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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. Mrs. MEIR (Israel): The Government of Israel is now in a position to announce its plans for full and prompt withdrawal from the Sharm el Sheikh area and the Gaza strip, in compliance with General Assembly resolution 1124 (XI) of 2 February 1957.
2. We have repeatedly stated that Israel has no interest in the strip of land overlooking the western coast of the Gulf of Aqaba. Our sole purpose has been to ensure that, on the withdrawal of Israel forces, continued freedom of navigation will exist for Israel and international shipping in the Gulf of Aqaba and the Straits of Tiran. Such freedom of navigation is a vital national interest for Israel, but it is also of importance and legitimate concern to the maritime Powers and to many States whose economies depend upon trade and navigation between the Red Sea and the Mediterranean Sea.
3. There has recently been an increasingly wide recognition that the Gulf of Aqaba comprehends international waters, in which the right of free and innocent passage exists.
4. On 11 February 1957, the Secretary of State of the United States of America handed to the Ambassador of Israel in Washington a memorandum dealing, among other things, with the subject of the Gulf of Aqaba and the Straits of Tiran. This statement discusses the rights of nations in the Gulf of Aqaba and declares the readiness of the United States to exercise those rights on its own behalf and to join with others in securing general recognition of those rights.
5. My Government has subsequently learned with gratification that other leading maritime Powers are prepared to subscribe to the doctrine set out in the United States memorandum of 11 February and have a similar intention to exercise their rights of free and innocent passage in the Gulf and the Straits.
6. General Assembly resolution 1125 (XI) of 2 February 1957 contemplates that units of the United Nations Emergency Force will move into the area of the Straits of Tiran on Israel's withdrawal. It is gen-

erally recognized that the function of the United Nations Emergency Force in that area includes the prevention of belligerent acts.

7. In this connexion, my Government recalls the statements by the representative of the United States in the General Assembly on 28 January 1957 [645th meeting] and 2 February [650th meeting], with reference to the function of the United Nations Emergency Force units which are to move into the area of the Straits of Tiran on Israel's withdrawal. The statement of 28 January, repeated on 2 February, said:

"... It is essential that units of the United Nations Emergency Force be stationed at the Straits of Tiran in order to achieve there the separation of Egyptian and Israel land and sea forces. This separation is essential until it is clear that the non-existence of any claim to belligerent rights has established in practice the peaceful conditions which must govern navigation in waters having such an international interest." [645th meeting, para. 4.]

8. My Government has been concerned with the situation which would arise if the United Nations Emergency Force, having taken up its position in the area of the Straits of Tiran for the purpose of assuring non-belligerency, were to be withdrawn in conditions which might give rise to interference with free and innocent navigation and, therefore, to the renewal of hostilities. Such a premature cessation of the precautionary measures taken by the United Nations for the prevention of belligerent acts would prejudice important international interests and threaten peace and security. My Government has noted the assurance embodied in the Secretary-General's note of 26 February 1957 [A/3563, annex], that any proposal for the withdrawal of the United Nations Emergency Force from the Gulf of Aqaba area would first come to the Advisory Committee on the United Nations Emergency Force, which represents the General Assembly in the implementation of its resolution 997 (ES-I) of 2 November 1956. This procedure will give the General Assembly an opportunity to ensure that no precipitate changes are made which would have the effect of increasing the possibility of belligerent acts. We have reason to believe that in such a discussion many Members of the United Nations would be guided by the view expressed by Mr. Lodge, representative of the United States, on 2 February in favour of maintaining the United Nations Emergency Force in the Straits of Tiran until peaceful conditions were in practice assured.

9. In the light of these doctrines, policies and arrangements by the United Nations and the maritime Powers, my Government is confident that free and innocent passage for international and Israel shipping will continue to be fully maintained after Israel's withdrawal.

10. It remains for me now to formulate the policy of Israel both as a littoral State and as a country which

intends to exercise its full rights of free passage in the Gulf of Aqaba and through the Straits of Tiran.

11. The Government of Israel believes that the Gulf of Aqaba comprehends international waters and that no nation has the right to prevent free and innocent passage in the Gulf and through the Straits giving access thereto, in accordance with the generally accepted definition of those terms in the law of the sea.

12. In its capacity as a littoral State, Israel will gladly offer port facilities to the ships of all nations and all flags exercising free passage in the Gulf of Aqaba. We have received with gratification the assurances of leading maritime Powers that they foresee a normal and regular flow of traffic of all cargoes in the Gulf of Aqaba. Israel will do nothing to impede free and innocent passage by ships of Arab countries bound to Arab ports or to any other destination. Israel is resolved on behalf of vessels of Israel registry to exercise the right of free and innocent passage and is prepared to join with others to secure universal respect of this right. Israel will protect ships of its own flag exercising the right of free and innocent passage on the high seas and in international waters.

