



Eleventh session
Agenda item 60

INTERIM MEASURES, PENDING ENTRY INTO FORCE OF THE COVENANTS ON HUMAN RIGHTS, TO BE TAKEN WITH RESPECT TO VIOLATIONS OF THE HUMAN RIGHTS SET FORTH IN THE CHARTER OF THE UNITED NATIONS AND THE UNITED NATIONS UNIVERSAL DECLARATION OF HUMAN RIGHTS

Report of the Third Committee

Rapporteur: Dr. Graciela QUAN (Guatemala)

1. In a letter dated 11 September 1956 addressed to the Secretary-General, (A/3187) the Permanent Representative of Greece proposed, on behalf of the Royal Hellenic Government, the inscription in the provisional agenda of the eleventh session of the General Assembly of the item: "Interim measures, pending entry into force of the Covenants on Human Rights, to be taken with respect to violations of the human rights set forth in the Charter of the United Nations and the United Nations Universal Declaration of Human Rights". An explanatory memorandum dated 29 October 1956 (A/3187/Add.1) stated that while a number of steps taken by the United Nations, including the adoption of the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide, constituted important achievements in the field of the protection of human rights, many vital aspects of this protection were still not properly envisaged and dealt with. One of these aspects, by far the most important, was that concerning protection against violations of human rights. The explanatory memorandum raised the question of what was to happen during the rather longer than short period between the present time and the date when the draft Covenants on Human Rights would enter into force. It added that Greece held the view that the time had come for the General Assembly to begin

studies on the ways and means of filling the existing gap and preventing, or at least discouraging more effectively, the violations of human rights. The Greek delegation submitted some suggestions which in its judgement were fitting for the purpose it had in view, as follows:

(1) Pending the entry into force of the Covenants, the efforts of implementation should cover mainly the generally accepted and non-controversial human rights, contained in the Charter of the United Nations and in the Universal Declaration of Human Rights, as well as those recognized by international law.

(2) The measures to be envisaged for the protection against violations and infringements of human rights should be established on flexible and realistic bases.

(3) A procedure divested in so far as possible of any political considerations or implications should be considered to that effect. The assistance of persons of high moral standing and recognized competence might be valuable, especially in exercising their influence toward a mutual understanding and conciliation.

(4) It is clearly indicated that the "interim measures" are of a strictly provisory character and should be regarded not as being substitutes for the relative provisions of the Covenants but as steps destined to facilitate and speed their adoption and enforcement.

(5) It is understood that any measures to be taken should cover the still unprotected field of human rights and should not interfere or duplicate already existing machineries, as in the case of Trust Territories or of special rights falling within the competence of specialized agencies.

2. At its 578th meeting on 15 November 1956, the General Assembly, on the recommendation of the General Committee, decided to include the question in its agenda and referred it to the Third Committee for consideration and r

3. The Committee discussed the item at its 745th and 748th to 753rd mee held between 29 January and 5 February 1957.

4. At the 745th meeting, a draft resolution (A/C.3/L.592) was introduce Greece. Under the terms of this draft resolution, the General Assembly, considering that, in the best possible circumstances, the Covenants on Hu Rights would not enter into force for some time and that, pending their e force, it was necessary to consider ways and means constituting adequate

measures for ensuring the observance of human rights, believing that the adoption of any interim measures should not be regarded as capable of jeopardizing or retarding progress of the work on the Covenants, and believing that, owing to the close interdependence established by the Charter between the effective observance of human rights and the maintenance of peace, provision should be made soon for the adoption of interim measures with respect to the observance of human rights, would:

(1) request the Commission on Human Rights, at its next session, to consider the possibility, in the case of a complaint made by a Member State of the United Nations against another Member State concerning violations of human rights, and if the complaint should appear well-founded in the opinion of the Commission, of instructing a committee, to be formed of persons chosen from among the members of the Commission in their personal capacity, to undertake an objective examination of the complaint and to submit conclusions in a report to be prepared in the light of the provisions relating to the observance of human rights in the Charter and the Universal Declaration; (2) request the Commission on Human Rights to submit its recommendations, through the Economic and Social Council, to the twelfth session of the United Nations General Assembly.

