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President: Prince WAN WAITHAYAKON (Thailand).

AGENDA ITEM 66

Question considered by the first emergency special session of the General Assembly from 1 to 10 November 1956 (continued)

1. Mr. JOJA (Romania) (*translated from French*): On 2 February 1957, the United Nations General Assembly adopted resolution 1124 (XI) deploring "the non-compliance of Israel to complete its withdrawal behind the armistice demarcation line" and calling upon "Israel to complete its withdrawal behind the armistice demarcation line without further delay."

2. But on 3 February, the Israel Government issued a statement which was an outright rejection of the General Assembly's resolution. The statement said that the Israel Government continued to maintain the position defined by the Knesset on 23 January, namely, the categorical repudiation of the United Nations recommendation. The Israel Government insisted that the withdrawal of its troops should be preceded by a settlement of the questions at issue between itself and Egypt.

3. After twenty days of pointless tergiversation—to say the least of it—the Israel Government announced its refusal to accept the United Nations resolution. It is obvious from the Secretary-General's report of 11 February 1957 [A/3527] that Israel is refusing both to withdraw its armed forces from Egyptian territory and to discuss the implementation of the General Assembly's resolutions with the Secretary-General. The Secretary-General's report clearly shows that Israel is trying to obtain assurances that the Gaza area will remain under Israel domination. The Israel Government is insisting that the United Nations should recognize the validity of its claims and grievances and give its blessing to the illegal gains of Israel's military action against Egypt. Mr. Ben-Gurion's official statements leave no doubt on that score. At least they have the merit of being clear and categorical.

4. The Israel Government's tactics have been: first to gain time; secondly, artificially to combine two separate questions by making the withdrawal of the troops conditional on the prior solution of the question of Arab-Israel relations. The Israel representative frankly admitted as much from this rostrum when he said that the

question before the Assembly was not that of the withdrawal of the troops, as such. But, the first emergency special session of the General Assembly had already considered that fundamental and urgent question: the withdrawal of troops as such, the restitution *in toto* of its territory to Egypt.

5. However the Israel Government did not look at it in that way. Even before giving its final answer, its representative to the United Nations declared from this rostrum: "The Israel proposals envisage a withdrawal of the forces from the Sharm el Sheikh area and from the Gaza strip, but they seek to reconcile this withdrawal with other objectives of vital concern to Israel and the world community." [645th meeting, para. 12.]

6. This position, which has been defined on many occasions by the Israel authorities, has been forcefully restated by the Israel Prime Minister, Mr. Ben-Gurion. Mr. Ben-Gurion's language could not be clearer. The Israel Government flatly rejects the whole series of United Nations resolutions. Mr. Ben-Gurion's speech to the Knesset at Jerusalem makes it crystal clear that Israel intends to hold on to the illegal gains from its military intervention and transform a *de facto* into a *de jure* situation. Israel launched an attack on Egypt in order to settle certain questions at issue between itself and Egypt by force and to its own advantage. By doing so, Israel transgressed international moral law and the Charter.

7. If we were to tolerate this wholly Bismarckian attitude towards law, what would become of the Charter and its solemn preamble:

"We, the peoples of the United Nations, determined to save succeeding generations from the scourge of war . . . ?"

8. The General Assembly must set its face against Israel's attempt to disregard the Charter and the resolutions of the General Assembly. We cannot accept the artificial combination of questions that are wholly distinct in law and in fact which the Israel delegation, with the support of some other delegations, is trying to force upon us. We cannot confuse two different questions: the final liquidation of the attack on Egypt—an urgent task because aggression is a threat to world peace—and the question of the armistice concluded in 1949, which can be settled by the procedures laid down in the Charter.

9. The problem which resulted in the convening of the first emergency special session and which we now have to solve is the problem of the invasion of Egypt, not of the General Armistice Agreement. The Israel Government refuses to understand that it is morally and politically impossible, illogical and unacceptable to make the withdrawal of its armed forces conditional on the prior settlement of the Arab-Israel disputes. The Israel Government refuses to understand that nothing less than the complete evacuation of Egyptian territory, nothing

less than the full implementation of the General Assembly resolutions can create a psychological atmosphere favourable to the normal development of Arab-Israel relations.

10. The Israel Government has repeatedly stated that it is desirous of restoring peace, a lasting peace. But if Israel wants to prove its good faith, it must make the first gesture towards peace, and immediately and unconditionally evacuate Egyptian territory.

11. Israel refuses to understand that no country can improve its own position, in law or in fact, by invading another country's territory. To allow Israel to occupy, directly or indirectly, parts of Egyptian territory or to succeed in curtailing the sovereign rights of Egypt—which would be the case if non-Egyptian troops were to remain at Gaza or along the Gulf of Aqaba—would be a gross violation of the Charter. To accept such a solution would be to encourage future aggressors. Instead of learning to their cost that aggression does not pay and that, on the contrary, it ends by a worsening of their international position, both in law and in fact, aggressors would be delighted to find that aggression does pay, that it can create a more advantageous situation than can respect of international law.

12. Israel must make full restitution at least, first as far as territory is concerned. From the territorial point of view, the *status quo ante bellum* must be restored immediately. That is the real problem. No other problem can legitimately be substituted in it. But Israel does not agree.

13. It is only fair to point out that the Israel delegation has been directly and indirectly encouraged by some other delegations to persevere in its refusal to accept the United Nations resolutions. As we have already said in previous statements, the approach of some delegations to the question before us is likely to make the solution of the problem more complicated and to enable the Israel Government to gain time and create conditions favourable for itself. In arguing that there is a complex of Arab-Israel relationships, in the context of which the recent aggression against Egypt must be considered, some speakers have decided in favour of Israel and have identified themselves with its point of view.

