not what happens in the transitional period. What happens after the transitional period must necessarily be based on the legal situation; that is to say, there must be some understanding.

Finally, I mentioned in this context that in the last report -- the report of last Friday, 8 March -- it was made fairly clear how far, in the minds of those of us here in the Secretariat, these temporary obligations of the United Nations during the initial take-over should go. There was a discussion of the role of UNRWA and of the role of UNEF in relation to UNRWA. As you know, that, too, was accepted without any objections by the parties immediately concerned.

For all those reasons, I conclude that there is no basis for a protest, if this démarche is to be taken as a protest. There is a basis for a request for clarification of how we view the question, legally and in principle; there is no possible basis for anything more. That is the position on that score.

Mr. ANGEL ESCOBAR (Colombia): What would be the position of UNEF if Egypt took over the administration of Gaza? Would it be withdrawal, or something else?

The SECRETARY-GENERAL: The first function of the UNEF is at the armistice demarcation line; that is to say, of course, that UNEF will have its full functions all round the Gaza strip. The only problem which arises is the following: What functions has the UNEF within the Gaza strip? Are those functions to be derived from the UNEF's functions on the armistice line, or are they to be developed on the basis of some kind of agreement with Egypt? Those are the two questions. It is on that point that the problem has arisen, because of the stand taken by Israel outside the General Assembly -- I never remember that it was said in the General Assembly -- that Egypt must not, in any circumstances or in any form, return to the strip. In other words, the Israelis seem to look at the United Nations functions on the demarcation line as extending not only to administration within the area, but also to administration within the area to the complete exclusion of Egyptians and Egyptian elements. That, I think, presents the problem as it stands.

Mr. MURRAY (Canada): I have had further word from Ottawa about this situation. Their assessment, which is probably coloured by some of these press reports on the situation, is that there is a considerable risk of a further explosion in the area. This was based on an assessment of Israel's reaction.

I want to make it clear that we do not disagree at all with the legal position as stated in this document which has just been circulated to us; we have never disagreed with that position. We think, however, that the timetable of the appointment as stated in the announcement might have a lot to do with whether or not there is an explosion. I have been asked to inquire whether any consideration is being given to slowing down the timetable or reaching an understanding about the timetable which might help to calm the situation.

The SECRETARY-GENERAL: That is exactly the point I wish to make; it is the point which is covered by the instructions to our people in the area, where we ask them, first, to be cautious concerning decisions in order not to run counter to what may finally develop, but, secondly, if they take decisions in spite of all this, to postpone the implementation of those decisions until there is an understanding concerning the final arrangements. The immediate effect

of that is, of course, what you, Mr. Murray, have called a "slowing down"; it would result in a considerable slowing down, if the Egyptians accepted our stand. We have not in so many words asked them for a slowing down, but we have asked them for this other consideration, which leads to exactly that result.

Mr. de FREITAS-VALLE (Brazil): On my way up to this meeting, I met Mr. Kidron, the Israel representative. He told me that he was coming to see you later, Mr. Secretary-General.

The SECRETARY-GENERAL: Yes, that is so.

Mr. de FREITAS-VALLE (Brazil): Now, I only saw him for a moment when Mr. Engen and I were coming up here for the meeting, but I did get the impression that Israel's real opposition would be to the Egyptian army's coming back into the Gaza strip. My impression was that they were very much afraid of that because the person who has been appointed as civil administrator is, I think, the second in power in the Egyptian army. I do not know if this is a fact. I really did not have time to ascertain if my impression was correct that Israel's opposition would be to the Egyptian army's coming back, rather than to the Egyptian civil service coming back. Have you, Mr. Secretary-General, any information in that respect? Of course, you will probably be exploring this matter with Mr. Kidron, but it might help us somewhat if we could ascertain whether the impression I had from that moment's conversation with Mr. Kidron was correct. I am not positive that that is the position; I repeat that it was just an impression I got.

The SECRETARY-GENERAL: Of course, there is a world of difference between these two points, from our point of view. In view of what the Armistice Agreement says and in view of the needs of the civilian population there, it is somewhat difficult to make this matter of civilian administration something so outrageous as some of our newspaper friends try to make it -- I am not using the term "irresponsible people"; I am just referring to some headlines. On the other hand,

the return of troops presents entirely different problems.

