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Summary study of the experience derived from the establishment and operation of the Force:
report of the Secretary-General

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[Note. As the United Nations Emergency Force came into being before the establishment of the United Arab Republic, the pertinent resolutions of the General Assembly and earlier reports of the Secretary-General used the terms "Egypt" and "the Government of Egypt", and these terms have been retained throughout the present report for convenience of reference.]

INTRODUCTION

1. In the almost two years of operation of the United Nations Emergency Force (hereinafter referred to as "UNEF" or "the Force"), the United Nations has acquired considerable experience in the establishment, organization and functioning of such an international instrument. UNEF represents a new and in many ways unique experiment by the United Nations in a type of operation which previously it had not been called upon to conduct.

2. The Force was created as a temporary measure, its characteristics were determined by the nature of its role, and its functions were defined and limited by decisions of the General Assembly applying to a particular set of circumstances.

3. This report presents a summary analysis of the organization and operation of the Force. It is neither a comprehensive account of the Force nor a historical chronicle of its development. There is, unavoidably, a limited amount of narrative description of the principal activities. The emphasis, however, is on those principles and conclusions which emerge from a study of the operation as a whole and which might afford useful guidance for any future efforts looking towards the establishment or use of international United Nations instruments serving purposes of the kind met by UNEF.

4. A list of relevant basic documents is appended in annex II.

CHAPTER I. POLITICAL AND CONSTITUTIONAL QUESTIONS

Establishment of the United Nations Emergency Force

5. The first resolution adopted by the General Assembly when it began consideration of the military

operations against Egyptian territory (resolution 997 (ES-I) of 2 November 1956) was directed primarily and as a matter of priority toward obtaining an immediate cessation of hostilities, a halting of the movement of military forces and arms into the area, a full observance of the provisions of the armistice agreements, and the re-opening of the Suez Canal.

6. The question of setting up an emergency international United Nations force followed closely upon the adoption of that resolution. It grew out of the increasing recognition by Members that extraordinary measures had to be taken in order to achieve all the objectives sought by the resolution.

7. The actual establishment of UNEF was accomplished rapidly. By resolutions 998 (ES-I), 1000 (ES-I) and 1001 (ES-I), of 4, 5 and 7 November 1956 respectively, the General Assembly, approving the recommendations of the Secretary-General in the latter two resolutions, set up a United Nations Command; appointed Lieutenant-General (then Major-General) E. L. M. Burns, Chief of Staff of the United Nations Truce Supervision Organization (UNTSO), as Chief of the Command; made provision for the establishment of an initial small staff of officers drawn from the ranks of military observers serving with UNTSO and for the recruitment of additional staff officers; and approved certain guiding principles concerning the role, composition, recruitment, organization, operation and financing of the Force, and the definition of its functions, as set forth by the Secretary-General in his report of 6 November 1956 (A/3302). The Assembly also invited the Secretary-General to continue his discussions with Governments of Member States concerning offers of participation in the Force. An Advisory Committee was created to assist the Secretary-General in developing certain aspects of the planning and operation of the Force not already dealt with by the Assembly and which did not fall within the area of direct responsibility of the Chief of the Command. Following these actions, the first units of the Force reached the staging area at Capodichino, Italy, on 10 November and its first elements, consisting of UNTSO officers, arrived

in Egypt on 12 November, followed by advance units of troops on 15 November.

Role assigned to the Force by the General Assembly

8. The General Assembly, in its resolution 1000 (ES-I) of 5 November 1956, provided that the Force would "secure and supervise the cessation of hostilities in accordance with all the terms" of resolution 997 (ES-I) of 2 November, which would include the withdrawal of non-Egyptian forces from Egyptian territory and the restoration of observance of the provisions of the General Armistice Agreement between Egypt and Israel. These objectives could not be achieved through an organization similar in kind to UNTSO or to the Egyptian-Israel Mixed Armistice Commission, which had been established in other and different circumstances and were designed to meet different and narrower needs. The role of UNTSO is to observe and maintain the cease-fire in Palestine ordered by the Security Council. The Mixed Armistice Commission, serviced by UNTSO, is the bilateral machinery established under the Egyptian-Israel General Armistice Agreement in connexion with the execution of the provisions of that Agreement, exercising such functions as the investigation of incidents and complaints.

9. Under the conditions prevailing in November 1956, it was clear that a new approach and a new type of operation were required in order to facilitate compliance with the recommendations of the General Assembly relating to the armed interventions in Egypt.

10. This new instrument was charged with a dual role: initially to secure and supervise the cease-fire and the withdrawal of armed forces from Egyptian territory, and later to maintain peaceful conditions in the area by its deployment along the Egyptian-Israel armistice demarcation line in the Gaza area and to the south along the international frontier. This dual role determined the size, organization, equipment and deployment of the Force.

11. The two reports submitted by the Secretary-General to the Assembly on 4 November (A/3289) and 6 November (A/3302) on the plan for an emergency United Nations Force dealt with these factors and their implications.

12. In the guiding principles set forth by the Secretary-General for the organization and functioning of the Force and approved by the Assembly, it was emphasized that there was "no intent ... to influence the military balance in the present conflict and, thereby, the political balance affecting efforts to settle the conflict" (A/3302, para. 8). Nor was the Force to be "used so as to prejudge the solution of the controversial questions involved" (A/3512, para. 29). It was felt, moreover, that the creation of peaceful conditions in the area required avoidance of the state of affairs into which conditions had progressively deteriorated in the past as a result of the lack of full implementation of the clauses of the Armistice Agreement. The objective sought was to ensure strict compliance by Egypt and Israel with the letter and spirit of the General Armistice Agreement concluded between them. Towards this end, the General Assembly decided, on 2 February 1957, that:

"the scrupulous maintenance of the Armistice Agreement requires the placing of the United Nations

Emergency Force on the Egyptian-Israel armistice demarcation line and the implementation of other measures as proposed in the Secretary-General's report [A/3512], with due regard to the considerations set out therein with a view to assist in achieving situations conducive to the maintenance of peaceful conditions in the area" [resolution 1125 (XI), para. 3].

The deployment of the Force along the Israel-Egyptian armistice demarcation line and the international frontier south of Gaza, and in the Sharm el Sheikh area, was not meant to and could not effect any change in their prior status juris; its sole purpose was to maintain quiet and prevent the recurrence of incidents.

Essential characteristics of UNEF

13. In its resolution 1000 (ES-I) establishing the United Nations Command and in the recruitment procedure prescribed, the General Assembly indicated that the Force would be set up on the basis of principles reflected in the structure and Charter of the United Nations itself, in that its Commanding Officer would be appointed by and responsible to the United Nations, and that his authority would be so defined as to make him fully independent of the policies or control of any one nation. The status of the "Chief of the Command" (later to be known as "Commander") was illustrated by the authority given to him, in consultation with the Secretary-General, to recruit for the Force officers from Member States other than the permanent members of the Security Council. At the same time, an important principle was introduced regarding the composition of the Force. The concept of a force established on this basis is basically different from that by which the United Nations might entrust a country, or a group of countries, with the responsibility of providing independently for an international force serving purposes determined by the Organization, as in the case of the Unified Command in Korea. It is also different from the concept, for which there is no precedent in application, of an international force set up by agreement among a group of nations, later to be brought into some appropriate relationship with the United Nations.

14. The functions of the Force are exclusively international in character in that they relate to armed conflict among States, and since the purpose of the Force is to facilitate compliance with resolutions relating to that conflict adopted by the General Assembly, the Force, during its early stages, in some instances had to undertake limited responsibility for administrative and security functions, but this was entirely temporary and incidental to the main tasks assigned to it.

15. The first emergency special session of the General Assembly, at which it was decided to establish an emergency force, had been called into session under the terms of the "Uniting for peace" resolution (resolution 377 (V) of 3 November 1950). Thus, UNEF has been necessarily limited in its operations to the extent that consent of the parties concerned is required under generally recognized international law. It followed that, while the General Assembly could establish the Force, subject only to the concurrence of the States providing contingents, the consent of the Government of the country concerned was required before the Assembly could request the Force to be stationed or to operate on the territory of that country. The Force

has no rights other than those necessary for the execution of the functions assigned to it by the General Assembly and agreed to by the country or countries concerned. The Force is paramilitary in character and much more than an observer corps, but it is in no sense a military force exercising, through force of arms, even temporary control over the territory in which it is stationed; nor does it have military objectives, or military functions exceeding those necessary to secure peaceful conditions on the assumption that the parties to the conflict will take all the necessary steps for compliance with the recommendations of the General Assembly.

16. The Force is composed of national contingents accepted for service by the Secretary-General from among those voluntarily offered by Member States. The question of the composition of a force based on national contingents offered for service is a fundamental one. In the case of UNEF, the policy has been to exclude military personnel belonging to any of the permanent members of the Security Council and from any country which for geographical or other reasons might have a special interest in the conflict. The choice of the contingents for the Force, while subject to the decision of the United Nations alone, is nevertheless of major concern also to the country in which the Force operates. Thus, the United Nations must give most serious consideration to the views of the host Government on such matters without, however, surrendering its right to take a serious difference, should one develop, to the political level for resolution. In the experience of UNEF, this latter course has not been necessary, since no impasse has ever developed in this area. A balanced composition was always sought in the selection of units.

17. The size of component units has been determined by two primary requirements. From the point of view of efficiency, it was necessary that Member States should provide units sufficiently large to be relatively self-contained. From the point of view of balance, it was desirable that the Force should include adequate support elements and that the differences in the size of units should not be so great as to lead to excessive dependence on any one State.

18. In practice, the UNEF operation is an example of fruitful military and civilian collaboration. Matters relating to its administration and finance, communications, maintenance and other services are taken care of within the framework of the United Nations Secretariat. The resolutions of the General Assembly authorize the Secretary-General to take all executive and administrative actions essential to the effective functioning of the Force.

19. The Regulations for the Force (ST/SGB/UNEF/1) affirm its international character as a subsidiary organ of the General Assembly. The Assembly intended that the Force should be a temporary arrangement, whose duration would be determined by the needs created by the emergency, and whose tasks and legal basis could be defined only by the Assembly.

Circumstances bearing upon the establishment of the Force

20. That the Force was established and began operating within a very few days was due to a number of circumstances, political and otherwise, which constitute a significant element in the over-all experience.

Agreement to the cease-fire by the parties concerned and the withdrawal of troops

21. Agreement without conditions by the parties engaged in hostilities to the cease-fire called for by the General Assembly, in resolutions 997 (ES-I) of 2 November 1956 and 999 (ES-I) of 4 November 1956, so that the cease-fire could actually take effect, was a prerequisite to the operation of UNEF. Egypt, on 2 November (A/3266) and 4 November (A/3287, annex 6), accepted the two calls of the Assembly for a cease-fire. Israel, which had announced on 3 November (A/3279) its agreement to an immediate cease-fire on condition that Egypt would do the same, confirmed its unconditional acceptance on 5 November (A/3301). The Governments of France and the United Kingdom, in identical replies of 5 November (A/3294 and A/3293) to the Secretary-General's communications of 4 November on arrangements for a cease-fire (A/3287, annexes 2 and 4), stated that they would cease all military action as soon as the Israel and Egyptian Governments accepted a United Nations plan for an international force with certain prescribed functions. In his aide-mémoire of 5 November 1956 to the Governments of France and the United Kingdom the Secretary-General informed these Governments that since on that date the General Assembly had taken a decisive step towards setting up the international force by establishing a United Nations Command, and since the Governments of Egypt and Israel had agreed, without conditions, to a cease-fire, "the conditions for a general cease-fire would thus seem to be established" (A/3310, para. 6). In letters to the Secretary-General of 6 November (A/3307 and A/3306), replying to his aide-mémoire of the previous day, the Governments of France and the United Kingdom announced that their forces were being ordered to cease fire at midnight GMT of that date, pending confirmation that Egypt and Israel had accepted an unconditional cease-fire and that there would be a United Nations force competent to secure and supervise the attainment of the objectives of resolution 997 (ES-I).^{6/} The Secretary-General promptly informed Egypt and Israel that the cease-fire would become effective on the hour of midnight and on this basis the cease-fire began at that time. It is to be noted that the General Assembly did not make the cease-fire dependent upon the creation or the functioning of UNEF. Its calls for a cease-fire and its decision to establish the Force were in separate resolutions (resolutions 997 (ES-I) and 999 (ES-I) on the one hand, and 998 (ES-I) on the other).

22. The Force, the first elements of which landed in Egypt on 12 November 1956, was initially stationed between the Anglo-French and the Egyptian troops in the Suez Canal area, and particularly in Port Said and Port Fuad, and remained largely in that area during the gradual withdrawal of the Anglo-French forces, which was completed on 22 December 1956. The Force, strengthened by the arrival of additional troops, was then gradually deployed in the Sinai Peninsula from the Suez Canal towards the armistice demarcation line, following the progressive withdrawals of the Israel troops. Israel troops withdrew in three stages from the Sinai Peninsula, which was entirely

^{6/} The Secretary-General addressed formal replies to these communications on 7 November 1956, in documents A/3313 and A/3314 (Official Records of the General Assembly, First Emergency Special Session, Annexes, agenda item 5).

evacuated by 22 January 1957, with the exception of the Sharm el Sheikh area and the Gaza Strip. The evacuation of Israel troops from the Gaza Strip was completed on the night of 6-7 March, UNEF entering simultaneously. Arrangements were made on 8 March for the withdrawal from the Sharm el Sheikh area, which was begun on that date and completed on 12 March 1957 (see A/3568, paras. 3 and 4).

Concurrence of the parties engaged in hostilities in the establishment of an international force

23. UNEF as a practical operation was made possible only by the concurrence, in one form or another, of the parties to the conflict in its establishment by the General Assembly. France and the United Kingdom welcomed the idea of an international force to be interposed between Egypt and Israel, as a basis for the cessation of all military action in Egypt (A/3294 and A/3293). Egypt's acceptance of the resolution providing for the establishment of a United Nations Command was considered as acceptance of the establishment of an international force under the terms fixed by the United Nations (A/3310). As for Israel, the Secretary-General was informed on 8 November 1956 that Israel's forces would be withdrawn from Egypt immediately upon the conclusion of satisfactory arrangements with the United Nations in connexion with the emergency international force (A/3320).

Offers of participation by Governments in UNEF

24. When the Secretary-General submitted his first report to the General Assembly, on 4 November 1956, on a plan for an emergency international United Nations Force, he could state that, among the representatives until then consulted, three had accepted, on behalf of their Governments, participation in the projected force (A/3289). Within a month or so following the submission of the Secretary-General's second and final report on 6 November, a total of twenty-four Governments had offered contingents to the Force, while three other Governments had offered assistance in other forms (A/3302 and Add.1-30). The Governments whose offers were accepted have been particularly helpful in trying to meet the specific needs of the Force with regard to number of troops, types of units, rotation plans and transportation arrangements.

