

the debate on this draft resolution continued on January 18, the Chairman of the Canadian Delegation, Mr. L. B. Pearson, made a statement in which he said in part:

Our delegation shares the regret expressed by other Members of the Assembly that a situation has arisen in which compliance with the earlier resolutions on withdrawal has not yet been completed. But we would also regret and be concerned about a withdrawal merely to the old state of affairs. And we recall at this time that the earlier resolutions, in accordance with the terms of which Israel forces are to withdraw, dealt with matters other than territorial withdrawal, but matters which are related to this essential step. Therefore, I hope that the Secretary-General, in his efforts—which we support—to bring about compliance regarding withdrawal will in the further report which he is to make to us give consideration to ways and means of securing and stabilizing through United Nations action the situation after withdrawal has taken place and pending that political settlement which alone can establish real and lasting peace and security in the area.

The twenty-five power resolution came to a vote on January 19 and was adopted by a vote of 74 in favour (including Canada) to two against (France and Israel) with two abstentions (Costa Rica and Cuba).

Secretary-General's Report

When the Assembly resumed debate on the resulting situation on January 28, it had before it the report prepared by the Secretary-General in pursuance of the Assembly's resolution of January 19 and an aide-memoire on Israel's position in the Sharm al-Shaikh area and the Gaza strip transmitted to Mr. Hammarskjöld by the Delegation of Israel. The Secretary-General reported that Israel had not fully complied with the Assembly's request for withdrawal. It was still in occupation of the whole western shore of the Gulf of Aqaba, as well as the Gaza strip. In his report Mr. Hammarskjöld described under three non-controversial headings the limits within which the United Nations might properly operate:

(a) The United Nations cannot condone a change of the *status juris* resulting from military action contrary to the provisions of the Charter. The Organization must, therefore, maintain that the *status juris* existing prior to such military action be re-established by a withdrawal of troops, and by the relinquishment or nullification of rights asserted in territories covered by the military action and depending upon it.

(b) The use of military force by the United Nations other than that under Chapter VII of the Charter requires the consent of the States in which the Force is to operate. Moreover, such use must be undertaken and developed in a manner consistent with the principles mentioned under (a) above. It must, furthermore, be impartial, in the sense that it does not serve as a means to force settlement, in the interest of one party, of political conflicts or legal issues recognized as controversial.

(c) United Nations actions must respect fully the rights of Member Governments recognized in the Charter, and international agreements not contrary to the aims of the Charter, which are concluded in exercise of those rights.