5. At the 749th meeting, Afghanistan proposed amendments (A/C.3/L.596) to the draft resolution submitted by Greece. Under the terms of these amendments, two paragraphs of the preamble would be deleted, namely those stating that in the best possible circumstances, the Covenants would not enter into force for some time, and that the adoption of any interim measures should not be regarded as capable of jeopardizing or retarding progress of the work on the Covenants. The phrase in the last paragraph of the preamble that "provision should be made soon for the adoption of interim measures with respect to the observance of human rights" would be amended by deleting the words "soon" and "interim" and by adding at the end of the paragraph the words "as soon as possible". The whole operative part of the Greek draft resolution would be replaced by a text under the terms of which the General Assembly would:

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(1) decide that: (a) The Social, Humanitarian and Cultural Committee should devote enough time to its discussion of the draft International Covenants on Human Rights to complete its consideration of the draft Covenants by the end of the thirteenth session, for adoption by the General Assembly at that session; (b) The Social, Humanitarian and Cultural Committee should discuss, at the beginning of the twelfth session, how many meetings should be devoted to the consideration of the draft International Covenants on Human Rights; (2) request the Commission on Human Rights to study the possibility of adopting measures to be taken with respect to the violation of human rights, and to submit its recommendations, through the Economic and Social Council, for the consideration of the General Assembly at its twelfth session.

6. At the 752nd meeting, the representative of Greece accepted the Afghan amendment. Consequently, a revised version embodying that amendment was circulated as document A/C.3/L.592/Rev.1. This revised version also added the words "in particular with a view to ensuring respect for the said rights at all times" to the last paragraph of the preamble and contained an additional operative paragraph under which the General Assembly would request the Secretary-General to ask Members to communicate to him, before the twelfth session of the General Assembly, observations on measures to be taken with respect to the violation of human rights, and to prepare a note on the said observations for that session.

7. At the 749th meeting, Uruguay proposed an amendment (A/C.3/L.595) to the original draft resolution proposed by Greece to insert a paragraph between operative paragraphs 1 and 2, under which the General Assembly would request the Commission on Human Rights to consider the possibility of appointing a High Commissioner or establishing a special organ to receive and deal directly with individual petitions concerning violations of human rights, in accordance with the Uruguayan proposal reproduced in the Report of the Commission on Human Rights on its tenth session. At the 752nd meeting, the representative of Uruguay withdrew his amendment.

8. At the 750th meeting, the representative of Sweden proposed orally the addition in operative paragraph 1 (a) of the revised draft resolution, after the words "its consideration of the draft Covenants" and before the words "by the end of...", of the words "if possible" so that the paragraph would provide that the Third

Committee "should devote enough time to its discussion of the draft International Covenants on Human Rights to be able to complete its consideration of the draft Covenants if possible by the end of the thirteenth session for adoption by the General Assembly at that session".

9. At the 753rd meeting, Syria proposed an amendment (A/C.3/L.597) to the revised draft resolution proposed by Greece under the terms of which operative paragraphs 2 and 3, i.e. that requesting the Commission on Human Rights to study the possibility of adopting measures to be taken with respect to the violation of human rights and that requesting the Secretary-General to ask Members to communicate to him observations on measures to be taken with respect to the violation of human rights, would be replaced by one paragraph under the terms of which the General Assembly would decide "to transmit to the Commission on Human Rights for examination the official records and other documents relating to the important question of measures to be taken with respect to violations of human rights, discussed by the Social, Humanitarian and Cultural Committee at the eleventh session". At the same meeting, the representative of Greece accepted the Syrian amendment.

10. The representative of Greece, as sponsor of the draft resolution (A/C.3/L.592 and Rev.1), pointed out that it was the purpose of the United Nations to maintain a peace under which human freedoms were assured and respect for the human person guaranteed. The Charter laid on Member States legal obligations with regard to respect for, and observance of, human rights. Mankind had reached a stage when the State was held internationally accountable for the treatment of the persons under its jurisdiction. There was at present no general procedure for ensuring respect for human rights. The practice of having violations of human rights examined by political committees was a mistake. Prudence would seem to dictate that a matter so unquestionably humanitarian as respect for human rights should be divorced from politics. Much time would elapse before the Covenants could be brought into force. At the present rate of progress it appeared unlikely that they could be adopted before 1964. Several years would then be required before the contemplated system could be set in motion. Human rights problems should be referred to a committee set up under the Commission on Human Rights, an organ which the sponsor considered highly appropriate both by name and by history.