14. It is also significant that Israel resistance to the resolutions of the United Nations was strengthened sharply after the proclamation of the Eisenhower doctrine. That is not a mere coincidence but a relation of cause and effect. The strategic and offensive plans of the Pentagon and certain economic interests, particularly oil interests, which the Eisenhower doctrine embraces and defines, give rise to an attitude of concern for Israel. Israel knows this and, encouraged by this backing, flouts the United Nations. It is inconceivable that a small State like Israel could defy resolutions for which seventy-four nations voted.

15. The reason for its refusal to accept the decisions of the United Nations lies, not in its own political, military and economic strength, but elsewhere. The cause of Israel's obstinacy must be sought in the encouraging attitude of the United States authorities which, as Mr. Fawzi, the Minister for Foreign Affairs of Egypt, demonstrated at the 664th meeting with such eloquence, are carrying on negotiations with Israel without informing the United Nations and Egypt. As the Egyptian Minister for Foreign Affairs also showed and as we all know, the meetings of the General Assembly on the withdrawal of Israel troops are postponed day after

day so that the American and Israel partners can carry on their secret discussions. But who authorized the United States authorities to discuss this question without informing the General Assembly?

16. We are told that the United States Government is powerless to influence the Israel position or, at least, is reluctant to bring any pressure to bear on Israel. But the United States authorities did not find themselves unable to endorse the General Assembly's recommendations to the United Kingdom concerning its aggression against Egypt. And the United Kingdom, whose resources are immeasurably greater than those of Israel, finally bowed to the wishes of the General Assembly. Surely what applies to the United Kingdom applies *a fortiori* to Israel.

17. One of the wise men of antiquity said that nothing happens without cause; there is some necessity and some reason for everything. This benevolent attitude towards Israel is not without a cause; the necessity is to be found in certain strategic and economic necessities and the reason is a reason of state of the United States Department of State. That is the conclusion by which a simple logical analysis of the very simple facts leads. But it is high time that this American two-faced Janus policy ceased to disturb the peace of the Middle East. Do away with the cause and you will see that the effect will disappear also and that Israel will bow to the will of the United Nations.

18. Such are the facts. Such are, it seems to us, the conclusions to be drawn from the facts. My delegation weighs the facts in an impartial spirit and has therefore voted for the successive resolutions inviting Israel to cease its violations of international law.

19. In view of Israel's refusal to comply with the wishes of the United Nations General Assembly, my delegation feels that it must support any measures to ensure respect for international law and will therefore vote for the draft resolution submitted by Afghanistan, Indonesia, Iraq, Lebanon, Pakistan and Sudan [A/3557].

20. Mr. KALIAN (Yemen): Four months have already elapsed since the hostilities against Egypt broke out and the armed forces of three States Members of the United Nations invaded that country. It was a victory for right against might when the General Assembly adopted several resolutions urging the aggressors to withdraw unconditionally from Egyptian territory and when most of these forces actually withdrew from most of the areas they had occupied. Nevertheless, Israel is still insisting, up to now, on keeping its forces in the areas of Gaza and the Gulf of Aqaba, thus defying the resolutions which were adopted overwhelmingly by the Assembly. Furthermore, it becomes certain that Israel will not comply with the terms of those resolutions. It also becomes certain that the lengthy conferences and discussions which have been taking place inside and outside the United Nations have been fruitless. This is evident in the reports of the Secretary-General, which indicate Israel's persistence in refusing to withdraw unconditionally from the areas and in demanding a price for its withdrawal.

21. The Arab countries at this time can under no circumstances discuss Israel's claims and demands unless the last soldier has been withdrawn from the occupied territories and returned beyond the demarcation lines of the 1949 General Armistice Agreement between Egypt and Israel [S/1264/Rev.1]. But Israel is trying to

confuse this primary issue by claiming that it has been victimized and by using unfounded allegations as an excuse to retain the territories it is now occupying. It is obvious that Israel wants to benefit from its open aggression despite the fact that world opinion has been expressed against such an attempt. Any submission to these unwarranted demands of Israel would be a violation of the universal law of denying the aggressor any benefit from his aggression, and it would be a formal acceptance of the dangerous idea that might is right.

22. Israel's aggression against the neighbouring Arab countries is not new; it has been repeated many times, and each time Israel was condemned for its militant actions. During different stages of the Israel aggression, throughout this period, the Arabs were placing, as they are still placing, their hopes in this Organization. But, while the Arabs were relying on this Organization to denounce and stop the continuous acts of aggression, we find that Israel was building up its forces with the aid of some Western Powers, until it culminated its hostilities in its treacherous attack on Egypt.

23. In addition, we find that international Zionism has doubled its activities to support Israel in its defiance of the resolutions of the General Assembly. It is giving Israel help in insisting on retaining the occupied areas and refusing to withdraw. We are witnessing the influence and the pressure of international Zionism on the foreign policies of some Western Powers. At the same time, Israel is utilizing that assistance and pressure in carrying out a propaganda campaign by posing as the victim of its Arab neighbours, thus trying to attain some of its unlawful desires for expansion at the expense of the Arab countries.

24. We are now facing a grave impasse which is threatening international peace and security as well as the very foundations and integrity of this Organization. For these reasons, and in the hope of maintaining peace, we appeal again to the Assembly not to hesitate in taking a stand on this issue, but to take the necessary measures for the fulfilment of the terms of its resolutions. It will be of the utmost danger to the United Nations if the Assembly takes an inactive stand on this attempt on the part of Israel or if it accepts it. If the Assembly were not to take effective measures in this case, then Israel's aggression and its attempt to benefit from it will establish an extremely dangerous precedent which will threaten international peace continuously.

25. The entire world is looking to the General Assembly and waiting for the next step we shall take concerning this problem. It is, then, the duty of the Assembly to take this step and to adopt the necessary measures to preserve its integrity and safeguard international peace.