Assistance from United Nations bodies in the area

25. Practical arrangements for the establishment of UNEF were facilitated by the presence in the area in which the Force was to operate of the United Nations Truce Supervision Organization and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which, through their personnel, facilities and extensive experience in the region, were able to give valuable assistance. The immediate availability, for temporary transfer, of a corps of experienced military officers who had been serving as military observers in UNTSO was especially helpful. Most important, the Chief of Staff of UNTSO was able and willing to assume the post of Commander of the Force. Pending the re-establishment, following the withdrawal of Israel, of normal administrative machinery by the local authorities in the Gaza Strip, UNRWA, which exercises important functions among the refugees in that area, also gave substantial assistance through aid to the non-refugee population.

Responsibilities entrusted to the Secretary-General by the General Assembly

26. The resolutions of the General Assembly, involving decisions on various policy matters, required the Secretary-General to assume important additional responsibilities; he was requested to observe and report on compliance with certain Assembly resolutions, and to implement others by executive and administrative actions. For example, in addition to the general requests for reports on compliance, the Assembly authorized him to arrange with the parties concerned for the implementation of the cease-fire and the halting of the movement of military forces and arms into the area; he was also requested, with the assistance of the Chief of Staff and the military observers of UNTSO, to obtain the withdrawal of all forces behind the armistice lines (resolution 999 (ES-I)). In another resolution, the Secretary-General was requested to continue his efforts to secure the complete withdrawal of Israel forces and to report on such completion within five days (resolution 1123 (XI)).

27. In the first phase of the development of UNEF, the Secretary-General was requested to submit a plan for setting up, with the consent of the nations concerned, an international Force to fulfil certain indicated functions (resolution 998 (ES-I)). Having approved the plan, as formulated in his first two reports, the Assembly invited the Secretary-General to take all appropriate administrative measures for its execution (resolution 1000 (ES-I)). He was authorized to issue all regulations and instructions essential to the effective functioning of the Force and to take all other administrative and executive action which he might consider necessary for this purpose (resolution 1001 (ES-I)).

28. With regard to financing, the Secretary-General was authorized to establish a United Nations Emergency Force Special Account and to advance from the Working Capital Fund such sums as might be required pending the receipt of funds for the Special Account (resolution 1122 (XI)). In this connexion, the Secretary-General was requested to establish rules and procedures for the Special Account and to make the necessary arrangements for its effective administration and control.

29. In some resolutions, the Secretary-General was asked to discuss or to communicate with certain Members on particular matters. Thus, he was invited to continue discussions with Governments concerning offers of participation in the Force, toward the objective of its balanced composition (resolution 1001 (ES-I)). In two other instances, he was directed to communicate the text of a resolution to the parties concerned and to report without delay. In still other cases, the resolutions provided that authority given to the Chief of the Command should be exercised in consultation with the Secretary-General.

Advisory Committee on UNEF

30. In conjunction with the establishment of the Force, the General Assembly decided to create an Advisory Committee composed of seven representatives of Member States, under the chairmanship of the Secretary-General (resolution 1001 (ES-I)). In its advisory capacity, this Committee was to assist the Secretary-General in the planning and operation of the Force. It was empowered to request, through the usual

procedures, the convening of the General Assembly and to report to the Assembly, if matters should arise which, in its opinion, were of such urgency and importance as to require consideration by the Assembly itself. It has had no occasion to invoke this authority. Meetings of the Advisory Committee have been held whenever matters have arisen requiring discussion, or whenever the Secretary-General has sought advice, or, at times, only to keep the Committee informed on current developments. The Advisory Committee has been consulted particularly on those questions which the Assembly had indicated should be the subject of consultation between it and the Secretary-General, such as the Regulations for the Force, the policy of the Force with regard to self-defence and the issue of medals. The effective assistance rendered by the Committee was noted with appreciation by the Assembly at its twelfth session, in resolution 1151 (XII), and the Secretary-General, in the introduction to his annual report to that session,^{1/} paid tribute to the indispensable services performed by the Committee.

CHAPTER II. FORMATION AND COMPOSITION OF UNEF

Special co-operation by Governments

31. A number of delegations have given full co-operation in obtaining from their Governments indispensable assistance in the establishment and maintenance of the Force. Indeed, the entire history of the operation has been characterized by unusually close and effective co-operation between Governments and the United Nations. Invaluable assistance on military aspects of the initial planning was given by a group of military representatives of the countries contributing troops to UNEF, who sat as an informal military advisory committee at United Nations Headquarters during the early stages of the operation. This group, under the informal chairmanship of a Major-General, appointed temporarily as personal adviser to the Secretary-General on UNEF military matters, provided expert planning and advice on matters of military organization, transport, equipment and logistics, and also greatly expedited the dispatch of contingents by their Governments. Similar co-operation and assistance by delegations and Governments would be essential to the success of any future operations of this kind.

USE OF SECRETARIAT RESOURCES

32. At the outset, the Secretary-General directed that United Nations Secretariat personnel, procedures and facilities should be utilized to the maximum in organizing and maintaining the Force. This reduced substantially the degree of improvisation which would otherwise have been required for a project so large and so new in international experience as UNEF. Even so, there was much occasion to improvise in the early stages. The Secretariat, as a result of long and well-tested experience, could provide UNEF with efficient services and personnel in such necessary fields as administration, financial procedures, personnel recruitment, legal and political advice, public information, procurement and supply and communications. High-level responsibility for the organization and direction of the operation was facilitated by the prin-

ciple of flexibility in the use of senior staff. From the beginning, the Secretary-General designated one of his Under-Secretaries without Department to be responsible for direct supervision of the organization and operation of the Force and the co-ordination of administrative actions relating to it (see A/AC.89/R.1). Most of the major units of the Secretariat were called upon to make their contribution to the total task in one way or another, with the Executive Office of the Secretary-General, the Office of General Services, the Office of the Controller, the Office of Legal Affairs and the Office of Personnel rendering especially important assistance.

33. The experience gained by the Secretariat over the years in the administration of missions in various parts of the world provided many well-tried procedures which were immediately put to good use in meeting the broad requirements of UNEF. Machinery for the necessary administrative co-ordination at United Nations Headquarters already existed and was readily adapted to the new emergency task. Certain mission facilities which had been found essential over a period of years were immediately available in the area: an aircraft permanently assigned to UNTSO provided emergency transportation locally, which was indispensable to the early planning; an independent United Nations network of low-powered radio receivers and transmitters, linking UNTSO offices in Cairo and Gaza with UNTSO headquarters in Jerusalem, gave United Nations personnel in the area an uninterrupted contact of their own with United Nations Headquarters in New York through the United Nations relay station in Geneva; an adequate code system and routine procedures for the handling of United Nations diplomatic pouches ensured security for United Nations communications. Arranging for such needs as identity cards, visas, passports and inoculations, and obtaining clearances for flying over the territory of numerous countries, were routine duties for the Secretariat.

INITIAL ASSESSMENT OF REQUIREMENTS

34. The Commander of UNEF estimated that, in order to perform the tasks assigned by the General Assembly, the Force would require the equivalent of two combat brigades, or about 6,000 men. The initial concept of military organization, later modified in the light of further clarification of the functions of the Force, was that it should be built around regimental combat teams. It would require an independent signals company expanded to provide all necessary communications facilities for Force headquarters and in the field. In addition, headquarters, engineer, transport, shop repair and medical personnel would be needed. It was decided that the infantry should be equipped with normal regimental weapons, that there should be a transport company sufficient to lift one infantry battalion, and that each battalion should be administratively self-contained. The Commander also stressed the desirability of an armoured car squadron for reconnaissance work, in view of the nature of the terrain and the task of the Force. It was further concluded at an early stage that a light air unit was essential for functions inside the UNEF operations area.

The first phase

35. There was urgent need to assemble a usable force, as rapidly as possible, and to land it in Egypt. While awaiting the conclusion of arrangements with

^{1/} Official Records of the General Assembly, Twelfth Session, Supplement No. 1A (A/3594/Add.1).

Egypt for the entry of the Force into that country, it was decided that a staging area near the Mediterranean would be necessary, as it would expedite the flow of troops and matériel to Egypt. Arrangements were quickly made with the Government of Italy for the use of Capodichino airport, Naples, for this purpose. Most of the troops brought to Egypt by air were sent via Naples, others were flown in via Beirut, while others came by sea to Port Said. The small staff in charge of the staging area at Capodichino took care of the incoming (and later outgoing) contingents, dealt with the several authorities in Europe through whom major logistic support was obtained, supervised the air-lift to Egypt and arranged for the surface transport of heavy stores.

36. The initial movements of troops from their home bases to Italy were arranged through United Nations Headquarters. The problems were mainly transportation and co-ordination. The bulk of the transport to the staging area was provided by the United States Air Force. The representatives of the contributing countries supplied information to United Nations Headquarters concerning the numbers, equipment and state of readiness of their national units, and this was transmitted to the representatives of the United States Air Force designated for this purpose. The latter, in turn, gave notification concerning the precise arrangements for transporting the contingents named, which was transmitted to the appropriate Governments by their military representatives at United Nations Headquarters.

37. A selected group of United Nations military observers, who were detached temporarily from their duties with UNTSO and who commenced planning while still in Jerusalem, served at first as the nucleus of a UNEF headquarters staff. They arrived in Egypt on 12 November 1956, established a temporary headquarters in Cairo and, together with Secretariat officials, arranged for the reception and billeting of the first contingents, and the early procurement, storage and issue of the supplies and equipment required. Through negotiations with the Egyptian Government, an air base at Abu Suweir, near Ismailia, became the arrival depot for the early contingents. As the contingents arrived, their officers took over the duties being performed by the military observers, who were then able to return to their UNTSO duties in Jerusalem.

38. Advance elements of UNEF were moved to Egypt at a time when hostilities had but recently ceased; there were restrictions on the times and lanes of flights, and aircraft transporting contingents had to be of suitable nationalities. The initial air-lift of troops to Abu Suweir was carried out by Swissair. The Naples to Egypt air-lift was subsequently taken over by the Royal Canadian Air Force with some assistance from the Italian Air Force in lifting supplies.

39. Speed was a major reason for initially moving some troops and equipment to Egypt by air, but as ships under some flags could not be used, and as ships proceeding to Port Said at that time were required to be self-sustaining, the immediate possibilities of employing sea transport were in any case severely reduced. The Yugoslav reconnaissance battalion, with all its equipment, was brought to Port Said by sea on 28 November 1956, while the main elements of the Canadian and Brazilian contingents arrived in national naval vessels on 11 January and 2 February 1957,

respectively. All heavy equipment for UNEF was brought in by ship.

40. One consequence of having to rely on air transport for the first units and their equipment was an immediate and severe shortage of transport vehicles. This difficulty was aggravated by the fact that several of the contingents had not contemplated bringing most of their vehicular transport with them in any event because of the desert conditions. The shortage was alleviated by obtaining vehicles from UNRWA, by local purchases and by rental. But, as requirements mounted, these sources became inadequate.

41. A preliminary understanding had been reached in New York on the purchase of vehicles and supplies in Port Said from the British forces as they withdrew, the details of the transaction being worked out on the spot. This procurement was very helpful in facilitating the rapid deployment of UNEF forces in the Sinai Peninsula and in equipping the two transportation platoons used for supplying the forces. Shortly after the formation of the Force, a large order for vehicles was placed with United States military authorities. These vehicles arrived in January 1957 and filled the additional transport requirements.

42. The need to transport UNEF units to positions evacuated by the Anglo-French and Israel forces, to keep them supplied and to provide replacements, required the immediate establishment at Abu Suweir of a dump of petrol, oil and lubricants. The necessary stocks and installations were obtained in the area. Additional storage facilities were obtained in Port Said, and further supply points were established as the operation moved forward.

43. The clear identification of UNEF personnel, beyond the customary United Nations armbands, was an immediate necessity for security and other reasons. Light blue helmet liners with United Nations markings were adopted for this purpose, and were later supplemented by blue berets and desert caps and UNEF badges and insignia. Vehicles and aircraft were painted white with United Nations markings.

National contingents and supporting units

44. On the basis of the position taken in the General Assembly resolutions—which reflects a principle that is both sound and practical—no units from any of the permanent members of the Security Council have been included in the Force. Nor have any been recruited from countries in the area or from countries which might, for other reasons, be thought to have a special interest in the conflict situation. In selecting contingents, weight was given to such factors as their suitability in terms of the needs of the Force, their size and availability, the extent to which they would be self-contained, the undesirability of too great a variation in ordnance and basic equipment, the problem of transportation, and the goal of balanced composition.

45. In the period November-December 1956, twenty-four Member States offered to provide units (see A/3302 and Add.1-30). A number of these countries also offered other forms of assistance, as did two other Member States and one non-member. Most of the offers of assistance were of infantry units. The Force, at the peak of its strength totalling about 6,000 officers and men, consisted of contingents from the following

countries: Brazil, Canada, Colombia, Denmark, Finland,^{S/} India, Indonesia,^{S/} Norway, Sweden and Yugoslavia.

46. The extent of the area to be covered by UNEF called for highly mobile reconnaissance. This need was met by Yugoslavia, which provided a complete reconnaissance battalion, and by Canada, which later provided a fully-equipped light armoured squadron.

47. Supporting units were obtained and assigned with the same urgency as those engaged in patrolling. Experience with the Force soon demonstrated the desirability of limiting the number of countries participating in it, particularly those providing support units, in view of the difficulties in co-ordinating and controlling a number of relatively small units having different arms and equipment, requiring varying diets and speaking different languages. Thus, to simplify the organization in the interest of efficiency, the Indian contingent was given responsibility for the Supply Depot and the Service Institute; Canada and India provided units for Transport, the Provost Marshal and Signals; Norway and Canada covered the medical needs. The Canadian contingent was also made responsible for the Ordnance Depot and Workshop, the Base Post Office, Engineering, the Dental Unit, Movement Control and Air Support.

48. When the contingents were being accepted, it was impossible to determine or to foresee the duration of the UNEF mission. National terms of military service, the nature of the mission, conditions of weather and terrain, and considerations of morale and efficiency, gave strong support to the principle and practice of rather frequent periodic rotation. The exact rotation policies adopted by contributing Governments, however, have varied somewhat, and in some cases the length of the period of service has been shorter than would be dictated exclusively by considerations of efficiency and economy. Full responsibility for the cost of transportation is accepted by the United Nations.

49. The schedules of rotation are fixed by the contributing countries in consultation with the Commander, in such a way as to ensure continuity of national participation in the Force and to protect it from being undermanned.

50. With regard to the withdrawal of contingents from the Force, the contributing Governments agreed with the Secretary-General that, in order to protect the organizational strength of the Force, participating Governments would inform the Secretary-General in advance of a decision to withdraw their contingents. In each of the two cases of withdrawal that have occurred to date, notice was given sufficiently in advance to enable the Force to obtain replacements through increasing the size of one or more of the existing contingents.