There is one matter that I can mention, just in the margin; it is not to be taken as the expression of a view. Under the Armistice Agreement, there are strict limitations on the kind of armed forces that may be in the area; but there are, as we know, similar restrictions as to what may be on the other side of the border. That does establish, legally but more especially politically, certain links between developments on the two sides of the armistice demarcation line. I raise this point just as a fact, without any personal comments.

Mr. LALL (India): I note that no member of this Committee has tried to offer for your consideration, Mr. Secretary-General, any legal position different from the one that we have learned is your position. I understood the Canadian representative to say that his Government, too, accepts that position.

The SECRETARY-GENERAL: It is the position which has been stated and restated in the General Assembly, and, so far, to my knowledge no one has contradicted it.

Mr. LALL (India): Therefore, one fortunate thing which emerges from the discussion this afternoon is that the Secretary-General is not faced with a multiplicity of legal positions in this matter. To that extent, his hands are very much strengthened. I feel that one can make that observation from the discussion round this table today.

There is just one point that occurs to me in connexion with the document which has been circulated this afternoon, very kindly, by the Secretary-General. I see that he is calling it a full document with precise reference to the Gaza situation. Now, there is a sense in which it is not, of course, a full document, and that sense is the following. It is very difficult, for example, to leave out of any statement relating to Gaza and the activities of the UNEF in Gaza the Secretary-General's report in document A/3302. As will be remembered, document A/3302 was referred to in the Secretary-General's report in document A/3512, and this latter report was the basis of the second resolution (A/RES/461) of 2 February. Therefore, document A/3302 is very relevant. It is, to my mind, also extremely relevant because resolution 1001 adopted by the Emergency Session on 7 November 1956 -- that is, the resolution approving the functioning of the UNEF --

singles out paragraph 12 of the Secretary-General's report (A/3302), in which he defines the functions of the UNEF. There are important statements in that report which, all the way through, fit in with the legal interpretation which you, Mr. Secretary-General, have continued to hold and present in your reports and which has been the basis of all the resolutions adopted on this matter by the General Assembly since 7 November.

I am reading all of this into the record because I think that it is important that we should not get off these issues. It will be remembered that in paragraph 12 of document A/3302 -- the paragraph which was specifically approved in resolution 1001 (ES-I) of 7 November 1956 -- it was stated that:

"The Force obviously should have no rights other than those necessary for the execution of its functions, in co-operation with local authorities. It would be more than an observers' corps, but in no way a military force temporarily controlling the territory in which it is stationed..."

I realize that this report is behind us now in a sense, but the important point here is that, all the way through, it is linked up with the chain of developments. You linked it up yourself, Mr. Secretary-General, in your report in document A/3512, and the latter report led to the second resolution of 2 February. Then, you mentioned the point again in your report of 8 March, when you said that you would now address yourself to the implementation of the second resolution of 2 February. In that sense, therefore, the report in document A/3302 is still up to date.

The SECRETARY-GENERAL: It has not been superseded by any later report.

Mr. LALL (India): Certainly not, and it was specifically adopted by the General Assembly in the resolution which I have cited. I make this statement here simply to reaffirm the legal position which you, yourself, hold and which all of us round this table appear to hold, too.

Mr. ENGEN (Norway): Of course, as is well known, we have never disputed the legal position. For that matter, any one of my statements in the General Assembly could just as well be included in this document which has been circulated this afternoon.

The SECRETARY-GENERAL: The only statement by a delegation which has been included in this document, apart from the statements by the parties, has been the statement by the United States delegation -- and it has been included only because the United States happened to be a negotiating party.

Mr. ENGEN (Norway): There is, then, no question about the legal position of the Assembly or the United Nations on this matter. I should be glad to add any affirmation to what has already been said here on this score.

However -- as has been said by other members here this afternoon -- there is another position which also has relevance so far as the United Nations is concerned. I refer to the practical functioning of the United Nations in the area. There has been an understanding -- I may even use the word "agreement" -- that, upon the withdrawal of Israel forces from Gaza, there would be an initial take-over exclusively by the United Nations Emergency Force. That was an understanding, and events have taken place on the basis of that understanding. Now, by sheer logic, that understanding must also include the fact that any change in that initial position must be carried out in such a way as to completely preserve and protect the function which the United Nations is fulfilling in that initial stage. It would follow from that that no action should be taken, either by the UNEF or by the Egyptian Government -- and this is completely without any reflection on the Egyptian Government's legal rights -- which would in any way upset the functioning of the UNEF in this situation.