13. Interference, by armed force, with ships of Israel flag exercising free and innocent passage in the Gulf of Aqaba and through the Straits of Tiran, will be regarded by Israel as an attack entitling it to exercise its inherent right of self-defence under Article 51 of the United Nations Charter and to take all such measures as are necessary to ensure the free and innocent passage of its ships in the Gulf and in the Straits.

14. We make this announcement in accordance with the accepted principles of international law under which all States have an inherent right to use their forces to protect their ships and their rights against interference by armed force. My Government naturally hopes that this contingency will not occur.

15. In a public address on 20 February 1957, President Eisenhower stated: "We should not assume that, if Israel withdraws, Egypt will prevent Israel shipping from using the Suez Canal or the Gulf of Aqaba." This declaration has weighed heavily with my Government in determining its action today.

16. Israel is now prepared to withdraw its forces from the regions of the Gulf of Aqaba and the Straits of Tiran in the confidence that there will be continued freedom of navigation for international and Israel shipping in the Gulf of Aqaba and through the Straits of Tiran.

17. We propose that a meeting be held immediately between the Chief of Staff of the Israel Defence Army and the Commander of the United Nations Emergency Force in order to arrange for the United Nations to take over its responsibilities in the Sharm el Sheikh area.

18. The Government of Israel announces that it is making a complete withdrawal from the Gaza strip in accordance with General Assembly resolution 1124 (XI). It makes this announcement on the following assumptions:

(a) That on its withdrawal the United Nations forces will be deployed in Gaza and that the take-over of Gaza from the military and civilian control of Israel will be exclusively by the United Nations Emergency Force.

(b) It is, further, Israel's expectation that the United Nations will be the agency to be utilized for carrying out the functions enumerated by the Secretary-General, namely:

"... safeguarding life and property in the area by providing efficient and effective police protection; as will guarantee good civilian administration; as will assure maximum assistance to the United Nations refugee programme; and as will protect and foster the economic development of the territory and its people." [659th meeting, para. 29.]

(c) It is, further, Israel's expectation that the aforementioned responsibility of the United Nations in the administration of Gaza will be maintained for a transitory period from the take-over until there is a peace settlement, to be sought as rapidly as possible, or a definitive agreement on the future of the Gaza strip.

19. It is the position of Israel that, if conditions are created in the Gaza strip which indicate a return to the conditions of deterioration which existed previously, Israel would reserve its freedom to act to defend its rights.

20. Accordingly, we propose that a meeting be held immediately between the Chief of Staff of the Israel Defence Army and the Commander of the United Nations Emergency Force in order to arrange for the United Nations to take over its responsibilities in the Gaza area.

21. For many weeks, amidst great difficulty, my Government has sought to ensure that on the withdrawal from the Sharm el Sheikh and the Gaza areas, circumstances would prevail which would prevent the likelihood of belligerent acts. We record with gratitude the sympathetic efforts of many Governments and delegations to help bring about a situation which would end the insecurity prevailing for Israel and its neighbours these many years. In addition to the considerations to which I have referred, we place our trust in the vigilant resolve of the international community that Israel should, equally with all Member States, enjoy its basic rights of freedom from fear of attack, freedom to sail the high seas and international waterways in peace, freedom to pursue its national destiny in tranquillity without the constant peril which has surrounded it in recent years. In this reliance we are embarking upon the course which I have announced today.

22. May I now add these few words to the States in the Middle East area and, more specifically, to the neighbours of Israel. We all come from an area which is a very ancient one. The hills and the valleys of the region have been witnesses to many wars and many conflicts. But that is not the only thing which characterizes that part of the world from which we come. It is also a part of the world which is of an ancient culture. It is that part of the world which has given to humanity three great religions. It is also that part of the world which has given a code of ethics to all humanity. In our countries, in the entire region, all our peoples are anxious for and in need of a higher standard of living, of great programmes of development and progress.

23. Can we, from now on—all of us—turn a new leaf and, instead of fighting with each other, can we all, united, fight poverty and disease and illiteracy? Is it possible for us to put all our efforts and all our energy into one single purpose, the betterment and progress and development of all our lands and all our peoples?

24. I can here pledge the Government and the people of Israel to do their part in this united effort. There is no limit to what we are prepared to contribute so that all of us, together, can live to see a day of happiness for our peoples and see again from that region a great contribution to peace and happiness for all humanity.

