

Small files: Israel, Jordan, Syria, Egypt, Gaza Committee, Arab refugees et...

HS L 179:185b



Dag Hammarskiöld's samml.

L 179: 185b.

Israel / Egypt

(New finance, first exchange
with U.S.A. 1956)
etc.

12 February

9

The Secretary-General

The Legal Counsel (s.) Constantin Stavropoulos

Letter from Israel relating to the status of,
and United Nations participation in, the Mixed
Armistice Commission established under the General
Armistice Agreement between Egypt and Israel

1. This memorandum is in answer to your request for a legal opinion on the obligations of the United Nations in the context of the argument put forward by Israel in a letter concerning the incident of 4 February 1959.

2. As I understand it, Israel has advanced the following contentions:

- I. The Armistice Agreement between Israel and Egypt is no longer valid, because (a) Egypt has violated the decisions of the Security Council and the provisions of the Convention of Constantinople regarding freedom of navigation in the Suez Canal and (b) Egypt has continued to claim that a state of belligerency exists with Israel contrary to the Armistice Agreement and a decision of the Security Council;
- II. As a consequence of the above, United Nations participation in the Egypt-Israel Mixed Armistice Commission is "tantamount to condoning the state of belligerency" claimed to exist by Egypt.

From the outset, I would like to state that I am unable to see any cogency whatsoever in the final contention advanced by Israel. As far as the obligations of the United Nations are concerned in the context of the above arguments, I understand them to relate to the question of the validity of the Armistice Agreement, and United Nations participation in the MAC.

A. Validity of the Armistice Agreement

2. The arguments advanced by Israel to support the view that

the Armistice Agreement is no longer valid have frequently been invoked before. However, it is relevant to note that, as regards the Agreement:

- a) it has never been formally denounced by Israel;^{1/}
- b) it makes no provision for unilateral denunciation, but provides instead for revision by mutual consent (Article XII, paragraph 3), or, failing this, recourse to the Security Council (Article XII, paragraph 4);
- c) it explicitly states that, subject to revision by mutual consent, it "shall remain in force until a peaceful settlement between the Parties is achieved" (Article XII, paragraph 2);
- d) it has never been deemed by the Security Council to be abrogated; on the contrary, the Council has always upheld its validity when Israel has previously advanced the same arguments;
- e) its validity has been re-affirmed by the General Assembly in the face of similar arguments by Israel /General Assembly resolutions 997 (ES-I) and 1125 (XI)7;
- f) its validity, furthermore, has been consistently upheld by the Secretary-General pursuant to the policies of the Council and of the Assembly (see, for example, A/3512).

Finally, it may be noted that the Security Council has denied that either party may exercise belligerent rights, and has called for the lifting of restrictions in the Suez Canal, largely because of the existence and nature of the Armistice Agreement and its continued validity. The Council's resolution of 1 September 1951, for example, states that "since the armistice regime, which has been in existence for nearly two and a half years, is of a permanent character, neither party can reasonably assert that it is actively a belligerent ...".

^{1/} Israel's attitude towards the MAC appears to have been defined in political terms of non-cooperation rather than in legal terms of formal repudiation of the Agreement.

3. In view of the foregoing, it can only be concluded that the Armistice Agreement is still valid and that it is the obligation of the United Nations to uphold it in its entirety pending the final settlement or any contrary decisions by the Council or the Assembly. As you have yourself pointed out "the Secretary-General, in carrying out the policies of the United Nations, must act with scrupulous regard for the decisions of the General Assembly, the Security Council and other principal organs" (A/3512, para.5). This would appear to apply also to all other organs of the United Nations (including UNTSO) and would seem to be relevant both as regards the validity of the Armistice Agreement, and the questions of belligerency and freedom of navigation in the Suez Canal.

B. Functioning of, and United Nations participation in,
the Egyptian-Israeli MAC

4. Israel has suggested that "the participation of United Nations representatives in an Egyptian 'Armistice Commission' which does not exist is ... tantamount to condoning the state of belligerency against us which is proclaimed by Egypt in violation of the Security Council decision." As already indicated, I am unable to see any logic or consistency in this argument. The Armistice Agreement remains valid, and it is, therefore, in my opinion, the duty of the United Nations to co-operate with and participate in the MAC established by that Agreement. Participation in the peace machinery has exactly the contrary effect to condoning any claim to the exercise of rights of belligerency. As previously pointed out, it is because of the armistice regime and its peace machinery that belligerent rights may not be exercised. The failure of Israel to participate in the MAC in no way changes its character or status under the Armistice Agreement, and does not turn it into an "Egyptian 'Armistice Commission'." To adopt this latter contention by Israel, would be to permit Israel to take advantage of its own default.

