

LETTER DATED 25 OCTOBER 1956 FROM THE REPRESENTATIVE OF FRANCE TO THE SECRETARY-GENERAL WITH COMPLAINT CONCERNING: MILITARY ASSISTANCE RENDERED BY THE EGYPTIAN GOVERNMENT TO THE REBELS IN ALGERIA

INITIAL PROCEEDINGS

By letter¹⁵⁹ dated 25 October 1956 addressed to the Secretary-General, the representative of France requested that the following item be placed on the agenda of a forthcoming meeting of the Security Council: "Military assistance rendered by the Egyptian Government to the rebels in Algeria". In an accompanying memorandum it was stated that on 16 October 1956 a vessel bearing the name *Saint-Briavel*, but previously named *Athos*, flying no flag, had been examined by a French warship. It had been discovered that the *Athos* had no shipping papers and was loaded with arms and ammunition. According to statements of six clandestine passengers abroad, the ship had been loaded in a "prohibited area" in Alexandria on the night of 3-4 October, 159 Egyptian military personnel in uniform taking part in the loading operations. The arms were to have been delivered to the chief of the *maquis* of Turenne. It had been also discovered that the owner of the *Athos* had worked in Egyptian intelligence services, had been in charge of arms shipments to the Algerian *maquis* and kept in continuous contact with the Egyptian military authorities. These facts provided irrefutable evidence of the direct responsibility of Egypt in the rebellion in Algeria and of its attack on French sovereignty in flagrant violation of the fundamental rules of international law.

At the 747th meeting on 29 October 1956, the Security Council decided, without a vote, to include the item in the agenda.¹⁶⁰

The President (France) stated that all members of the Council would agree that the representative of Egypt should be invited to take part in the debate. He therefore thought it advisable to adjourn the meeting in order to give him time to make his preparations.¹⁶¹

The Council has not considered the matter since that time.¹⁶²

LETTER DATED 30 OCTOBER 1956 FROM THE REPRESENTATIVE OF EGYPT ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

INITIAL PROCEEDINGS

By letter¹⁶³ dated 30 October 1956, the representative of Egypt transmitted to the President of the Security Council a letter from the Minister for Foreign Affairs of Egypt in which it was stated that the Egyptian

Ambassador in London had been handed a note by the Government of the United Kingdom containing an ultimatum to the Government of Egypt to: (a) stop all warlike actions by land, sea and air; (b) withdraw all Egyptian military forces ten miles from the Suez Canal; and (c) accept occupation by British and French forces of key positions at Port Said, Ismailia and Suez. Failing an answer by 6.30 a.m. Cairo time on 31 October, the Governments of France and the United Kingdom would intervene in whatever strength they might deem necessary to secure compliance. The Governments of the United Kingdom and France were taking as a pretext for their actions the current fighting within Egyptian territory between the attacking armed forces from Israel and the defending forces of Egypt. It was stated further that this threat of force by the United Kingdom and French Governments and the imminent danger of United Kingdom and French armed forces occupying Egyptian territory within a few hours, in flagrant violation of the rights of Egypt and of the Charter of the United Nations, impelled the Government of Egypt to request that the Security Council be convened immediately to consider this act of aggression by the United Kingdom and France. Until the Council had taken the necessary measures, Egypt had no choice but to defend itself and safeguard its rights against such aggression.

At the 750th meeting on 30 October 1956, the provisional agenda included the following items: "Letter dated 29 October 1956 from the representative of the United States of America, addressed to the President of the Security Council, concerning: 'The Palestine question: steps for the immediate cessation of military action of Israel in Egypt'; Letter dated 30 October 1956 from the representative of Egypt addressed to the President of the Security Council."¹⁶⁴

The Security Council decided to include the letter from the representative of Egypt as the second item in the agenda of that meeting.¹⁶⁵

After the Security Council had completed the consideration of the first item,¹⁶⁶ it began the consideration of the item submitted by the Government of Egypt.

The Council considered the question at the 750th and 751st meeting on 30 and 31 October 1956. The representative of Egypt was invited to take part in the discussion.¹⁶⁷

Decision of 31 October 1956 (751st meeting): To call an emergency special session of the General Assembly

At the 751st meeting on 31 October 1956, the Secretary-General made a statement of his views on the duties of the Secretary-General in the instant case.¹⁶⁸

¹⁵⁹ S/3689, O.R., 11th year, Suppl. for Oct.-Dec. 1956, pp. 98-100.

¹⁶⁰ 747th meeting: para. 9.

¹⁶¹ 747th meeting: para. 11; See chapter III, part I, Case 14.

¹⁶² On 4 February 1957, the representative of France addressed a further communication to the President of the Security Council (S/3783, O.R., 12th year, Suppl. for Jan.-Mar. 1957, pp. 5-7) concerning this matter.

¹⁶³ S. 3712, O.R., 11th year, Suppl. for Oct.-Dec. 1956, p. 111.

¹⁶⁴ 750th meeting: preceding para. 1.

¹⁶⁵ 750th meeting: para. 9. For the adoption of the agenda, see chapter II, Case 8.

¹⁶⁶ See above, chapter VIII, "The Palestine question", p. 93.