25. Mr. LODGE (United States of America): During the long weeks in which the General Assembly has been occupied with the grave situation in the Near East, the United States has sought a solution which would be based on justice and which would take account of the legitimate interests of all the parties. The United States position was manifested from the very beginning in its draft resolution before the Security Council [S/3710], which called upon Israel to withdraw and which called for the withholding of assistance to Israel if it did not withdraw. The United States views in this respect have been steadfast. They were most recently and most authoritatively set forth by President Eisenhower in his public address of 20 February 1957. In this endeavour we have recognized that it is incompatible with the principles of the Charter and with the obligations of membership in the United Nations for any Member to seek political gains through the use of force or to use as a bargaining point a gain achieved by means of force.

26. It now appears that the General Assembly's efforts to restore peaceful conditions in the area following the hostilities of four months ago are about to come to fruition. In its most recent efforts to find a solution, the Assembly, on 2 February, adopted two resolutions. The first of these [resolution 1124 (XI)] reiterated the earlier calls for Israel's withdrawal behind the armistice demarcation line. The second [resolution 1125 (XI)] requested the Secretary-General, once that withdrawal is completed, to carry out the measures proposed in his report of 24 January [A/3512]. The implementation of these measures would constitute solid progress toward lasting conditions of peace in the area, and the United States considers that all these measures, as approved by the General Assembly, should be put into effect without delay.

27. Now Israel announces that it is making a full and prompt withdrawal behind the armistice line in accordance with resolution 1124 (XI). The United States welcomes this announcement. The United States understands this declaration to mean that withdrawal will be immediate.

28. The United States also takes note of the declarations made in the statement of the representative of Israel. We do not consider that these declarations make Israel's withdrawal "conditional". For the most part the declarations constitute, as we understand it, restatements of what has already been said by the Assembly or by the Secretary-General in his reports, or hopes and expectations which seem to us not unreasonable in the light of the prior actions of the Assembly.

29. Regarding the United Nations measures contemplated for the Gaza strip, the United States has taken note of the statement by the Secretary-General on 22 February. He stated then:

"... it is the desire of the Government of Egypt that the take-over of Gaza from the military and civilian control of Israel—which, as has been the case, in the first instance would be exclusively by the United Nations Emergency Force—will be orderly and safe, as it has been elsewhere.

"It may be added with equal confidence that the Government of Egypt, recognizing the present special problems and complexities of the Gaza area and of the long-standing major responsibility of the United Nations there for the assistance of the Arab refugees, and having in mind also the objectives and obligations of the Armistice Agreement, has the willingness and readiness to make special and helpful arrange-

ments with the United Nations and some of its auxiliary bodies, such as the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the United Nations Emergency Force. For example, the arrangement for the use of the United Nations Emergency Force in the area should ensure its deployment on the armistice line at the Gaza strip and the effective interposition of the Force between the armed forces of Egypt and Israel.

"Similarly, the assistance of the United Nations and its appropriate auxiliary bodies would be enrolled toward putting a definite end to all incursions and raids across the border from either side.

"Furthermore, with reference to the period of transition, such other arrangements with the United Nations may be made as will contribute toward safeguarding life and property in the area by providing efficient and effective police protection; as will guarantee good civilian administration; as will assure maximum assistance to the United Nations refugee programme; and as will protect and foster the economic development of the territory and its people." [659th meeting, paras. 26-29.]

30. It is the view of the United States that, from a juridical standpoint the future of the Gaza strip must, as the Secretary-General has said, be worked out within the framework of the General Armistice Agreement, between Egypt and Israel of 24 February 1949 [S/1264/Rev.1].

31. Obviously these matters are not for the United States alone to decide, but the United States can, I think, properly entertain the hope that such a useful role for the United Nations and its appropriate subsidiary bodies as the Secretary-General has described could usefully continue until there is a definitive settlement respecting the Gaza strip or some final general agreement between the parties.

32. With respect to the situation in the area along the Gulf of Aqaba and the Straits of Tiran, I stated on 28 January, and again on 2 February, that:

"... it is essential that units of the United Nations Emergency Force be stationed at the Straits of Tiran in order to achieve there the separation of Egyptian and Israel land and sea forces. This separation is essential until it is clear that the non-exercise of any claim to belligerent rights has established in practice the peaceful conditions which must govern navigation in waters having such an international interest. All of this, of course, would be without prejudice to any ultimate determination which might be made of any legal questions concerning the Gulf of Aqaba." [645th meeting, para. 4.]

33. It is appropriate at this time to recall the position of the United States on navigation through the Straits of Tiran and the Gulf of Aqaba. In a memorandum of 11 February 1957, made public 17 February, the United States Government stated:

"The United States believes that the Gulf comprehends international waters and that no nation has the right to prevent free and innocent passage in the Gulf and through the Straits giving access thereto. We have in mind not only commercial usage, but the passage of pilgrims on religious missions, which should be fully respected.