26. Since Israel insistently refuses to comply with the resolutions calling for unconditional withdrawal, the delegation of Yemen is of the opinion that the Assembly should impose economic sanctions on Israel, preventing all States from dealing with it or extending help to it. We therefore appeal to the Assembly to adopt the draft resolution of the six Powers [A/3557], which rightly condemns Israel for its non-compliance with the previous resolutions and calls upon all States to deny all military, economic or financial assistance and facilities to Israel until it complies with the terms of the previous resolutions and withdraws its forces from the areas it is now occupying. That simply means that it is to get out of Egypt. This is the least that is expected of the Assembly in solving this problem. The Arabs can tolerate no

longer Israel's continued violation of their rights, its continued aggression on their lands, and its insistence on a stand which constitutes an open violation of the principles of the Charter of the United Nations.

27. If the Assembly fails to take effective measures against Israel's aggression and despotism, then the Arab Governments will have a responsibility to their people to rid themselves of Zionist pressure and Zionist danger, no matter how dear the sacrifice may be.

28. Mr. Krishna MENON (India): My delegation takes part in this debate four weeks after the adoption of resolution 1124(XI), which was placed before the General Assembly on 2 February 1957 and which called upon the invaders of Egypt, in this particular instance Israel, to withdraw from Egypt and Egyptian-controlled territory.

29. It is common knowledge that at that time it was the intention of the majority of the Members that supported this resolution that a further resolution should be adopted setting a time limit for the withdrawal. However, at that time, in view of the late hour, no such draft was put forward. It was generally understood that the word "forthwith" would not mean three or four weeks.

30. It is true that we are all representatives of our Governments and that it makes no difference as to which individual speaks for one Government or another. However, I should like to make a personal explanation. I have delayed my departure from the United States day after day for the last several days, cancelling my passage in the hope that my country and my Government might be able to give further assistance in finding a solution to the problem before us, thus disposing of this item by the final withdrawal of Israel from Egypt and Egyptian-controlled territory. That hope has not been justified.

31. We heard a statement from this rostrum at the 664th meeting by the representative of Israel that a statement will be made by his delegation at the meeting this afternoon. This is the first time that such a procedure has been adopted in the Assembly. It is not necessary for a representative to come and say that a statement will be made; the usual procedure is to inscribe one's name on the list of speakers. In that way we would be informed. It is only reasonable to say that an announcement to the effect that a statement will be given does not further inform our minds.

32. My objective in coming here is to place before the Assembly without any ambiguity, the position of my Government on the subject matter of resolution 1124 (XI) and the central issue which it covers. First of all, let me state what that issue is. That issue is not the Israel-Arab disputes. That issue is not all the procedures that arise from the establishment of the mandate in Palestine, or from the resolutions of 1947, or from the Armistice Agreements of 1949, or from the series of Security Council resolutions. That issue is one and one only: that a Member State, namely Egypt, was invaded by three countries, namely, the two powerful empires of the United Kingdom and France, and Israel, which, in disregard of the principles of international morality and law, invaded the territory of Egypt. Afterwards, however, the United Kingdom and France made recompense for their action by their obedience to the resolutions of the United Nations with far greater promise than this smaller and newer country has shown.

33. My country recognizes Israel. It recognizes Israel not only as a Member of the United Nations, but it also

recognizes Israel diplomatically. And we are happy to say that it recognizes us. Therefore, the issue before us is one and one only: the question of this war, the invasion of Egypt. I do not mean for a moment to say that any issue in this world can be totally isolated from various relationships. But any decision that the Assembly can take can be only in regard to this matter. For one thing, all the other questions are so complex, so far-flung and so broad that they would require very considerable negotiation and adjustment.

34. As regards the liquidation of the situation created by the invasion, it appeared more hopeful that the situation between the Arab countries and Israel would improve and that some way might be found, not necessarily to settle the difficulties, but to do away with some of them. But the events of the autumn intervened. Now those events of the autumn are the total responsibility and I would say the primary responsibility, of Israel for having carried out the invasion, and for having effected it conjointly with the two powerful empires in the hope of crippling a weak country—a militarily weak country, but not a morally weak one—in comparison to the two powerful empires.

35. Therefore, the operative part of resolution 1124 (XI), in which the General Assembly "Calls upon Israel to complete its withdrawal behind the armistice demarcation line without further delay", is what binds all of us, and it is our duty to have this provision implemented. We in India have lived under invasion for centuries. We have witnessed invasions, and therefore we share the feelings which were exhibited at the previous meeting by Mr. Fawzi, Minister for Foreign Affairs of Egypt, for the first time in four months of patient discussion. It is the duty of the Assembly, which includes India and seventy-nine other Members, to see that there should be no further delay in this matter.

36. A promise has been given that a statement will be made. I want to say frankly that I do not want to anticipate that statement. I have seen various versions of it in the newspapers, but knowing what the newspapers say about what I think or about what I am likely to say concerning my Government's views—newspaper statements which are in 99 per cent of the cases wrong—I am quite prepared to believe that these statements are purely guesswork. I should like to think that the Government of Israel will come to the meeting this afternoon and say that it has at long last decided to obey the mandate and the dictate of the General Assembly. In spite of all that has happened, it is right for us to think that a Member State will, in the last analysis, obey the mandate of the Assembly. These resolutions are very clear. It is therefore on that basis that I proceed.

37. However, in view of the large number of speculations that have arisen, in view of a certain paragraph that appeared in the Secretary-General's report, in view of the statements made by the French Prime Minister and the suspicions that exist in the mind of the victim of the aggression, which are very natural ones, and in view of our sympathies with the victim of aggression, and, what is more, the fundamental position which my Government holds that invasion should not pay—whatever it might be—that is to say, as a result of the invasion, one cannot reach the position to which Mr. Fawzi referred at the previous meeting, namely that instead of being the invaded country Egypt was being accused of aggression (we have some familiarity with this position ourselves) a further statement might be necessary.

