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QUESTION CONSIDERED BY THE FIRST EMERGENCY SPECIAL SESSION
OF THE GENERAL ASSEMBLY FROM 1 TO 10 DECEMBER 1956

Note by the Secretary-General on compliance with General
Assembly resolutions calling for withdrawal of troops and
other measures

I

1. A report on compliance with the General Assembly resolutions of 2 and 7 November 1956, with particular reference to the withdrawal of forces, was submitted to the General Assembly by the Secretary-General on 21 November 1956, as document A/3384. At that time only limited withdrawals had taken place. On 22 December 1956, however, the withdrawal of the Anglo-French forces was completed, thus achieving full compliance with one aspect of the requirement defined in the four resolutions of the General Assembly relating to withdrawal of forces (resolution 997 (ES-I) of 2 November 1956, resolution 999 (ES-I) of 4 November 1956, resolution 1002 (ES-I) of 7 November 1956 and resolution A/RES/410 of 24 November 1956). Thereafter, those aspects of compliance concerning withdrawal of forces have involved only Israel troops.
2. An oral report on the extent of the withdrawal of Israel forces at that time and the further withdrawal in prospect, was presented by the Secretary-General at the 632nd meeting of the General Assembly on 21 December 1956.
3. On the basis of the several relevant resolutions, the Secretary-General has held extensive discussions with representatives of the Government of Israel, aiming at full compliance with the withdrawal requirements by the earliest possible date. In the course of these discussions, which have taken place since the letter of the Representative of Israel of 24 November 1956 reported the first Israel withdrawal

(A/3389 and A/3389/Add.1), the Israel representatives have announced further withdrawals of Israel troops, which have occurred in phases as follows:

- (a) On 3 December 1956, withdrawal from the Suez Canal area, along the length of the Canal, to a distance of some 50 kilometres.
- (b) On 7-8 January 1957, withdrawal to a line roughly following Meridian 33 degrees 44 minutes, leaving no Israel forces west of El Arish.
- (c) On 15 January, withdrawal eastward another 25 to 30 kilometres, except in the area of Sharm al-Shaikh. This phase involved the entry into El Arish and the St. Cathrine Monastery of UNEF forces, which have closely followed the Israel withdrawals.

4. On 14 January, the Representative of Israel, on behalf of his Government, conveyed to the Secretary-General the following communication concerning an intended further withdrawal:

"By 22 January the Sinai Desert will be entirely evacuated by Israel forces with the exception of the Sharm al-Shaikh area, that is, the strip on the western coast of the Gulf of Aqaba which at present ensures freedom of navigation through the Straits of Tiran and in the Gulf.

In connexion with the evacuation of this strip the Government of Israel is prepared to enter forthwith into conversations with the Secretary-General."

The Commander of UNEF is to meet with the Commander of the Israel forces to make arrangements for carrying out this latest phase of the withdrawal. At this meeting, the Israel Commander will be requested to define the precise meaning of "the Sharm al-Shaikh area" and "the strip on the western coast of the Gulf of Aqaba".

5. The intentions of the Government of Israel concerning compliance with the resolutions by withdrawal of Israel forces from the Gaza Strip have not yet been made known to the Secretary-General.

II

6. The basic resolution of the General Assembly on the Middle East crisis (2 November 1956) urged a prompt withdrawal of the forces of all parties to the armistice agreements behind the armistice lines and requested the Secretary-General "to observe and report promptly on the compliance" with the resolution, for such further action as may be deemed appropriate in accordance with the Charter. The resolution also covered other points of significance to progress toward improved

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conditions in the region. Thus, in the same operative paragraph in which the request was made for a withdrawal of forces behind the armistice lines, the parties were urged "to desist from raids across the armistice lines into neighbouring territory and to observe scrupulously the provisions of the armistice agreements". The three points in this operative paragraph, while existing simultaneously within the terms of the paragraph, were not linked together conditionally.

7. The request in the resolution of 2 November that the Secretary-General observe and report on compliance was later added to in the resolution of 4 November (resolution 999 (ES-I)) wherein the Secretary-General, with the assistance of the Chief of Staff and the members of the United Nations Truce Supervision Organization, is asked "to obtain compliance of the withdrawal of all forces behind the armistice lines". The discussions with representatives of the Government of Israel, the results of which have been noted above, have been conducted on the basis of this mandate to the Secretary-General for taking action to achieve full implementation of the request for withdrawal. The resolution of 4 November (resolution 999 (ES-I)), asking the Secretary-General to undertake specific executive responsibilities, covered also the implementation of the cease-fire and the halting of the movement of military forces and arms into the area, but was not extended to the other points in the resolution of 2 November.