CHAPTER III. OPERATIONS IN THE FIELD

The stages

51. The operations of the Force in the field may be divided into three successive stages. The first lasted roughly from mid-November until the end of December 1956, and centred in the vicinity of the Suez Canal

^{S/} The contingents from Finland and Indonesia have been withdrawn, so that the Force in September 1958 consisted of contingents from the eight remaining countries.

(mainly Port Said and Port Fuad); this stage was concluded with the withdrawal of the British and French troops. The second extended from late December 1956 to early March 1957. During that time, the activities of the Force covered the Sinai Peninsula following the phased withdrawal of the Israel forces. The third stage began on 8 March 1957, when Israel forces had fully withdrawn from the Gaza Strip and had begun their withdrawal from the Sharm el Sheikh area. The activities of the Force since that time have centred on the Egyptian-Israeli armistice demarcation line and along the international frontier south of the Gaza Strip.

52. The technical arrangements for the withdrawals were negotiated, in consultation with the Secretary-General, by the Commander of UNEF with the Commanders of the British, French and Israel forces.

Operations relating to the cessation of hostilities

(a) In the Suez Canal area

53. In the first stage, the objective of the Force was to secure and supervise the cessation of hostilities. The Force was immediately interposed between the Anglo-French and the Egyptian troops, occupying a buffer zone. Units of the Force also entered Port Said and Port Fuad and, by arrangement with the Anglo-French forces, took responsibility for maintaining order in certain areas, in co-operation with local authorities. The Force also undertook guard duty over some vulnerable installations and other points, but turned over all administrative and policing responsibilities to the Egyptian authorities the day following the Anglo-French evacuation.

54. In the period of transition when the British and French forces were preparing to leave and were actually leaving, the Force temporarily undertook certain essential administrative functions, such as security, with the co-operation of the Governor and the Police Inspector in Port Said. UNEF personnel took measures to protect civilian life and public and private property. With the sanction of local authorities, they also undertook administrative functions with respect to public services and utilities, arranged for the provisioning of the local population with food-stuffs, and exercised a limited power of detention. During this period, UNEF was called upon to investigate a number of incidents, such as violations of the cease-fire, missing personnel and smuggling. Incidents involving the cease-fire were reported to the proper authorities, who were urged to prevent any recurrence.

55. No provision having been made for the establishment of joint machinery whereby incidents could be examined and discussed, UNEF's role was limited to investigating, reporting and, if warranted, lodging protests with the proper authorities.

56. The Force cleared minefields in the Suez Canal area, and arranged and carried out exchanges of prisoners, detainees and internees between the Egyptian Government and the Anglo-French Command. It guarded the off-loading of UNEF stores and vehicles from ships at Port Said and, in the final stage of the withdrawal of British and French troops from Port Said and Port Fuad, the Force was stationed around the final perimeter of the zone occupied by Anglo-French forces, thus preventing clashes between them and the Egyptians.

(b) In the Sinai Peninsula

57. The original plan of operations assumed that, in compliance with General Assembly resolutions, Israel troops would, after the cease-fire, withdraw within a short time behind the armistice demarcation line and that the Force would then be deployed along the Egyptian-Israeli armistice demarcation line and the international frontier south of the Gaza Strip.

58. Israel's forces withdrew from the Sinai Peninsula in three stages, on 3 December 1956, 7-8 January and 15-22 January 1957, with the exception of the Gaza Strip and of the Sharm el Sheikh area at the Gulf of Aqaba, which were evacuated on 6-7 March and 8-12 March 1957, respectively. The Force could not be effectively deployed along the Egyptian-Israeli armistice demarcation line and the international frontier south of the Gaza Strip before completion of the withdrawal. The intention of the Government of Israel to withdraw from the Gaza Strip and Gulf of Aqaba areas was announced to the General Assembly by the Foreign Minister of Israel on 1 and 4 March 1957 and, on 8 March, the Secretary-General reported that no Israel troops were left in the Gaza Strip and that UNEF troops had entered Sharm el Sheikh.

59. On the whole, the functions performed by the Force in the Sinai Peninsula were similar to those undertaken in the Suez Canal area. It was interposed between the forces of Egypt and Israel from 3 December 1956 onwards; it undertook temporarily some local civic responsibilities, including security functions, in a few inhabited areas during the successive stages of the withdrawal of Israel, handing over all such responsibilities to the Egyptian authorities as soon as they returned to their posts; it arranged and carried out the exchange of prisoners of war between Egypt and Israel; it discharged certain investigatory functions; it cleared minefields in the Sinai Peninsula; and it repaired temporarily portions of damaged roads and tracks crossing the Peninsula, necessary for the conduct of its operations.

Operations along the armistice demarcation line and the international frontier

60. Two local conditions were of special concern to the Force as it moved into the Gaza Strip. In the first place, it was across the Gaza Strip line that the greatest number of incidents, infiltrations and raids had occurred since the armistice. Secondly, there were a very large number of Palestine Arab refugees, who are assisted by the United Nations through UNRWA, living in the Gaza Strip. The United Nations took no action which in any way affected the status *juris* of the Armistice Agreement or the Gaza Strip, since these matters are subject only to agreement of the parties.

61. Following the completion of Israel's withdrawal, the functions of the Force were determined by a General Assembly resolution calling for "the placing of the United Nations Emergency Force on the Egyptian-Israeli armistice demarcation line and the implementation of other measures as proposed in the Secretary-General's report" (resolution 1125 (XI)). In partial implementation of that resolution, the Force was deployed on the Egyptian side, along the armistice demarcation line and along the international frontier to the south. The completion of its deployment remains an unresolved issue.

62. As regards the Sharm el Sheikh area, the Secretary-General in his report to the General Assembly of 24 January 1957 concluded that on the withdrawal of Israel troops UNEF would follow in the same way as it had in other parts of Sinai, its movements being determined by its duties in respect of the cease-fire and withdrawal (A/3512, para. 29). The Secretary-General further stated that, in accordance with the general legal principles recognized as decisive for the deployment of the Force, it should not be used in such a way as to prejudice the solution of the controversial questions involved; thus, it was not to be deployed in such a manner as to protect any special position on these questions.

Pending the re-establishment of local authority in the Gaza Strip

63. Within the Gaza Strip, the operations of the Force took place in two stages. The first covered the evacuation of the Strip by Israel troops and the simultaneous entry of UNEF. The second began after local authority had been re-established under the Egyptian Administrative Governor and the local administration was able to resume its duties.

64. As the first step, arrangements were made between the Commander of UNEF and the Chief of Staff of the Israel Defence Forces for the United Nations to take over its responsibilities in the Gaza Strip as Israel withdrew. Pending the re-establishment of local civilian authority in the Strip, and on the basis of a division of responsibilities suggested by the Secretary-General, UNEF and UNRWA co-operated in meeting local needs, as a purely temporary measure.

65. The operation of the Force at the time of its entry into Gaza was facilitated by the presence there of an important branch of UNRWA, which permitted a quick distribution of civil functions between UNEF and UNRWA to meet the immediate needs of the local population, and by the fact that the Egyptian-Israeli Mixed Armistice Commission had its headquarters in Gaza, thus enabling the Force to enjoy the immediate use of the Commission's communications facilities and its personnel.

After the re-establishment of local authority in the Gaza Strip

66. After the local authorities had taken over administration and internal security, the Force was deployed along the armistice demarcation line and the international border south of the Gaza Strip, in patrol and reconnaissance activities designed to avert incidents and to maintain quiet along that entire sector.

67. The population of Gaza was officially informed that the Government of Egypt, as a matter of policy, is opposed to infiltration across the armistice demarcation line, UNEF's purpose was explained, and the Administrative Governor-General of the Gaza Strip took other effective measures. Gaza inhabitants were notified that they were forbidden to approach the demarcation line within 50-100 metres by day and 500 metres by night. The CID (police) in Gaza were instructed to act vigorously with the object of finding persons responsible for mining and other incidents and to prevent recurrences. The local (Palestine) police co-operate with UNEF in preventing infiltration. In order to be as effective as possible in this sphere, the Force was regrouped so that its battalion

boundaries now generally correspond to administrative sub-districts in the Strip. This facilitates police co-operation with UNEF at the battalion level.

68. The normal channel for contacts between the Force and the local administrative authorities, as well as with the Egyptian national authorities, has been the Egyptian liaison staff. This staff was constituted by the Government of Egypt at the time of the entry of UNEF into Egypt, and it has served continuously as the regular channel for communication between the Government and the Force. The Commander has also consulted directly, when necessary, with officials of the Government in Cairo. There are some direct contacts between UNEF lower echelons and the local administration. Close liaison has been maintained between commanding officers of units and the administrative governors and police officials in their respective sectors through periodic meetings, and direct contacts have also been maintained between the UNEF military police and the local police.

69. With only an occasional hitch, and this seldom more than minor, UNEF personnel and vehicles have enjoyed freedom of movement in the Gaza Strip and between the Sinai Peninsula posts, the headquarters of UNEF and the units deployed along the demarcation line. This includes freedom of flight over the Sinai Peninsula and the Gaza Strip for UNEF aircraft and the manning of the Gaza airport by UNEF.

70. UNEF troops have a right to fire in self-defence. They are never to take the initiative in the use of arms, but may respond with fire to an armed attack upon them, even though this may result from a refusal on their part to obey an order from the attacking party not to resist; a proper refusal, since they are to take orders only from the Commander. UNEF is authorized to apprehend infiltrators and persons approaching the demarcation line in suspicious circumstances. In practice, this applies to a zone extending up to 500 metres from the demarcation line; after interrogation, the persons apprehended are handed over to the local police.

71. The Force is deployed along the demarcation line and the international border, over a length of 273 kilometres in largely rugged terrain. The perimeter of the Gaza Strip (60 km.) is covered by means of observation posts by day and patrols by night. There are seventy-six observation posts, the location of which varies according to the nature of the terrain. The primary purposes of the observation posts and patrols are to prevent any movements across the line and to observe and report incidents. All troops have received full briefing on their outpost and patrolling duties. In conjunction with the observation duties, reconnaissance flights by UNEF's light aircraft are carried out in the Sinai Peninsula in order to detect movements along the roads, or elsewhere in the area of the frontier. In view of the prevailing quiet all along the line, air reconnaissance, which had been carried out on a daily basis, was reduced in August 1957 to three days a week.

Investigation of incidents

72. The deployment of UNEF along the armistice demarcation line and the line south of Gaza raised the question of the respective responsibilities of UNEF and UNTSO. The Government of Israel took the position that the Egyptian-Israel General Armistice Agreement

was no longer in effect. The United Nations, however, could not accept a unilateral decision on the Armistice Agreement, and therefore the Chairman of the Egyptian-Israel Mixed Armistice Commission and the UNTSO military observers have continued at their posts throughout the Israel occupation of the Gaza Strip, and since. The General Assembly called upon the parties to comply with all the provisions of the General Armistice Agreement between them.

73. Upon the withdrawal of the Israel forces, arrangements were made which, without any change in its legal status, placed the Egyptian-Israel Mixed Armistice Commission under the operational control of the Commander of UNEF. Upon the appointment in March 1958 of a new Chief of Staff for UNTSO, the Secretary-General confirmed to the representatives of Egypt and Israel that the Commander of the Force would continue to exercise his functions as Chief of Staff in respect of the Egyptian-Israel General Armistice Agreement, i.e. as Chairman *ex officio* of the Mixed Armistice Commission, in accordance with article X of that Agreement.

74. In view of its position with respect to the Armistice Agreement, the Government of Israel has preferred to lodge its complaints with UNEF, but UNEF representatives have consistently maintained that official investigations of incidents can be carried out only through the Mixed Armistice Commission.

CHAPTER IV. ORGANIZATION AND ADMINISTRATION IN THE FIELD

Organizational structure

The Commander

75. The functioning of UNEF in the field is the direct responsibility of the Commander, who serves both as the director of operations and as the supervisor of all other activities of the Force.

76. The Commander holds office through appointment by the General Assembly. He operates under the instructions and guidance of the Secretary-General on the basis of executive responsibility for the operation entrusted to him by the Assembly. In practice, from the inception of the Force, the Commander has functioned as the principal agent of the Secretary-General in the area of operations, within the limits of his post.

77. The position of Commander combines leadership of the Force with the role of representative of the United Nations. Much the same qualities are called for in the Chief of Staff of UNTSO, although the military observers in UNTSO do not form a military organization in the UNEF sense and their functions are quite different. Both operations, however, combine political and administrative with military functions.

Military staff organization

78. The military staff organization of UNEF consists of officers selected from each of the contingents, and is headed by the Chief of Staff. The Chief of Staff acts for the Commander during his absence. The position of Deputy Commander was tried for a while but was found to be unnecessary. The Headquarters Staff comprises three sections—(1) Personnel, (2) Operations, and (3) Logistics—and a Special Staff composed of a number of specialized officers who advise and assist

the Commander in particular fields and, in some cases, co-ordinate, supervise or carry out functional activities. The physical separation of UNEF headquarters in Gaza from the maintenance area at Rafah results in some inconvenience and perhaps a mild loss of efficiency, but it is unavoidable and there is no practical alternative.

79. The contingents receive their instructions and direction from the Commander, advised and assisted by his Staff. The commanding officers of the units are held responsible by the Commander for the proper functioning and discipline of their personnel. The contingent commanders are free to communicate with their home Governments on all matters affecting their units.

80. It is the practice of those contingents furnishing units for more than one functional task to designate a contingent commander, in addition to commanders for each functional activity. This contributes to clarification of responsibility in those matters affecting personnel which are subject to national authority.

81. Aside from the battalions with clearly defined missions of a military nature, normally involving patrol duties along the armistice demarcation line and the international frontier as well as guard duties, there are a number of units assigned to UNEF which perform administrative and other support tasks. Supporting elements for any force represent a special problem in co-ordination and control. To weld together elements of several different nationalities having similar functions would be very difficult. For this reason, UNEF has tended to rely mainly upon two countries, Canada and India, for its supporting units other than the medical.

82. Some of the contributing Governments designated "liaison officers" to represent their interests on the scene of operations of UNEF and to serve as points of contact for them. These liaison officers, not being under the authority of the Commander, are not members of UNEF. Their status, therefore, is rather anomalous. In practice, the liaison officer function has worked best when the officer concerned was one assigned to a UNEF post having important duties in its own right. Those liaison officers not combining functions in this manner have no direct responsibility to the Commander, yet can scarcely avoid becoming involved in matters of Force administration and operations. Moreover, it is difficult for the Commander and his staff, as well as for the commanders of operating units, to decide when and under what circumstances the liaison officers should be consulted and informed. However, in the early days of the organization of the Force, liaison officers for special purposes performed a useful and necessary function.