11. Some delegations supported the basic idea of the Greek draft resolution. They pointed out that the value of the general principles set forth in the Charter and in the Universal Declaration would be slight if no measures were taken to see that they were applied. States were bound to observe the provisions regarding respect for human rights notwithstanding Article 2, paragraph 7, of the Charter. The International Labour Organisation had conferred on its Freedom of Association Committee powers similar to those which might be conferred upon the body proposed in the Greek draft resolution. The question of complaints should be considered separately from that of the Covenants.

12. Some of the delegations favourably inclined to the Greek proposal criticized it for not going far enough; in particular, for excluding to Member States the right of petition of individuals and for restricting the right to complain of violations of human rights. Some delegations insisted that the proposed committee should be seized of only the most serious violations of human rights; the right to self-determination as distinct from other rights was mentioned in this connexion. It was also pointed out by one delegation that both the study of the proposal and the eventual examination of complaints should be entrusted to the Economic and Social Council rather than to the Commission on Human Rights. It was suggested that the wording of the proposed General Assembly resolution should be more general. To the objection that the subject matter would be outside the terms of reference of the Commission, it was replied by some that it was within the existing terms of reference of the Commission and by others that the terms of reference could be amended without too much difficulty, although this would be a serious matter.^{1/}

13. Many members of the Committee opposed the Greek proposal both in its original and in its revised version. While agreeing that the Charter and the Universal Declaration of Human Rights laid upon the United Nations an obligation to promote respect for human rights and fundamental freedoms, several speakers pointed out that the establishment of a committee as proposed would lead to long and futile debates.

^{1/} At the request of the Committee, made in the 745th meeting, the Secretary-General circulated to the Committee the text of the terms of reference of the Commission on Human Rights and the rules relating to communications concerning human rights as established by the Economic and Social Council (A/C.3/L.594).

The exclusion of political considerations was impossible; so were attempts to divorce the problem from politics. Indeed, it was claimed, one of the Assembly's own committees or some other political body would be in a better position to carry out the work of a political nature which was contemplated. The work of the proposed committee would in any event overlap with that of other United Nations bodies; there were juridical, political, constitutional and psychological obstacles to the Greek proposal. It was pointed out that it was not clear what legal rules would govern the activities of the proposed committee as the rights to be protected were nowhere defined, or by what standards the seriousness of a violation would be measured. Because the Charter contained no provisions for dealing with violations of human rights, the drawing up of the Covenants had been considered necessary; the proposal of Greece was therefore premature. The proposal, it was said, would charge the Commission on Human Rights with a negative task as distinct from the positive and constructive programme which the Commission on Human Rights had recently adopted by initiating a system of periodic reporting, of studies of particular rights or groups of rights, and a system of advisory services in the field of human rights. In view of this new approach to the problem of the maintenance and promotion of human rights, said another representative, the Commission had on its agenda a mass of material, so that the proposal for a study of interim measures was not feasible. The fear was expressed that the proposed scheme would interfere with the work relating to the completion of the draft Covenants on Human Rights and delay their adoption. The proposed scheme was outside the competence of the Commission on Human Rights which had to do with general matters only and should not judge the conduct of sovereign States; indeed, the Commission itself had denied its competence to take any action in regard to any complaints concerning human rights and had been confirmed in that view by the Economic and Social Council in resolution 75 (V); Governments would not be prepared to submit to the suggested procedure without appropriate definitions and guarantees. They would not subscribe to an undertaking couched in vague terms. The proposed committee, it was stressed, would find itself acting as a world supreme court with extremely wide jurisdiction. One of the weaknesses of the Greek proposal, it was pointed out, was that it was founded on a fallacy, namely,

on the assumption that the Covenants could not be implemented for several years. This premise, it was said, was, however, not well founded.

14. The Afghan amendment, accepted by Greece, to the effect that the consideration of the draft Covenants should be completed by the end of the thirteenth session of the General Assembly was described by some members as not realistic and capable of misleading the public. Others maintained that, while it was true that the discussion of the Covenants had proceeded somewhat slowly, it should not be forgotten that the present session was the first time an assembly representing eighty States had undertaken to study legal instruments of such importance as the Covenants. In the light of its experience the Fifth Committee would be able to organize its work more satisfactorily at the twelfth and thirteenth sessions.

