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Middle East

Meeting of Advisory Committee on UNEF

21 Oct. 58

CONFIDENTIAL

Advisory Committee on UNEF

(Meeting held in the Secretary-General's  
Conference Room, Tuesday, 21 October 1958 at 6 p.m.)

The SECRETARY-GENERAL: Gentlemen, there is nothing pressing which has called for this meeting, but we felt that we should, as on previous occasions, again get in touch with you in order to bring you up to date on the very little that has happened; at the same time we felt that with the very important role which the Advisory Committee has played in the development of UNEF, it was right and proper to offer an opportunity where clarifications might be given and where, on the other hand, you might wish to give us advice on certain points on your own initiative. It was not our intention in any way to commit you in this context. That, of course, would be completely out of the question.

With this background, I would say that first we should bring you up to date on UNEF developments since the last meeting, which was on 9 July, and I shall invite Dr. Bunche to do this.

Mr. BUNCHE: There have been no incidents along the line since the last meeting of the Advisory Committee. There has been an accidental shooting of a civilian by a Danish soldier. The death of a civilian in Alexandria has been reported -- we do not as yet have the full report -- on the day the leave centre was closing in Alexandria and moving to Cairo for the winter, following a scuffle with some Brazilian troops. On the night of 10 October on a main road near Rafa, three officers of UNEF were assailed by three armed men dressed in Egyptian-type uniforms and were held up, and one wallet was taken before an approaching Egyptian army vehicle caused the robbers to flee into the desert.

That is all that has happened, and I tell it because it is significant that this is all that has happened compared to what we used to report.

The SECRETARY-GENERAL: Even our old friends, the straying camels, have stopped their subversive activities.

Mr. BUNCHE: We don't have goats and sheep and camels anymore. This is a period of movement of the contingents, and General Burns has been for a two-week period, virtually on a non-stop basis, making farewell speeches to departing contingents one after the other. This is the rotation period and it is interesting to call the roll on it, because it shows how long we have already been there. Brazil undertook its third rotation on 8 to 16 September; Canada its second rotation (which is under way now) -- it started on 15 September and will end on 15 November; Colombia is in the process of withdrawing and will be moved out on 26 October; the Indian contingent is in its second rotation, which will be completed around 17 November; Yugoslavia will soon be in its fourth, which will run from 15 November to 15 December; Denmark had its fourth, which ran from 10 to 21 October, and is now completed; Norway is in its fourth, from 14 to 25 October; and Sweden is in its fourth, from 24 October to 2 November. The medals have been distributed to all the present and former members of the Force.

I should mention also that UNEF has been of considerable assistance to the Lebanese operation (UNOGIL), particularly in making short-term loans of specialized personnel that could not be obtained quickly or easily elsewhere.

General Burns wrote a letter some time ago which I think, because of some recent developments, should be called to the attention of the Committee, and I could best do that, since it is a short letter, by reading it. He states:

"Recently there have been one or two instances when Ambassadors in Cairo of the nations contributing to UNEF have visited their national contingents without first taking the trouble to let me know they were doing so.

"You will probably remember that when UNEF was formed it was agreed that it was undesirable that Ambassadors or diplomatic representatives should visit the units without first clearing at any rate with the Commander of the force. The reason for this was that it was not desired to have possible channels for instructions being conveyed to the Force other than those emanating from UN Headquarters and passing through the UNEF headquarters here.

"At one time or another most of the Ambassadors in Cairo of the nations represented in the force have visited UNEF and most of them have communicated with me first. ..."

He simply goes on to ask that we should issue a reminder at Headquarters that this procedure should always be followed. There is also the point of his being able to notify the local authorities of the area of the routes being followed when flights are made from Cairo to Gaza.

General Burns himself will be here at the end of the week and will therefore be present when the items on UNEF come up for consideration in the Special Committee.

Mr. ENGEN (Norway): Could I just ask one question? What would be the proper procedure to follow in case a member of a government, let us say the Defence Minister, would like to visit a contingent in Gaza?

Mr. BUNCHE: He should notify us here and then we would pass it on to General Burns. That would be the proper channel.

Mr. ENGEN (Norway): What arrangements should be made in going via Cairo, for instance, with respect to the Egyptian authorities?

Mr. BUNCHE: I should think it would be through the Foreign Office.

Mr. ENGEN (Norway): While on Egyptian territory would he be the guest of the UN?

Mr. BUNCHE: Only in Gaza.

The SECRETARY-GENERAL: The formula is that he is either privately in Egypt or, if he is a cabinet member, he is likely to be the guest of the Egyptian Government, with the single exception that in Gaza he is the guest of the Commander-in-Chief.

Mr. BUNCHE: Arrangements for his getting into the UAR would be his Government's responsibility and not the responsibility of the UN. In other words, we assume no responsibility for getting anyone not officially connected with UNEF into the country.

The SECRETARY-GENERAL: There is one small protocol point, which is very natural. As he is the guest of the Government of Egypt in Egypt, it is considered as a matter of course that he pays a visit to the Governor of Gaza when he arrives.

Mr. de FREITAS-VALLE (Brazil): I heard from our Ambassador to Cairo that he has been visiting the troops there. I do not know whether or not that is in order.