83. From the beginning of the Force, it was found useful, even essential, to maintain representation in Cairo for liaison with the appropriate authorities in the host Government. UNEF also has liaison representation in Tel Aviv. Military observers have been seconded from the staff of UNTSO for service with UNEF as its liaison officers. UNEF representation is also maintained at places outside the area of operations where UNEF activities and interests are involved, as in Beirut and Pisa (and earlier in Naples) in connexion with the airlift.

The Secretariat

84. Administratively, responsibility for UNEF rests with the Secretary-General, in order to ensure that the operation will be executed in a manner consistent with the established practices and administrative principles of the United Nations. The day-to-day responsibilities of administration are exercised by the Commander of the Force, assisted by the senior Secretariat officials assigned by the Secretary-General to the Force, and such military officers having important administrative functions as the Chiefs of Personnel and Logistics. Experience has demonstrated that, by and large, requirements for the administrative servicing of an operation such as UNEF, both at Headquarters and in the field, can be met through existing Secretariat services, modestly expanded in certain sections to permit the absorption of heavier work-loads, together with such administrative assistance from the military side as may be implicit in the nature of the organization.

85. Three categories of Secretariat staff have served and are serving with the Force:

(a) Officers, such as the Chief Administrative Officer, with responsibility for the financial affairs of the Force and for the application of United Nations administrative rules and procedures. The Chief Administrative Officer reports directly to the Commander and works closely with him, but also has a direct reporting link with United Nations Headquarters, as the senior Secretariat official who is designated by the Secretary-General and in that capacity is responsible to him. He is assisted by a Chief Procurement Officer, a Chief Finance Officer and a Personnel Officer;

(b) Officials such as the Legal Adviser and the Public Information Officer, both of whom belong to the staff of the Chief Administrative Officer, but who work directly with the Commander in view of the nature of their duties;

(c) Personnel providing services not readily available from military sources, or requiring special training and knowledge. The Field Operations Service, for example, which assists the operation in many ways, quickly sets up external communications service with skilled personnel, and also provides trained security personnel.

86. The main and most direct impact of staffing and control arrangements is, of course, felt in the field. With the continuing expansion of the administrative responsibilities of the United Nations in connexion with the growing number of operations in widely scattered places, it has become increasingly apparent that qualified administrative personnel within the regular Secretariat do not exist in sufficient numbers adequately to cover all important tasks, particularly in the financial area. The addition of UNEF to existing responsibilities, and the possibility of other such operations in the future, has made it necessary to devise ways and means of augmenting the regular Secretariat in order to assure that financial administration in the field is properly carried out. To service these activities, accountants, auditors, procurement and property control specialists and supporting staff, of high calibre, are required for service in the field in substantial numbers. The fluctuating needs of the Organization argue against expanding the permanent Secretariat staff. Increasing attention, therefore, is

being given to the development of additional sources of field assistance including, in particular, arrangements whereby specialist civilian personnel may be made available by Member Governments on a temporary secondment basis for service with UNEF as part of the Secretariat staff, following brief periods of training or briefing at Headquarters or at another United Nations office prior to taking up their field assignments.

Joint civilian-military organization

87. The fusion of military and civilian activities requires considerable understanding as well as knowledge on the part of the Commander, who is the only officer of the Force operating in both a military and a civilian capacity, as also on the part of the senior military and civilian officers. In practice, in the day-to-day activities, it falls mainly to the Chief of Staff to set the tone for civil-military relationships. The possibility of friction, stemming from differences in background, training and discipline, is always present and deserves special attention. There are some areas so clearly defined as to allow little occasion for military-civilian misunderstanding. Among them are military operations, air operations, health services, military police, legal affairs, public information, and relations with other United Nations agencies. Only slight difficulty has been experienced in some other areas where civilian-military responsibilities are mixed, such as personnel, maintenance and construction, welfare programmes, supervision of mess facilities and canteens, rotation of contingents and, finally, relations with Governments. On the other hand, although they have always been solved, problems of this kind have arisen in connexion with logistics, finance and accounting, radio communications, transportation and travel, and the issuance of directives and instructions covering the general administration of the Force. With regard to senior officers on the civilian side and staff officers on the military side, it may be said that too frequent rotation has been a hindrance to the development and consolidation of maximum efficiency in administration.

Public information

88. From the very beginning of the operation, the Secretariat has assigned public information officers to UNEF. They report directly to the Commander. Their principal function has been to assist in press relations with correspondents assigned to cover the Force. Correspondents have been accredited to UNEF on the same conditions as to all other United Nations missions. It has been necessary, in the best interests of the operation, to adhere strictly to a policy of accreditation which is similar to that applied in other United Nations missions, but which takes into account certain unusual problems arising out of conditions unique to UNEF. The main features of this policy are: (a) that only correspondents reaching Egypt on their own and applying personally to UNEF headquarters can be accredited, this accreditation being for the purpose of covering UNEF only and not entitling them to any other facilities or rights of movement in the country; (b) that accredited persons must be *bona fide* correspondents actively engaged in covering the work of the United Nations; and (c) that, as far as UNEF facilities are concerned, accredited correspondents of all nationalities must receive equal treatment.

89. The public information staff have also helped to provide Headquarters with general coverage of UNEF operations for its various information media, and special coverage for the Member States furnishing the contingents. UNEF's own weekly newspaper, Sand Dune, is edited and published under their guidance. One or more of the national contingents has always included a public relations officer. These officers have been of great assistance in all matters relating to public information for UNEF.

Logistics and administrative problems

90. Unusual and perplexing administrative problems are constantly encountered by UNEF in many fields of activity, and the brief descriptions of some of the broader ones set forth below are intended only as selected examples of the novel difficulties faced.

Procurement

91. In military logistics work, it is customary for supply requirements to be met through requisitions prepared or screened against standard supply tables, and the procurement action is undertaken without further review. The heterogeneous composition of UNEF has precluded thus far the development of detailed and standardized supply tables, although these are in course of preparation. In the meantime, the Chief Procurement Officer must assure himself that each requisition covers only essential supplies for which there are no other alternatives, and differences sometimes tend to arise over the conclusions about proper purchase.

92. An important area of difficulty is the procurement and delivery of supplies and equipment, after agreement is reached on requirements. Four main sources of supply have been drawn upon by UNEF:

(a) A good part of the requirements is furnished by the participating Governments directly to their own troops;

(b) United Nations Headquarters procures and ships those supplies that can be economically secured through its own procurement channels;

(c) The UNEF supply office in Italy procures and ships other supplies from military sources in Europe, when authorized by United Nations Headquarters under standing arrangements with Governments of Member States;

(d) Supplies are purchased locally when the exigencies of the situation so demand or when price comparisons show that this is the most economical course.

93. In the early days of an operation such as UNEF it is imperative to have an assured source that can produce most of the supplies required by modern troops in the field. Once a "pipeline" has been established, attention can be given to developing alternative sources that may be cheaper or more satisfactory in other ways. The provision of rations in sufficient quantity and appropriate variety for soldiers of differing nationalities and dietary habits is especially important and often difficult. The question of the most suitable ration scale for UNEF is kept under review. In the early stages, when UNEF was concentrated at Abu Suweir, the quantities of rations brought in by air-lift were inadequate, and procurement through the Egyptian Army was necessary for a brief period. This

arrangement ceased when local contractors were able to deal directly with United Nations procurement officers. The necessity of bringing rations in by air greatly reduced the air-lift available for other purposes and caused much difficulty.

Transportation

94. Transportation within the area of operations when public and commercial facilities are limited is a burdensome problem. Major reliance has to be placed on the use of UNEF vehicles and aircraft, with a consequent strain on maintenance and repair facilities and supplies. The periodic movement of troops on rotation to and from the home country creates an administrative challenge, owing largely to the absence of scheduled air or shipping services from that country to the area of operations and the rapidity with which sizeable units of troops must be interchanged. Rotational movements of troops have required intensive planning and complex administrative arrangements. Use has been made of commercial and governmental aircraft and ships, the arrangements varying according to the demands of the particular situation.

95. It is apparent that a force in the circumstances of UNEF must be largely self-sufficient as regards vehicular and aircraft maintenance, for outside facilities are largely unavailable and generally unsuitable when they do exist. The maintenance and repair facilities provided by the Royal Canadian Air Force have kept the UNEF aircraft up to a satisfactory operational standard. The situation has been far more difficult with regard to motor vehicles. The Ordnance Workshop facilities, also provided by Canada, are not designed for the repair of large components and, until contract arrangements were made for such repairs, many vehicles were out of action for long periods. Moreover, it has proved very difficult to obtain the necessary quantities of spare parts for obsolete vehicles.

Medical arrangements

96. While some contingents have limited health services of their own, the Force relies mainly on the central medical facilities in Rafah, under joint Canadian-Norwegian operation. Until late 1957, a Norwegian field hospital was maintained in Gaza while the Canadians operated a small hospital at Rafah. In practice, there was some duplication, and a consolidation was therefore arranged. The Rafah hospital is equipped and staffed to treat most of the disabilities occurring in UNEF, and its location is such that it can provide services to most contingents without undue delay.

97. Cases in need of advanced or specialized medical services require evacuation to hospitals outside the area. It has proved important to have ready access to such facilities, as emergency cases regularly occur. Working relationships for this purpose have been established in a number of countries.

Morale and welfare

98. The morale of UNEF has been consistently good, but local physical conditions are none too congenial and, therefore, both United Nations Headquarters in New York and UNEF headquarters in Gaza have from the beginning given special attention to the maintenance of morale. A United Nations Welfare Officer was appointed to supervise all welfare activities including

the provision of reading material, films, PX facilities, sports equipment and, when possible, live entertainment. Inter-contingent sporting events are an important feature of the recreation programme. Units also organize their own entertainment from the very considerable talent available in their various national ranks. Leave centres were established in Beirut on 1 May 1957, in Cairo in November 1957 for the winter months, and again in Beirut and later Alexandria in 1958. Occasional tours to historic places have also been arranged.

Relations with the local population

99. The relations of UNEF with the local population have in general been good and no serious incidents have occurred, except for one on 10 March 1957. The Gaza Strip, with its large refugee population, is a sensitive area where particularly strict standards of behaviour and respect for local customs have been necessary and have been adhered to by members of the Force. The order issued in November 1957 that troops should carry arms only when on duty has been a factor in good relations. Along the international frontier, with its sparse and largely nomadic population, a tradition of goodwill and co-operation has also been built up, to the advantage of both parties. At the leave centres—whether in Beirut, Cairo or Alexandria—relations with the local populations have posed no serious problems.

Signals communications

100. Responsibility for UNEF's communications services is divided. The necessity at the outset for instant communications services within the area of operations dictated the use of a military signals system, while the heavy United Nations traffic to and from New York, Geneva and other points made it essential to establish a typical unit, although larger than usual, of United Nations radio officers. Thus, military personnel (largely Canadian, but including a small Indian unit), under the Chief Signals Officer, have undertaken most of the communications functions involving operational requirements in the local area, while most traffic going beyond the area is handled by United Nations Field Service personnel. Telephonic service in UNEF has been provided satisfactorily by military signals personnel. Varying standards of performance and quite different types of equipment have made it difficult to achieve a cohesive communications pattern and full effectiveness on the part of available personnel. The entire radio communications service, including the military operational requirements, possibly could be performed satisfactorily by the United Nations Field Service, but only with increased staff resources. A fully integrated and cohesive external and internal communications service would then be possible.

Postal arrangements

101. One of the first arrangements for UNEF was the establishment of a base post office in Naples, Italy, in connexion with a franking privilege plan worked out with the Governments concerned through the Universal Postal Union. When UNEF was moved into the area of operations in Egypt, mail for its personnel was first flown to Naples. All Governments having troops in UNEF participate in the mail plan except Yugoslavia, which has a national airline operating between Cairo and Belgrade, the Yugoslav contingent being thus enabled to pick up and despatch its own

mail. India, although participating in the plan, operates its own post office in Cairo. Subsequently, the only major change in the arrangements has been the transfer of the base post office to Beirut, with the closing of the UNEF base at Naples.

Property responsibility

102. The question of property responsibility and accountability in an organization such as UNEF has its complexities. The problems are due partly to the fact that the property may be either contingent-owned or UNEF-owned, and partly to the wide variations in practices and procedures among the different contingents. The lack of uniform ownership has meant that the personnel responsible for such matters have had to maintain two types of record and to engage in two different systems of recording. With regard to UNEF-owned property, a central authority is required to supervise and audit in detail the activities of contingents. Certain controls must also be exercised over contingent-owned equipment, in view of the possible ultimate UNEF responsibility for depreciation and replacement.

Financial administration

103. For the guidance of those concerned with financial administration, and in accordance with the General Assembly's request in resolution 1122 (XI), the Secretary-General, after consultation with the Advisory Committee on Administrative and Budgetary Questions, established in December 1956 provisional financial rules for UNEF (ST/SGB/UNEF/2). These rules and the procedures developed in connexion therewith are designed to ensure effective financial administration and control along the lines generally followed by the United Nations and, therefore, have been patterned to the maximum extent appropriate on established United Nations financial rules and procedures. Detailed field procedures are effected through Command orders and administrative instructions. In respect of audit arrangements, the provisions of the United Nations Financial Regulations as to external audit, and of the United Nations Financial Rules as to internal inspection, have been applied. The Advisory Committee on Administrative and Budgetary Questions and the Board of Auditors have expressed satisfaction with these arrangements.

104. Since 1 July 1957, the UNEF accounts have been operated on an imprest account basis.^{9/} This means that the cash needs of UNEF are provided as required from United Nations Headquarters, and that all expenditures and commitments are reported to Headquarters for recording and auditing. Funds are made available for obligation or expenditure only through allotments by the Controller.

^{9/} The accounting system has been changed twice since November 1956. During the period prior to January 1957, the imprest account system was applied. Later, it was decided to make UNEF a self-accounting unit along the lines followed for the European Office of the United Nations at Geneva and for the International Court of Justice. With this decision, it was not possible to maintain at Headquarters a close check on UNEF field obligations and expenditures. In the same period, difficulties arose in the field in the maintenance of proper accounts and financial controls, and the Controller found himself severely handicapped, through lack of adequate accounting records, in the formulation of realistic budget estimates for UNEF's continuing needs. As a result of this experience, it was decided to revert to the imprest account system.

105. The United Nations has at its disposal various bank accounts in national currencies at centres of UNEF activity. A US dollar operations account is established with a bank at United Nations headquarters. All the accounts abroad are funded from United Nations Headquarters, mainly with US dollars.

106. Activities having broad financial implications, but falling outside the regular system of accounts, such as the administration of service institutes, messes and canteens, have required the development of thorough control procedures to protect fully the interests of the United Nations and of the participating States. Any such activity which involves an investment by the United Nations, either through advances of operating capital or some form of subsidy, is subject to thorough financial controls in the same manner as regular accounts.