"The United States recalls that, on 28 January 1950, the Egyptian Ministry of Foreign Affairs informed the United States that the Egyptian occupation of the two islands of Tiran and Sinafir at the

entrance of the Gulf of Aqaba was only to protect the islands themselves against possible damage or violation and that 'this occupation being in no way conceived in a spirit of obstructing in any way innocent passage through the stretch of water separating these two islands from the Egyptian coast of Sinai, it follows that this passage, the only practicable one, will remain free as in the past, in conformity with international practices and recognized principles of the law of nations.'

"In the absence of some over-riding decision to the contrary, as by the International Court of Justice, the United States, on behalf of vessels of United States registry, is prepared to exercise the right of free and innocent passage and to join with others to secure general recognition of this right."

These views are to be understood in the sense of the relevant portions on the law of the sea of the report of the International Law Commission covering the work of its eighth session, from 23 April to 4 July 1956 [A/3159].

34. In connexion with the duration of the deployment of the United Nations Emergency Force in this area, the question has been raised whether the Secretary-General would give notice to the General Assembly before the Force would be withdrawn. We have noted the Secretary-General's statement in his note of 26 February:

"An indicated procedure would be for the Secretary-General to inform the Advisory Committee on the United Nations Emergency Force, which would determine whether the matter should be brought to the attention of the Assembly." [A/3563, annex.] "

35. I should like to emphasize at this time the vital necessity for full and strict compliance by Israel and Egypt with their international obligations, including the Armistice Agreement. Governed by their obligations under the Charter, Israel and Egypt should base their relations on full observance of the armistice. The General Assembly, in its various resolutions dealing with the present problem, has recognized this necessity. Indeed, the Assembly in its first resolution on this question, resolution 997 (ES-I) of 2 November 1956, noted that disregard on many occasions of the terms of the Armistice Agreement by the parties thereto was a forerunner of the hostilities which broke out in late October.

36. Once Israel has completed its withdrawal in accordance with the resolutions of the General Assembly, and in view of the measures taken by the United Nations to deal with the situation, there is no basis for either party to the Armistice Agreement to assert or exercise any belligerent rights.

37. The United States has from the beginning made clear its belief that after the withdrawal of British, French and Israel forces, there should be established conditions different from those which had previously prevailed. As the Secretary of State, Mr. Dulles, stated before the Assembly on 1 November 1956:

"There needs to be something better than the uneasy armistices which have existed now for these eight years between Israel and its Arab neighbours." [561st meeting, para. 155.]

38. The United States would like to see as rapidly as is practical a definitive settlement of the Palestine problem—such a peace as is contemplated by the Armistice Agreements. Realistically we must accept the fact that this cannot be attained at present. Therefore, one of our

tasks is to create peaceful conditions and tranquillity through the prevention of aggression. We believe that, even if formal peace with definitive settlements may not now be obtained, we should vigorously seek to bring about the conditions of security and tranquillity which may, as rapidly as possible hereafter, make a peace settlement practicable, and that in the meantime there should be strict compliance by both Israel and Egypt with their international obligations.

39. If, following the Israel withdrawal, there should be any recurrence of hostilities or any violation by either party of its international obligations, including those of the Armistice Agreement, then this would create a situation for United Nations consideration. The United States would consult with other Members of the United Nations to consider appropriate action which they or the United Nations might take, with the object of restoring peace and harmonious relations in conformity with the principles of justice and international law.

40. In these difficult matters, the United Nations has a basic obligation set out in our Charter to suppress acts of aggression or other breaches of the peace and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace. We also recall that Article 2 of the Charter provides that all Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the Charter, and that among such obligations is that of settling their international disputes by peaceful means and refraining from the use of force against the territorial integrity of any State.

41. We have reached a turning point in the long efforts of the United Nations to bring order and stability to this troubled area in the Near East. We have just heard Israel's announcement that it will respond to the call of the General Assembly for withdrawal. It is now incumbent upon all Members of the United Nations, and particularly those directly concerned, to give their full co-operation in carrying out the measures proposed by the Secretary-General in his report of 24 January [A/3512] and endorsed by the General Assembly in resolution 1125 (XI) of 2 February 1957.

42. Let me also say that Egypt, during these trying weeks, has acted with commendable forbearance on the issues with which we are confronted today. We are confident that Egypt will continue to act in this spirit.

43. The United States also expresses its deep appreciation for the untiring efforts of the Secretary-General and his immediate associates to achieve the objectives of the General Assembly resolutions. This Organization is fortunate in having at its helm a statesman and diplomat whose great energies and intellect have been devoted to peace through long days and, I might say, nights. There are even more formidable tasks ahead for Mr. Hammarskjöld. We are confident that his wisdom and patience will help us in the future.

44. With good will and a determination to serve the purposes set forth by the Charter, we can, I believe, make significant progress towards a more settled, prosperous and happy world.

