

Speeches, statements and press conference by Dag Hammarskjöld concerning Mi...

HS L 179:128



Dag Hammarskjöld's samt.

Middle East

1 Feb. 57

Statement by D.H. before the Plenary
General Assembly.

UNITED NATIONS
Department of Public Information
Press and Publications Division
United Nations, N. Y.

(For use of information media -- not an official record)

Press Release SG/560
1 February 1957

STATEMENT BY THE SECRETARY-GENERAL BEFORE THE
PLENARY GENERAL ASSEMBLY

1 February 1957

A/P.V./649

In his speech the representative of Australia raised one point on which he declared himself unable to agree with the proposition I had propounded in my report and solicited a clarification. The proposition referred to is the one according to which the use of military forces by the United Nations, other than under Chapter VII of the Charter, requires the consent of the state in which the force is to operate. I do not believe that this principle can be challenged as it is only under Chapter VII that the United Nations, in this case the Security Council, can take decisions which may infringe upon the sovereignty of member nations.

Nor do I believe that the second part of the proposition, which requires complete impartiality in the activities of such a force -- a condition fully stated already in the basic report on the Force -- can be challenged.

However, I fully agree with the representative of Australia that if this were the whole story, the situation would have been most unsatisfactory. In practice, the consent obviously must be qualified in such a way as to provide a reasonable basis for the operations of the United Nations Force. That is exactly the reason why, in November, an arrangement was agreed upon with the Government of Egypt, according to which the Government of Egypt declared that, when exercising its sovereign rights on any matter concerning the presence and functioning of the United Nations Emergency Force, it would be guided in good faith by its acceptance of the General Assembly resolution of 5 November 1956.

The representative of Australia has rightly drawn attention to this, which, in the case under consideration, is the necessary supplement to the basic Charter principle. Under these circumstances, obviously, the situation facing the Assembly has to be judged in the light of the general principle I have stated -- and which, in the report, I had no reason to state in anything but the most general terms -- and the agreement by which the Government of Egypt has given its consent, qualified so as to provide a basis for the operations of the Force.

(more)

This is the legal situation which is consistently reflected in the last report. To all the extent that movements of the United Nations Force are supposed to follow from the duties of the Force in relation to the cease-fire and the withdrawal, the matter, in the report, has been regarded as non-controversial as it is covered by Egypt's general consent, while, on the other hand, as regards activities of the United Nations Force which would extend beyond what is covered by this consent, an additional consent has been considered as necessary.

I, thus, do not believe that there is any difference of views, as to this legal issue, between the representative of Australia and myself. The question which is not yet fully clarified, is how far in the practical cases under consideration the duties of the Force go, and how far, therefore, certain arrangements for the Force are covered or not by the consent given by Egypt as qualified by its assurances of good-faith interpretation of the basic decisions of the General Assembly.

* *** *