107. Prior to December 1957, it was not considered possible to prepare a formal budget covering UNEF's operation during 1958, as the continuance of the Force could not be forecast beyond a period of a few months. In December 1957, it was agreed, on the recommendation of the Advisory Committee on Administrative and Budgetary Questions (A/3761), that a formal budget for the Force for the year 1958 should be prepared. Consequently, budget estimates for 1958 are being submitted to the thirteenth session of the General Assembly (A/3823). The budget consists of two parts, part A dealing with the operation of the Force and part B with the reimbursement to Governments of costs incurred in providing military contingents. Part B contains two sections, the first covering the extra and extraordinary costs relating to pay and allowances and the second covering compensation to be paid in respect of equipment, material and supplies.

CHAPTER V. FINANCIAL ARRANGEMENTS

Methods of financing

108. The task of financing an operation as large and as costly as UNEF has posed great and continuing problems. In financial terms, the expenses caused by UNEF's formation and operation have had to be considered as extraordinary, according to the definition generally applied by the General Assembly. The authority conferred on the Secretary-General by the annual General Assembly resolution relating to unforeseen and extraordinary expenses to finance commitments (up to a total of US\$2 million) relating to the maintenance of international peace and security was not sufficient to cope with even the initial cost of so large an undertaking. In theory, it was possible for the General Assembly to increase the amount appearing in this annual resolution, and thereby to include UNEF's expenses in the normal budget of the United Nations. For the following reasons, however, it was deemed preferable to finance UNEF's initial expenses on an *ad hoc* and separate basis: (a) the scope and duration of UNEF's assignment were uncertain; (b) cost estimates could not in the early stages be developed with any precision; (c) various offers of assistance without charge to the United Nations had been made, as well as promises of grants; (d) the initial basic rule for the sharing of costs, which was accepted by the General Assembly on 7 November 1956 (resolution 1001 (ES-I), para. 5), whereby a participating State would be responsible for all costs for the equipment and salaries of its contingent, had been

submitted by the Secretary-General as provisional and subject to further study; (e) available balances in the Working Capital Fund were not sufficiently large to underwrite the expenses of even a relatively small Force for any appreciable period of time, in addition to financing other unavoidable United Nations requirements; and (f) the procedure adopted would avoid the virtually certain delay that would otherwise have resulted from deep differences of opinion about who should be responsible for meeting the costs.

109. In view of the impossibility in the initial stages of making any firm estimate of costs, the General Assembly granted a general authorization for the cost of the Force. The first authorization, voted on 26 November 1956 (resolution 1122 (XI)), was for an amount of \$10 million. This was increased, on 27 February 1957 (resolution 1090 (XI)), to \$16.5 million in respect of the period ending 31 December 1957; then, on 22 November 1957 (resolution 1151 (XII)), it was increased to \$30 million for the same period. For the continuing operation of the Force beyond 31 December 1957, the Assembly, by the last-mentioned resolution, authorized the Secretary-General to expend up to a maximum of \$25 million, it being understood that budget estimates would be submitted to the Assembly in the course of 1958. These estimates (A/3823) indicated that normal running expenditures were expected to amount to \$14.2 million and reimbursements to participating States (apart from any compensation to be paid for matériel) to \$6 million. If the Force is to operate beyond the end of 1958, further Assembly action will be required to provide the necessary authority and financial support.

110. On 26 November 1956, the General Assembly, by resolution 1122 (XI), authorized the Secretary-General to establish a Special Account to which funds received by the United Nations for the express purpose of meeting the expenses of the Force should be credited and from which payments for this purpose should be made. At the same time, the Secretary-General was authorized, pending the receipt of funds for the Special Account, to advance from the Working Capital Fund such sums as the Special Account might require to meet any expenses chargeable to it. But even in normal circumstances the heaviest drain on the Working Capital Fund occurs in the first half of the year, and it was anticipated that by February 1957 there would be a very limited availability of cash or immediately realizable resources. The Secretary-General, therefore, suggested that the General Assembly authorize him, when necessary, to arrange for loans to the Special Account from appropriate sources, including Governments and international agencies, and from other funds under his custody or control (see resolution 1090 (XI), para. 3). The loan procedure was suggested and adopted as an extraordinary measure, designed to meet serious gaps in standard methods of providing for cash requirements of the Organization. The necessity to use this authority has been avoided to date, but only narrowly so. It was recognized, in any event, that such loans could only provide temporary relief in limited amounts and should not be relied on as a means of assuring financial solvency for UNEF's operations.

111. By resolution 1090 (XI), the General Assembly invited Member States to make voluntary contributions

in order to ease the financial burden for 1957 on the membership as a whole.

112. When the Assembly revised the expenditures authorized for the period ending 31 December 1957 to a total of \$30 million (resolution 1151 (XII)) it decided that these authorized expenses would be borne by Member States in accordance with the scale of assessments adopted by the General Assembly for the financial year 1957. However, grants of special assistance having been promised, the Assembly, in the same resolution, agreed that such other resources as might become available would be applied to reduce the expenses before the apportionment for the period ending 31 December 1957.

113. It thus became possible to arrange the financing of the \$30 million expenditures in the following manner:

(a) To the extent of \$1,841,700, by voluntary contributions made by Member States in response to the invitation to them extended in resolution 1090 (XI);

(b) To an additional extent of \$13,129,312, by grants of special assistance made by a number of Governments in order to reduce the total of the amount to be assessed on all Members, on the basis of resolution 1151 (XII);

(c) The balance (\$15,028,988), by assessments on Members in accordance with the approved scale of assessments for 1957.

114. UNEF's expenses for 1958 will also be borne by Member States in accordance with the scale of assessments of their contributions to the United Nations budget of 1958 (resolution 1151 (XII)).

115. A Special Account "outside the regular budget" of the Organization was established by the General Assembly at its eleventh session (resolution 1122 (XI)). Although voluntary contributions in cash and services were received in substantial amounts during the first financial year of UNEF's operation, the progressive action of the Assembly in the matter of financing the Force, as noted above, clearly implies that contributions from Member States in accordance with an approved scale for apportioning the expenses should normally be relied upon as the principal source for continuing financial support for the Force.

116. Subject to this basic principle, the possibility will, of course, always exist of taking advantage of offers of special assistance in the form of voluntary cash contributions or of goods and services offered free of charge or at nominal prices.

Apportionment of costs between the United Nations and the participating States

Expenses incurred by the participating States

117. The following formulae for the sharing of costs in respect of troops between the Organization and the participating States were adopted by the General Assembly on 22 November 1957 (resolution 1151 (XII)) based on proposals submitted by the Secretary-General (A/3694, paras. 86, 88 and 91) as a result of many difficulties which had earlier arisen in arriving at equitable and uniform reimbursement arrangements:

(a) For the first six months (i.e., during what might reasonably be regarded as the initial emergency

period), the United Nations would reimburse to participating Governments any special allowances, as distinct from basic salaries, paid to members of their contingents as a direct result of their service with UNEF in its area of operations, provided that such allowances could be considered as reasonable.

(b) In the event of a contingent serving beyond the initial six-month period, or of a replacement contingent being made available, the United Nations would assume financial responsibility for all extra and extraordinary costs which a Government was obliged to incur in making such forces available for UNEF service. Apart from the costs of equipment referred to below, this means, in effect, reimbursement by the United Nations of expenditure incurred in respect of pay and allowances over and above those costs which the Government concerned would have been obliged to meet in any event.

118. These principles were designed to provide a generally equitable basis upon which a collective United Nations responsibility could be discharged and to avoid the possibility of a few Member States assuming a disproportionately heavy financial burden beyond a limited emergency period. But their application in practice has proved difficult. For example, in the case of the formula in sub-paragraph (a) of the preceding paragraph, it has been extremely difficult, in view of widely differing national practices, to define what may be reasonably regarded as a "special allowance". Furthermore, although it had been assumed that national contingents would be composed of regular army personnel who would, in any event, have been in the service of their country, certain Governments organized special volunteer units to serve with UNEF. This was done because national laws precluded the assignment of members of the regular armed forces to service overseas other than in defence of the homeland. In other cases, new units had to be organized within the contributing States to replace regular units dispatched for UNEF duty. In these circumstances, some Governments from the outset assumed additional financial liabilities which they believed should be compensated for by the United Nations. Experience indicates the validity of the view that the most equitable collective arrangement is one which distributes among the membership as a whole those costs which a participating Government would not otherwise have incurred.

119. According to the formula adopted by the General Assembly in resolution 1151 (XII), the United Nations would assume financial responsibility for the replacement of equipment destroyed or worn out and for such deterioration beyond that provided for under normal depreciation schedules as could be assessed at the conclusion of the total period of service of a Government's contingent. It is not specified, however, whether or not the word "equipment" should be interpreted in the wider sense of "equipment, matériel or supplies", and no qualification is made as to the terms under which the items had been made available, i.e., it is not indicated either that they should have been normal and necessary in the circumstances or that they should have saved the United Nations expenditure which it otherwise would have had to incur. Consequently, decisions must be based on interpretations of the formula in the light of the actual circumstances of each particular case.

Expenses borne by the United Nations directly

120. On the basis of the relevant decisions of the General Assembly,^{10/} the United Nations assumes the following direct costs, when they are not otherwise provided for:

- (a) Billeting, rations and summer clothing for the troops including the rental, reconditioning and maintenance of premises;
- (b) Payment to each member of the Force of a daily overseas allowance, equivalent to 86 cents, in accordance with a decision by the Fifth Committee of the General Assembly at its 541st meeting on 3 December 1956;
- (c) Costs of the rotation of contingents;
- (d) Travel and subsistence allowances of military personnel proceeding on official business to points outside the area of operations;
- (e) Operation and maintenance of a suitable leave centre and other welfare expenses, such as rental of films, periodic contracting for live shows for the entertainment of the troops, and postage for personal mail;
- (f) Miscellaneous supplies and services such as cobbling, tailoring, laundering and haircutting;
- (g) Motor transport and heavy mobile equipment;
- (h) Miscellaneous non-expendable operational equipment such as barrack stores, tentage, workshop equipment, water and petroleum cans and generators;
- (i) Spare parts, maintenance and petrol, oil and lubricants for motor transport and other mobile equipment;
- (j) Stationery, photographic and other miscellaneous supplies;
- (k) Payment for the use of Royal Canadian Air Force planes comprising the UNEF Squadron, at specified rates per flying hour.

Other costs assumed by the United Nations are:

- (a) Salaries, travel and subsistence and other appropriate staff costs of international staff detailed from Headquarters or other United Nations offices, Field Service personnel, and locally recruited personnel;
- (b) Communications services, costs of transporting and issuing supplies, and claims against the United Nations for personal injury, property damage and loss of income arising from traffic accidents and other effects of the operation of the Force;
- (c) Costs of external auditors and assistants visiting the mission;
- (d) Other miscellaneous supplies and services.

Agreements with Governments relating to financial responsibilities

121. UNEF experience indicates that such an operation would be greatly facilitated by a standing provision that the costs falling to the United Nations, including the extra and extraordinary costs incurred by Governments furnishing troops, supplies and equipment, should be met by Member States collectively.

^{10/} General Assembly resolutions 1001 (ES-I), 1089 (XI) and 1151 (XII).

Acceptance of this principle would facilitate the preparation and consideration of budget estimates and lead to improved financial and logistic arrangements for any new operation. Thereafter, once the nature and scope of an operation were clearly established, agreements could be formulated between Governments providing military personnel and the United Nations, in the light of the particular circumstances, which should specify the types of services, accommodation and allowances which would be provided directly at United Nations expense.

122. With respect to extra costs incurred by Governments as a result of their participation in the operation, standard rates on a monthly, quarterly or annual basis could be negotiated for inclusion in an agreement, covering such items as:

(a) Reimbursement for governmental pay and allowances;

(b) Payment for personal equipment or governmental issues (clothing, arms, ammunition etc.);

(c) Rental of equipment furnished at the request of the United Nations (with title to pass to the United Nations when full value has been paid as rent).

The agreement could also provide for straight reimbursement of governmental supplies furnished at United Nations request and costs of rotating units and transporting equipment. It would likewise be advisable to include in the agreement provision for the reimbursement to Governments of such costs as they might incur under their own legislation in connexion with compensation payable for the death or disability of their nationals while serving the United Nations.

123. Experience also warrants the assumption that once the nature of the operation is clear, a number of Member States would be prepared to provide assistance to the United Nations in the procurement of vital matériel and services quickly and economically, under arrangements similar to those entered into for the purpose of assuring logistic support to UNEF.

Summary of basic financial provisions

124. The foregoing review of the problems encountered and experience resulting therefrom in the financing of UNEF would seem to point to the conclusion that, while there is clearly scope for the development and application in similar situations of relatively standard principles, policies and procedures, detailed arrangements in this as in other essential respects must be tailored to a variety of circumstances which in most cases will not be predictable in advance. Thus, budgetary and related arrangements will be conditioned in each instance by personnel and equipment needs, which in turn will tend to be determined by a wide range of political, geographic and other circumstances.

CHAPTER VI. LEGAL ASPECTS

Means employed

125. It was natural, in view of the lack of precedents for UNEF as an international Force, that new legal questions should arise in each phase of its development. Most of these questions are settled on the basis of formal agreements or understandings, and others through mutually acceptable working procedures devised at the local level.

126. Written arrangements or understandings have been effected by means of bilateral agreements entered into by the United Nations, represented by the Secretary-General, on the one hand, and the State concerned, on the other; they have not required ratification, but are legally binding on the parties to them.

Legal character of UNEF; its Regulations^{11/}

127. The Force was recognized as a subsidiary organ of the General Assembly, established under the authority of Article 22 of the Charter of the United Nations (regulation 6).^{12/} A problem of first importance, therefore, was that of harmonizing the international character of the Force with the fact of its being composed of national contingents. This was accomplished through the chain of command and through definition of the legal status of the Force and of its members. Subject to the resolutions of the General Assembly, the Secretary-General has authority for all executive, administrative and financial matters affecting the Force (regulation 15).^{13/} The Commander has direct command authority over the Force and its operations. Acting in consultation with the Secretary-General in the exercise of this authority, he remains operationally responsible for the performance of all functions assigned to the Force by the United Nations, and for the deployment and assignment of troops placed at the disposal of the Force (regulations 11 and 16). By designating the chain of command for the Force, through which he is empowered to delegate his authority, the Commander in turn is able to make use of the commanding officers of the national contingents (regulation 12).

128. This effective marriage of national military service with international function is also reflected in the status of individual members of the Force. Although remaining in their national service, they are, during the period of their assignment with UNEF, international personnel under the authority of the United Nations and subject to the instructions only of the Commander and his chain of command. They discharge exclusively international functions (regulations 6, 29, 31 and 32).^{14/} The immunities necessary to assure their international character as members of the Force are developed in detail in the Agreement on the status of the Force, discussed below.