38. I should therefore like to repeat the position of my Government in regard to various matters connected with this question. I will take them one by one.

39. One point relates to the evacuation of the Gaza strip and the functions of the United Nations Emergency Force. I have seen references to the effect that it is possible for the United Nations to confer greater powers upon the United Nations Emergency Force. My Government disassociates itself from that statement. The functions of the United Nations Emergency Force are governed by two factors which can only work concurrently. One factor is that the Assembly has to confer powers upon the Force or to withdraw them; in other words, the Assembly is sovereign in the matter. The other factor has to do with the sovereign rights of Egypt. The presence and functioning of the Force in Egypt are governed by an agreement between the Secretary-General and the Government of Egypt [A/3375, annex], which has been repeatedly read out here and which I shall therefore not take the time to read again. Any extension or contraction of the powers of the United Nations Emergency Force has to be governed by these two factors.

40. Secondly, we want to lay stress upon the fact, reference to which appears in the Secretary-General's report [A/3512]—again, I do not want to quote from the document, which is there for Members to examine if they wish—that the functions of the Force, both in the rest of the Sinai Peninsula and presumably in regard to the Gaza strip, would be exactly the same as in the other areas.

41. It is useful in this connexion to recall to the Assembly what the functions of the United Nations Emergency Force are. Its functions are the obtaining of a cease fire and the supervision of the withdrawal. They were restated when my country participated in the Force and subscribed to the resolution. At no time could the Force be an occupying army; at no time could it take over from the invader.

42. So far as the Government of India is concerned, it desires to make a further statement in this connexion. Our relations with the United Kingdom, in spite of possible differences, are very close; there are bonds between us which cannot be defined by constitutions, by resolutions, or things of that kind. It was therefore a very painful duty for us to come here and say that the invader could not make conditions. We can take no lesser position in regard to another invader. Therefore, with regard to the Gaza strip, our position is that the invader must totally evacuate, so that the conditions obtaining before the war will be restored. The functions of the United Nations Emergency Force would be exactly the same as they were in other parts of the area. If there are to be any additions to those functions, they must be the result of agreements between Egypt and the Secretary-General acting on behalf of the United Nations; such is the general basis of the functions of the Force.

43. My Government has subscribed to, and, in months gone by has taken some diplomatic initiative—it is no secret—in bringing about, the position that the Force should also assist the Observer Corps on the armistice line between Israel and Egypt. And it must be clear that the armistice line referred to is the boundary line between Israel territory and Egyptian territory. There can be no question of that Force occupying Egyptian territory only. Our proposal in the beginning was that, for the placing of these troops, there should be equitable

contributions of territory from both sides. That is a proposition that is understood, and therefore it has not been included in the resolution.

44. That is our position in regard to the Gaza strip.

45. We deeply regret the references to belligerency, to the position of the Straits of Tiran—the legal positions that appear in the Secretary-General's report. The Secretary-General, as an organ of the United Nations, and with the total freedom that he has as an independent organ, is fully entitled to say what he wants to say. But I think we have an obligation to read the whole of this report as one piece and not to pick out what suits one party and omit something else.

46. Let me deal here with two ideas. First of all, the word "belligerency" has been thrown about, and it is easy to arouse the sentiment, particularly among our Latin-American colleagues, that belligerency is hostile to the conception of the Charter of the United Nations. Of course belligerency is hostile to the conception of the Charter. So is war—although we are dealing with war. My Government desires to state that an armistice is a condition of suspended war; it is not a condition of peace. Resolution 1125 (XI) asks for observance of the provisions of the General Armistice Agreement between Egypt and Israel of 1949 [S/1264/Rev. 1]. I have read the Armistice Agreement very carefully. I have read both the United Nations text and the Egyptian text—they are the same, one is only a reprint—and I have read our own Government's documents. I do not see in the Armistice Agreement of 1949 any reference to belligerency anywhere.

47. It is true that a basic conception of international law is that, in conditions of armistice, hostile actions shall not be taken—and in law a hostile action is different from an attitude of belligerency. But hostile actions or belligerency can only be against the other party. That is to say, if Egypt were to undertake hostile actions against Israel, or *vice versa*, that would be an act of belligerency. But if Egypt were to conduct actions on the streets of Cairo of which we, according to our conceptions of good taste, did not approve, that would not be an act of belligerency. Therefore, when we talk about acts of belligerency, we must consider to what territory those acts appertain.

48. That takes us to the question of these waters. Now, what does the Secretary-General say? Referring to a statement by the International Law Commission in regard to the question "What would be the legal position of straits forming part of the territorial sea of one or more States and constituting the sole means of access to the port of another State", he says:

"This description applies to the Gulf of Aqaba and the Straits of Tiran. A legal controversy exists as to the extent of the right of innocent passage through these waters." [A/3512, para. 24.]

That last sentence is conclusive. The moment the Secretary-General has stated—in so doing, giving weight to that opinion—that a legal controversy exists as to the extent of the right of innocent passage through these waters, the right of decision is taken out of our hands altogether. The General Assembly cannot decide a legal controversy. I am not subscribing, however, to the statement that there is a legal controversy. All the existing evidence is on our side, that is on the side that these waters are territorial waters. And the two countries concerned are the Kingdom of Saudi Arabia and the Republic of Egypt. The entrance to these waters is

nine nautical miles wide, which is less than the twelve-mile limit which is relevant in this connexion. The broadest area of these waters conforms to the twelve-mile territorial sea claimed by the Kingdom of Saudi Arabia, on the one hand, and Egypt, on the other. If there should be a dispute between the Kingdom of Saudi Arabia and Egypt in regard to their respective territorial rights, that would be a different case.