45. Mr. DE LEQUERICA (Spain) (*translated from Spanish*): My delegation merely wishes very briefly to take note of the announcement by the Israel delegation of its country's intention to withdraw promptly and completely from the Sharm el Sheikh area and the Gaza

strip in compliance with the resolution 1124 (XI) of 2 February 1957. That is the main, and to some extent, the only substance in the important and very praiseworthy speech of the Israel delegation. In compliance with our decisions, the Israel forces are withdrawing from the occupied areas. That is enough to allay our anxiety and satisfy the honour of the United Nations. The fact that later in the Israel statement various considerations were mentioned, hopes expressed, and legal points discussed in connexion with the by no means simple problems we are examining is not at all strange and should not surprise us; nor does it alter the essential and self-contained character of the first Israel statement.

46. Considerations bearing on the future also entered into the eloquent statement of the United States representative. And that is normal; other representatives have also done so. We had also intended to intervene in the debate to express a point of view based on the Spanish juridical tradition regarding freedom of the seas and the right of innocent passage as well as other points raised here. But discussion of these matters would, we feel, obscure and reduce the significance of the Israel statement at this solemn moment. I repeat: our essential purpose has been achieved.

47. In protecting the independence of one nation, the United Nations has been protecting the independence of all. The great Powers set an example for which we commend them, by obeying our instructions and withdrawing their forces in compliance with United Nations decisions. Today Israel—it is only fair to emphasize this point—is also setting an excellent example which we should all duly commend. I do not believe it has lost anything.

48. Nor do I believe it has lost anything in so far as the settlement of subsequent problems is concerned. However independent and drastic this decision may be, it is not the end of the world. There will be other debates and discussions among nations, and other interventions by the United Nations, as already foreseen in the excellent analysis contained in the Secretary-General's report. All that will come and will take its course, but, as the saying goes: "To each day its task", and today the task was the announcement of Israel's withdrawal. We congratulate Israel upon it. At the end of her speech, the Israel representative uttered some eloquent and moving words upon which I think all the peoples concerned and all the countries represented in the United Nations would do well to reflect.

49. Mr. BIOY (Argentina) (*translated from Spanish*): The Argentine delegation has listened to the statement made by Israel before the General Assembly. We cannot refrain from expressing our satisfaction. A serious threat to world peace seems about to be dispelled because Israel has adopted an attitude in harmony with the guiding principles of the United Nations. We feel that reason has triumphed over emotion. Israel has unequivocally stated its intention to effect a complete withdrawal of its troops behind the armistice line. It has not laid down any conditions with respect to freedom of navigation in an area which it considers vital to its national existence and of general importance to all countries, to all countries engaged in shipping or whose nationals and commodities must move through those seas.

50. In withdrawing its troops, Israel is expressing confidence that such freedom of navigation will be ensured. It is thus responding to the appeal of the United Nations. All the Members of this world community

should co-operate fully in this matter, in particular those directly concerned.

51. Mr. SERRANO (Philippines): According to the announcement made by the representative of Israel at this meeting, Israel has declared its willingness to make a complete and prompt withdrawal of its forces from the Sharm el Sheikh area in compliance with resolution 1124 (XI) of 2 February 1957. From a careful study of the statement of the representatives of Israel we understand that this withdrawal of forces was influenced largely by the formal declaration of the Government of the United States on 11 February 1957 to the effect that the United States believes that the Gulf of Aqaba constitutes international waters and that no nation has the right to prevent free and innocent passage in the Gulf through the straits giving access thereto; which declaration, in the opinion of the Israel representative, appears to be shared by a number of maritime Powers and is, in fact gaining increased recognition.

52. Israel also holds the belief that, after the withdrawal of its forces, the United Nations Emergency Force will take over under resolution 1125 (XI), adopted by the General Assembly on 2 February 1957, and that then the Force will include among its functions the prevention of belligerent acts by both parties. It also holds the belief that, pursuant to the Secretary-General's note of 26 February 1957 [A/3563], the Advisory Committee would be notified before any withdrawal of the Force from the area is contemplated. After announcing its own assurance and its willingness to perform its obligations as a littoral State, to ensure free and innocent passage in the Gulf, it reserves unto itself expressly the right to act in self-defence under Article 51 of the Charter in the event of interference by armed force with any of its vessels.

53. In connexion with the Gaza area, Israel also announced formally this afternoon its willingness to make a complete and prompt withdrawal from the area, on the following assumptions: first, that the United Nations Emergency Force will take over exclusively both military and civil control in the area; secondly, that it expects that the Force will carry out the functions which had been stated by the Secretary-General at the meeting of 22 February 1957 [659th meeting], that is, with respect to the need for police protection of both life and property in the area, the care of the Palestine refugees, and some system of civil administration for the purposes of ensuring peace and order in the area. It also, however, made it clear that in any event it reserves its right to act in self-defence if conditions in the area would deteriorate to the *status quo ante*.