15. In support of his amendment (A/C.3/L.595), the representative of Uruguay submitted that it was appropriate to set up an organ which would classify communications according to the seriousness of the violation, conduct inquiries to determine whether the complaint had made out a prima facie case, consult with the State concerned and, if a violation were proved, lay a charge with the Commission on Human Rights. This special organ should be either a high commissioner (attorney-general) for human rights or a body of jurists. This would make it unnecessary for an individual whose rights had been violated to depend on a State to present his case before the international organ.

16. With regard to the Uruguayan amendment it was said, on the other hand, that a large staff would be needed to deal with the innumerable complaints that would be received by the United Nations, which would thereby be transformed into a juridical or judicial body. It was also pointed out that the Uruguayan proposal for a high commissioner (attorney-general) on human rights had been submitted to the Commission on Human Rights in connexion with the draft Covenant on Civil and Political Rights, and should be considered in connexion with that draft Covenant.

17. During the discussion of the Syrian amendment (A/C.3/L.597), which was eventually accepted by Greece, the representative of the Secretary-General, replying to a question, declared that if the Syrian amendment were adopted in its original form, the item "Question of the interim measures pending entry into force of the Covenants on Human Rights" would have to be inserted in the provisional agenda of the forthcoming session of the Commission on Human Rights.

On the other hand, if the words "for examination" were eliminated, the representative of the Secretary-General thought that the Secretary-General would interpret such a decision as meaning that, in the opinion of the General Assembly, this question should not figure on the agenda of the Commission on Human Rights.

18. At the 753rd meeting, the Committee voted on the revised Greek draft resolution as amended by the acceptance of the Syrian amendment, with the following results:

The Swedish amendment for the addition of the words "if possible" in operative paragraph 1 (a) was adopted by 27 votes to 22, with 15 abstentions.

Operative paragraph 1 (a) as a whole, as amended, was adopted by a roll-call vote by 39 votes to none, with 26 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Austria, Belgium, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Chile, Czechoslovakia, Egypt, Ethiopia, Finland, France, Greece, Guatemala, India, Indonesia, Iraq, Ireland, Liberia, Mexico, Morocco, Peru, Poland, Romania, Saudi Arabia, Spain, Sudan, Syria, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Uruguay, Yemen, Yugoslavia.

Against: None.

Abstaining: Australia, Brazil, Canada, Ceylon, China, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Honduras, Iran, Israel, Italy, Japan, Nepal, Netherlands, New Zealand, Norway, Pakistan, Philippines, Portugal, Sweden, United States of America, Venezuela.

Operative paragraph 1 (b) was adopted by 28 votes to 3, with 32 abstentions.

A separate vote by roll-call was requested on the words "for examination" in the text of operative paragraph 2 proposed by Syria and accepted by Greece. These words were not retained, 24 votes having been cast in favour, 30 against, with 11 abstentions. The voting was as follows:

In favour: Afghanistan, Argentina, Austria, Burma, Chile, Ecuador, El Salvador, Greece, Guatemala, Indonesia, Iran, Israel, Morocco, Peru, Philippines, Portugal, Saudi Arabia, Spain, Sudan, Syria, Thailand, Uruguay, Yemen, Yugoslavia.

Against: Albania, Australia, Belgium, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Cuba, Czechoslovakia, Denmark, Dominican Republic, Egypt, Finland, France, Honduras, Ireland, Italy, Mexico, Netherlands, New Zealand, Norway, Poland, Romania, Sweden, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining: Cambodia, Ceylon, China, Colombia, Ethiopia, India, Iran, Japan, Liberia, Nepal, Pakistan.

Operative paragraph 2, modified by the omission of the words "for examination", was adopted by a roll-call vote of 43 votes to one, with 21 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Austria, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Czechoslovakia, Dominican Republic, Ecuador, El Salvador, Finland, France, Greece, Guatemala, Honduras, India, Indonesia, Iran, Iraq, Ireland, Israel, Liberia, Mexico, Morocco, Peru, Philippines, Poland, Portugal, Romania, Saudi Arabia, Spain, Sudan, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia.

Against: Uruguay.