49. I would therefore say that this is an inland sea, and it is too late in the day for European countries—and, if I may say so with great respect, for the Republics of South America—to take a view on this which is totally unconnected with their own history.

50. A great luminary in England, Lord Fitzmaurice, stated on 21 February 1907 in the House of Lords the position of the United Kingdom Government that only bays with an entrance not more than six miles wide were to be regarded as territorial. In the North Atlantic Coast Fisheries case, however, which was decided by the Permanent Court of Arbitration at The Hague in 1910, the United Kingdom repudiated that position. The United States contended for its accuracy, but the Court refused to agree.

51. So far as other countries are concerned, France holds the Bay of Cancale to be territorial, although its entrance is seventeen miles wide, and the entrance to the Gulf of Aqaba is nine nautical miles wide. Before Newfoundland became part of Canada, the United Kingdom held that Conception Bay was territorial, and we have no information that Canada has changed that position. The United Kingdom held that Conception Bay, Chaleur Bay and Miramichi Bay in Canada were territorial, although the width between their headlands is twenty, sixteen and fourteen miles, respectively. Therefore, in each case where there is an inland sea of this character, where the entrance is larger than in the case of the Gulf of Aqaba, the United Kingdom and France have held it to be part of their own territories, just as though it was land.

52. Hudson Bay in Canada, which embraces about 580,000 square miles with an entrance fifty miles wide, is claimed to be a territorial bay of Canada. Norway claims Varangerfjord as territorial, although its entrance is thirty-two miles wide. The United States claims the Chesapeake and Delaware Bays, as it does other inlets of the same character, as territorial, although the entrance to one is twelve miles wide and the entrance to the other ten miles wide.

53. The Institute of International Law has voted in favour of the principle that a gulf or bay whose entrance is twelve miles wide or less constitutes territorial waters, although it admits that those gulfs and bays with a wider entrance which have been considered territorial waters for more than one hundred years also have a territorial character. As matters stand, it is doubtful whether many gulfs and bays are territorial. It is not only the United Kingdom, France and the United States that are concerned in this matter; there are other European countries whose skin will be touched if we are to have a general proposition disregarding for this purpose the sovereign rights of Egypt and Saudi Arabia in this connexion. There are other territorial bays in Europe. There is the Zuider Zee, which is Dutch. There is the Zalew Szczeciński (formerly the Bay of Stettin) in the Baltic and the Schelde in the North Sea. These are all territorial waters, but an international congress may decide these questions.

54. Now, what is the present position on this point? In fairness to the Secretary-General, it must be said that paragraph 28 of document A/3512, on which the whole of this unnecessary argument has been concentrated, does not say what it is alleged to say. This is what it says:

"As a conclusion from paragraph 24-27,"—which is a discussion of the whole of this problem—"it may be held"—he does not say it should be held—"that, in a situation where the armistice régime is partly operative by observance of the provisions of the Armistice Agreement concerning the armistice lines, possible claims to rights of belligerency would be at least so much in doubt that, having regard for the general international interest at stake, no such claim should be exercised in the Gulf of Aqaba and the Straits of Tiran."

55. Now, first of all, this statement is an expression of a hope. Secondly, with great respect to the Secretary-General, it is based on the false conception that the exercise of sovereign rights in a sovereign territory, in territorial waters, is an act of belligerency. Such an exercise of sovereign rights would be no more an act of belligerency than if it were an act on the highways of Cairo. It would be an act of belligerency if it were committed anywhere else. Therefore, in the submission of my Government, the statement is based on that false conception.

56. Over and above that, the Secretary-General quite rightly tells us that "possible claims to rights of belligerency" are "so much in doubt". If they are so much in doubt, how can we, by resolution, by newspaper articles, by assurances or by anything of that kind, deal with this problem? So far as we are concerned, I would go so far as to suggest that if it was right during the days of the Ottoman Empire for the Khedive of Egypt to enter into an agreement with France to cut across the Isthmus of Suez, destroy the land and make it into a sea—nobody thought that was against international law—then it would equally be possible for Egypt, in agreement with Saudi Arabia, to fill up the Gulf of Aqaba. I should like to ask: what international authority could challenge that?

57. This does not mean that, in the interests of international peace, there is not an obligation upon every party concerned, including my own country, to assist in such ways as are possible to maintain good behaviour. My good friend, the representative of the United States referred to the fact that Japanese ships—and, I suppose, Russian ships—sail up the Hudson and, therefore, there is freedom. But that is a freedom subject to consent. Mr. Lodge invites me to his apartment and I go there, but that does not mean that I have the right to occupy it.

58. These are territorial waters, and I want to utter a note of warning—that is to say, I do not want to warn anybody, but I want this thought to be raised in the minds of people. Hard cases make very bad law, and there are too many inlets and gulfs in the world. If France, the United Kingdom, the Netherlands, Norway, Germany, and certain countries in Latin America, particularly Nicaragua and El Salvador, will only refer to the relevant decisions of the international courts in this matter, they will begin to realize that, especially in a continent where one country, I will not say which, claims 200 miles of territorial sea, in the present state of international law territoriality is merely a unilateral declaration. Some countries give the distance on the territorial sea as three miles, others say twelve miles, and there is the country that has said 200 miles, and nobody has

objected to it. Nobody could. Therefore, the only way to solve this problem is not by threats or by suggestions—which, fortunately, have not come from any responsible Government—of forcing passage through or of test cases, or anything of that kind, which would only lead to the precipitation of the crisis in the Middle East. My country—and the Arab nations do not like us to say this—hopes and trusts and looks forward to the time when, whatever the rights and the wrongs of the Israel-Arab disputes, these problems will be resolved in some form so that the Arab countries can turn their attention to their economic development and when the vast quantity of money that comes from the international world for the arming of the State of Israel will also be diverted to the development of under-developed areas. That is our hope; but to express a hope and to work for it is not to deny the sovereign rights of someone else, and that is our position with regard to the Gulf of Aqaba. If it were true that passage could be forced in one place, passage could also be forced in another place.