129. As a subsidiary organ, UNEF enjoys the status, privileges and immunities of the Organization as already established by the Convention on the Privileges and Immunities of the United Nations. The independent exercise of the functions of UNEF was thus assured in respect of property supplied by the United Nations, but it was necessary to make provision for supplies and equipment which were the property of the national contingents. It was accordingly established that the relevant terms of the Convention also applied to the property, funds and assets of the participating States used in connexion with UNEF (regulation 10).^{15/}

^{11/} Regulations for the United Nations Emergency Force (ST/SGB/UNEF/1).

^{12/} See also A/3526, sect. II, para. 23.

^{13/} See also regulation 4, which provides that Command orders issued by the Commander are subject to review by the Secretary-General.

^{14/} See also regulation 19 (b), which provides that members of the Secretariat detailed to UNEF remain subject to the authority of the Secretary-General.

^{15/} See also A/3526, sect. II, para. 23.

Agreements and understandings concerning the formation and supply of the Force

130. The informal arrangements initially made by the Secretary-General, with the assistance of an Under-Secretary, the Military Adviser and the military advisory group, for the provision of national contingents to the Force, were formalized on 21 June 1957, in a letter addressed by the Secretary-General to each of the ten States contributing contingents (see Annex I). This letter referred to the guiding principles and the policies adopted by the General Assembly, as well as to the relevant provisions of the Agreement reached with Egypt on 8 February 1957 on the status of the Force. With the reply of each participating State, the letter constitutes an agreement between the United Nations and the particular State in question, which remains in force until the withdrawal of that national contingent from the Force.

131. Arrangements were also made with other Member States, concerning such matters as air-lift requirements, supplies and equipment, and right of air passage over national territories.

Understanding on the presence and functioning of UNEF

132. The Government of Egypt had accepted the Force in principle by formally accepting resolution 1000 (ES-I) establishing a United Nations Command, but wished to have certain clarifications before the actual arrival of the Force. The Secretary-General had, therefore, given interpretations of the relevant General Assembly resolutions to the Government of Egypt, reporting in full to the Advisory Committee on the interpretations given. The Advisory Committee had approved these interpretations and recommended that the Secretary-General should start at once the transfer of the Force to Egypt, an action to which the Government of Egypt had consented on the basis of the interpretations given by the Secretary-General.

133. While this procedure was an adequate basis for the dispatch of the first units to Egypt, the Secretary-General, feeling that some firmer foundation was necessary for the presence and functioning of the Force in that country and for continued co-operation with the Egyptian authorities, visited Cairo from 16 to 18 November for personal discussions on these points with the Egyptian authorities. The questions of principle resolved in these talks were embodied in an "Aide-mémoire on the basis for the presence and functioning of the United Nations Emergency Force in Egypt", which was approved by the Government of Egypt. This aide-mémoire was submitted to the General Assembly on 20 November 1956 (A/3375) and, when noted with approval by that organ on 24 November 1956 (resolution 1121 (XI)), constituted an understanding between the United Nations and Egypt concerning the presence and functioning of UNEF in Egypt. The aide-mémoire, after noting the arrival of advance units of UNEF in Egypt, stated the understanding between the Government of Egypt and the Secretary-General on the basic points for the presence and functioning of UNEF as follows:

"1. The Government of Egypt declares that, when exercising its sovereign rights on any matter concerning the presence and functioning of UNEF, it will be guided, in good faith, by its acceptance of General Assembly resolution 1000 (ES-I) of 5 November 1956.

"2. The United Nations takes note of this declaration of the Government of Egypt and declares that the activities of UNEF will be guided, in good faith, by the task established for the Force in the aforementioned resolutions; in particular, the United Nations, understanding this to correspond to the wishes of the Government of Egypt, reaffirms its willingness to maintain UNEF until its task is completed.

"3. The Government of Egypt and the Secretary-General declare that it is their intention to proceed forthwith, in the light of points 1 and 2 above, to explore jointly concrete aspects of the functioning of UNEF, including its stationing and the question of its lines of communication and supply; the Government of Egypt, confirming its intention to facilitate the functioning of UNEF, and the United Nations are agreed to expedite in co-operation and implementation of guiding principles arrived at as a result of that joint exploration on the basis of the resolutions of the General Assembly."

Agreement on the status of the Force

134. The Secretary-General, acting in consultation with the Advisory Committee, negotiated and concluded on 8 February 1957 with the Government of Egypt the Agreement on the status of the Force (hereinafter referred to as "the Agreement"). The Agreement, concluded by an exchange of letters (see A/3526), was deemed to have taken effect as from the date of the arrival of the first element of UNEF in Egypt and to remain in force until the departure of UNEF from Egypt. On 22 February 1957, the General Assembly, by resolution 1126 (XI), noted with approval the Secretary-General's report which included the Agreement. Matters of principle dealt with in the Agreement are, to a large extent, reflected in the UNEF Regulations, and they are summarized below.

Legal aspects of the presence, functioning and operation of UNEF in Egypt

Presence of UNEF in Egypt

135. The presence of the Force was accepted in the "area of operations", which is deemed to include areas where it is deployed, its installations and premises, as well as its lines of communication and supply (Agreement, paras. 5, 19, 32 and 33). The United Nations, in turn, acknowledged the obligation of its personnel and of the members of the Force to respect the laws and regulations of Egypt and to refrain from actions incompatible with their international status (Agreement, para. 6). To implement the exemption of members of the Force from passport, visa, and Egyptian immigration regulations, rules were issued authorizing their use of military movement orders and identity cards in lieu of passports and visas (Agreement, para. 7). Provision was made for appropriate display of the United Nations flag, for a prescribed uniform, for a distinctive identification of UNEF vehicles, for UNEF licences and operator's permits, and for the carrying of arms on duty (Agreement, paras. 20, 21 and 22).

Jurisdiction

136. The question of criminal jurisdiction raised a number of points of basic policy in the establishment of UNEF. It is essential to the preservation of the independent exercise of the functions of such a force

that its members should be immune from the criminal jurisdiction of the host State. The Agreement accordingly provided that members of the Force should be under the exclusive jurisdiction of their respective national States with regard to any criminal offences committed by them in Egypt (Agreement, para. 11). Such a policy, obviously, makes easier the decision of States to contribute troops from their armed forces. At the same time, it was important that this waiving of jurisdiction by the host State should not result in a jurisdictional vacuum, in which a given offence might be subject to prosecution by neither the host State nor the participating State. For this reason, the agreements between the United Nations and the participating States specify that this "immunity from the jurisdiction of Egypt is based on the understanding that the authorities of the participating States would exercise such jurisdiction as might be necessary with respect to crimes or offences committed in Egypt by any members of the Force provided from their own military services". The Secretary-General, therefore, sought assurance from each participating Government that it would be prepared to exercise this jurisdiction as to any crime or offence which might be committed by a member of its contingent.

137. Even so, it was probably inevitable that from time to time a number of difficult legal problems would arise in giving effect to these provisions, involving varied legal systems and terms of military law prevailing in participating States. Fortunately, the number of acts having possible implications under criminal law committed by members of UNEF have been very few. The Secretary-General has thought it desirable, none the less, to ask the Governments of participating States to review the position under their laws. As an indication of the type of problem that could arise, it may be noted that national laws differ in the extent to which they confer on courts martial jurisdiction over civil offences in peacetime, or confer on either military or civil courts jurisdiction over offences committed abroad. Some provide only for trial in the home country, thus posing practical questions about the submission of evidence.

138. As to civil jurisdiction, members of the Force enjoy immunity from legal process in any matter relating to their official duties; but the same machinery is available for settlement as in the case of claims against the United Nations. In other civil cases, where jurisdiction over a member of the Force might be exercised in Egypt, there are agreed measures to prevent the proceedings from interfering with the performance of his official duties (Agreement, paras. 12 and 38 (b)).

Discipline

139. The disciplinary system in UNEF, from the strictly military point of view, is rather anomalous. Normally, the commander of a force has powers both of command and punishment, whereas the Commander of UNEF has powers only of command. Disciplinary authority resides in the commanding officer of each national contingent (regulation 13). To confer such authority upon the Commander would probably require specific legislation in most participating States.

140. The Agreement authorized the use of military police by the Commander to assure the maintenance of discipline and good order among members of the

Force. They police UNEF premises, and perform functions elsewhere only in accordance with specific arrangements made with local police authorities. They have the power of arrest over members of the Force. The Agreement likewise sets out a mutual arrangement by which the UNEF military police can, in certain conditions, take other persons into custody for immediate delivery to the Egyptian authorities, or the Egyptian authorities can take into custody a member of the Force for immediate delivery to UNEF (Agreement, paras. 14-18).

Claims

141. In accordance with the obligations established in the Convention on the Privileges and Immunities of the United Nations, the Organization makes provision for the settlement of disputes or claims of a private law character to which it is a party. In addition, the Agreement authorizes the establishment of a Claims Commission for settlement of claims against a member of the Force, or by the Force or the Government of Egypt against one another (Agreement, para. 38), but, in practice, all settlements to date have been by a process of informal negotiation between the parties directly, or between UNEF and the Egyptian Liaison Office subject to the ratification of the claimant. In the relatively few cases of accidental death, UNEF has taken into account local levels of compensation as evidenced by the system of *diyeh* used by the *Sharia* (Moslem religious) Courts, formulas stated in workmen's compensation laws, and other local practice.

142. The Egyptian Government has undertaken to provide the necessary areas for headquarters, camps, and other premises of the Force (Agreement, para. 19). Such of these properties as were Government-owned were provided free. With respect to privately-owned land, however, a large number of claims for compensation or rentals have been presented to UNEF through the Egyptian Liaison Office. UNEF agreed that it should pay for damages to real property arising out of negligence or other causes not related to the necessary functions of the Force, and that it should pay reasonable rentals for property utilized by UNEF for the comfort and convenience of the Force. The question of privately-owned land used because of operational necessity, and for that reason required to be provided under the Agreement, has been the subject of discussion between Egyptian authorities and the Secretary-General, resulting in a procedure whereby UNEF surveys the sites together with representatives of local authorities and, on that basis and on the assumption that it is established that the Egyptian Government would have honoured the claim, makes payment to the owners, reserving its rights under the Agreement and the possibility, in due course, of raising with the Government such demands for reimbursement as those rights warrant.

143. In addition to the types of claims noted above, consideration has been given to possible claims by participating States for equipment destroyed in the service of UNEF, or for increased costs resulting from compensation paid to members of the Force or their dependants for death or injury attributable to UNEF service (see A/3694, paras. 91 - 98, and resolution 1151 (XII)).

Movement and communications

144. Provision is made for freedom of movement for the Force within its area of operations, to and from agreed points of access to Egyptian territory, and across the armistice demarcation line. This includes the use of roads and waterways, port facilities and airfields, without payment of fees except charges directly related to services rendered (Agreement, paras. 32 and 33).

145. The Force also enjoys within its area of operations the right of unrestricted communication by radio, telephone, telegraph or other means, and the right to make its own postal arrangements free of censorship. The radio stations installed by UNEF connect with the United Nations radio network (Agreement, para. 29).

146. The Commander has authority under the Agreement to recruit local personnel as required, who enjoy immunity in respect of their official acts (Agreement, paras. 24 and 37). As nationals or residents of Egypt, however, they are required to obtain permits to cross the frontier between Sinai and the Gaza Strip. UNEF requires that its locally recruited personnel have freedom of movement in connexion with their work, and in general they do, but there have been occasions when individual permits have been withdrawn for reasons of security.

Conclusions as to legal arrangements

147. Not a few of the specific legal arrangements under which UNEF operates might well require different treatment for a force operating under differing conditions in some other area, although precise variations cannot, of course, be foreseen. Questions of movement to some extent, and to a great extent the exercise of authority over premises, have been considerably simplified by the fact that much of the region in which UNEF has been deployed is sparsely populated. A more populous area, or one offering greater opportunities for local procurement, might give rise to quite different claims procedures.

CHAPTER VII. CONCLUDING OBSERVATIONS AND PRINCIPLES

A. Observations

148. In the preceding pages of this report a summary has been given of the experience of the United Nations derived from the establishment and operation of the United Nations Emergency Force. In advance of the conclusions, certain observations are called for regarding the specific circumstances in which the experience with UNEF has been gained, since those circumstances definitely limit any detailed application of that experience to the general problem of United Nations operations of this character. It is useful, in this context, also to note and compare the subsequent experience with United Nations operations in relation to Lebanon and Jordan.

149. UNEF was brought into being to meet a particular situation in which a United Nations force could be interposed between regular, national military forces which were subject to a cease-fire agreed to by the opposing parties. UNEF has continued to function along the "dividing line" between the national forces. It follows that in UNEF there has never been any need for rights and responsibilities other than those necessary for such an interposed force under cease-fire

conditions. The Force was not used in any way to enforce withdrawals but, in the successive stages of the withdrawals, followed the withdrawing troops to the "dividing line" of each stage. It is also to be noted that the Force has functioned under a clear-cut mandate which has entirely detached it from involvement in any internal or local problems, and also has enabled it to maintain its neutrality in relation to international political issues. The fact that UNEF was designed to meet the needs of this specific situation largely determined its military components, geographical composition, deployment and status, and also its effectiveness.

150. A further factor of significance in the evaluation of the UNEF experience is that in Gaza the Force is in an area having special status under the Armistice Agreement. In Gaza and elsewhere in its area of operations, UNEF has been able to function without any question arising of its presence infringing upon sovereign rights, on the basis that, at the invitation of the Egyptian Government and in accordance with the decision of the General Assembly, the United Nations assists in maintaining quiet on the armistice demarcation line around the Gaza Strip and along the international line to the south. The Government of Egypt has co-operated by taking the necessary steps to facilitate the functioning of UNEF in the Gaza area. The same is true of the position of the Egyptian Government in keeping its limited military units in the Sinai Peninsula away from the area in which the UNEF chiefly functions.

151. Obviously, some of the above-mentioned circumstances are of such a nature that it could not reasonably be expected that they would often be duplicated elsewhere. Nor can it be assumed that they provide a sufficient basis to warrant indiscriminate projection of the UNEF experience in planning for future United Nations operations of this kind. Indeed, the more recent experiences in Lebanon and Jordan serve only to emphasize the uniqueness of the UNEF setting, which, in part at least, explains the success of this pioneer venture. Neither in Lebanon nor in Jordan would it have been possible to interpose a United Nations force between conflicting parties. Nor would it have been possible in either of those situations to preserve a natural distinction between the presence and functions in various areas of any United Nations force and the presence and functions of government troops. In Lebanon, it is unlikely that a United Nations force could have operated without soon becoming a party to the internal conflicts among nationals of the country. In Jordan, the presence of a United Nations force has been regarded by the Government as difficult to reconcile with its own exercise of full sovereignty over the people and territory of the country. United Nations experience with these three Middle East operations justifies the assumption that, in each new conflict situation in which the United Nations might be called upon to intervene with military personnel, the nature of the actual organization required and its paramilitary aspects would be determined by the particular needs of the situation and could not, therefore, be anticipated in advance. Thus, for example, stand-by arrangements for a force designed for a UNEF-type operation would not have been of practical value in either of the situations in Lebanon or Jordan, where conditions required an approach in all relevant aspects quite different from that employed in UNEF.