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and has the honour to call attention to resolution 411 adopted by the General Assembly on 26 November 1956 on the subject of the clearance of the Suez Canal, under which the Secretary-General is authorized to proceed with the exploration of practical arrangements and the negotiation of agreements so that the clearing operations may be speedily and effectively undertaken.

In accordance with the above resolution of the General Assembly, the Secretary-General has entered into obligations with contractors and others. For the financing of these obligations appropriate arrangements need urgently to be made, if the clearance operations are to proceed without interruption or delay. The Secretary-General intends to report to the General Assembly at an early date on a final plan with respect to the total obligation for the clearance of the Canal. Pending a decision on such a plan it is essential that immediate cash needs are adequately



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provided for on an interim and provisional basis. The Secretary-General would therefore much appreciate any indication which the Permanent Representative is able to give him, if possible, before 1 January 1957, as to the measure of financial assistance it can make available by way of an advance of funds. It would be understood that any interim advance would be without prejudice to the nature and extent of the Government's participation in such overall financial settlement as may eventually be agreed upon.

In order that he may be enabled to discharge the responsibilities entrusted to him in connexion with this vital United Nations undertaking, the Secretary-General trusts that Member Governments who are able and willing to assist in the manner and on the basis indicated, can urgently provide interim financing to the extent of not less than \$10 million.

If, as the Secretary-General hopes, His Excellency's Government is able to react favourably to this request, he will be glad to provide, to the extent possible, such further information concerning this matter His Excellency may require.

The Government of Egypt has given its assurance that the United Nations will have the full co-operation of that Government in the execution of its part in the Canal clearing operations.

25 December 1956

BR

London, den 2. januar 1957.

Kære generalsekretær,

Mange tak for dit brev af 29. f.m., som jeg modtog ved min tilbagekomst til London i går. Jeg har læst brevet med meget stor interesse, og jeg behøver næppe at fremhæve, at jeg ganske deler de synspunkter, du giver udtryk for. Jeg indrømmer, at det overraskede mig, at du mente, at Ægypterne ikke på nogen måde bevidst har forsinket genåbningen af kanalen, thi det er svært at undgå at blive påvirket af den engelske og franske presse, der af naturlige grunde giver udtryk for andre synspunkter. Jeg synes, at denne oplysning er af væsentlig betydning, thi det giver mig større fortrøstning til, at du på længere sigt finder frem til en tilfredsstillende løsning, således at vi til sin tid i SCUA kan løse vor del af opgaverne.

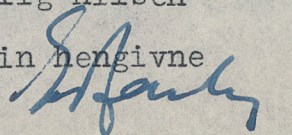
./.

Jeg sender dig for en ordens skyld genpart af et lille notat, jeg udarbejdede efter min samtale med Mr. Dulles den 14. f.m. Der er ikke opsigtsvækkende oplysninger i det, og du kender formentlig størstedelen i forvejen.

SCUA's råd er nu iøvrigt blevet indkaldt til møde den 10. januar for at drøfte et amerikansk forslag om, at man indenfor SCUA overvejer etableringen af en passende prioritetsordning for trafikken gennem kanalen, når denne kan genåbnes. Jeg hilser for mit eget vedkommende dette amerikanske initiativ velkomment, thi det er efter mit skøn gennem løsningen af praktiske opgaver af denne art, at SCUA kan vise sin eksistensberettigelse.

Med venlig hilsen

Din hengivne



H.E. Dag Hammarskjöld,
Secretary-General to the Organisation of the
United Nations, New York.

Samtale med Mr. Dulles den 14. december 1956.

Samtalen, der varede en god halv time, omfattede følgende hovedpunkter:

1. Mr. Dulles udtalte, at han anså det for givet, at SCUA ville få en betydningsfuld rolle at spille i det endelige arrangement vedrørende Suez-kanalen, som man måtte håbe kunne vedtages under de pågældende politiske forhandlinger. Dette ville blive et SCUA i en udvidet form, idet medlemskabet måtte øges, men dette havde man hele tiden forudset muligheden af. I denne form var SCUA efter hans opfattelse en uundværlig organisation til varetagelse af kanalbrugernes interesser. Han brugte i denne forbindelse den analogi, han også anvendte under min tidligere samtale med ham, nemlig arbejderorganisationernes varetagelse af deres medlemmers interesser. Han udtalte på min forespørgsel, at man fra amerikansk side endnu ikke havde overvejet nærmere, hvorledes medlemskabet skulle udvides, og nævnte i denne forbindelse ikke de forestående drøftelser i Washington med Nehru.