59. It is necessary for me to refer, with some sadness, to the circumstances which have prevented my delegation from participating in the debate earlier. It is common knowledge that the United States delegation has been exercising considerable initiative and deploying its energy in vast measure in order that the implementation of resolution 1124 (XI) of 2 February 1957 would no longer be delayed. My Government has assisted in this process. We are a far-off country, and a small country in terms of power, but we have, as far as we could with the common connexion that we have with the Arab countries and with more understanding of their position, placed ourselves at their disposal. It is necessary for me to state this in order to state the position of my Government. We have no knowledge whatsoever, either from the Egyptian delegation in New York or from our Mission in Cairo, that there has been any consultation with the Egyptian Government in regard to the alleged agreement that might have been reached between the Government of the United States, the Government of France and the Government of Israel.

60. I do not even say there are such agreements, because in these matters we cannot go by newspaper reports. Therefore, so far as we are concerned, we are not involved in any of these matters. We are involved in finding a solution. If it so happens that the statement that the Israel delegation is being good enough to make this afternoon is of the same character as the statements made by the Governments of France and the United Kingdom, and that it terminates the situation, we would be happy. If it is not, however, then the duty of the Assembly is to proceed to other measures; and in that, my Government will give the United States Government every possible assistance in order to implement its original intention which it voiced before the Security Council. I have said this not in order to disclose any private conversation, but merely in order to remove any suggestion that we are partners in any secret diplomacy.

61. This takes me, before I leave the question of the Gulf of Aqaba, to the legal position as it stands today. There are no final decisions on this position, as has been pointed out by the Secretary-General himself in his report [A/3512], where he says that the International Law Commission has left this matter rather in doubt and that it must be decided some other time. But I have read out to the Assembly the legal authority that exists.

However, in the United Nations, the International Law Commission has taken this matter under consideration. The Commission pointed out, in article 16 (Duties of the coastal State) of its Articles concerning the Law of the Sea, that the coastal State—or the coastal States, and in this particular case, Egypt and Saudi Arabia—must not hamper innocent passage through the territorial sea [A/3159, p. 6].

That is the normal law; it is the normal law anywhere. It is the normal law in any country that if a national of another country goes there, the Head of the other State offers every facility that must be expected. That is the code of international behaviour, according to article 16 of the International Law Commission's articles concerning the Law of the Sea.

62. But article 16 is bound by article 17, because while article 16 states the general position, article 17 refers to the rights of protection of the coastal State. In this condition of armistice, in the conditions that have prevailed during the last ten years, article 17, therefore, becomes important. What does that article say? It says the following:

"1. The coastal State may take the necessary steps in its territorial sea to protect itself against any act prejudicial to its security or to such other of its interests as it is authorized to protect under the present rules and other rules of international law." [A/3159, p. 6.]

A further paragraph in the same article reads as follows:

"3. The coastal State may suspend temporarily in definite areas of its territorial sea the exercise of the right of passage . . ."

Therefore, this right of innocent passage, so-called, actually means that, first of all, one must prove innocence. Innocence depends upon the character of the party claiming the passage; it depends upon the purpose of the passage, and also upon the freight that is carried. I am sure that the Government of France will be the first to support the idea of the right of search of freight, even though we do not uphold particular actions taken by it. The paragraph continues: ". . . if it should deem such suspension essential for the protection of the rights referred to in paragraph 1."

That is, its security. The paragraph continues: "Should it take such action, it is bound to give due publicity to the suspension." I do not think that anyone can complain in this case that there has been any lack of publicity. The next paragraph of the article reads as follows:

"4. There must be no suspension of the innocent passage of foreign ships through straits normally used for international navigation between two parts of the high seas."

That particular clause does not apply to the Gulf of Aqaba because that Gulf does not connect two high seas—unless we suggest that there is an interim connexion through the atmosphere or through the land. It is not as though the Mediterranean Sea and the Red Sea were connected by the Suez Canal in that way; for, of course, the Suez Canal has another characteristic, that of an artificial waterway. Therefore, that does not apply.

63. This is the legal opinion as it stands today. It is quite true that the International Law Commission concludes that we must have all this properly considered because there are many other difficulties in this question, and the Commission has left the matter for further consideration. But, so far as the law can be stated, that

is how it stands today, and it applies to all the European countries, which have fought many wars on this question. And what is more, if their interests were affected, they would repudiate it, as the United Kingdom repudiated Lord Fitzmaurice's statement before the Permanent Court of Arbitration in 1910, and would moreover claim territorial rights, whether over Hudson Bay, Chesapeake Bay, or the Bay of Cancale. This question is very important to all these countries. Otherwise, it simply means that, in difficult and troubled times, a country can have a Trojan horse within its territory. What would happen to the Scandinavian countries, with their large number of enormous fjords on their coasts? Therefore, while the immediate hard conditions may lead to their overlooking these matters, this is the position. And my Government, therefore, restates this position in regard to the Gulf of Aqaba.

64. With regard to the withdrawal, it is not sufficient, in the opinion of my delegation, for a statement to be made that withdrawal will take place. The question depends upon when the withdrawal will take place, and how complete it will be. Also, no such withdrawal will prejudice any claims, any questions, that the United Nations may have to raise, or any issue which the parties may have to raise in respect of the damage done during the period between the cease fire and the withdrawal itself. Therefore, if, as I fondly hope, there will be a statement this afternoon that, in view of international opinion, in view of the opinion inside Israel itself, a decision has been made to withdraw unconditionally from the invaded territory, that decision would have to be implemented, and the General Assembly would have to exercise its vigilance in regard to implementation.