152. The foregoing leads to the obvious conclusion that, in considering general stand-by arrangements for United Nations operations of the kind envisaged in this report, a course should be followed which would afford a considerable degree of flexibility in approaching the varying needs that may arise. This could be achieved if stand-by arrangements were to consist of an approval of those general conclusions regarding principles which can be reached in the light of the UNEF experience, and which would provide a setting within which, with the necessary variations of approach, personnel in units or otherwise could be recruited and an operation organized without delay and with full adjustment to the specific situation requiring the action.

153. Further support for the position here taken is found in that the type and rank of military personnel required, the need for specialists and for supporting units, as well as the vehicle and equipment demands, as experience has shown, also vary so much from case to case that more far-reaching and firm arrangements—as, for example, the maintenance of a nucleus United Nations force of the type generally envisaged—would be without great practical value and certainly would not warrant the substantial sacrifices involved. By way of illustration of this point UNEF has been able to use enlisted men with short military experience under the command of experienced officers; the recruitment of personnel for the United Nations Observation Group in Lebanon (UNOGIL) has been limited largely to officers, who, however, with few exceptions, did not have to be rigorously screened for the mission; while the arrangements in relation to Jordan may involve, if any, only a very limited number of military personnel, all of officer rank but individually and carefully chosen for the purpose. Similar differences are apparent as regards the need for matériel, with UNEF being adequately served by, in military calculations, a quite modest number of aircraft and vehicles, while UNOGIL has had to have a considerably higher ratio of planes and vehicles to the men involved, because of the specific tasks with which it has been entrusted.

B. Basic principles

154. In view of the impossibility of determining beforehand the specific form of a United Nations presence of the type considered in this report, which would be necessary to meet adequately the requirements of a given situation, a broad decision by the General Assembly should attempt to do no more than endorse certain basic principles and rules which would provide an adaptable framework for later operations that might be found necessary. In a practical sense, it is not feasible in advance of a known situation to do more than to provide for some helpful stand-by arrangements for a force or similar forms of a United Nations presence. In the following paragraphs, certain principles and rules are laid down in the light of the experience gathered in the past years, which, if they were to meet with the approval of the General Assembly, would provide a continuing basis on which useful contacts in a stand-by context might be established with interested Governments, with the aim of being prepared for any requests which might arise from future decisions by the Assembly on a force or similar arrangement to deal with a specific case.

155. As the arrangements discussed in this report do not cover the type of force envisaged under Chapter VII

of the Charter, it follows from international law and the Charter that the United Nations cannot undertake to implement them by stationing units on the territory of a Member State without the consent of the Government concerned. It similarly follows from the Charter that the consent of a Member nation is necessary for the United Nations to use its military personnel or matériel. These basic rules have been observed in the recent United Nations operations in the Middle East. They naturally hold valid for all similar operations in the future.

156. The fact that a United Nations operation of the type envisaged requires the consent of the Government on whose territory it takes place creates a problem, as it is normally difficult for the United Nations to engage in such an operation without guarantees against unilateral actions by the host Government which might put the United Nations in a questionable position, either administratively or in relation to contributing Governments.

157. The formula employed in relation to the Government of Egypt for UNEF seems, in the light of experience, to provide an adequate solution to this problem. The Government of Egypt declared that, when exercising its sovereign right with regard to the presence of the Force, it would be guided by good faith in the interpretation of the purposes of the Force. This declaration was balanced by a declaration by the United Nations to the effect that the maintenance of the Force by the United Nations would be determined by similar good faith in the interpretation of the purposes.

158. The consequence of such a bilateral declaration is that, were either side to act unilaterally in refusing continued presence or deciding on withdrawal, and were the other side to find that such action was contrary to a good-faith interpretation of the purposes of the operation, an exchange of views would be called for towards harmonizing the positions. This does not imply any infringement of the sovereign right of the host Government, nor any restriction of the right of the United Nations to decide on the termination of its own operation whenever it might see fit to do so. But it does mean a mutual recognition of the fact that the operation, being based on collaboration between the host Government and the United Nations, should be carried on in forms natural to such collaboration, and especially so with regard to the questions of presence and maintenance.

159. It is unlikely that any Government in the future would be willing to go beyond the declaration of the Government of Egypt with regard to UNEF. Nor, in my view, should the United Nations commit itself beyond the point established for UNEF in relation to the Government of Egypt. In these circumstances, I consider it reasonable to regard the formula mentioned in paragraph 158 above as a valid basis for future arrangements of a similar kind.

160. Another point of principle which arises in relation to the question of consent refers to the composition of United Nations military elements stationed on the territory of a Member country. While the United Nations must reserve for itself the authority to decide on the composition of such elements, it is obvious that the host country, in giving its consent, cannot be indifferent to the composition of those elements. In order to limit the scope of possible difference of opinion,

the United Nations in recent operations has followed two principles: not to include units from any of the permanent members of the Security Council; and not to include units from any country which, because of its geographical position or for other reasons, might be considered as possibly having a special interest in the situation which has called for the operation. I believe that these two principles also should be considered as essential to any stand-by arrangements.

161. Given the two principles mentioned in paragraph 160, in actual practice the area within which conflicting views may be expressed will in all probability be so reduced normally as to facilitate the harmonizing of the rights of the United Nations with the interests of the host country. It would seem desirable to accept the formula applied in the case of UNEF, which is to the effect that, while it is for the United Nations alone to decide on the composition of military elements sent to a country, the United Nations should, in deciding on composition, take fully into account the view of the host Government as one of the most serious factors which should guide the recruitment of the personnel. Usually, this is likely to mean that serious objections by the host country against participation by a specific contributing country in the United Nations operation will determine the action of the Organization. However, were the United Nations for good reasons to find that course inadvisable, it would remain free to pursue its own line, and any resulting conflict would have to be resolved on a political rather than on a legal basis. I would recommend that the basis thus laid in the case of UNEF be considered as the formula on composition applicable to similar operations in the future.

162. The principles indicated in the four points discussed above (paragraphs 155-161 inclusive) were either established by the General Assembly itself, or elaborated in practice or in negotiations with the Government of Egypt. They have served as the basis for a status Agreement which applies to the United Nations personnel in the Force in Egypt. In its entirety, this status Agreement has stood up well to the test of experience. Its basic principles should be embodied in similar agreements in the future, and their recognition, therefore, would seem necessarily to form part of any stand-by arrangements for a force. The agreement regarding the presence of UNOGIL in Lebanon, although much less elaborate because of the modest size of the operation and the fact that normal immunity rules could be applied to the bulk of the personnel, also reflects the basic principles I have in mind.

163. The most important principle in the status Agreement ensures that UNEF personnel, when involved in criminal actions, come under the jurisdiction of the criminal courts of their home countries. The establishment of this principle for UNEF, in relation to Egypt, has set a most valuable precedent. Experience shows that this principle is essential to the successful recruitment by the United Nations of military personnel not otherwise under immunity rules, from its Member countries. The position established for UNEF should be maintained in future arrangements.

164. Another principle in the UNEF status Agreement which should be retained is that the United Na-

tions activity should have freedom of movement within its area of operations and all such facilities regarding access to that area and communications as are necessary for successful completion of the task. This also obviously involves certain rights of over-flight over the territory of the host country. These principles have been maintained in the case of UNOGIL. Their application requires an agreement on what is to be considered as the area of operations and as to what facilities of access and communications are to be considered necessary. On the assumption that, like UNEF, any similar United Nations operation in the future would be of assistance to the nation on whose territory it is stationed, it is not to be expected that the necessary process of agreement will give rise to any serious complications in the interpretation of the principle.

165. Apart from the principles thus established in negotiated agreements or formal decisions, a series of basic rules has been developed in practice. Some of these rules would appear to merit general application. This is true especially of the precept that authority granted to the United Nations group cannot be exercised within a given territory either in competition with representatives of the host Government or in cooperation with them on the basis of any joint operation. Thus, a United Nations operation must be separate and distinct from activities by national authorities. UNEF experience indicates how this rule may apply in practice. A right of detention which normally would be exercised only by local authorities is extended to UNEF units. However, this is so only within a limited area where the local authorities voluntarily abstain from exercising similar rights, whether alone or in collaboration with the United Nations. Were the underlying principle of this example not to be applied, United Nations units might run the risk of getting involved in differences with the local authorities or public or in internal conflicts which would be highly detrimental to the effectiveness of the operation and to the relations between the United Nations and the host Government.

166. A rule closely related to the one last mentioned, and reflecting a basic Charter principle, precludes the employment of United Nations elements in situations of an essentially internal nature. As a matter of course, the United Nations personnel cannot be permitted in any sense to be a party to internal conflicts. Their role must be limited to external aspects of the political situation as, for example, infiltration or other activities affecting international boundaries.

167. Even in the case of UNEF, where the United Nations itself had taken a stand on decisive elements in the situation which gave rise to the creation of the Force, it was explicitly stated that the Force should not be used to enforce any specific political solution of pending problems or to influence the political balance decisive to such a solution. This precept would clearly impose a serious limitation on the possible use of United Nations elements, were it to be given general application to them whenever they are not created under Chapter VII of the Charter. However, I believe its acceptance to be necessary, if the United Nations is to be in a position to draw on Member countries for contributions in men and matériel to United Nations operations of this kind.

168. Military personnel employed by the United Nations in paramilitary operations are, of course, not

under the same formal obligations in relation to the Organization as staff members of the Secretariat. However, the position must be maintained that the basic rules of the United Nations for international service are applicable also to such personnel, particularly as regards full loyalty to the aims of the Organization and to abstention from acts in relation to their country of origin or to other countries which might deprive the operation of its international character and create a situation of dual loyalty. The observance of this rule is not only vital for good relations with the host country, it is also to the benefit of the contributing countries concerned, as any other attitude might involve them in responsibilities which would be undesirable in the light of the national policies pursued.

169. In setting up UNEF, the General Assembly appointed a Commander of the Force with the position of an international civil servant responsible for the discharge of his task to the Assembly, but administratively integrated with the United Nations organization, and under instructions from the Secretary-General on the basis of the executive authority for the operation vested in him by the Assembly.

170. A somewhat different procedure was followed in the case of UNOGIL, where the Security Council delegated to the Secretary-General the responsibility for constituting the Observation Group. However, basically the same principle employed in UNEF is applied to UNOGIL, for the Group is responsible for the conduct of its business to the Security Council, while administratively it is under the Secretary-General, who is charged with its organization. A basically similar pattern finds reflection also in the arrangements being made by the United Nations in relation to Jordan.

171. The innovation represented by the constitutional pattern thus followed in recent United Nations field operations has, in experience, proved to be highly practical and, especially, politically of decisive importance, as it has provided for an integration giving the operation all the advantages of administrative coordination with the Secretariat and of the fully internationalized status of the Secretariat. As pointed out in the "Second and final report of the Secretary-General on the plan for an emergency international United Nations Force" (A/3302), on which the General Assembly based its decision to organize the Force, the appointment by the General Assembly of a Commander determined the legal status of the Force. The other arrangements, mentioned above, reflect the same basic concept.

172. In full recognition of the wide variety of forms which decisions on a United Nations operation may take in seeking to fit differing situations calling for such an operation, the underlying rule concerning command and authority which has been consistently applied in recent years, as set out above, should, in my view, be maintained for the future. Thus, a United Nations operation should always be under a leadership established by the General Assembly or the Security Council, or on the basis of delegated authority by the Secretary-General, so as to make it directly responsible to one of the main organs of the United Nations, while integrated with the Secretariat in an appropriate form.

173. Were soundings with Member Governments, based on the aforementioned legal and political principles and rules and on the regulations regarding financial responsibilities set out below, to show that a number of Governments in their planning would be willing to take into account the possibility of having to provide promptly—on an emergency basis, in response to a specific appeal from the United Nations—men and matériel to a United Nations operation of the kind envisaged in this report, a question would arise regarding the conditions under which such a desirable stand-by arrangement could be utilized.

174. Under the Charter, and under the "Uniting for peace" resolution (General Assembly resolution 377 (V)), a formal decision on a United Nations operation must be taken by the General Assembly or by the Security Council. It must be regarded as excluded that the right to take such a decision, in any general terms, could properly be considered as delegated to the Secretary-General. Short of an explicit decision by the General Assembly or the Security Council with a specific authorization, the Secretary-General, thus, cannot be considered as entitled to appeal to a Member nation for military personnel to be dispatched to another Member country in a United Nations operation.

175. The terms of the delegation in each operation thus far have set the limit of the Secretary-General's authority. Thus, for example, as apparent from the description of the new body, the decision relating to UNEF, which was to be implemented by the Secretary-General, qualified the operation as being one of a paramilitary nature, while the absence of an explicit authorization for the Force to take offensive action excluded the organization by the Secretary-General of units for such action, and consequently, the units generally were equipped only with weapons necessary for self-defence. Had there been any remaining doubts in this respect, the legal basis on which the General Assembly took its decision would have made this limitation clear.

176. Similarly, the Security Council decision on the United Nations Observation Group in Lebanon (S/4023) qualified the kind of operation that the Secretary-General was authorized to organize by the very name given to the unit to be established. That name excluded the creation of a paramilitary force and imposed, in fact, such limitations on the operation as to call for great restraint regarding the arming of the unit and its right of self-defence.

177. The General Assembly decision concerning the arrangements in relation to Jordan (resolution 1237 (ES-III)) was in such broad terms as to provide possibilities for the organization of any kind of operation, short of one possible only under Chapter VII of the Charter. In this case, however, as in the case of UNEF, a certain incompleteness in the terminology of the decision was covered by the conclusions following from the legal basis on which the decision was taken.

178. Confirmation by the Assembly of the interpretation of the question of authority given above would be useful. This interpretation would signify that a Member country, in deciding upon a contribution of men or matériel to a United Nations operation on the basis of such stand-by understandings as may have been reached, could rely upon the explicit terms of the

executive authority delegated to the Secretary-General in determining the use which could be made of the units provided; it being understood, naturally, that in the types of operation with which this report is concerned this could never include combat activity. There will always remain, of course, a certain margin of freedom for judgement, as, for example, on the extent and nature of the arming of the units and of their right of self-defence. In the case of UNEF, such questions of interpretation have been solved in consultation with the contributing Governments and with the host Government. The Advisory Committee on UNEF set up by the General Assembly has in this context proved to be of especially great assistance.