54. In the light of this announcement by Israel and in the light of the declarations made accompanying the announcement, it is the view of my delegation that such declarations accompanying its announcement of withdrawal do not constitute and are not intended to constitute conditions for such withdrawal. We also hold the view that the announced withdrawal of its forces in two areas is intended to be in full compliance with the basic General Assembly resolutions and is in fact in the context of the measures suggested by the Secretary-General in the various reports to the Assembly, which have been noted and approved by the Assembly.

55. We also hold the view that the formal declaration by the United States on 11 February, 1957, as amplified by President Eisenhower in his public address on 20 February, does not constitute a derogation either

from the basic Assembly resolutions or from any of the reports of the Secretary-General which have been noted and approved by this body. To the extent that such declaration appears to be predicated upon recognized principles of international law, its force and effect would naturally depend upon the good faith of the members of the international community.

56. In view of these considerations, it is the hope of my delegation that, after the withdrawal of the Israel forces, both parties would scrupulously observe the terms of the Armistice Agreement and would help to bring about the desired climate and peaceful conditions so essential for a more permanent settlement of the Palestine problem.

57. Mr. GEORGES-PICOT (France) (*translated from French*): The French delegation has noted with satisfaction the statements of the Israel delegation.

58. The French Government considers that the Gulf of Aqaba, by reason partly of its breadth and partly of the fact that its shores belong to four different States, constitutes international waters. Consequently it believes that, in conformity with international law, freedom of navigation should be ensured in the Gulf through the straits which give access to it. In these circumstances no nation has the right to prevent the free and innocent passage of ships, whatever their nationality or type.

59. The French Government, certainly, intends to exercise its right of free navigation effectively in the Gulf of Aqaba and through the Straits of Tiran. It considers that any obstruction of its freedom of passage would be contrary to international law and would, accordingly, entail a possible resort to the measures authorized by Article 51 of the United Nations Charter.

60. It would like to take this opportunity of stating that in its view none of the States bordering on the Gulf of Aqaba is in a state of war with any other State and that consequently Israel's position appears to it to be perfectly in accord with international law.

61. Furthermore, the French Government considers that both resolution 1125 (XI), adopted by the General Assembly on 2 February 1957 and the Secretary-General's statement of 22 February [659th meeting] confer upon the United Nations Emergency Force the task, as soon as Israel's troops are withdrawn, of taking over the positions at present occupied by the latter along the Gulf of Aqaba and of remaining there until such time as a settlement agreed on between the parties or an international agreement determining navigation conditions in these free waters ensures that there will be no further risk of resort to warlike acts.

62. It believes that the United Nations should be given an opportunity of considering any proposal which would result in the withdrawal of the Force before any decision is taken.

63. The French Government has taken note of the Israel Government's decision to order the withdrawal of its forces from the Gaza strip. It understands that, in accordance with General Assembly resolutions and in particular with resolution 1125 (XI), United Nations troops will immediately replace the Israel forces, as has been the case with respect to all the other positions from which Israel has already withdrawn its forces.

64. The French Government considers, as the Secretary-General has suggested in his reports, that the United Nations Emergency Force should also take over the administrative functions at present performed by Israel authorities. It is the French Government's hope

that, in carrying out its mission, the Force will assume the responsibilities envisaged by the Secretary-General and will ensure safety of life and property in this area, principally in the performance of its duties as a police authority, guarantee good civil administration and co-operate actively in the implementation of United Nations programmes for refugees and create conditions favourable to the territory's economic development and the raising of the standard of living of its population.

65. The French Government is convinced that the Force ought to continue to discharge these responsibilities until a final settlement has been reached on the status of the Gaza territory or until a peace settlement has been negotiated between Israel and Egypt. It hopes that everything will be done to secure a general peaceful settlement within the shortest possible time.

66. Finally, it considers that any attempts to hinder the attainment of these objectives ought to be brought forthwith to the attention of the United Nations. The French Government, for its part, will at once co-operate with the other Powers concerned in the preservation of peace in the Middle East with a view to seeking, through the United Nations or outside it, some way of restoring a peaceful situation so that a settlement may be reached in conformity with the principles of justice and international law.

67. For all these reasons, the French Government, after hearing the statement made by the Israel delegation, considers that the interpretations contained in it and the hopes it expresses are in keeping with the various resolutions on the Aqaba and Gaza problems. They therefore seem to it to be legitimate and acceptable.