65. It is not sufficient for us to obtain an assurance that there will be withdrawal and then leave the matter to the United Nations Emergency Force, which has only the right of supervision, and which has no right of forcing evacuation. We would not want our troops to fight either Arabs or Israelis and, therefore, the Force's position is merely that of supervision. There must be, therefore, proper provision for reporting to the General Assembly within a very reasonable time, over the week-end perhaps, that withdrawal has been accomplished. I quote the position taken by Mr. Lodge in this matter some time ago that it is easier to withdraw now than it was when the British and French withdrew because all the arrangements are there.

66. I should like, for the purpose of the record, to restate what I have said before to the General Assembly on 2 February 1957, concerning my Government's position:

"The procedures involved in this question are all governed by the resolutions which we have adopted and which incorporate, as Members recall, paragraph 12 of that report of the Secretary-General [A/3302] from which the United Nations Force emerged. My Government at that time laid down specific conditions on which we would participate in the United Nations Force. But if we merely laid down those conditions, they would have had little value except as being the view of one Government. Those conditions, however, were accepted."

And may I repeat here, they were accepted by the Secretary-General and they form part of the whole code of the United Nations Emergency Force.

"The Secretary-General accepted them when we agreed to participate in that Force. My delegation

made reference to it again on 7 November 1956 [567th meeting] when we were engaged in the last phase of obtaining the withdrawal of the British and French forces from Egyptian territory. We stated that it was understood that if the Force was going to function on Egyptian territory, there must be Egyptian consent for that process.

"It has been basic to the whole functioning of UNEF that it could not set foot anywhere on Egyptian soil except in full accordance with international law and practice and with recognition of the sovereignty of Egyptian territory.

"This is not the view of only one Government; indeed, it is not only something that was agreed to by resolution, but it is an international agreement between the Secretary-General and the Egyptian Government, which is set out in an *aide-mémoire* [A/3375, annex], and the Secretary-General made reference to it yesterday. . . ." [651st meeting, paras. 123-125.]

The relevant passage of the *aide-mémoire* reads as follows:

"The Government of Egypt and the Secretary-General of the United Nations have stated their understanding 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 the 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 the UNEF until its task is completed."

67. Therefore, there can be no question, either in the Sharm el-Sheikh area or in the Gaza area, of an army of occupation. All that can be accomplished is complete evacuation. If this afternoon at three o'clock, by the grace and generosity of the Israel Government and the persistent endeavours of the Government of the United States and its President, we are able to hear a statement that there will be an unconditional withdrawal, I am sure that the General Assembly will be delighted. But at the same time, in view of its experience, it would be apt to say, like Oliver Cromwell: "Put your trust in God, my boys, and keep your powder dry." We still would have to exercise our vigilance; we would have to see performance in this case, and not only promises.

68. My Government has an interest in this matter in view of the sufferings of the invaded country, in view of our allegiance to the Charter and, what is more, in view of the practice that is developing in the United Nations of converting the victim into the aggressor. Anyone who brings a complaint here and shows any reasonableness very soon finds himself in the position of having done the mischief himself. That has been our experience, at least in one instance, and we do not want to see it repeated elsewhere. These in general are the positions taken.

69. I should now like to refer to the joint *communiqué* issued on 28 February 1957 by the President of the United States and the Prime Minister of France. My Government is in no position, and has no right, to say what they should issue and what they should not issue. But we have every right to draw attention to some matters. I am not at this moment going into the question of the projection of the colonial interests of the French Empire and this cross-born conception which has neither pride of ancestry—and I prophesy, although I do not like to prophesy—nor hopes of progeny. It is like the proverbial mule; it is "cross-gain." Of what is called Eurafrica, Africa and the African communities, multiracial as they are—where they are not multiracial, they are national—are entitled to their national priorities.

70. Unfortunately, these agreements and the present development have taken place in the context of a philippic delivered against nationalism, and I would like the representative of the United States particularly to listen to the fact.

71. For 4,000 years our part of the world had communications with Europe. We gave Europe the origins of its languages, its science, its medicine and everything else. When I say "we gave Europe," I mean that in the course of history those discoveries passed that way. When we went through the process of history, Europe repaid us by the conquest of Alexander. Fortunately nature took its toll: he returned a conqueror, but with an empty victory.

72. Since that time, Europe has developed and nationalism has been established. Mr. Guy Mollet, Prime Minister of France, refers to exaggerated, fanatical forms of nationalism. With great respect, I say that I could not say more. I subscribe to the doctrine that nationalism in its exaggerated phases is an evil to the world. But what I want to ask is this: What is more exaggerated a phase of nationalism than the attempt of a nation to plant its flag on someone else's country? Imperialism is the most exaggerated form of nationalism. So I say to Mr. Mollet: Take a bit of your own medicine; it is good French medicine. Imperialism is the most exaggerated form of nationalism.

73. It does not lie in the mouth of conquering countries, whose history is replete with tales of blood, to lecture to other people about exaggerated forms of nationalism. For a thousand years we have lived under European domination. For the last three hundred years we have seen domination, ever since the fall of Constantinople, when unfortunately the East sold spices to Europe and taught its people the art of cooking, and the Europeans first went in search of trade, and afterwards brought their soldiers in after them; and when the fortress of Constantinople was destroyed, the empires were established and the Portuguese came in, and by habit the Spaniards followed the Portuguese, and then the Dutch came in, and the French after them, and the English after the French, and then, later, the Germans, establishing spheres of influence from the Yellow Sea to what is now Istanbul.