179/ In the preceding paragraph I have touched upon the extent to which a right of self-defence may be exercised by United Nations units of the type envisaged. It should be generally recognized that such a right exists. However, in certain cases this right should be exercised only under strictly defined conditions. A problem arises in this context because of the fact that a wide interpretation of the right of self-defence might well blur the distinction between operations of the character discussed in this report and combat operations, which would require a decision under Chapter VII of the Charter and an explicit, more far-reaching delegation of authority to the Secretary-General than would be required for any of the operations discussed here. A reasonable definition seems to have been established in the case of UNEF, where the rule is applied that men engaged in the operation may never take the initiative in the use of armed force, but are entitled to respond with force to an attack with arms, including attempts to use force to make them withdraw from positions which they occupy under orders from the Commander, acting under the authority of the Assembly and within the scope of its resolutions. The basic element involved is clearly the prohibition against any initiative in the use of armed force. This definition of the limit between self-defence, as permissible for United Nations elements of the kind discussed, and offensive action, which is beyond the competence of such elements, should be approved for future guidance.

180. The clear delimitation of the right to use force which has been set out above as a basic rule for the type of operations discussed in this report should dissipate any objections to the suggested stand-by arrangements which would be based on the view that they go beyond the measures which the Charter permits the General Assembly to take and infringe upon prerogatives of the Security Council. The principles outlined above put UNEF on the same level, constitutionally, as UNOGIL, for example, qualifying it so as to make it an instrument of efforts at mediation and conciliation. It may be noted in this context that UNOGIL has not given rise to any constitutional objections; the fact that the Group was created by the Security Council is in this case irrelevant, as the Council acted entirely within the limits of Chapter VI of the Charter, and as a similar action obviously could have been taken by the General Assembly under Article 22.

181. In the case of UNEF, the General Assembly decided to organize an Advisory Committee, under the chairmanship of the Secretary-General, to assist the operation. In practice, this arrangement has proved highly useful. In principle, it should be accepted as a precedent for the future. Extensive operations with

serious political implications, regarding which, for practical reasons, executive authority would need to be delegated to the Secretary-General, require close collaboration with authorized representatives of the General Assembly. However, it would be undesirable for this collaboration to be given such a form as to lead to divided responsibilities or to diminished efficiency in the operation. The method chosen by the General Assembly in the case of UNEF seems the most appropriate one if such risks are to be avoided. The Advisory Committee is fully informed by the Secretary-General and his associates. There is a free exchange of views in closed meetings where advice can be sought and given. But ultimate decisions rest with the Secretary-General, as the executive in charge of carrying out the operation. Dissenting views are not registered by vote, but are put on record in the proceedings of the Committee. It is useful for contributing countries to be represented on such an advisory committee, but if the contributing States are numerous the size of the committee might become so large as to make it ineffective. On the other hand, it is obviously excluded that any party to the conflict should be a member. Normally, I believe that the same basic rule regarding permanent members of the Security Council which has been applied to units and men in the recent operations should be applied also in the selection of members for a relevant advisory committee.

182. In the administration of UNEF at Headquarters, certain special arrangements were made on an *ad hoc* basis to provide expert military guidance. Thus, a senior Military Adviser and three officer assistants were attached to the Executive Office as consultants. The Military Adviser, and the Under-Secretary representing the Secretary-General on current matters relating to the Force, were assisted by a group of military representatives from the countries providing contingents, sitting as an informal military advisory committee. Once the operation was firmly established, these arrangements could be and were reduced and simplified, but in the initial stage they proved to be of great value organizationally and also as an added means of maintaining close contact with contributing Governments.

183. A parallel arrangement was that by which, for a period, a personal representative of the Secretary-General was stationed in the capital of the host country as a liaison officer directly in contact with the Government.

184. In view of the great diversity likely to characterize the experience in practice of using United Nations units within the scope of this report, it is impossible to enunciate any principles for organizational arrangements at Headquarters or in the host country that should be made in anticipation of each case. There will always be developed, as a matter of course, the forms of liaison for which there will be a clear need.

185. The question, however, is of interest in this context, as it has a bearing on the problem whether or not such stand-by arrangements as those for which the principles and rules set out here would provide, would call for any kind of nucleus of military experts at United Nations Headquarters. At some stage, a standing group of a few military experts might be useful in order to keep under review such arrangements as may be made by Governments of Member States in preparation for meeting possible appeals for an operation.

I would consider it premature, however, to take any decision of this kind at the present time, since the foreseeable tasks that might evolve for the Secretariat do not go beyond what it is now able to cope with unassisted by such special measures. Were a more far-reaching understanding than I have indicated to prove possible, the matter obviously would have to be reconsidered and submitted again in appropriate form to the General Assembly, which then might consider the organizational problem. Pending such a development later, the present working rule, in my view, should be that the Secretariat, while undertaking the soundings mentioned above and the necessary continuing contacts with the Governments, should not take any measures beyond keeping the situation under constant review, so as to be able to act expeditiously, if a decision by the General Assembly or the Security Council should call for prompt action.

186. It may be reiterated in passing that the United Nations Secretariat has by now had extensive experience in establishing and maintaining United Nations operations involving military personnel and, without improvising or augmenting unduly, can quickly provide any operation of that nature with efficient communications service in the field and with Headquarters, with transportation and vehicles for local transport, with well-tested administrative and accounting systems and expert personnel to man them, and with effective procurement and security arrangements.

187. The financial obligations of Member countries to the United Nations are of two kinds. On the one hand, there are such obligations as are covered by the scale of contributions established by the General Assembly; on the other, there are certain voluntary commitments outside that scale, such as United Nations technical assistance or the United Nations Children's Fund. While, of course, contributions from individual Member nations to United Nations units for field operations may always be made on a voluntary basis, thus being lifted outside the scale of contributions, the principle must be that, as flowing from decisions of one of the main organs of the United Nations, such contributions should be subordinated to the normal financial rules. Any other principle would seriously limit the possibility of recruiting the necessary personnel from the most appropriate countries and achieving the best geographical distribution, since most countries are not likely to be in a position to assume the additional financial burdens involved and since, unless otherwise agreed, all contributing countries should be treated on the same basis.

188. In the initial stages of UNEF, Member nations assumed certain additional burdens beyond those which would follow from the application of normal rules governing contributions to the United Nations. Later, financial relations were adjusted so as to be based on full compensation for extra and extraordinary costs, financed under the normal scale of contributions. The underlying rule is that a contributing country, by such action, should not be subjected to financial sacrifices beyond those obligations which would be incurred if it were not contributing directly to the operation. On the other hand, naturally, contributing countries should not shift to the United Nations any costs which they would in any case have had to meet under their normal domestic policy.

189. I believe that, as part of the stand-by arrangements, it should be established that the costs for United Nations operations of the type in question, based on decisions of the General Assembly or the Security Council, should be allocated in accordance with the normal scale of contributions. The United Nations in this way should assume responsibility for all additional costs incurred by a contributing country because of its participation in the operation, on the basis of a cost assessment which, on the other hand, would not transfer to the United Nations any costs which would otherwise have been incurred by a contributing Government under its regular national policy.

190. With relation to the men engaged in one of its operations, the United Nations should naturally assume all responsibilities necessary to safeguard the normal interest of those so employed. Thus, they should be fully compensated by the United Nations for any losses of earning power or social benefits which may be suffered because of their service with the United Nations. In view of the great variety of regulations applied by various countries, it is impossible to go beyond this general statement of principle; the details would have to be worked out with each contributing Government, as appropriate.

191. With relation to a host Government, it should be the rule that as the United Nations units are dispatched to the country in the interest and with the consent and co-operation of the host Government, that Government should provide all necessary facilities for the operation. This, in principle, should be done without any compensation, in cases where such facilities are in the possession of the host Government itself. Thus, for example, contributions of government services or government-owned property placed at the disposal of the United Nations for its operation should not be subject to compensation.

192. Concerning the claims of private citizens in the host country, the applicable rule is that the United Nations should pay compensation for the use of their property or services, whenever the host Government would have been obligated to pay for similar services or uses. The question whether the United Nations, in its turn, should be reimbursed by the host Government for such outlays would properly be settled through negotiation, in the light of the circumstances in each separate case.

193. The approach indicated in this chapter suggests a way in which the United Nations, within the limits of the Charter, may seek the most practical method of mustering and using, as necessary, the resources—both of nations and its own—required for operations involving military personnel which may be conceived in response to the needs of specific conflict situations. The national resources likely to be available for such purposes, if our limited experience is a gauge, are no doubt substantial, but they cannot now be calculated or even estimated, and even their availability at any particular time would probably be subject to considerable fluctuation, for political and other reasons. Formalizing the principles and rules outlined above, however, would afford a strengthened basis on which to expedite the mobilization of voluntary aid towards meeting urgent need. Their approval by the Assembly, thus clarifying and regularizing important legal and practical issues, would also ensure a more efficient use of any aid extended to the Organization, were it again to have to appeal to Member nations for such assistance.

Annex I

TEXT OF LETTER DATED 21 JUNE 1957 FROM THE SECRETARY-GENERAL TO THE STATES PROVIDING CONTINGENTS

1. I have the honour to refer to the resolutions of the General Assembly relating to the United Nations Emergency Force (UNEF) and particularly to resolution 1000 (ES-I) of 5 November 1956 and resolution 1001 (ES-I) of 7 November 1956. I also have the honour to refer to our previous communications concerning the national contingent provided by your Government for service with UNEF.

2. It will be recalled that the guiding principles for the organization and functioning of the Force were set out in paragraphs 6 to 9 of the "Second and final report of the Secretary-General on the plan for an emergency international United Nations Force" (A/3302). They were approved by the General Assembly in paragraph 1 of resolution 1001 (ES-I). By paragraph 2 of the same resolution the General Assembly concurred in the definition of the functions of the Force as stated in paragraph 12 of the Secretary-General's report.

3. Paragraph 7 of resolution 1001 (ES-I) authorized the Secretary-General to issue regulations and instructions which may be essential to the effective functioning of the Force, following consultation with the Advisory Committee established by the same resolution, and to take all other necessary administrative and executive actions. Pursuant to this resolution I have, on 8 February 1957, concluded by exchange of letters an Agreement between the United Nations and the Government of Egypt concerning the status of UNEF in Egypt. On the same date I submitted a report (A/3526) on this Agreement to the General Assembly which was noted with approval by resolution 1126 (XI) adopted on 22 February 1957. Following consultation with the Advisory Committee, the participating States, and the Commander of the Force, I have also issued Regulations for the United Nations Emergency Force (ST/SGB/UNEF/1) on 20 February 1957. Copies of these documents are attached as annexes I and II respectively. ^{a/}

4. The Regulations referred to above affirm the international character of the Force as a subsidiary organ of the General Assembly and define the conditions of service for the members of the Force. National contingents provided for UNEF serve under these Regulations.

5. The Regulations and the Agreement referred to in paragraph 3 of this letter also secure to the Force and its individual members the privileges and immunities necessary for the independent exercise of its functions. I should like to direct your attention to the provisions of the Regulations and of the Agreement which provide these privileges and immunities and particularly to article 34 of the Regulations and to paragraphs 10, 11 and 12 of my letter to the Minister of Foreign Affairs of Egypt of 8 February 1957 (A/3526). It will be noted that paragraph 11 of this letter states that "Members of the Force shall be subject to the exclusive jurisdiction of their respective national States in respect of any criminal offences which may be committed by them in Egypt". This immunity from the jurisdiction of Egypt is based on the understanding that the authorities of the participating States would exercise such jurisdiction as might be necessary with respect to crimes or offences committed in Egypt by any members of the Force provided from their own military services. It is assumed that the participating States will act accordingly.

6. I should also like to direct your attention to article 13 of the UNEF Regulations concerning "Good order and discipline". This article provides:

"The Commander of the UNEF shall have general responsibility for the good order of the Force. Responsibility for disciplinary action in national contingents provided for the Force rests with the commanders of the national contingents. Reports concerning disciplinary action shall be communicated to the Commander of the UNEF who may consult with the commander of the national contingent and if necessary the authorities of the Participating State concerned."

7. In view of the considerations set out in paragraphs 5 and 6 above, I should appreciate your assurance that the commander

^{a/} These annexes are not reprinted in the present document.

of the national contingent provided by your Government will be in a position to exercise the necessary disciplinary authority. I should also appreciate your assurance that your Government will be prepared to exercise jurisdiction with respect to any crime or offence which might be committed by a Member of such national contingent.

8. The effective functioning of the United Nations Emergency Force requires that some continuity of service of units with the Force be ensured in order that the UNEF Commander may be in a position to plan his operations with knowledge of what units will be available. I should, therefore, appreciate your assurance that the national contingent provided by your Government will not be withdrawn without adequate prior notification to the Secretary-General, so as to avoid the impairment of the ability of the Force to discharge its functions. Likewise, should circumstances render the service of your national contingent with the Force no longer necessary, the Secretary-General undertakes to consult with your Government and to give adequate prior notification concerning its withdrawal.

9. Reference is also made to articles 11 and 12 of the UNEF Regulations which deal with "Command authority" and "Chain of command and delegation of authority". Article 12 provides, *inter alia*, that changes in commanders of national contingents which have been made available by participating Governments should be made in consultation between the Commander of the United Nations Emergency Force and the appropriate authorities of the participating Government.

10. Finally, I suggest that questions involving the allocation of expenses should be dealt with, in the light of relevant resolutions of the General Assembly, in a supplemental agreement. Such other supplementary arrangements concerning the service of your national contingents with the Force may be made as occasion requires.

11. It is the intention that this letter together with your reply accepting the proposals set forth herein shall constitute an agreement between the United Nations and ..., and shall be deemed to have taken effect from the date that the national contingent provided by your Government departed from its home country to assume duties with UNEF. It is also intended that it shall remain in force until such time as your national contingent may be withdrawn from the Force either in accordance with the terms of paragraph 8 above or in the light of developments affecting the functioning of the Force which may render its service no longer necessary. The provisions of paragraph 12 relating to the settlement of disputes should remain in force until all outstanding claims have been settled.

12. It is also proposed that all disputes between the United Nations and your Government concerning the interpretation or application of this agreement which are not settled by negotiation or other agreed mode of settlement shall be referred for final settlement to a tribunal of three arbitrators. One of the arbitrators shall be appointed by the Secretary-General of the United Nations, one by your Government, and the umpire shall be chosen jointly by the Secretary-General and your Government. If the two parties fail to agree on the appointment of the umpire within one month of the proposal of arbitration by one of the parties, the President of the International Court of Justice shall be asked by either party to appoint the umpire. Should a vacancy occur for any reason, the vacancy shall be filled within thirty days by the method laid down in this paragraph for the original appointment. The tribunal shall come into existence upon the appointment of the umpire and at least one of the other members of the tribunal. Two members of the tribunal shall constitute a quorum for the performance of its functions, and for all deliberations and decisions of the tribunal a favourable vote of two members shall be sufficient.

(Signed) Dag HAMMARSKJÖLD
Secretary-General

Annex II

LIST OF RELEVANT BASIC DOCUMENTS

[The documents mentioned in the text of the report, which were originally listed in Annex II, have been included in the check list at the end of the present fascicle.]