Abstaining: Australia, Belgium, Cambodia, Canada, Ceylon, Colombia, Cuba, Denmark, Egypt, Ethiopia, Italy, Japan, Nepal, Netherlands, New Zealand, Norway, Pakistan, Sweden, Turkey, Venezuela, Yemen.

The draft resolution as a whole, as amended, was adopted by 47 votes to none, with 15 abstentions.

19. After the adoption of the resolution, the representative of Afghanistan suggested, at the 753rd meeting, that the title of the item should be changed to read "Measures to be taken with respect to violations of human rights". As there was opposition to this suggestion in the Committee, the representative of Afghanistan did not press his proposal to a vote, but reserved the right of his delegation to introduce it in the General Assembly.

20. The Third Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

INTERIM MEASURES, PENDING ENTRY INTO FORCE OF THE COVENANTS ON HUMAN RIGHTS, TO BE TAKEN WITH RESPECT TO VIOLATIONS OF THE HUMAN RIGHTS SET FORTH IN THE CHARTER OF THE UNITED NATIONS AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

The General Assembly,

Mindful of the fact that human rights constitute one of the cornerstones of the Charter,

Considering that, notwithstanding the obligations arising from the United Nations Charter and notwithstanding the Universal Declaration of Human Rights, violations of human rights continue to occur in various parts of the world,

Recalling its resolution 540 (VI) of 4 February 1952, which recommended Members of the United Nations to intensify their efforts for the observance of human rights and freedoms in their own territories and in the Non-Self-Governing and Trust Territories,

Believing that, owing to the close interdependence established by the Charter between the effective observance of human rights and the maintenance of peace, provision should be made as soon as possible for the adoption of measures with respect to the observance of human rights, in particular with a view to ensuring respect for the said rights at all times,

1. Decides that:

(a) The Social, Humanitarian and Cultural Committee /Third Committee/, should devote enough time to its discussion of the draft International Covenants on Human Rights to be able to complete its consideration of the draft Covenants, if possible, by the end of the thirteenth session for adoption by the General Assembly at that session;

(b) The Social, Humanitarian and Cultural Committee /Third Committee/ should discuss, at the beginning of the twelfth session, how many meetings should be devoted to the consideration of the draft International Covenants on Human Rights;

2. Decides to transmit to the Commission on Human Rights the official records and other documents relating to the important question of measures to be taken with respect to violations of human rights, discussed by the Social, Humanitarian and Cultural Committee at the eleventh session.

**REGULATIONS
FOR THE
UNITED NATIONS
EMERGENCY FORCE**



ST/SGB/UNEF/1
20 February 1957

SECRETARY-GENERAL'S BULLETIN

TO: The United Nations Emergency Force
SUBJECT: Regulations for the United Nations Emergency Force

The attached Regulations for the United Nations Emergency Force are issued pursuant to authorization by the General Assembly in resolution 1001 (ES-I) of 7 November 1956, following consultation with the Advisory Committee established by the same resolution. They shall be effective from 1 March 1957. The Regulations, for the most part, are intended to continue in effect the orders, instructions and practices which have been followed with respect to the Force since it first came into existence.



Dag HAMMARSKJÖLD
Secretary-General

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REGULATIONS FOR THE UNITED NATIONS EMERGENCY FORCE

CHAPTER I. GENERAL PROVISIONS

1. Issuance of Regulations. The Regulations for the United Nations Emergency Force (UNEF) (hereinafter referred to as the Force) are issued by the Secretary-General, following consultation with the Advisory Committee established under General Assembly resolution 1001 (ES-I) of 7 November 1956 (hereinafter referred to as the Advisory Committee) pursuant to paragraph 7 of that resolution. They shall be effective from 1 March 1957. The Regulations, and supplemental instructions and orders referred to in Regulations 3 and 4, shall be made available to all units of the Force.
2. Amendments. These Regulations may be amended or revised by the Secretary-General, following consultation with the Advisory Committee.
3. Supplemental instructions. Supplemental instructions consistent with the present Regulations may be issued by the Secretary-General as required with respect to matters not delegated to the Commander of the United Nations Emergency Force (hereinafter referred to as the Commander).
4. Command Orders. The Commander may issue Orders not inconsistent with the resolutions of the General Assembly relating to the Force, these Regulations and amendments thereto, and with supplemental instructions referred to in Regulation 3:
 - (a) in the discharge of his duties as Commander of the Force; or
 - (b) in implementation or explanation of these Regulations.Command Orders shall be subject to review by the Secretary-General.
5. Definitions. The following definitions shall apply to the terms used in the present Regulations:
 - (a) The "Commander of the United Nations Emergency Force (UNEF)" or the "Commander" is the general officer appointed as "Chief of the United Nations Command" by the General Assembly.
 - (b) The "United Nations Command" is the Commander together with his Headquarters Staff.
 - (c) The "United Nations Emergency Force" or "Force" is the subsidiary organ of the United Nations described in Regulation 6 below.
 - (d) A "member of the United Nations Emergency Force" or a "member of the Force" is the Commander and any person belonging to the military services of a State serving under the Commander either on the United Nations Command or with a national contingent.
 - (e) A "Participating State" is a State providing national contingents to the Force. A "Participating Government" is the government of a Participating State.