74. We have suffered from these things, and for the first time in 4,000 years nearly 1,700 million people of the world are shaking off the shackles of racial domination. We refuse to submit to it. We would rather die on our feet than live on our knees. And I appeal to the representatives of the United States to understand the sentiment of our peoples. If the United States does not, then it casts its lot with the imperial countries whose

sun has set, because where there is not righteousness, there will be no victory.

75. The cause of Egypt is not the cause of Arab misbehaviour or of good behaviour. There are many things on which we probably would have acted differently. Egypt is a sovereign Government entitled to act in the manner it deems best. We have no quarrels with Israel. We, unlike the Arab countries, recognize that country. But we are not prepared to accept the statement that the future of the world lies in the re-establishment of empire over Africa, under this cross-gain conception which, as I said, has neither pride of ancestry nor hopes of progeny, like the proverbial mule. It is merely a new imperial conception, a conception based upon force, a conception based upon the erasing of the self-expression of the peoples in that great continent. In the General Assembly, during the meetings this year, in the First Committee and particularly in the Fourth Committee, this has predicted itself everywhere.

76. The attempts—and I would exempt the United Kingdom from this because its policy is the reverse of this connexion—by the empires of France or Portugal or Belgium, or any other country, to maintain their stranglehold on subject populations would be resisted by us with our weakness; and our weakness probably is stronger than their strength, because our weakness is based upon the spirit and determination of peoples to be free.

77. Therefore, it is with very deep regret that we find that there is an identity of thought, very vaguely expressed, in this joint *communiqué* issued by the Prime Minister of France and the President of the United States. But that only is the penumbra, the background, of the present development. What hurts us, what creates concern in our minds, is the paragraph in the *communiqué* which refers to the solution of the problems of the Middle East. I take the liberty of reading the following:

“With reference to the Middle East, they stated”—that is, the President and the Prime Minister—“their common conviction that solutions to the problems of the area can be achieved by peaceful means, in conformity with the principles of justice and international law.”

This is the first time that one of the great Powers has in a declaration omitted any reference to the Charter of the United Nations. The United Kingdom, in various agreements and even, I believe, in the Anglo-Egyptian Agreement,¹ introduced the words “the Charter of the United Nations”. Whether they observe it or not is another matter. But this is the first time that there has been an omission with regard to the Charter of the United Nations.

78. In the context of the violation of justice and international law by invasion by one side, this statement by itself, to put it very mildly, is inadequate. We therefore sense in this a return to secret diplomacy and agreements to which the United Nations may not be a party.

79. But it may be that all these things will resolve themselves. My Government fully shares the conviction and the hope that the solutions to these problems can be reached peacefully.

80. That takes me to the last point. Our colleagues from Canada, with whom we have the closest and the friendliest of relations and a great deal of similarity, and sometimes identity of thought, have from the very beginning, it must be said in fairness to them, taken the view that the present crisis—the war, the invasion—should be utilized to solved what is called the Middle Eastern problem. Of course, I do not know what the Middle Eastern problem is; there are so many problems. At any rate, the representative of Canada's main reference is to the Arab-Israel problem. It is the view of my Government, as I said a while ago, that there must be a solution to these problems sometime, somehow, but it can only be found in co-operation and in terms of coexistence and of the recognition of the legitimate rights of the sovereignties of people. What is more, it has to be a gradual process. First things first, and the first thing is what the General Assembly has already sought to accomplish by resolution, namely, to maintain the armistice in conditions of peace by insulating the frontier and by strengthening the Observer Corps.

81. To try to use the invasion, the fruit of the invasion, as a part of this book of invasion with a chapter on settlement is incongruous. Therefore, any attempt such as that which the Canadian Government seems to be so insistent upon, namely, to try and build into this problem a specific solution, is to try to mix oil and water—and they will not mix.

82. We have every hope that, if Israel withdraws completely and there is no further trouble about it and if the welling of public opinion in France brings about a great change in its present imperial positions, then it is possible that the functioning of the United Nations Emergency Force on the armistice demarcation line would be a pilot project which would assist in the elimination of the suspicions and the inevitable conflicts that arise when two hostile forces are ranged one against the other. Afterwards, that procedure may by consent be applied to other areas. But however that may be, these are things that have to be taken in their stride, and any attempt to try to bite off more than we can chew at the present time and to go away from the fundamental problem that is before us—which is not the Arab-Israel question—would not be advisable.

83. We have not consulted other Arab countries about this. Egypt has no right to speak on their behalf. We are now trying to resolve a war and a war situation where the territory of Egypt has been invaded. It would have been a different position if, in the course of the invasion, all the other Arab countries had joined their forces and had gone into active military alliance and opposed it.

84. This is not to say that the Government of India desires to stand in the way of any progress towards a settlement, but we want to express our apprehension at the attempts to use the weaker position of the country against which aggression has been committed—that is to say, not morally weaker, but weaker because of the impact of the invasion—and to use the great power of other great countries in order to solve problems that have been subsisting for ten years and which involve many issues. This would be impractical.

85. We should like to say that considerable efforts have been made during the past few days by the Egyptian delegation and, to our knowledge, by the United States delegation to find a way whereby the Assembly

¹ Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Egyptian Government regarding the Suez Canal Base, signed at Cairo on 19 October 1954.

could be invited with some hope and some reason to resolve unanimously, if it became necessary, to put a final stop to this chapter—I would not say this chapter, but this series of chapters—of prevarication. It is in the interests of the people of Israel that this tension should stop. It is unthinkable that, whatever may happen in

the next day, in the next ten days or in the next ten years, the population of Israel could live in the Middle East except in terms of friendship with the Arab countries. That is what we have to seek to promote, and my country is dedicated to that task.

The meeting rose at 12.15 p.m.