2. Jeg fremhævede, at der, efter at kanalen var ryddet, hvilket som bekendt var et U.N.-ansvar, opstod spørgsmålet om "re-conditioning" af kanalen, og fremsatte som forespørgsel den tanke, at SCUA formentlig praktisk burde komme ind i billedet i forbindelse med denne "re-conditioning". Det var åbenbart, at han ikke ganske forstod forskellen mellem "re-conditioning" af kanalen og "widening" af kanalen, men han udtrykte dog selv, at han forstod, at general Wheeler's opgave åbenbart alene var at skabe en passage gennem kanalen, der kunne tage ca. 70% af trafikken. Fra amerikansk

side havde man ikke overvejet problemerne i forbindelse med "re-conditioning" af kanalen, men den tanke havde været nævnt for Mr. Dulles, at den internationale bank måtte træde ind med fornøden finansiel støtte, et synspunkt, jeg for mit vedkommende gav min tilslutning med den tilføjelse, at dette formentlig var et spørgsmål, der måtte knyttes sammen med kanalafgifternes betaling. Han modsagde ikke denne betragtning, men gik ikke nærmere ind på den.

3. Om Ægyptens holdning til et samarbejde med SCUA vidste han intet. Jeg nævnte i denne anledning, at jeg under uformelle drøftelser i London havde nævnt den tanke, at jeg kunne søge kontakt med de ægyptiske kanalmyndigheder i Kairo bl.a. med henblik på at finde ud af, i hvilken udstrækning ægypterne var rede til et samarbejde med brugerne. Jeg tilføjede, at jeg havde foreslået, at anmodningen om indrejsevisum til Ægypten for mig kunne fremsættes gennem den amerikanske ambassade i Kairo for at give anmodningen fornøden vægt. Mr. Dulles, der ikke tog afstand fra tanken, spurgte den tilstedeværende sekretær, hvorledes man i State Department havde behandlet dette forslag. Hertil svarede sekretæren, at det var hans opfattelse, at man i State Department mente, at generalsekretæren for F.N. indtil videre måtte være forbindelsesleddet til de ægyptiske myndigheder.

4. Jeg udtalte, at det efter mit skøn kunne være nyttigt for SCUA på uformel eller formel vis at få kontakt med Mr. Hammarskjöld, og oplyste, at jeg på privat basis og i overensstemmelse med en tidligere med Hammarskjöld truffen aftale havde skrevet til Hammarskjöld og anmodet ham om at udvikle

sine synspunkter angående mulighederne for, at SCUA kom ind i billedet, særligt i forbindelse med "re-conditioning" af kanalen. Dette førte til en i generelle vendinger holdt drøftelse om F.N.s rolle i forhandlingerne om Suez-kanalproblemet, under hvilken Mr. Dulles endnu engang fremhævede, hvad han tidligere har sagt mig, at han havde været modstander af, at Suez-kanal-problemet blev indbragt for de Forenede Nationer, forinden SCUA var blevet fast etableret. Han tilføjede, at det var kommet som en betydelig overraskelse for ham, at englænderne og franskmændene havde indbragt sagen for sikkerhedsrådet, og udtalte, at "allerede den gang havde vi således et fortrinligt samarbejde".

Jeg nævnte en passant tanken om, at jeg kunne tage til New York for med Hammarskjöld at drøfte de foreliggende problemer og udtalte samtidig håbet om, at den amerikanske ambassadør i London under de kommende uformelle drøftelser om Suez-kanalproblemet ville blive bemyndiget til i klarere vendinger end hidtil og på den amerikanske regerings vegne at fremsætte de synspunkter, som Mr. Dulles selv havde fremsat. Mr. Dulles tog ikke stilling til denne tanke.

5. Jeg fremhævede over for Mr. Dulles, at man måtte se i øjnene, at en international organisation og ikke mindst en organisation, der er involveret i delikate internationale problemer, ikke kan holde sammen i meget lang tid, medmindre medlemmerne af organisationen får indtryk af, at den gør en betydningsfuld praktisk indsats. Da England og Frankrig, der støttede organisationen, i øjeblikket som bekendt var yderst svagt placeret i international politik, måtte et initiativ i så henseende udgå fra Amerika. Jeg fremhævede i denne forbindelse, at organisationen i øjeblikket kun eksisterede på

papiret, idet jeg endnu ikke havde kunnet opbygge nogen stab.

Mr. Dulles udtalte, at han i princippet ganske kunne slutte sig til mit synspunkt, at organisationen for at bevare sin kraft snarest måtte aktiviseres. Han kunne imidlertid ikke binde sig til bestemte tilsagn med hensyn til "timing", thi efter sin sygdom havde han i det væsentlige måttet koncentrere sig om NATO-problemerne, og kendte derfor ikke tilstrækkeligt udviklingen inden for de Forenede Nationer. Han ville imidlertid gøre sig bekendt hermed, så snart han var vendt tilbage til U.S.

6. Mr. Dulles, der muligvis følte, at jeg pressede ham en smule hårdt, afsluttede drøftelsen med at gentage, at man fra amerikansk side tillagde brugerorganisationen afgørende betydning, og at man indså nødvendigheden af, at organisationen snart kom praktisk ind i billedet, men at han ikke i enkeltheder kunne binde sig til en præcis "timing".