(f) The "authorities of a Participating State" are those authorities who are empowered by the law of that State to enforce its military or other law with respect to the members of its armed forces.

(g) A "Host State" is a State in which the Force operates. A "Host Government" is the Government of a Host State.

CHAPTER II. INTERNATIONAL CHARACTER, UNIFORM, INSIGNIA, AND PRIVILEGES AND IMMUNITIES

6. International character. The United Nations Emergency Force is a subsidiary organ of the United Nations consisting of the United Nations Command established by General Assembly resolution 1000 (ES-I) of 5 November 1956 and all military personnel placed under the United Nations Command by Member States. The members of the Force, although remaining in their national service, are, during the period of their assignment to the Force, international personnel under the authority of the United Nations and subject to the instructions of the Commander through the chain of command. The functions of the Force are exclusively international and members of the Force shall discharge these functions and regulate their conduct with the interest of the United Nations only in view.
7. Flag. The Force is authorized to fly the United Nations flag in accordance with the United Nations Flag Code and Regulations. The United Nations Command shall display the United Nations flag and emblem on its Headquarters, posts, vehicles and otherwise as decided by the Commander. Other flags or pennants may be displayed only in exceptional cases and in accordance with conditions prescribed by the Commander.
8. Uniform and insignia. Members of the Force shall wear such uniform and distinctive insignia as the Commander, in consultation with the Secretary-General, shall prescribe. Civilian dress may be worn at such times and in accordance with such conditions as may be authorized by the Commander.
9. Markings. All means of transportation of the Force, including vehicles, vessels and aircraft, and all other equipment when specifically designated by the Commander shall bear a distinctive United Nations mark and licence.
10. Privileges and immunities. The Force, as a subsidiary organ of the United Nations, enjoys the status, privileges and immunities of the Organization provided in the Convention on the Privileges and Immunities of the United Nations. The entry without duty of equipment and supplies of the Force, and of personal effects of members of the Force upon their first arrival shall be effected in accordance with details to be arranged with the Host State concerned. The provisions of article II of the Convention on the Privileges and Immunities of the United Nations shall also apply to the property, funds and assets of Participating States used in a Host State in connexion with the national contingents serving in the Force.

CHAPTER III. AUTHORITY OF THE COMMANDER OF THE UNITED NATIONS EMERGENCY FORCE

11. Command authority. The Commander has full command authority over the Force. He is 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.

12. Chain of command and delegation of authority. The Commander shall designate the chain of command for the Force, making use of the officers of the United Nations Command and the commanders of the national contingents made available by Participating Governments. He may delegate his authority through the chain of command. Changes in commanders of national contingents made available by Participating Governments shall be made in consultation between the Commander of the UNEF and the appropriate authorities of the Participating Government. The Commander of the UNEF may make such provisional emergency assignments as may be required. The Commander of the UNEF has full authority with respect to all assignments of members of the United Nations Command and, through the chain of command, of all members of the Force. Instructions from principal organs of the United Nations shall be channelled by the Secretary-General through the Commander and the chain of command designated by him.

13. Good order and discipline. 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.

14. Military police. The Commander shall provide for military police for any camps, establishments or other premises which are occupied by the Force in a Host State and for such areas where the Force is deployed in the performance of its functions. Elsewhere military police of the Force may be employed, in so far as such employment is necessary to maintain discipline and order among members of the Force, subject to arrangements with the authorities of the Host State concerned, and in liaison with those authorities. For the purpose of this Regulation the military police of the Force shall have the power of arrest over members of the Force. Nothing in this Regulation is in derogation of the authority of arrest conferred upon members of a national contingent vis-à-vis one another.