Mr. BUNCHE: Everybody has been doing it. He is quite in fashion, I should say.

Mr. de FREITAS-VALLE (Brazil): He has been doing that especially when new troops arrive or when troops leave. He goes to see the ship. I do not know exactly what the procedure would be.

The SECRETARY-GENERAL: An ambassador accredited to Cairo is a much simpler problem. I guess it is a matter of course that they mention to the Foreign Office that they intend to do it, and they should certainly get in touch not via us but directly with General Burns. That activity is considered a very natural thing and it is just taken in stride. The kind of visit which Mr. Engen mentioned requires a little bit more procedure.

Mr. BUNCHE: I should inform Mr. Lall that Ambassador Dayal was in Gaza yesterday reviewing the Indian troops. He flew in from Beirut.

The SECRETARY-GENERAL: I don't think it represents any problem at all. I understand General Burns' wish to keep it on the rails, because it might become a little bit embarrassing.

I might perhaps outside the record speak briefly about the other two operations which are of the same family, UNOGIL and the "baby" operation in Jordan.

(At this point the Secretary-General spoke off the record.)

The SECRETARY-GENERAL: I shall now turn to the other aspect of the UNEF situation. The General Assembly has before it the progress report which was in fact circulated on 27 August. This will necessarily give rise to two questions: the continuance of the operation and the financing of the operation, in connexion with the General Assembly or the Fifth Committee.

On the first point, all I can say is that no question has been raised with me regarding any change in the approach, and, under such circumstances, our stand in the report and our stand in the Committee will be the same, namely that as long as neither Egypt nor any Member Government has raised the question of whether the so-called tasks were fulfilled and for that reason there should be some kind of ending of the operation, the stand of the Secretariat necessarily will be that the operation should continue. I do not feel that in the light of the basic agreement it would be proper to introduce here either common viewpoints or administrative viewpoints that are subordinated to the major political consideration regarding the usefulness in the present situation.

There again I would say that naturally the situation will be influenced by the development of the atmosphere in the region with, however, one very important proviso, namely the normalization of inter-Arab relationships, which we hope will come about quickly; we have not disposed of the Gaza problem as such, as I do not believe that the above-mentioned development in itself will do away with those feelings of concern and those possibilities of friction which we have there in relation to Israel.

Mr. BUNCHE: Nor have we disposed of the Aqaba problem.

The SECRETARY-GENERAL: No, that is very true. With respect to the financial action, we have now brought costs down as far as I think it can be done. The operation is now very much trimmed in relation to what it was in the past. The question does arise whether any special procedure should be applied, as it was last year, that is to say, the decision was regarded as mainly a political decision taken by the General Assembly and not as a financial decision in the regular sense.

I have not formed any firm view on it. Of course it is still true that what the Fifth Committee can do in the detailed debate of the UNEF budget is practically nothing and that, for that reason, there is not very much of a basis for a debate of a financial character. However, the same argument can

be used in favour of the normalization of the handling, because I guess that the Fifth Committee, realizing this situation, would be likely to look at it in that light. The only thing that it is essential to avoid is that the Fifth Committee should have to take any stand on the political issue, which is not its business. I don't think they will have any temptation in that respect, but I don't think they should be asked to do it.

These are my very brief remarks and perhaps Dr. Bunche or Mr. Cordier would like to add to them. This is how it looks from our angle at present.

Mr. IALL (India): Thank you very much, Mr. Chairman, for those observations. May I just make two very brief comments? One is simply procedural and I am sure there is not any ambiguity about it except that it just wasn't stated. I take it that when the arrangements for Jordan can be made that you will, as you have always done, make a report.....

The SECRETARY-GENERAL: That will be done as a matter of course.

Mr. IALL (India): ....so the membership of the Assembly will know what is happening.

The SECRETARY-GENERAL: We will probably make some kind of news release in advance on the broad lines, but a detailed report will of course be made the moment there is a clear, definite pattern.

Mr. IALL (India): Is it possible to say approximately when that will be, or is it too early?

The SECRETARY-GENERAL: I would rather like to have it at a stage when we really have recruited the people, but I would say about mid-November.

Mr. IALL (India): My other comment is about UNEF. As you have said, we too find that neither the United Arab Republic nor others are talking about an immediate discontinuance of UNEF activities. It seems to me, however, that we might be approaching -- I say, approaching -- a phase when the issue will not be discontinuance but will be projection toward discontinuance. What I

mean by that is this. I would doubt whether politically we will ever be able clearly to reach a day on which we will say to ourselves, "Yes, tomorrow we can remove the Force". The situation isn't quite like that. It seems to me that we would have to get to this day empirically, and it seems to follow that the way to handle this matter would be to phase a reduction of the Force not at the moment with a view to its disappearance from the scene but with a view to seeing to what extent the process of reduction can be taken without detriment to the functioning of the Force in terms of its objectiveness.

Now I am perfectly aware of the fact that the Commander of the Force will probably take the view that you cannot reduce it at the moment. I know it is a small Force and I am sure that any good Commander will work out a very logical pattern which will show that you cannot get it below a certain point. But I am not thinking of it so much in terms of economy and I am not thinking of it so much in terms of military considerations as in terms of political considerations. In terms of political considerations it would seem to me unreal to think that we will come upon a day on which we can say, "Yes, it is quite clear that we take the Force away". It seems to me rather that we will have to get there empirically by reducing the Force, and that is why it seems to me on political grounds the question arises as to whether we should not start this process of reduction in the near future. Otherwise, it seems to me that we will be postponing perhaps unnecessarily the whole process.