E.B.

UNOFFICIAL TRANSLATION

Had conversation with Mr. Dulles on 14 December 1956. The conversation which lasted a bit more than half an hour contained the following points:

1. Mr. Dulles said that he took it for granted that SCUA would play an important part in the final arrangement regarding the Suez Canal which he hoped it would be possible to bring about during the relevant political negotiations. It would be an SCUA in an expanded form since the membership has to be increased but such a possibility had always been foreseen. It was his view that SCUA in this form was an indispensable organization for the safeguarding of the interests of the Canal users. In this connexion he used an analogy which he also had used during my earlier conversations with him, namely the safeguarding by labour organizations of the interests of their members. When asked he said that the American authorities had not yet considered in a more detailed way how the membership should be expanded and he did not mention in this connexion the impending discussions in Washington with Nehru.

2. I stressed that after the clearance of the canal, which as was well known was a United Nations responsibility, the question of reconditioning the canal had to be faced, and I ventured in this connexion the thought that the SCUA probably could have a practical responsibility in connexion with this reconditioning. It was quite clear that he did not understand the difference between the reconditioning of the canal and the widening of the canal but he himself said that he understood General Wheeler's task was only that of clearing a channel through the canal which was capable of taking approximately seventy per cent of the traffic. They had not, on the American side, considered as yet the problems which were to arise in connexion with the reconditioning of the canal, but Mr. Dulles had been told that the International Bank had to provide financial support, a view which, on my part, I associated myself with and added that this probably was a problem which had to be linked with the payment of the canal tolls. He did not object to this approach but did not elaborate.

3. He did not know anything at all about Egypt's approach to possible co-operation with SCUA. I mentioned in this connexion that during informal conferences I had had in London, I had brought up the idea that I might get in touch with the Egyptian canal authorities in Cairo among other things with a view to finding out to what extent the Egyptians were prepared to cooperate with the users. I added that I had proposed that the request for an entry visa into Egypt could be transmitted through the American Embassy in Cairo to give sufficient weight to the re-

quest. Mr. Dulles who had not objected to that idea asked the secretary who was present how this proposal had been handled in the State Department. The secretary answered that it was his understanding of the policy of the State Department that the Secretary-General of the United Nations should until further notice be the appropriate intermediary to the Egyptian authorities.

4. I said that I felt that it would be useful for SCUA to get in touch with Mr. Hammarskjold formally or informally, and I informed him that I had written a letter to Mr. Hammarskjold privately according to an early arrangement with Mr. Hammarskjold and asked him to express his views regarding the possible use of SCUA especially in connexion with the reconditioning of the canal. This led to a rather general discussion regarding the part which the United Nations was destined to play concerning the negotiations regarding the Suez Canal problem during which discussion Mr. Dulles once again stated what he had earlier told me that he had opposed the reference of the Suez Canal problem to the United Nations before the SCUA had been formally established. He added that it had come as a big surprise to him that the British and French had referred the matter to the Security Council and he said that "already at that time we had splendid cooperation."

I mentioned in passing that perhaps it would be a good idea for me to go to New York and discuss these problems with Mr. Hammarskjold. I expressed at the same time the hope that during the coming informal discussions regarding the Suez Canal problem, the American Embassy in London could be authorized to express on behalf of the American Government in clearer terms than had hitherto been the case the view which Mr. Dulles had himself developed. Mr. Dulles did not react to this idea.

5. I stressed to Mr. Dulles that you had to face the fact that an international organization, and particularly an organization which had to deal with delicate international problems, could not function very long unless the members of the organization were satisfied that the organization performed useful work. It was clearly up to the United States to take the initiative to this effect, as both England and France - who had supported the organization - for the time being were in a rather weak position in international politics. I stressed that the organization for the time being existed only on paper inasmuch as I had not yet been able to organize the necessary staff.

Mr. Dulles said that in principle he could associate himself with my view that the organization had to be reactivated at the earliest opportunity were it to retain its strength. He couldn't, however, commit himself with regard to the timing as after his illness he had had to concentrate in a very large measure on NATO problems and he was, therefore, not sufficiently versed in the latest developments in the United Nations. He would, however, brief himself more fully as soon as he returned to the United States.

6. Mr. Dulles, who possibly felt that I had perhaps pressed him too hard, finished our discussions by repeating that the American side attached decisive importance to the use of the organization and that they were convinced of the necessity of bringing the organization into the picture as a going operation, but that he was not in a position to commit himself to any precise timing.

/s/ E/B

Jag undrar om du har
någon utarbetad plan för finans-
ieringen av rensningen i Suez-
kanalen?