In expressing myself in that way, I only mean that any change in the situation must be based on negotiation and understanding between the Egyptian authorities and the United Nations -- and that would completely preserve the legal position of the Egyptian authorities, as well as the functioning of the UNEF. I think that there could be no question on that score.

The SECRETARY-GENERAL: There has always been a clear understanding in that respect. I think it has been stated a couple of times in reports that there are two sides to this: On the one side, developments of the UNEF's functions, beyond what obviously follows from the basic decision, have to be based on agreement. On the other side, Egypt would act in such a way as not to interfere with the functions of the UNEF -- and I think this is also implied in what Mr. Engen has just said. That is, so to speak, the balance -- and I think it is a natural and

sound balance. I think that on that basis we can just go ahead.

There is one thing that I should like to add to the observations made by the representative of India and the representative of Norway. It must be perfectly clear that, without leading to any new decisions, what happened in the last two or three meetings of the General Assembly did not mean that previous decisions of the Assembly were superseded. Obviously, those decisions remain in force so long as the General Assembly itself has not cancelled them or changed them. That does not mean that I deny the possibility of understandings -- but, of course, understandings must be reached between the proper parties and in the proper form. Isolated statements in the General Assembly obviously do not create a new legal situation.

Mr. LALL (India): I should like to add a brief comment on the same point. It is quite true that, in the General Assembly also, the understanding has been that the initial take-over should be by the UNEF. Indeed, nothing else could happen, in the sense that the occupation of Gaza was a military occupation by Israel, just as the occupation of Sinai was a military occupation. It is clear beyond doubt that the initial take-over from a military occupation would be by the UNEF.

I would, however, draw attention to the Secretary-General's report of 22 February. It is stated there that, in the first instance, the take-over would be exclusively by the UNEF. In the same paragraph, however, the Secretary-General draws attention to the attitude of the Government of Egypt and states that that Government has the willingness and readiness to make special and helpful arrangements with the United Nations and some of its auxiliary bodies, such as UNRWA and UNEF.

I want to make this point very clear. Even in the Secretary-General's report of 22 February, it was never stated that the civil administration would be in the hands of the UNEF. That report of 22 February was further clarified by the Secretary-General's very important special memorandum of 26 February 1957.

I should like to add this comment, which I am sure no one round this table will misunderstand in the slightest degree: In any negotiations with Egypt, we have, as objectively as possible, to see to it that both sides reserve a complete

bona fide in this matter. In my opinion, it would not be in keeping with the bona fides of the situation if the orderly assumption of the administration of Gaza by Egyptian civilian elements were to be delayed simply because there was a threatening attitude on the other side of the armistice line. In my opinion, it would vitiate a settlement if, whenever there was a threatening attitude on the part of Israel, there was a slowing down of the process of orderly arrangements for the administration of Gaza. I think that that would be a great pity and, in my own view, would lead us to a situation in which the General Assembly would have to be recalled. To give Israel the right to stop the development of negotiations for the orderly civilian administration of Gaza would nullify the entire process and, in my view, would be extremely dangerous.

As the Secretary-General himself said a little while ago, the primary function of the UNEF is to get on to the armistice line and effectively separate the combatants, putting an end to raids and giving Israel the assurance -- to which it is fully entitled -- that there will be no more raids into Israel from Gaza. Once that is done -- and it should be done very quickly -- the orderly take-over of the civil administration by Egypt must go ahead, and that programme must not be dictated by threats from one side.

Mr. ENGEN (Norway): That, of course, is a factor which relates to the same complex of problems but is really a different problem from the one which I was trying to bring out -- namely, the relationship between the United Nations organs in the area and the Egyptian authorities. I do not know what effect the attitude of the Israel Government would have on that relationship. My point, however, is that there must be an orderly relationship between the UNEF and the Egyptian authorities, for the sake of the re-establishment of any kind of administration there in an orderly fashion.

Mr. LALL (India): I entirely agree with that.

Mr. MURRAY (Canada): I should just like to make it clear that, when I spoke of a take-over and of slowing it down in some way, I was referring to the practical problem and the circumstances which exist now. I certainly did

not mean to imply that Israel would have any control over this by the use of threats.

The SECRETARY-GENERAL: I believe that what I have told the Committee regarding the instructions given to the people in the area corresponds to the views held by the three members of this Committee who have spoken on this point. In this respect, the slow-down would result from our request that they should go slowly until an understanding could be reached concerning the normal distribution of responsibilities and functions.

Mr. MIR KHAN (Pakistan): I should like, very briefly, to give my view on this situation -- and it is a view which is not very different from those already expressed here.