8. In consequence of the intended withdrawal announced in the latest communication to the Secretary-General from the Government of Israel on 14 January 1957, the United Nations Emergency Force on 22 January will reach the armistice demarcation line wherever it follows the north-eastern boundary of the "Sinai Desert". At that stage the last two points in operative paragraph 2 of the resolution of 2 November will assume added importance.

9. One of these points is the request for full observance of the provisions of the armistice agreements. This request makes it clear that the withdrawal of Israel forces must be behind the armistice line as it has been established in the Egypt-Israel agreement. In this context it is to be noted, therefore, that the Israel communication is silent about withdrawal from the Gaza Strip which, according to this armistice agreement, falls on the Egyptian side of the armistice demarcation line. Further discussions with the representatives of Israel are required on this point.

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10. The other point which is mentioned together with the request for withdrawal refers to raids across the armistice demarcation lines into neighbouring territory. Such raids are prohibited also in the armistice agreements. The call for general observance of these agreements reinforces the specific request to the parties to desist from raids. The cease-fire assurances given to the Secretary-General by the parties in April and May 1956 lent further legal solemnity to the relevant articles in the armistice agreements.
11. The Truce Supervision Organization established under the armistice agreements, as one of its main duties, assists in the prevention of incursions and raids. It is in accord with the call for scrupulous observance of the armistice agreements for the parties to take all appropriate measures to give UNTSO the support necessary to render it fully effective. It is a primary duty of the United Nations Emergency Force to supervise and enforce the cease-fire to which the parties committed themselves in response to the request of the General Assembly in the resolution of 2 November. Appropriate liaison should be established between these two United Nations auxiliary organizations. Further consideration may have to be given to the question of the extent to which the Force might assume responsibilities so far carried by the Truce Supervision Organization.
12. The Secretary-General considers that, in view of the serious developments which have taken place, it would assist the two United Nations organs and facilitate compliance with this specific point in the resolution of 2 November, if the parties were formally to reconfirm their undertakings to desist from raids and to take active steps to prevent incursions. When full implementation of the request for withdrawal of forces behind the armistice line is ensured, such reaffirmations should, therefore, in the Secretary-General's view, be solicited from all the parties.
13. The communication of 14 January from the Government of Israel, in making an exception for the Sharm al-Shaikh area as "the strip on the western coast of the Gulf of Aqaba which at present ensures freedom of navigation in the Straits of Tiran and in the Gulf", indicates that the evacuation of the strip is anticipated, although further conversations with the Secretary-General are suggested in connexion with this evacuation. The area referred to and the islands opposite Sharm al-Shaikh are Egyptian territory, or territory under Egyptian jurisdiction on the basis of an agreement with Saudi Arabia. Under the terms of the General Assembly resolution, the forces should be withdrawn from these territories. The

Israel declaration of 8 November stated that Israel would be willing to "withdraw its forces from Egypt" (A/3320).

14. The international significance of the Gulf of Aqaba may be considered to justify the right of innocent passage through the Straits of Tiran and the Gulf in accordance with recognized rules of international law. The Secretary-General has not considered that a discussion of the various aspects of this matter, and its possible relation to the action requested in the General Assembly resolutions on the Middle East crisis, falls within the mandate established for him in the resolution of 4 November.

15. Like the cease-fire, withdrawal is a preliminary and essential phase in a development through which a stable basis may be laid for peaceful conditions in the area. When the General Assembly, in its various resolutions concerning the recent crisis in the Middle East, gave high priority to the cease-fire and the withdrawal, the position of the Assembly reflected both basic principles of the Charter and essential political considerations.

16. The Assembly, in taking this position, in no way disregarded all the other aims which must be achieved in order to create more satisfactory conditions than those prevailing during the period preceding the crisis. Some of these aims were mentioned by the Assembly. Others are to be found in previous decisions of the United Nations. All of them call for urgent attention. The basic function of the United Nations Emergency Force, "to help maintain quiet", gives the Force great value as a background for efforts toward resolving such pending problems, although it is not in itself a means to that end.

17. It is essential that, through prompt conclusion of the first phases of implementation of the General Assembly resolutions, Member Governments should now be enabled to turn to the constructive tasks to which the establishment and the maintenance of the cease-fire, a full withdrawal of forces behind the armistice lines, a desisting from raids and scrupulous observance of the armistice agreements, should open the way.