Mr. BUNCHE: We have anticipated Mr. Lall on this and, as a matter of fact, since last year we have reduced the figure below what the Commander has said was the bare minimum. We had over 6,000 last year and we are down this year to an average of 5,400 -- a reduction of 600 which we achieved by not fully replacing the Indonesian and the Finnish contingents. We are confronted now with the Colombian withdrawal. Even before we could suggest anything to General Burns, anticipating what he thought we would suggest, he sent a very strong statement, and I think backed that up by a statement to the Secretary-General when he was in the area that, in view of the nature of the task, the length of the line (which is over 275 kilometres) he cannot assume responsibility for conducting the operation if it is below this minimum, militarily. It won't work because, he points out, a good part of the Force necessarily is in the nature of support units to back up those who are patrolling the line, and they have been

using, as you know, a good deal of local help for work, such as "KP", which would normally be done by a military force itself. We will very definitely have a problem of in effect over-ruling military judgement if we should proceed along the line just suggested.

The SECRETARY-GENERAL: At least we would have to change the character of the operation.

Mr. BUNCHE: Yes, you would have to reduce the function.

The SECRETARY-GENERAL: If we are to discuss that kind of system, I guess that at some stage we will have to phase out half way, and then we must have a formula for it and that would be something half way between what we have on the international frontier and UNOGIL, that is to say a few firm outposts and a patrolling system of some kind. It might be that that would have the same psychological effect, but that is a matter which will certainly have to be studied. The Israelis are very touchy and they are touchy not in the political sense but in the sense that these kibbutzims are on that border and the people in Gaza would have the same preoccupations as those on the Israeli side. They are afraid that the old clashes between patrols and people coming up would be resumed. However, all this has to come under consideration. I agree with you that there is a stage between the present one and liquidation. That has to be studied.

Mr. LALL (India): Yes, it has to be studied, Mr. Chairman, and in the sense that the phasing out is not entirely a military operation, but a political operation, much as one would sympathize with the view of the Commander, there is the other aspect of the matter, and, as you say, that aspect ought to be studied. It may be that in certain areas it might be possible to make an experiment with token forces or with more widely interspersed posts, or something like that. One would have to study that on the spot. But it does seem to me that that is a political problem which has to be studied simply because this is not going to be an operation where we will go from 5,400 to 0 in one week.

Mr. BUNCHE: May I add one word to that on behalf of the Force. They have done some of it themselves. For example, they have reduced, in the course of the year, the air wing, and they have cut down very considerably on the aerial patrolling along the line, as not being required at the same level as previously maintained.

The SECRETARY-GENERAL: What General Burns undoubtedly will object to is that he considers that there is no proportion at all between the cost and the effect, and that he will do as a good professional. That is to say, I think he would be quite willing to study an arrangement of a different type, but then he will certainly request what is necessary for that type of operation. What he would not take is the same responsibilities with a cut of one-third or one-half. That he would not accept, and I think he would be right in that.

Mr. LALL (India): Mr. Chairman, may we perhaps expect to hear from you at some time whether, with reference to a certain sector of this line to begin with, probably not the Gaza area, but with reference to the southern sector, a study can be made of a different type of operation, and if so, with what results?

The SECRETARY-GENERAL: We can take it up with General Burns when he arrives, but I would hope that it will be possible to do that with such a light touch that there would not be the slightest risk that the Tom Hamiltons of this world will start smelling something in the wind, because that might be very embarrassing, as you know.

Mr. BUNCHE: When you say "southern sector", stop before Aqaba.

The SECRETARY-GENERAL: It is exceedingly thin now at the international frontier. The Yugoslavs are sitting at El Qouseima eating their hot dogs. Anyway, we will bring it up with General Burns, with the proviso that it will be with a very light touch. I do not regard the question as before us, so to say.

Mr. LALL (India): We shall wait to hear from you about this before I raise it again.

The SECRETARY-GENERAL: As regards the financial aspects, it might be wise to be, as we did it last time, slightly irregular and slightly out of order and to check a little bit how you feel about the procedures, because this is a good occasion on which to consult. As you may have sensed from what I said, I had a slight preference for going back to normal procedures on the understanding that they would, so to say, lift the political problem out of the Fifth Committee, and I think that can be done in the presentation. General Burns or I can make the initial statement in the Fifth Committee and make it clear that along the pattern of last year, of course, the political decision is a decision for the General Assembly and it should not come up in the Committee, and that this is a consequential decision to be taken only if and when the General Assembly has decided on the basic political issue.

Mr. CORDIER: We have the Chairman of the Fifth Committee here and perhaps we could hear what he has to say about it.

Sir Claude COREA (Ceylon): I quite agree in general so far as the Fifth Committee is concerned. If you take any political decision or direction you should consider only the financial aspects of the question. That is the basis on which generally the Committee has been acting.