En naturlig kompromiss
vare väl att ett lån upptogs
under FN:s förmedling och att
ansvaret för ordnandet genom en
höjning av avgifterna på sjötraf-
iken i kanalen.

Den avgift bestämdes för av-
sett gammalt kanalbolaget efter samråd
eller överenskommelse med egypt.
regeringen. Nu är det alltså det nya
förvaltningsorganet som intar i
bolagets ställe. FN:s församling har
ge uttryck åt trafikanternas upp-
fattning. (Den nya S. S. trafikant-
organisationen är ju till visst
att ha rätt till status i förhållande till
Egypten.) En resolution

Om Egypten biträder
Sydes kamma utgåva en
grundval för en princip-
lösning på antydna ting,
den finansiella börden skulle
inte falla på Egypten.

En relativt ringa höj-
ning av kanalavgifterna skulle
säkerligen vara tillräcklig och
skulle drabba mer rättvist
än en beskattning av FN:s
medlemmar efter lördagsbalen
i FN.

—
JH

David.

(Time of presence:

"Can only be decided on
the basis of agreement with
Egypt."

Eden (according to Lloyd)

the physical task of maintaining
peace in the area.

Sydney : tâches de la force.

Le Gouvernement égyptien lui-même a accepté, dans les recommandations des Nations Unies, ce qui lui était favorable, mais non ce qu'il considère comme gênant, par exemple le stationnement dans la région du Canal de la force internationale. Pourtant on voit mal comment cette force n'aurait pas un rôle à jouer pour surveiller le déblaiement et assurer la protection d'une voie d'eau qui reste internationale. Nous pouvons éprouver légitimement la crainte que l'Egypte ne fasse par elle-même aucun effort pour assurer la liberté de navigation sur le Canal de Suez.

Je n'ai pas oublié le mot déjà ancien d'un homme d'Etat égyptien qui affirmait que l'Egypte ne serait indépendante que le jour où le Canal serait comblé. J'ai évoqué tout à l'heure les dangers d'une telle notion de l'indépendance. Nous craignons qu'elle soit encore vivace dans certains esprits du Caire.

De ces différences d'attitude entre les gouvernements, comme de la différence d'attitude de l'Organisation des Nations Unies à l'égard des problèmes posés, nous pouvons tirer deux conclusions dont la gravité ne vous échappera pas.

La première est qu'il existe une différence profonde entre l'attitude des démocraties et celle des dictatures à l'égard des recommandations des Nations Unies.

.../.

*From draft of
sanction resolution.*

The General Assembly,

Conscious of the Purposes of the United Nations, expressed in Article 1 of the Charter, to suppress acts of aggression and other breaches of the peace and to bring about the settlement of international disputes by peaceful means and in conformity with the principles of justice and international law;

Recalling the disregard on many occasions by parties to the Israel-Arab Armistice Agreements of 1949 of the terms of such agreements;

Desiring to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained;

Noting that Israel has since 29 October 1956, violated, with military force, the territorial integrity of Egypt, and has occupied by force the Gaza Strip, in breach of the basic Charter undertaking of all members not to use force to settle international disputes and not to violate the territorial integrity of another state, and has continued these actions in disregard of the repeated efforts of the United Nations to bring about Israel's withdrawal behind the Armistice line;

Noting further that Israel, despite the repeated calls of the General Assembly, continues in occupation of the Sharm-el-Sheikh area on the Straits of Tiran at the entrance to the Gulf of Aqaba and in occupation of the Gaza Strip;

Noting the Secretary-General's report of 24 January 1957 and that upon the withdrawal of Israel from the Sharm-el-Sheikh area, the United Nations Emergency Force would act in pursuance of the resolutions of the General Assembly.

Noting further that the General Assembly in its Resolution of 2 February, with reference to the Gaza Strip, called for the placing of the United Nations Emergency Force on the Armistice demarcation line following the withdrawal of Israel from the Sharm-el-Sheikh and Gaza areas and that the Secretary-General on 22 February made a further report indicating the willingness and readiness of Egypt to make special arrangements in the Gaza area with the United Nations designed to provide effective and efficient police protection, guarantee good civilian administration, assure maximum assistance to the United Nations Refugee Program, and protect and foster the economic development of the territory and its people;

1. Condemns Israel's repeated failure to comply with the resolutions of the General Assembly;

2. Renews its call upon Israel promptly to withdraw behind the Armistice line;

3. Requests the Secretary-General to report not later than 72 hours after the adoption of this resolution on its implementation by Israel;

4. Calls upon all governments, in the event of the Secretary-General's not being able to inform the General Assembly that Israel is withdrawing fully behind the Armistice line, with effect from the date of the receipt of the Secretary-General's report, to withhold assistance to Israel, and so to regulate their relations with Israel as to bring about respect for the Purposes and Principles of the United Nations Charter and the resolutions of the General Assembly calling for withdrawal of Israel;