68. Mr. CANAS (Costa Rica) (*translated from Spanish*): At the 600th meeting, in the course of the general debate, my delegation expressed the view that this question was no more than the final act of a drama which had been, if not on the General Assembly's agenda, at least in the minds of all representatives for years. We said at the time that it would be a mistake for the Assembly to act as if this represented the whole drama and not just one scene, a scene we hoped would be the last. We added that the concern of this Assembly should be to devise solutions and formulas which will guarantee—I use the term "guarantee" somewhat reluctantly, for in recent weeks it has acquired the connotations of a bad word—peace in that area of the Near East which has suffered so long from the scourge of war. We started from the assumption that a war, a situation of belligerency, is by definition bilateral; that there cannot be a unilateral war or a unilateral belligerency and that, therefore, the Assembly could not deal properly with the very unhappy events of October 1956 unless it kept before it the whole picture of the situation.

69. The new situation confronting us today seems to Costa Rica to be a good omen for the eventual solution of the problems outstanding. My delegation, which could not agree with the arguments put forward by Israel for not evacuating the areas it occupied, but which understood them, welcomes the statement just made by the Minister for Foreign Affairs of Israel.

70. This meeting may mark the beginning of a new era of calm and peace in the Near East, and an important contribution to that calm is Israel's statement, to which I referred, to the effect that it will withdraw its forces from the areas of Gaza and the Gulf of Aqaba and the Straits of Tiran in compliance with resolutions 1124 (XI) and 1125 (XI) and in accordance with the terms, stipulations and other provisions of that decision. Thus we see that the clouds are beginning to clear.

71. My delegation particularly wishes to express its appreciation to the Government officials and members of delegations who worked with unremitting patience, never losing hope, with faith in the United Nations and in the understanding of the Governments directly concerned, to pave the way for this solution, which seems to be almost at hand.

72. My delegation also wishes to support the statement made here today by the representatives of the United States and France on freedom of navigation and other legal points which were discussed in the Assembly. Those statements are in harmony with the principles of international coexistence in which my country believes and which, in our opinion, are reflected in all the Articles of the United Nations Charter.

73. Mr. LALL (India): The General Assembly in meeting today has, as its immediate background and as its self-adopted terms of reference, a large number of resolutions calling for the complete and unconditional withdrawal of Israel, as indeed was the course which this same Assembly adopted in respect of France and the United Kingdom. Never has there been any serious challenge to the Assembly's explicit view that the withdrawal of the invaders has to be and must be unconditional. The delegation of India stands by these resolutions of the General Assembly, and our full position in this matter was expressed earlier today by Mr. Krishna Menon [665th meeting]. However, the statements made today will require serious study, and we reserve our right to express our views on them at the next meeting of the Assembly and in the light of the implementation, the unconditional implementation, which we hope to see by then of resolution 1124 (XI).

74. Mr. URQUIA (El Salvador) (*translated from Spanish*): My delegation wishes to join with those delegations which expressed their pleasure at the statement made this afternoon by Mrs. Meir, Minister for Foreign Affairs of Israel, to the effect that Israel will immediately withdraw its forces from the Sharm el Sheikh area and from the Gaza strip in compliance with the resolutions adopted by the Assembly.

75. I should like to take this opportunity to refer briefly to some of the passages in the speech of the Israel representative:

"4. On 11 February 1957, the Secretary of State of the United States of America handed to the Ambassador of Israel in Washington a memorandum dealing, among other things, with the subject of the Gulf of Aqaba and the Straits of Tiran. This statement discusses the rights of nations in the Gulf of Aqaba and declares the readiness of the United States to exercise those rights on its own behalf and to join with others in securing general recognition of those rights.

"5. My Government has subsequently learned with gratification that other leading maritime Powers are prepared to subscribe to the doctrine set out in the United States memorandum of 11 February and have a similar intention to exercise their rights of free and innocent passage in the Gulf and the Straits."

76. Not so much in connexion with the specific case of the Gulf of Aqaba, but because of the implications of the ideas expressed by the Israel representative and of the United States doctrine she quoted, I should like to raise a point relating to the case of the Gulf of Fonseca. In the interests of brevity, I shall confine myself to recalling what I said as representative of El Salvador at the Third Meeting of the Inter-American

Council of Jurists held at Mexico City in January and February 1956, when the question of the territorial sea was under discussion. In suggesting the inclusion of a certain paragraph in a resolution which was subsequently adopted by the Council, I said:

"In our view, according to the Salvadorean Constitution, not only is the Gulf or Bay of Fonseca an historical bay subject to a special régime, but we wish to recall the position vigorously maintained by the Salvadorean Government in the first quarter of this century with regard to the afore-mentioned Gulf of Fonseca. According to that view, which led to a voluminous diplomatic exchange of letters and was even raised in the Central American Court of Justice and recognized by that high international court, the first of its kind in the world, the Gulf or Bay of Fonseca belongs to the category of bays known in international law as historical bays, and is therefore subject to the exclusive sovereignty of the coastal State or States, regardless of the distance or length to which it penetrates inland or its width at the mouth, provided that, as is the case for the Gulf of Fonseca, the coastal States have asserted and assert their sovereignty for reasons based on their geographical situation, their use of the Gulf for centuries, and above all, their self-defence."