The SECRETARY-GENERAL: You see, Sir Claude, my only addition to that would be that in a way which can in no way be construed as trying to limit the competence of the Committee, in the oral presentation of the report from the Secretariat, it can be clarified how the financial decision relates to the decision in substance, which will either be implied in it or taken by the General Assembly as a special clause in the resolution.

Sir Claude COREA (Ceylon): I take it that the procedure to be followed will be first the General Assembly decision on the political aspect.

The SECRETARY-GENERAL: Well, that would bring us closer to the pattern of last year. I did not consider that in itself necessary. I felt that the Fifth Committee could study the report and could make a recommendation, and then the resolution taken by the General Assembly would have as its first operative clause that the operation should continue, and the second clause could take up the recommendation of the Fifth Committee. That is something we might go into

in more detail. What I really mean is that we should not do what we did last year, and lift the whole item into plenary.

Mr. CORDIER: Action by the Fifth Committee on the budget estimates for UNEF for 1959 is in itself an implicit indication that UNEF is continuing, and therefore would really not require any special action of the Assembly.

The SECRETARY-GENERAL: But I think it should be reflected in the resolution, because it is proper, after all, to have such an important thing explicit and not implicit; otherwise you would have a possible expression of views on the political aspects in the plenary on a report from a Committee which does not leave scope for that because it is only implied. That is what bothers me a little bit as a difficulty. But if the resolution is one which has as its first clause whatever we had last year concerning continuance, it would take care of it.

Mr. BUNCHE: In the resolution adopted on 22 November last year in plenary there was no fixed time-limit but there was a financial limit. The time-limit was avoided by saying "an amount for the continuing operation of the Force beyond that date" -- that is beyond 31 December 1957 -- up to a maximum of \$25 million. That was the control. The principle that was adopted in operative paragraph 4 covering the expenses authorized in paragraph 3 was that this shall be borne by the Members in accordance with the scale of assessments. But the only control was the limit of \$25 million, with no date.

The SECRETARY-GENERAL: But the important thing is that the matter would come up in the natural course of developments in the Fifth Committee and that this constitutional aspect might be properly clarified so that the Committee will know exactly the implications of its report to the General Assembly. The question of how it will be handled in the General Assembly can be looked at in the light of how the Fifth Committee works.

Sir Claude COREA (Ceylon): In view of the fact that it is a continuing operation which has already been sanctioned, we might be able to keep it strictly within the financial scope.

The SECRETARY-GENERAL: It may be possible, yes.

Sir Claude COREA (Ceylon): There might be difficulties, of course, but I think it might be possible.

The SECRETARY-GENERAL: What I want to avoid -- I repeat that and we are quite agreed on that -- is that delegations would feel that in order to be able to express their view on the continuance of UNEF they would have to send political delegates over to the Fifth Committee in order to start that debate. That certainly would not be in line with your wishes as Chairman, and certainly it would not be in line with good procedure.

Mr. LALL (India): If you still have a lot left out of the \$25 million, then it isn't even a financial issue.

Mr. BUNCHE: It would be if there were not enough left to see it through several months.

Mr. LALL (India): If you have got half of that left, there isn't an issue at all.

Mr. BUNCHE: There won't be enough left, I am sure, to carry it through to the next Assembly. There is no Assembly after this one until next September.

Mr. LALL (India): I greatly appreciate the Chairman's position, which I take to be that if an opportunity is required or desired by the Assembly to state a view on the continuance of the Force, that opportunity should not be denied the Assembly -- that is your point.

The SECRETARY-GENERAL: Yes, and then in plenary.

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

Sir Claude COREA (Ceylon): But it would be correct in the meantime to take the reference that Mr. Bunche quoted as authority for continuing.

The SECRETARY-GENERAL: Certainly the Fifth Committee can act on that. They have political guidance in that fact. Mr. Lall brought out very clearly what was, so to say, my worry. One should not force the debate in the Committee, which will devote its attention to other aspects.

The next thing we have here is what I mentioned at the beginning. You have before you the report giving the summary of experiences of UNEF, and you have certainly studied it. I suppose you have not found anything which is new to you. In fact, the summing up chapter repeats principles all of which, I think, have passed this body in one way or another in the course of weeks and months and, by now, years. But all the same, I felt that we should have it before us for such comments and questions as you might care to give us. We shall soon come to the Committee stage and in the reactions from the Secretariat, of course, we would like to take into account the views held by this group.

Mr. LALL (India): The basic principles in chapter 7 of this report are founded on decisions of the General Assembly, the status agreement between us, may I say, and the Government of what is now the United Arab Republic, and sound practice as it has developed. Those being the premises of these principles, one would expect the principles to be completely above reproach, and in terms of the premises, so they are. But in terms of the normal doubts, second thoughts and cogitations to which human beings unfortunately are susceptible, I must confess, with great respect, that I have felt on reading the principles that the time has not yet come when principles can really be formulated.

The SECRETARY-GENERAL: May I interject one thing here? They have been more discussed than formulated. An attempt to bring them down to clear legal language has not been made, as you know.