CHAPTER IV. GENERAL ADMINISTRATIVE, EXECUTIVE AND FINANCIAL ARRANGEMENTS

15. Authority of the Secretary-General. The Secretary-General of the United Nations shall have authority for all administrative, executive and financial matters affecting the Force and shall be responsible for the negotiation and conclusion of agreements with Governments concerning

the Force. He shall make provisions for the settlement of claims arising with respect to the Force.

16. Authority of the Commander. The Commander shall have direct authority for the operation of the Force and for arrangements for the provision of facilities, supplies and auxiliary services. In the exercise of this authority he shall act in consultation with the Secretary-General and in accordance with the administrative and financial principles contained in Regulations 17-28 following.

17. United Nations Command Headquarters. The Commander shall establish the Headquarters for the Force and such other operational centres and liaison offices as may be found necessary.

18. Finance and accounting. Financial administration of the Force shall be in accordance with the Financial Rules for the United Nations Emergency Force Special Account, such of the United Nations Financial Regulations and Rules as are not inconsistent with them, and the procedures prescribed by the Secretary-General.

19. Personnel.

(a) The Commander shall recruit from Member Governments officers for this Command. Such officers are entitled to the privileges and immunities of article VI of the Convention on the Privileges and Immunities of the United Nations. The Commander shall be entitled to the privileges, immunities and facilities of sections 19 and 27 of the Convention on the Privileges and Immunities of the United Nations.

(b) The Commander shall arrange with the Secretary-General for such detailment of staff from the United Nations Secretariat to serve with the Force as may be necessary. Staff members of the United Nations detailed by the Secretary-General to serve with the Force shall be responsible to the Commander in the performance of their functions in accordance with the terms of their assignment by the Secretary-General. They remain subject to the Staff Regulations of the United Nations and to the authority of the Secretary-General and remain entitled to the privileges and immunities of articles V and VII of the Convention on the Privileges and Immunities of the United Nations.

(c) The Commander may recruit such local personnel as he requires. The terms and conditions of employment for locally recruited personnel shall be prescribed by the Commander and shall generally, to the extent practicable, follow the practice prevailing in the locality. They shall not be subject to or entitled to the benefits of the Staff Regulations of the United Nations, but shall be entitled to the immunity in respect of official acts provided in section 18 (a) of the Convention on the Privileges and Immunities of the United Nations. Disputes concerning the terms of employment and conditions of service of locally recruited personnel shall be settled by administrative procedure to be established by the Commander.

20. Food, accommodations and amenities. The Commander shall have charge of the billeting and the provision of food for all personnel attached to the Force, and may negotiate with Governments and private suppliers for the provision of premises and food. The Commander may

establish, maintain and operate at headquarters, camps and posts, in accordance with such conditions as he may prescribe, service institutes providing amenities for members of the Force and of the United Nations Secretariat detailed by the Secretary-General to serve with the Force.

21. Transportation. The Commander shall arrange for the transportation of personnel and equipment to and from the area of operations; shall make provision for local transportation within the area; and shall co-ordinate the use of all transportation facilities.

22. Supplies. The Commander shall be responsible for the procurement, storage and issuance of supplies required by the Force.

23. Equipment. The Commander shall make such arrangements as may be necessary for obtaining equipment required by the Force, other than the standard equipment expected to accompany national contingents.

24. Communications services. The Commander shall make appropriate arrangements for the inclusion in the Force of such supporting units as may be necessary to provide for the establishment, operation and maintenance of telecommunication and postal services within the area of operations and with the United Nations offices.

25. Maintenance and other services. The Commander shall arrange for the necessary supporting units to provide maintenance repairs and other services required for the operation of the Force.

26. Medical, dental and sanitary services. The Commander shall arrange for the necessary supporting units to provide medical, dental and sanitary services for all personnel and shall make such other arrangements as may be necessary.

27. Contracts. The Commander shall enter into contracts and make commitments for the purpose of carrying out his functions under these Regulations.

