

reference to its resolution of 2 November, has wished to reserve for itself the full determination of the tasks of this emergency Force, and of the legal basis on which it must function in fulfilment of its mission. It follows from its terms of reference that there is no intent in the establishment of the Force to influence the military balance in the present conflict and, thereby, the political balance affecting efforts to settle the conflict. By the establishment of the Force, therefore, the General Assembly has not taken a stand in relation to aims other than those clearly and fully indicated in its resolution of 2 November 1956.

9. Functioning, as it would, on the basis of a decision reached under the terms of the resolution "Uniting for Peace", the Force, if established, would be limited in its operations to the extent that consent of the parties concerned is required under generally recognized international law. While the General Assembly is enabled to *establish* the Force with the consent of those parties which contribute units to the Force, it could not request the Force to be *stationed* or *operate* on the territory of a given country without the consent of the Government of that country. This does not exclude the possibility that the Security Council could use such a Force within the wider margins provided under Chapter VII of the United Nations Charter. I would not for the present consider it necessary to elaborate this point further, since no use of the Force under Chapter VII, with the rights in relation to Member countries that this would entail, has been envisaged.

10. The point just made permits the conclusion that the setting up of the Force should not be guided by the needs which would have existed had the measure been considered as part of an enforcement action directed against a Member country. There is an obvious difference between establishing the Force in order to secure the cessation of hostilities, with a withdrawal of forces, and establishing such a Force with a view to enforcing a withdrawal of forces. It follows that while the Force is different in that, as in many other respects, from the observers of the Truce Supervision Organization, it is, although para-military in nature, not a force with military objectives.

## QUESTIONS OF FUNCTIONS

11. The question of determining the functions of the United Nations Force has been dealt with in part in the preceding paragraphs. It is difficult in the present situation and without further study to discuss it with any degree of precision. However, the general observations which are possible should at this stage be sufficient.

12. In the General Assembly resolution the terms of reference are, as already stated, "to secure the cessation of hostilities in accordance with all the terms" of the resolution of 2 November 1956. This resolution urges that "all parties now involved in hostilities in the area agree to an immediate cease-fire and as part thereof halt the movement of military forces and arms into the area"; and also "urges the parties to the Armistice Agreements promptly to withdraw all forces behind the armistice lines, to desist from raids across the armistice lines into neighbouring territory, and to observe scrupulously the provisions of the Armistice Agreements". These two provisions combined indicate that the functions of the United Nations Force would be, when a cease-fire is being established, to enter Egyptian territory with the consent of the Egyptian Government, in order to help maintain quiet during and after the withdrawal of non-Egyptian troops, and to secure compliance with the other terms established in the resolution of 2 November 1956. The Force obviously should have no rights other than those necessary for the execution of its functions, in co-operation with local authorities. It would be more than an observers' corps, but in no way a military force temporarily controlling the territory in which it is stationed; nor moreover, should the Force have military functions exceeding those necessary to secure peaceful conditions on the assumption that the parties to the conflict take all necessary steps for compliance with the recommendations of the General Assembly. Its functions can, on this basis, be assumed to cover an area extending roughly from the Suez Canal to the armistice demarcation lines, established in the Armistice Agreement between Egypt and Israel.

## QUESTIONS OF SIZE AND ORGANIZATION OF THE FORCE

13. Time has so far not permitted the necessary technical studies. It is therefore not yet possible to say what should be the size of the Force. In my first report, I pointed out that the situation is likely to involve two stages: the first one when