Mr. LALL (India): I would like to cut all my remarks very short by saying that what we would be happy to see would be something like this: that the Secretary-General has been good enough to make this study, which is a very valuable study. The UNEF operation, however, is still in being; the UNOGIL operation has been a very brief one, but it isn't over; the Jordan operation is still in the future, although in the very near future; there are certain operations of an international character which haven't taken place within the United Nations but

which might not be irrelevant. As you know, Mr. Chairman, some of the other countries here, and we ourselves, have been associated in operations in Korea and in Indo-China. Now it seems to me that taking into account the fact of what has not been covered, what is still in train, what is yet to be -- this whole matter requires further study. If the Secretary-General would agree that this is the first phase of his study and agree to continue studying this matter, without asking us in any way to endorse his present study -- although, of course, I think he can leave to us to express our great appreciation of his study -- I think it would be a very salutary way of handling this matter at this juncture in the Assembly. I am now coming right down to brass tacks.

The SECRETARY-GENERAL: You have come very straight to it.

Mr. LALL (India): This is because I wanted to spare all of us any detailed comments on the principles. I do not think that is necessary. If you wish, we could do so, but I wonder whether that is valuable at this point. The whole point is this. In view of all the factors in the case, is it not best to regard this as a first-phase study which the Secretary-General would be so good as to continue, and leave it at that, with an expression of our great appreciation of what has already been done?

The SECRETARY-GENERAL: One can discuss tactics. I must say that I am very much afraid that a further study would leave me with very much the same results as we have now. Because, you see, the formulation of principles may be difficult, but I think that the bulk of them are likely to be a rather solid element in whatever experience we have or may get. These principles here, all of them, do not apply, for example, in the case of a UN armed or even civilian force like the Jordanian one. Quite a few things fall away. But other things remain relevant, and I think they are sound. I would at least have a certain part of the principles picked out as definite. For example, we have these various and very touchy problems, and very much misunderstood problems, of consent, the implications of consent, and so forth, where I think we have reached as definite results as we are likely ever to reach and where it would be very good to forestall misconstructions in the future by having this laid down as sound UN legal practice.

You may remember, in discussions regarding UNOGIL, to what extent our debate drifted back to ideas and approaches which were highly unrealistic from the point of view of sheer good law and good practice, and it would have been excellent in that situation to be able to point to the fact that there are certain rules which are approved for all types of UN field operations.

Mr. LALL (India): Mr. Chairman, I do very much appreciate that concern of yours, and I am sure that should an occasion arise again where United Nations organs, or an organ, gave you a direction of this kind or made a request to you, that naturally you would not want to find yourself bogged down in the stage of debate on fundamentals. It is obvious that that would not be conducive to the

objective which the United Nations itself would have in view. But it does seem to me that what you said about certain of these principles not being applicable to the UNOGIL case, and even fewer of them being applicable to the Jordanian case, illustrates a fundamental difficulty which faces us. Supposing we were to endorse these principles, and then supposing that the next case which occurred required two or three additional principles because the nature of the case was different? In other words, these principles have been enough for the UNEF operation, they have been too many for the other two, but they may be too few for the next operation. You see what I mean?

The SECRETARY-GENERAL: Then we add when we come to that stage.

Mr. LALL (India): It seems to me, for these reasons, that it is a good thing to go on building up case law, but it is perhaps too early to say, here is a comprehensive set of principles of general applicability. Case law? Yes, certainly. And I think that the digestion and assimilation of these principles by the General Assembly will itself be salutary. It will to a certain extent do just what you have in mind. That is to say, it will acquaint the membership of the General Assembly with what would appear now to be -- I will not put it more strongly than that -- the rules of the game.

The SECRETARY-GENERAL: Before I give the floor to Dr. Bunche, I might say this: I am thinking of what you said last and what you said at the beginning, that is, that in the spelling out this appears to be the rules of the game, on the basis of the experience we have got, and what you said at the beginning, that these are, so to say, the principles as they emerge in practice from what has so far been done -- that those two statements provide the basis for something which comes very close to what I really had in mind.

It does not mean that the General Assembly by an explicit endorsement of this lays down the law, but it does render it possible for the General Assembly to straighten out future discussions, both publicly and in the General Assembly, by finding words which correspond to what you said. So far, so good, so to say. That is to say, that we recognize this as the conclusions to be drawn from the experiences so far.

Being the conclusions drawn from the experiences so far, it does provide a kind of basis on which either studies, or contacts with Governments, or future decisions might be based in a general sense of the word. Not based in the legal sense of the word but based in the general sense of the word.

To go back to what I said before. Please observe that there has been no effort to formulate this in rules which could be put in paragraphs. It is a kind of debate of principles where the principles are embedded in the very debate. I mean they are brought out, they are qualified, there are nuances, they are argued. For that reason they are not the law; they are kind of guiding lines which are extracted from the experiences we have had. That is my way of looking at it. That is to say, a resolution, if we are to talk about a resolution, should not just ask for a further study, because that is not likely to lead anywhere. It should say: this is what we have done on the basis of what we have learned so far. We do not endorse it as any kind of rule which rules for the future, but we do accept it as a working basis for the Secretariat and what we have to do in this field. Which is somewhat looser, but all the same means that we are not in the open sea to the extent that we have been.

Mr. BUNCHE: I just want to clarify one point that was made by Mr. Lall, when he referred to the fact that the principles that were applicable to UNEF did not apply to the UNOGIL and Jordan operations. I think the emphasis here was not correct in the sense that it is not the principles that do not apply but the differing types of operation.