5. Calls upon the parties concerned to cooperate with the Secretary-General in giving effect, immediately upon the withdrawal of Israel, to the provisions of its resolution II of 2 February 1957 concerning the placing of the United Nations Emergency Force on the Egyptian-Israeli Armistice demarcation line and the implementation of other measures proposed in the Secretary-General's report of 24 January 1957, with a view to assist in achieving situations conducive to the maintenance of peaceful conditions in the area;

6. Pledges itself, when Israel has withdrawn, to assist the parties concerned to achieve by peaceful means the settlement of outstanding disputes between them, in conformity with the principles and purposes of the Charter;

7. Requests the Secretary-General and the Advisory Committee, established by the General Assembly Resolution of 7 November 1956 to consider and recommend to the General Assembly, and if necessary to a Special Session, such further measures as may be appropriate to achieve the objectives of paragraphs 5 and 6 of this resolution.

Noting further that the General Assembly in its resolution of 2 February with reference to the Gaza Strip called for the placing of the United Nations Emergency Force on the Armistice demarcation line following the withdrawal of Israel from the Sharm-el-Sheikh and Gaza areas and that the Secretary-General, on 11 February, made a further report indicating that there will be established in the Gaza area, with the acquiescence of Egypt, a UN administration designed to provide effective and efficient police administration; to guarantee good civilian administration; to assure maximum assistance to the UN refugee program; and to protect and foster the economic development of the territory and its people;

Given to French, British and
U.S. impartially.

1. Ben Gurion states:

Israel reserves freedom of action in case Egyptians return to the Strip.

What is the interpretation of the Israel stand on Egyptian return (in concrete terms)?

2. If the Israeli stand is one which excludes a return of Egyptian civil administration, even in a limited form and in close collaboration with the United Nations, is that stand endorsed by any other Member?

3. Ben Gurion says:

If the time comes when action is appropriate and necessary, then the Government of Israel will not, of course, give prior notice of its action.

This seems to indicate an intention to resort to military action "in self-defence" in case of an "Egyptian return to Gaza", as interpreted by Israel. Is that stand endorsed by any other Member?

4. The quote in the previous point indicates that action "in self-defence" would be taken without resorting to the procedure prescribed in Article 51. Is that endorsed by any other Member?

5. Israeli spokesmen, in contact with the Secretariat, refer to "the understanding" concerning Gaza. Is there any such understanding, and, if so, does it cover any of the previous points? Is such an understanding, if it exists, by any Member considered as binding on the United Nations (or its Secretariat)?

6. Ben Gurion says:

I must express surprise at the statement attributed in the press to Dr. Bunche to the effect that UNEF is in the Strip with the agreement of Egypt. It is not in the power of the Egyptian dictator to agree or disagree to this, since he was ignominiously expelled from the Strip.

This statement indicates again that Israel considers that UN functions on the basis of authority transferred to it by the occupying power, Israel. Is the view endorsed by any other Member? If so, what means of action are envisaged for the UN, exerting such authority, if the UN would have to enforce an exclusion of Egypt from the Strip?

7. If the UN is in the Strip on the legal basis established by the Armistice Agreement, what other means of action than negotiation - without military pressure - has the UN, if it is considered that UN should exclude the return of civilian administrators which Egypt wishes to send to the Strip?

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TABLE DES MATIERES

PREMIERE PARTIE

N°	Nom du signataire	Lieu et date de l'envoi	Sommaire
1	M. Hammarskjold	Le Caire, 30 avril 1956	Note personnelle du Secrétaire général relative aux conversations engagées avec le Colonel Nasser et le Dr. Fawzi sur le problème général soulevé par la position d'Israël concernant les articles VII et VIII de la Convention d'armistice général israélo-égyptienne du 24 février 1949
2	M. Ben Gurion	Jérusalem, 3 mai 1956	M. Ben Gurion demande à M. Hammarskjold que priorité soit donnée à l'application de la Convention d'armistice israélo-égyptienne
3	M. Ben Gurion	Jérusalem, 3 mai 1956	Lettre strictement personnelle de M. Ben Gurion à M. Hammarskjold
4	M. Hammarskjold	New-York, 14 mai 1956	M. Hammarskjold met au courant M. Selwyn Lloyd des résultats de son voyage au Moyen-Orient