First, and foremost, I should like to record that we do not recognize the assumption made or declared by Israel outside the Assembly that Israel's withdrawal was based on the understanding that Egypt would have no control over Gaza. We are very definite about that. We think that the Assembly is under no obligation and that that is the legal position of the Assembly with regard to the functioning of the United Nations and UNEF in Gaza.

We also think that the legal position is that Egypt has a right, as determined under the terms of the Armistice Agreement, to take over even the civil administration of Gaza.

But I should like to say here -- giving a little more emphasis to what some of my colleagues have already said -- that in this matter I do think that there is a certain understanding between the United Nations and Egypt. That is brought out also in the statement which the Secretary-General made to the General Assembly -- that is:

"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 UNRWA and UNEF...".

We think that, here, there is an understanding which does not contravene the legal position or the legal rights of Egypt. Egypt has an understanding with the United Nations in relation to the UNEF. That understanding really concerns the programme and liaison between the Secretary-General and his commander of the UNEF. In that connexion, I think that the Secretary-General, who is in daily touch with the commander of the UNEF and with the other auxiliary bodies of the United Nations, is in a special position to decide whether something fits into the programme, or whether there should be better liaison, and so forth.

I, personally, am not in a position to pronounce on whether or not the appointment of the civil administrator and the notification that he should take over immediately fit into that programme or that liaison. I would not say that it is against Egypt's legal rights. I do, however, think that there should be a certain programme within this understanding, and that there should be a certain liaison between the Secretary-General and the Egyptian Government. It is for the Secretary-General to judge whether some particular action fits in with that programme or liaison.

It is for that reason that I have, during these last two meetings of the Committee, really wished that there was some clarification from the Egyptian Government which would, perhaps, fit into this programme.

The SECRETARY-GENERAL: Contacts, as I have said, are maintained and continued, and I think that those contacts will provide for the kind of thing referred to by Mr. Mir Khan.

On the other hand, I think that we should be quite clear about the fact that, from the Secretariat point of view, the cards have been fully on the table. That is to say, the understanding with Egypt is in its entirety reflected in the statement of 22 February. There is nothing beyond that; there is nothing less than that. What that provides for is some kind of arrangement between Egypt and us for a useful distribution of responsibilities in the interest of the population and without the infringement of whatever rights Egypt may have under the Armistice Agreement. That, I think, is the text -- and I think that it is also your reading of the text.

I say this because I have met in some places the somewhat fanciful idea that there is much more to it than that. I have not acted in relation to the General Assembly in that way. I have felt that the General Assembly should be fully party to whatever arrangements the Secretariat may have had in mind in relation to Member Governments.

Perhaps that exhausts our discussion of this subject today -- although I feel that we are rather likely to have to examine it again as a concrete issue in various contexts.

I think that, without any risk of misinterpreting the situation, I can say that as regards the basic considerations there is just one view round this table. I think that this discussion has clarified that again -- if there was a need for it -- and that, in this sense, it has been most useful because it has thrown a sidelight on a few aspects which, I think, could usefully be clarified.

If that corresponds to the view of the Committee, I think that we might now take a quick look at the text of the communique which Mr. Smith has prepared. Has anyone any observations to make on that text?

Mr. IALL (India): In the second paragraph, I think that it might be well to change the opening phrase to read, "All the members of the Committee considered that the account was inaccurate and misleading". I also think that it would be preferable if the last phrase read, "that there was no disagreement between the members of the Advisory Committee regarding questions which had been discussed on 11 March".

Mr. SMITH: I suggest that in the last phrase of the paragraph it might be well to say "disagreement in the Advisory Committee", instead of "disagreement between the members of the Advisory Committee".

Mr. IALL (India): Yes, that would be better.

The SECRETARY-GENERAL: With those suggested amendments, the paragraph would read:

"All the members of the Committee considered that the account was inaccurate and misleading, and authorized the Secretary-General to have this press communique issued, including a statement to the effect that there was no disagreement in the Advisory Committee regarding questions which had been discussed on 11 March."

Are there any other observations? Would you like to comment, Mr. Engen, since you took an interest in this matter?

Mr. ENGEN (Norway): I have no amendments to suggest.

The SECRETARY-GENERAL: Let us hope that there will be no repetition of a situation which will call for any kind of correction.

I thank all of you for your patience. From the point of view of the Secretariat, these discussions are immensely helpful. Thank you very much.