77. The position of the Salvadorean Government was widely acclaimed and became known as the "Meléndez doctrine", because the President of the Republic, Don Carlos Meléndez, sent two messages to the National Legislative Congress on the subject.

78. The names of two other distinguished Salvadorean internationalists of honoured memory are also associated with the doctrine: Dr. Salvador Rodríguez González and Dr. Francisco Martínez Suárez, both of whom served at various times as Minister for Foreign Affairs.

79. In short, the doctrine provides that when an arm of the sea occupies the space between two or more countries, the area of the waters *inter fauces terræ* is necessarily within the joint jurisdiction of the coastal States. Dr. Rodríguez González made the following comment on the doctrine, and I should like to end my brief remarks by quoting it:

"In the diplomatic negotiations with the United States and Nicaragua on the naval base in question, the Republic of El Salvador, in stating that the juridical position of the Gulf of Fonseca is that of a condominium or co-sovereignty of the three coastal States, El Salvador, Honduras and Nicaragua, over the waters which they enclose *inter fauces terræ* was actually recognizing a new canon of inter-American public law, heretofore ignored, which emerges as a logical consequence of the application of the principles of international law to the geographical situation created by nature in the Bay of Fonseca."

80. As a kind of reservation with respect to what has been said here regarding the case of the Gulf of Aqaba and the Straits of Tiran, my delegation wishes to make this point.

81. Mr. ILLUECA (Panama) (*translated from Spanish*): Panama, as a young and small nation, wishes to express its deep satisfaction at the results achieved and, in particular, the statements made by the delegation of Israel.

82. We feel that by such actions the small nations reaffirm their faith in the United Nations and in the progressive and healthy development of international

law. Why? Because true support can be found only in law and not in force; in justice, and not in the concomitants of oppression or tyranny.

83. Israel's statement that it is withdrawing from the territory occupied by its forces to the line fixed by the Armistice Agreement indicates full compliance with the rules of international law and with the principles of the United Nations Charter. It also means that the United Nations and the neighbouring States must assume certain obligations.

84. Thus, we think that in future, with this atmosphere of conciliation and peaceful settlement of disputes, we may make some progress towards settlements that are appropriate, fair and advantageous for the countries concerned. We are sure that all Member States will want to co-operate towards that end.

85. I take this opportunity to reiterate the hope and desire of the Republic of Panama that the principles embodied in the Declaration by the Presidents of the American Republics, signed at Panama City on 22 July 1956, will be enforced throughout the world. On that occasion, the Presidents of the American Republics stated that they would defend the principle that the State exists to serve the individual and not to tyrannize him, expressed the hope that mankind would reach higher levels of spiritual and material development, and affirmed their belief that all nations can live in peace and dignity.

86. In conclusion, I should like to express our admiration for and our approval of the statesmen who have made it possible to achieve these very promising results and, more particularly, our gratitude to the Secretary-General of the United Nations, Mr. Hammarskjöld, for his untiring efforts, to President Eisenhower for his worthy initiatives in the cause of peace, and to the

Israel, Egyptian, Arab and other statesmen who made possible the implementation of the decisions of the United Nations. This will dispel a number of doubts about the United Nations, and pave the way for a new era of peace, hope and faith for mankind.

87. Mr. FAWZI (Egypt): The Assembly has heard the statement made by the representative of Israel and the other statements made relating to Israel's withdrawal. We take it that the Assembly is unanimous in expecting full and honest implementation of its resolutions calling for immediate and unconditional withdrawal by Israel. This position, which is the only position the Assembly could possibly take, remains intact and entire. Nothing said by anyone here or elsewhere could shake this fact or detract from its reality and its validity, nor could it affect the fullness and lawfulness of Egypt's rights and those of the Arab people of the Gaza strip.

88. The SECRETARY-GENERAL: I should like to inform the General Assembly of the following. Noting the plans of the Government of Israel, as announced today, for full and prompt withdrawal from the Sharm el Sheikh area and the Gaza strip in compliance with resolution 1124 (XI) of 2 February 1957, and noting further that the Government of Israel proposes that a meeting be held immediately between the Chief of Staff of Israel's Defence Army and the Commander of the United Nations Emergency Force in order to arrange for the United Nations to take over its responsibilities in the Sharm el Sheikh and Gaza areas, I have this afternoon instructed the Commander of the United Nations Emergency Force, as a matter of the utmost urgency, to arrange for a meeting with the Israel Chief of Staff tomorrow, 2 March, if at all possible, or, if not, as soon as possible thereafter.

The meeting rose at 4.35 p.m.