DEUXIEME PARTIE

N°	Nom du signataire	Lieu et date de l'envoi	Sommaire
5	M. Selwyn Lloyd	Londres, 14 juillet 1956	A Dans une lettre adressée à M. Hammarskjold, le Secrétaire d'Etat aux Affaires Etrangères du Royaume-Uni informe le Secrétaire général des suggestions faites par le Dr. Fawzi pour le règlement du problème palestinien
6	M. Hammarskjold		Réponse du Secrétaire général à la lettre de M. Selwyn Lloyd
7	M. Franklin C. Gowen	Genève, 14 juillet 1956	Dans un message du 13 juillet transmis le 14 au Secrétaire général par M. Franklin C. Gowen, Consul général des Etats-Unis à Genève, M. John F. Dulles informe M. Hammarskjold des mesures pratiques prises par le Gouvernement des Etats-Unis pour aider toute nation du Moyen-Orient qui pourrait être l'objet d'une agression, en violation des principes de la Charte des Nations Unies

TABLE DES MATIERES

PREMIERE PARTIE (suite)

N ^o	Nom du signataire	Lieu et date de l'envoi	Sommaire
55	M. Hammarskjold	New-York, 5 déc. 1956	Lettre du Secrétaire général au Général L. Nordstad relative à l'emploi de bateaux de sauvetage appartenant aux firmes Svitzer et Smit
56	M. Hammarskjold	New-York, 5 déc. 1956	M. Hammarskjold informe le représentant permanent du Danemark de son intervention auprès du Général Nordstad
57	Général Burns	Le Caire, 5 déc. 1956	Dans un télégramme adressé au Secrétaire général, le Général Burns évoque la question de la protection de la flotte de sauvetage franco-britannique
58	Sir Pierson Dixon	New-York, 8 déc. 1956	Le représentant permanent du Royaume-Uni fait part au Secrétaire général, dans une communication orale jointe à sa lettre, des vues de son pays sur l'utilisation de la flotte de sauvetage franco-britannique
59	Délégation française	New-York, 8 déc. 1956	La délégation française fait part au Secrétaire général, dans une courte note, de ses vues sur l'utilisation des moyens alliés mis à la disposition des Nations Unies
60	Col. Katzin	New-York, 8 déc. 1956	Commentaires du Col. Katzin
61	Gén. Wheeler	Le Caire, 8 déc. 1956	Le Général Wheeler informe le Col. Katzin de son entretien avec M. Younis, Directeur de l'Autorité égyptienne du Canal
62	M. Hammarskjold	New-York, 9 déc. 1956	Dans un mémorandum remis au Ministre des affaires étrangères d'Egypte, le Secrétaire général indique dans quel esprit et comment il envisage les premières étapes du dégagement du Canal et l'aide qu'il attend des parties en cause

+) Il faudrait quelques lignes pour resumer ce qui a été fait à la 1^{ère} partie.

Première partie

n°	nom du représentant	Lieu et date de l'événement	Résumé
1	M ^r Schürmann <u>C.W.A.</u>	New-York 6 nov. 1956	Dans un aide-mémoire remis au secr taire général de la délégation hollandaise avec N.V. expose les vues de son gouvernement sur le problème de la navigation du canal de Suez .
2	M. Hammarbyd.	New York. 7 nov 1956	Le représentant le S'g'l résume de une courte note l'expose que qui lui a été fait sur la question de la navigation par le S'g'l Pierre Dixon et de la navigation au N.V. représentant peu est de la 6 de la partie
3	M. Karl I. Estelund	N. Y. 8 nov 56	La réponse à une demande de S'g'l, le représentant permanant du Danemark l'informe des possibilités existantes en son pays de recevoir des firmes danoises susceptibles de aider au déblaiement du canal . qu la seule firme danoise susceptible d'aider au déblaiement du canal a déjà été contactée en négociation avec l'Américain suédois .
4	Daq H.	NY 8 nov 56	Le S'g'l informe de la réponse danoise Sù P. Dixon et lui demande de de si un accord peut être fait entre les deux parties de la délégation de la possibilité de transférer la firme transférer à l'Organisation de N.V. Le contact a été fait qui lui a été fait à la firme danoise les la firme danoise à l'Américain suédois .
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5	M. Karl I. Estelund.	NY 9 nov 56	Le représentant permanent du Danemark, fait un rapport à la Commission de la navigation de la partie de la lettre de 8 nov , informe le S'g'l que la firme danoise "Switzer" a été prêtée , et si un accord peut être fait entre les deux parties de la délégation de la possibilité de transférer la firme transférer à l'Organisation de N.V. Le contact a été fait qui lui a été fait à la firme danoise les la firme danoise à l'Américain suédois .

à l'Atq des N.V. relatif

22 D. H. Le Caire 17 nov 56

Memorandum ~~personnel~~ de S. G. à usage personnel devant servir de base à ~~son~~ rapport ~~à ses collègues~~ avec ~~l'Atq des N.V.~~ le Président Nassou au Caire.