28. Public information. Public information activities of the Force and relations of the Force with the Press and other information media shall be the responsibility of the Commander acting in accordance with policy defined by the Secretary-General.

CHAPTER V. RIGHTS AND DUTIES OF MEMBERS OF THE FORCE

29. Respect for local law and conduct befitting international status. It is the duty of members of the Force to respect the laws and regulations of a Host State and to refrain from any activity of a political character in a Host State or other action incompatible with the international nature of their duties. They shall conduct themselves at all times in a manner befitting their status as members of the United Nations Emergency Force.

30. United Nations legal protection. Members of the Force are entitled to the legal protection of the United Nations and shall be regarded as agents of the United Nations for the purpose of such protection.

31. Instructions. In the performance of their duties for the Force the members of the Force shall receive their instructions only from the Commander and the chain of command designated by him.

32. Discretion and non-communication of information. Members of the Force shall exercise the utmost discretion in regard to all matters relating to their duties and functions. They shall not communicate to any person any information known to them by reason of their position with the Force which has not been made public, except in the course of their duties or by authorization of the Commander. The obligations of this Regulation do not cease upon the termination of their assignment with the Force.

33. Honours and remuneration from external sources. No member of the Force may accept any honour, decoration, favour, gift or remuneration incompatible with the individual's status and functions as a member of the Force.

34. Jurisdiction.

(a) Members of the Force shall be subject to the criminal jurisdiction of their respective national States in accordance with the laws and regulations of those States. They shall not be subject to the criminal jurisdiction of the courts of the Host State. Responsibility for the exercise of criminal jurisdiction shall rest with the authorities of the State concerned, including as appropriate the commanders of the national contingents.

(b) Members of the Force shall not be subject to the civil jurisdiction of the courts of the Host State or to other legal process in any matter relating to their official duties.

(c) Members of the Force shall remain subject to the military rules and regulations of their respective national States without derogating from their responsibilities as members of the Force as defined in these Regulations and any rules made pursuant thereto.

(d) Disputes involving the Force and its members shall be settled in accordance with such procedures provided by the Secretary-General as may be required, including the establishment of a claims commission or commissions. Supplemental instructions defining the jurisdiction of such commissions or other bodies as may be established shall be issued by the Secretary-General in accordance with article 3 of these Regulations.

35. Customs duties and foreign exchange regulations. Members of the Force shall comply with such arrangements regarding customs and foreign exchange regulations as may be made between the Host State concerned and the United Nations.

36. Identity cards. The Commander, under the authority of the Secretary-General, shall provide for the issuance and use of personal identity cards certifying that the bearer is a member of the United Nations Emergency Force. Members of the Force may be required to present, but not to surrender, their identity cards upon demand of an appropriate authority of a State in which the Force operates.

37. Driving. In driving vehicles members of the Force shall exercise the utmost care at all times. Orders concerning driving of service vehicles and permits or licences for such operation shall be issued by the Commander.

38. Pay. Responsibility for pay of members of the Force shall rest with their respective national State. They shall be paid in the field in accordance with arrangements to be made between the appropriate pay officer of their respective national State and the Commander.

39. Overseas service allowance. The Secretary-General shall fix a scale for a daily overseas service allowance not to exceed one US dollar (\$1.00) a day to be paid by the United Nations in the appropriate currency to those members of the Force determined to be eligible for such allowance. Eligibility and entitlement shall be decided by the Commander in accordance with conditions prescribed in rules provided by him in accordance with article 4 of these Regulations.

40. Service incurred death, injury or illness. In the event of death, injury or illness of a member of the Force attributable to service with the Force, the respective State from whose military services the member has come will be responsible for such benefits or compensation awards as may be payable under the laws and regulations applicable to service in the armed forces of that State. The Commander shall have responsibility for arrangements concerning the body and personal property of a deceased member of the Force.

41. Dependants. Members of the Force may not be accompanied to their duty station by members of their families except where expressly authorized and in accordance with conditions prescribed by the Commander.

42. Leave. The Commander shall provide conditions for the granting of passes and leave.

43. Promotions. Promotions in rank for members of the Force remain the responsibility of the Participating Government.

CHAPTER VI. APPLICABILITY OF INTERNATIONAL CONVENTIONS

44. Observance of Conventions. The Force shall observe the principles and spirit of the general international Conventions applicable to the conduct of military personnel.