The UNEF type of operation would not apply to Lebanon or to Jordan because the circumstances were different. But except for some minor variations in financial principles, with regard to responsibility, equipment and so on, these principles would, I think, have application to any such operation. They would not have the same application as with regard to UNEF, because UNEF involves contingents where financial obligations are involved or where countries are sending equipment. But other than that the principles would have application, I think, whether in Lebanon or Jordan: questions of consent, which are basic; questions of acceptance of the nationality of the men, and so on. These do not vary and cannot vary, and from the standpoint of those who have to implement the decisions that are taken by the organs, it would be highly important to have endorsement since so much time and so much energy are wasted in setting up an operation because there is not such endorsement of principles.

The SECRETARY-GENERAL: May I add one thing in order to clarify it. You used the word "endorsement". I would accept that word in a very general sense, in a very very general sense, and it may be useful to indicate what have been the objectives when we embarked on this exercise without having been asked to do so. It was a dual objective. One was, to put it in rather brutal terms, to cut out a lot of nonsense from discussion about these matters which have not been sufficiently clarified. The second point was to give to Member Governments enough of, so to say, all the systematic information on the matter for them to be able to take into account the possibility of such requests in the future.

So far, whether it is Canada or Norway or India or Brazil, they have been very much in the dark. I can give the reaction I got from one Member Government which has contributed heavily to it, which after reading the report said: This is the first time we really have a clear picture of what this, so to say, implies. That is what we wanted.

Mr. LALL (India): Exactly. That is wonderful. You have written this report for us and now we have a clear picture of what we have been doing and --

The SECRETARY-GENERAL: Or might be called upon to do.

Mr. LALL (India): Or what others might be called upon to do. I mean if there is another situation.

The SECRETARY-GENERAL: Others. I hope you did not exclude India.

Mr. LALL (India): No. What others also might be called upon to do. May I say, which perhaps is supererogatory, that you will not find us unwilling to do what we are capable of doing to assist the United Nations where we are called upon to assist and where the States directly concerned would express their wish that we should assist. That I think is now common ground.

Mr. BUNCHE: A basic principle.

Mr. LALL (India): But we would be, if I may be very frank with you, very diffident about endorsing even good case law at this stage, very diffident indeed. May I give you one example. You have said -- do correct me if I am wrong about this report -- that the United Nations itself must decide the composition of the elements in an operation like that. It would, of course, you have said, pay a great deal of serious attention to the wishes of the host Government. But in the long run the United Nations must decide this issue itself.

Does this not, if I may put it that way, conflict with national sovereignty? How can we lay it down as a general principle that country "X" must in the last analysis accept the personnel which will be sent there by the United Nations. It seems to me that this is something which one might persuade the State to do. In other words, there might be a situation in which a State expresses a little diffidence or unwillingness, or hesitation, about a certain element in the force, and the Secretary-General is able to convince them that that unwillingness should not be pressed.

But in the last analysis it would seem to me that this is a question where national sovereignty does come into the picture, and certainly as we are not acting under Chapter VII of the Charter but under Chapter VI -- if we are acting at all under the Charter -- then under Chapter VI the consent of the country concerned is absolutely axiomatic. The principle as stated seems to tilt the other thing the other way. It seems to say, in the last analysis, that the decision is that of the United Nations and not of the country.

It seems to me that there has to be a tripartite decision: of the United Nations, of the host country and of the country which is willing to supply the elements. It seems to me that a tripartite consent, which is the essence of a delicate operation like this, is required.

The SECRETARY-GENERAL: I do not think we should go deeply into this problem.

Mr. LALL (India): I gave this example.

The SECRETARY-GENERAL: I think you picked the most difficult point in the whole set of principles and we managed to live up to this principle in the most delicate case we are likely to face, because really Egypt was not a simple one from that angle at all, as is well remembered by members of this group. But in order to simplify a little bit the statement here let me say this. The statement is one which takes into account two sovereignties, so to say, apart from the contributing countries as a matter of course. One is the sovereignty of the host country, which of course can refuse this or that kind of participation in a group. On the other hand, there is a kind of sovereignty of the United Nations in the sense that the United Nations cannot permit a Member country to discriminate among other Member countries. From the point of view of the United Nations every single Member country has the same position and it becomes extremely dangerous if the United Nations bows in such a situation to the political judgement of a Member nation. That is to say, we have basic contradiction. The Member country is entitled to say: we will not see those people. We must say that the United Nations cannot permit a Member country to pick and choose among other Member countries; we cannot be go-betweens in that kind of feud which partly might develop. We must therefore reserve our right to decide on composition.

The way of getting over this is, of course, as you indicate: negotiation. That is the way which has been applied. In ninety-nine cases out of a hundred, if there are valid reasons -- and there are very many possible valid reasons -- I think the United Nations bows to the view of the host Government. If, on the other hand, we run into a situation which politically is unacceptable, the United Nations has to assert its right. Then the reply given here is a reply which also is based on experience and practice. The solution has to be found, as it is phrased, on political rather than on a legal basis. That is to say, neither side should in this situation push its constitutional right to the extreme. We should somehow get around the corner, and we have managed to do so in after all a very solid and very complicated test case.