23 D. H. NY 18-19 nov

attendu ~~après~~ Hase Halms

De son retour à NY, et après ~~sa conférence~~ s'en être entretenu avec les représentants britanniques et français, ~~il a~~ m' H donne dans un note ~~écrite~~ non publiée les ~~conditions~~ les conditions de lesquelles la pro d'urgence des N.V. devra être établie. ~~et~~

24 A. G. Katzin NY 19 nov 56

De une note interne de la dernière à m' H, la Katzin l'informe que le ~~gvt polonais~~ lui a fait savoir ~~représentant~~ ~~l'Atq des N.V.~~ ~~lui a fait~~ fait du désir de son ~~gvt~~ ~~de son~~ ~~désir~~ ~~de son~~ ~~gvt~~ ~~polonais~~ que le ~~représentant~~ ~~de l'Atq des N.V.~~ lui a fait fait du désir de son ~~gvt~~ de son ~~gvt~~ un groupe de savants polonais participer au plan de ~~développement~~ des N.V.

25 Hilton C Smith Wash DC 19 nov.

Le ~~gvt~~ l'Hilton C. Smith offre ~~proposer~~ ~~à l'Atq des N.V.~~ l'ambassade technique de sa ~~compagnie~~ la ~~compagnie~~ Ralph M ~~Parsons~~ ~~l'ambassade~~ ~~technique~~ ~~de sa~~ ~~société~~ pour le ~~développement~~ du canal.

26 Ralph Bunch NY 20 nov 56

De une note interne ~~de S. G.~~ la Ralph Bunch ~~gvt~~ ~~Secrétaire~~ ~~des~~ ~~Nations~~ ~~Unies~~ ~~lui~~ ~~informe~~ ~~que~~ ~~le~~ ~~S. G.~~ ~~que~~ ~~le~~ ~~gvt~~ ~~de~~ ~~la~~ ~~Grande~~ ~~Bretagne~~ ~~offre~~ ~~de~~ ~~mettre~~ ~~à~~ ~~disposition~~ ~~les~~ ~~24~~ ~~bateaux~~ ~~de~~ ~~la~~ ~~flotte~~ ~~de~~ ~~sauvetage~~ ~~de~~ ~~la~~ ~~Grande~~ ~~Bretagne~~ ~~pour~~ ~~être~~ ~~utilisés~~ ~~pour~~ ~~le~~ ~~développement~~ ~~du~~ ~~canal~~ ~~si~~ ~~ils~~ ~~peuvent~~ ~~être~~ ~~utilisés~~ ~~pour~~ ~~le~~ ~~développement~~ ~~du~~ ~~canal~~

27 D. H. NY 20 nov 56

Rapport à l'Atq des N.V. Dans un rapport à l'Atq des N.V. m' H fait état de ce qu'il entend ~~proposer~~ pour répondre à la demande d'ambassade présentée par le ~~gvt~~ ~~polonais~~ ~~pour~~ ~~le~~ ~~développement~~ ~~du~~ ~~canal~~.

28 Délégation du Royaume-Uni NY 24 nov

Extrait d'un message De un message confidentiel adressé au S. G. à m' H, la délégation du R. U. ~~l'informe~~ ~~de~~ ~~la~~ ~~part~~ ~~de~~ ~~son~~ ~~gvt~~ ~~de~~ ~~la~~ ~~Grande~~ ~~Bretagne~~ ~~de~~ ~~mettre~~ ~~à~~ ~~disposition~~ ~~les~~ ~~24~~ ~~bateaux~~ ~~de~~ ~~la~~ ~~flotte~~ ~~de~~ ~~sauvetage~~ ~~de~~ ~~la~~ ~~Grande~~ ~~Bretagne~~ ~~pour~~ ~~être~~ ~~utilisés~~ ~~pour~~ ~~le~~ ~~développement~~ ~~du~~ ~~canal~~ ~~si~~ ~~ils~~ ~~peuvent~~ ~~être~~ ~~utilisés~~ ~~pour~~ ~~le~~ ~~développement~~ ~~du~~ ~~canal~~ ~~si~~ ~~ils~~ ~~peuvent~~ ~~être~~ ~~utilisés~~ ~~pour~~ ~~le~~ ~~développement~~ ~~du~~ ~~canal~~

+ qui s'est probabé en fait affublé à

note verbale
la ~~message oral~~
(~~notamment~~)

8

Reçu le S.G. ~~informé~~ ^{demande des précisions à h' S.G.}

52 DH NY
3 dec 56

~~Reponse du S.G. aux notes de l'interne~~
~~relative au futur régime du canal~~

53 D.H. NY
3 dec 56

La hi H ^{syndic} informé M^r Mahmoud Farzi des
~~la réponse sur sa réponse des questions~~
~~posées par la quinzaine qui a été~~
~~faite qui a été posée à M^r Henry Lloyd,~~
~~à la suite de l'interne de discussion de vendredi.~~

54 DH NY
4 dec 56

Reponse de hi H à la note verbale de gvt
littéraire du 3 dec. 56