¹⁶⁷ 750th meeting: preceding para. 11; 751st meeting: preceding para. 1.

¹⁶⁸ 751st meeting: paras. 1-5. For the statement of the Secretary-General, see chapter I, part IV, Case 12.

At the same meeting, the representative of Yugoslavia submitted a draft resolution¹⁶⁹ according to which the Security Council would decide to call an emergency special session of the General Assembly, as provided in General Assembly resolution 377 A (V) of 3 November 1950, in order to make appropriate recommendations.

The representative of the United Kingdom contended that the Yugoslav draft resolution was not in order and asked for a vote on his contention.¹⁷⁰

The motion was rejected by 6 votes in favour and 1 against, with 1 abstention.¹⁷¹

At the same meeting, the draft resolution submitted by the representative of Yugoslavia was adopted by 7 votes in favour and 2 against, with 2 abstentions.¹⁷²

The resolution¹⁷³ read:

"The Security Council,

"Considering that a grave situation has been created by action undertaken against Egypt,

"Taking into account that the lack of unanimity of its permanent members at the 749th and 750th meetings of the Security Council has prevented it from exercising its primary responsibility for the maintenance of international peace and security,

"Decides to call an emergency special session of the General Assembly, as provided in General Assembly resolution 377 A (V) of 3 November 1950, in order to make appropriate recommendations."

The representative of the United Kingdom and the President, as the representative of France, reserved the positions of their Governments concerning the legality of the resolution.¹⁷⁴

The question remained on the list of matters of which the Security Council is seized.

THE INDIA-PAKISTAN QUESTION

By letter¹⁷⁵ dated 2 January 1957 to the President of the Security Council, the Minister for Foreign Affairs of Pakistan stated that India had refused, on one pretext or another, to honour the international commitments which it had accepted under the resolutions of the United Nations Commission for India and Pakistan dated 13 August 1958 and 5 January 1949. The statements of the Prime Minister of India and the steps taken by the so-called Constituent Assembly of Jammu and Kashmir in collusion with the Government of India in

regard to the disposition of the State of Jammu and Kashmir had further forced Pakistan to the conclusion that continuance of direct negotiations between the two Governments held no prospect of settling the dispute, and had created an explosive situation which constituted a serious threat to peace in the area. It was most essential that early action should be taken to implement the two resolutions of the United Nations Commission for India and Pakistan which constituted an international agreement between India and Pakistan that the question of the accession of the State of Jammu and Kashmir to India or Pakistan would be decided by means of a free and impartial plebiscite under United Nations auspices. The Minister for Foreign Affairs of Pakistan therefore requested the President of the Security Council to call an early meeting of the Security Council.

The question was considered by the Security Council at the 761st to 774th meetings held between 16 January and 21 February 1957, at the 791st meeting on 24 September 1957, and at the 795th to 805th, 807th and 808th meetings held between 9 October and 2 December 1957. The representatives of India and Pakistan were invited to take part in the discussion.

At the 761st meeting on 16 January 1957, the representative of Pakistan* stated that "all the processes for peaceful settlement" of the dispute laid down in Article 33 of the United Nations Charter had been exhausted. In view of this situation, the representative of Pakistan requested the Security Council: (1) to call upon India to refrain from accepting the change envisaged by the new constitution adopted by the so-called Constituent Assembly of Srinagar; (2) under Article 37(2) of the Charter,¹⁷⁶ to spell out the obligations of the parties, under the terms of "the international agreement for a plebiscite as embodied in the United Nations resolutions". The representative of Pakistan suggested further that the Security Council should: (1) call upon the parties to withdraw all their troops from the State and also ensure that the local forces which remained behind should be placed under the representative of the Security Council and suitably reduced, if not disbanded altogether; (2) entrust to a United Nations force, which should be introduced into the area at once, the functions of protecting the State and ensuring internal security;¹⁷⁷ (3) disband all other forces, Indian, Pakistani and local, and remove all non-Kashmiri nationals, even in the police force, from Kashmir; (4) fix an early and firm date for the induction into office of the Plebiscite Administrator.¹⁷⁸

At the 762nd meeting on 23 January 1957, the representative of India* stated that the question which his Government had brought before the Security Council

¹⁶⁹ S/3719, 751st meeting: para. 71. For consideration of this draft resolution, see chapter VI, part I, Case 2.

¹⁷⁰ 751st meeting: para. 126. See also chapter I, part V, Case 22.

¹⁷¹ 751st meeting: para. 127.

¹⁷² 751st meeting: para. 147.

¹⁷³ S/3721, O.R., 11th year, Suppl. for Oct.-Dec. 1956, pp. 116-117.

¹⁷⁴ 751st meeting: paras. 150-151.

¹⁷⁵ S/3767, O.R., 12th year, Suppl. for Jan.-Mar. 1957, pp. 1-3.

¹⁷⁶ For discussion of the character of the decisions of the Security Council under Chapter VI of the Charter, see chapter X, part IV, Case 9.

¹⁷⁷ 761st meeting: para. 112.

¹⁷⁸ For consideration of the proposal for the use of a United Nations force in connexion with the Security Council's decisions under Chapter VI of the Charter, see chapter X, part IV, Case 10.