For that reason, I think that what is said here is right. It recognizes that a Member country has a major concern with the composition, that on the other hand the United Nations cannot just take the judgement of a Member country regarding other Member countries. They should take it into account, to all the extent possible, if there then remains a conflict; that is a thing which has to be negotiated in that way, overcoming the conflict of the two sovereignties, if I may use that terminology. But, as I said, this takes us very far, and you have wisely taken the most difficult example you can find in this whole report.

The other one, which is somewhat similar, is, of course, the one concerning the time limit for presence, where you also might run into a conflict of sovereignties.

Mr. RITCHIE (Canada): We have not, I think, the same difficulties over these principles that Mr. Lall has been expressing. Perhaps because we have not studied them as fully and as deeply. In fact, on a superficial study of them, I think we would be quite favourably disposed towards commending them for eventual endorsement. But we do, I think, share a little of the doubt that Mr. Lall has been expressing -- and I think you yourself, Mr. Chairman, spoke of endorsement in very general terms -- a doubt as to whether, in view of the very sort of questions which have been raised, and similar questions which might be raised by others, we should not proceed rather slowly in this matter and

not perhaps attempt to get too early and, if I may say so, too flat-footed an endorsement at an early stage of the principles as they are set out, because one might run into various complications which perhaps after further study and elucidation might be resolved or new ideas might be put forward, of which account has to be taken.

So that we also feel perhaps that there is an occasion here for an opportunity for some further study, although we would be quite prepared to commend these principles ourselves for eventual acceptance.

The SECRETARY-GENERAL: You have rightly referred to the reaction I had to the word "endorsement". I said "in very general terms". I share entirely your view that we could not and should not freeze it so that this is now the law, and the Secretariat, if that were to be the case, could, so to say, invoke this as binding in relation to Member Governments. That would go beyond what I think even the text invites us to do. Because then it should be phrased with much more legal care than it has been done. But there is something between that and just taking note of it. There is the kind of, so to say, acceptance of this in general terms as something on which the Secretariat can continue to work with, which Member Governments on their side can study and take into account, to the extent that they want to take into account, these type of operations and these type of possible appeals. I called it endorsement in very general terms.

There are very many ways of doing that. It is really just a kind of situation of no objection to this in the sense of so far so good, but not in the sense of, well, this is now the law. But that is really a question of phraseology more than anything else. I think that this discussion has clarified one issue, and that is that we are between two extremes, we are all of us between two extremes. Also, you want to go beyond just a simple note of it, if I understand you correctly, because there is more to it than just a piece of information. On the other hand, you feel --

Mr. LALL (India): We would like to express our appreciation.

The SECRETARY-GENERAL: That does not provide us with anything but pleased feelings. We need not take the Committee debate here.

Mr. ENGEN (Norway): I have an observation with respect to the examples which Mr. Lall mentioned. I do recognize that the examples he mentioned raise difficult problems, but of a political nature. I am not so sure that they really raise any more problems of principle than any other problem of implementation of United Nations decisions actually does, I mean on principle. But they are difficult political problems, I do recognize that.

So that the introduction of the principle to which Mr. Lall referred, in connexion with the establishment of any United Nations machinery on a territory, raises the same problem of principle before the host Government as would, I think, other decisions or recommendations by the General Assembly, for instance, and in the context of it being, of course, accepted principle that any UN operation on any territory cannot take place without the consent of the Government. The reservations which Mr. Lall made would, of course, have to be looked at in that context. Would you agree on that?

But coming back to what has been said about what to do now with this report, I for one am also inclined to think that one should proceed cautiously, although I do not quite see how one could request the Secretary-General to go on from here, even if it is only a question of further study, without getting into direct contact with Member Governments, sort of trying out what is contained in this report.

Unless that is done, I do not see how we get off the academic ground of discussing principles and rules and so on. I do think that there is a background here of actual need on the part of Member Governments who have been called upon at one time or another to consider undertakings for the United Nations, to have these things ironed out with the Secretariat, not only in some hurried night hours when the request comes in, but in the dispassionate and quiet atmosphere of a non-emergency situation. I will put it that way.

The SECRETARY-GENERAL: In the light of your memories, back of this is quite some experience. Very many of these points I did not even discover in the forty-eight hours which the General Assembly kindly gave us. The problem you raised was the subject of some ten or twelve days of very intense exchange of cables and other things, and we reached exactly this formula, which is a formula of mutual acquiescence in irreconcilable rights. And it is very good, to have it on record. That is the kind of stuff into which we run. As Mr. Engen pointed out, it is not very pleasant to try to form an opinion in a hurried night hour. It is much better to have looked at it and digested the fact that there is this basic contradiction and there is no way out but the political one. That applies to very many principles here. We should not bring up here the financial clauses which, as you know, are extremely difficult when you get down to the complete details.

Sir Claude COREA (Ceylon): I would put what Mr. Lall has said just the other way around. I did not think at this stage of asking you to make a further study. I would take the case very much further. But, on the other hand, it might be helpful to you, Mr. Chairman, if we gave a little more study to this matter. We have gone through this report and tried to study it. But personally I must confess that owing to the pressure of other work at this time I have not been able to give it that careful study which it deserves. Perhaps it might be of assistance to all of us if we gave some further thought to the matter and then you will be in a better position to view any suggestion that we might have to make.

Implicit in these principles -- quite apart from whether the principles are right or wrong, or can be accepted or not -- is the idea of the commitment of Governments to this body of procedures, and that is in the minds of many people at the moment. It is in our minds. I may be entirely wrong, but I think it would be right to be quite frank and say that that idea is causing some concern, and even apprehension, in the minds of some. Not in terms of the proposal to have a force of this kind, but in the implications it involves in the context of the General Assembly of the United Nations itself.

Personally, we believe that the United Nations must have some method to meet with situations of the kind that have arisen in the past and which are likely to arise, and to deal with them without that delay and that uncertainty which is caused by not being ready with a set of principles of this kind. But there are those who still have found it difficult to make up their minds as to whether, in all the circumstances -- and I am not going into it now fully or expanding on it, and I may put it this way between ourselves -- whether it is even quite safe for us to adopt a fixed commitment to take action in circumstances that may arise. I say that subject to what I said earlier, that we are ourselves strongly of the opinion that the United Nations must have certain authority and a certain basis upon which to act.

For those reasons, I think we ought to give the matter a little fuller consideration. I may perhaps be saying this because I myself have not been able to give the matter the attention which I should have given it, the fuller thought that it deserves. But in those circumstances perhaps it might be helpful if we gave more thought to it and were in a position to submit something that might be of assistance to you.

The SECRETARY-GENERAL: I would like to be precise on one point. There is no implication here of an obligation for Member Governments to act beyond what is, so to say, the Charter obligation in relation to decisions of the General Assembly. It is based on exactly the obligations that any Member country has under the Charter in relation to the General Assembly. Nothing more than that. And the assumption, when this plan has been made, if we call it a plan, is purely pragmatic; that is to say, we have seen, over a few years, the United Nations being called upon to act in emergencies which required a new type of operation, which have certain features in common, that it is not military. That is to say, it is outside what was foreseen in San Francisco. With this experience in back of us, it was our feeling, and my feeling, that it would be good to have as many of the controversial points, which are bound to arise every single time such a demand is made, thoroughly studied and discussed, and to the extent that is possible, accept it as a case law, to use Mr. Lall's term. That is to say, and I repeat it,

it is not a subtle way to introduce any new obligations, in no way. It is just a response to the experience that such demands come from time to time. I hope they will not be repeated at the frequency of three in every two years, because that is a little too much to lead to good Secretariat operations. As to the time factor, my own feeling is that there is no need to have this rushed through the Special Committee at all. On the contrary, the debate there may be an extremely good and constructive debate which should be given full swing because the debate in this case, I think, can make more of a contribution to the substance, to the understanding of the problem, than it does in other questions where it is more a simple case of "yes" or "no" to a certain line of action.

Here it is really a kind of study which is an annexed study to the drafting of the Charter once upon a time, although on a much more modest level. For that reason, I would hope that the Special Committee would feel that they can engage in this kind of, not academic, but analytic and probing debate, which certainly would add to the picture we all have of the problem.

Mr. LALL (India): I do have to say one thing here because Mr. Engen was good enough to say something at one point in his remarks about "Do you agree with that?" I did not interject a "yes" or a "no". I would not say "yes" or "no", but I have not said "yes". I just have to put that on record. I expressed my view. I did have in mind something rather like Sir Claude Corea has now mentioned. Maybe it will be found that many Governments themselves will want to study this matter further. Therefore, what will come out of this would be: Yes, we are glad to have this study and we wish to study it further before we say anything more about it. I did refrain from mentioning the political aspects of this whole question. But as you yourself have said, we are all in a measure aware of our responsibilities under the Charter in this sort of matter. Whether it is timely to forge principles in the General Assembly and whether that would not lead to, let us be blunt, a cold war situation, is also to be borne in mind.

I am sure that wisdom will prevail -- at least I hope it will -- and we will get to some reasonable position on this matter. But personally, and I think it would be true of our Government -- I think the position is that this is the situation which we would like to take ad hoc; this is a matter which we would like to deal with ad hoc and we feel that that would be the best thing to do; and certainly so far as we are concerned, on an ad hoc basis, we will be very ready to be of assistance if required to do so.

The SECRETARY-GENERAL: May I ask just one question. It is hypothetical, of course. If there would be a majority view to the effect that the matter should be studied by Governments, and to the extent that it may be of any use to study it further by us -- although I must say that I do not see that we can add anything -- there is a combination of two things; that is to say, the Secretariat would be authorized, or rather it would not give rise to any objection if the Secretariat tried to push ahead in contacts with Governments, that is to say, prod them a little bit in their studies, and then the Secretariat has to act on some kind of basis.

I am sorry, Mr. Lall, but then I would act on this basis.

Mr. LALL (India): Mr. Secretary-General, need this have been said? It is exactly what I had in mind. I mean, if this thing becomes a mutual study --

The SECRETARY-GENERAL: Do not let us be too "yellow" on this point, because, as you know, there is after all an opinion, if you permit me to quote a distinguished paper in this city, which feels that this falls very far short of what the United Nations should be ready to consider in order to make men's hearts leap.

I guess we cannot get any further. But I am thankful for this exchange, which certainly will be continued in the Special Committee.

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