

in the question before the Council, drew the attention of the Council to his plan to visit the countries concerned. It was his intention to take up the situation for most serious consideration by the authorities of Israel and the United Arab Republic in the hope of soliciting their full support for the efforts to attack the underlying problems which were at the source of the tension. He further informed the Council of the request made by the Chief of Staff of the United Nations Truce Supervision Organization in Palestine to Israel and Syria authorities on 11 December 1958 that arrangements be made for visits by United Nations Military Observers to the areas within the north-eastern region. Positive replies had been received and inspections had begun that very morning.⁹⁴

Before the adjournment of the meeting, the President (Sweden) made the following statement:⁹⁵

"I am certain the Council agrees that incidents of the nature we have been discussing are regrettable, but also that they can be effectively dealt with by the Chief of Staff and his organization.

"We fully recognize the gravity of the action about which Israel had complained. The Council will, I feel confident, agree that the authority of the United Nations should be respected and that the parties should continue their co-operation with the Chief of Staff of the United Nations Truce Supervision Organization in the spirit of the Armistice Agreement.

"We have listened to the statement by the Secretary-General and taken note of his intention to visit the countries concerned, and there to take up the present situation for most serious consideration by the authorities of Israel and the United Arab Republic, in the hope of breaking the present trend and soliciting their full support for our efforts to attack the underlying problems which are at the source of the tension.

"I venture to express the hope that the incidents of which we have now heard are of an isolated nature. I am convinced that the parties will do everything in their power to prevent recurrences, which would tend to create new tensions in the Middle East."

SITUATION CREATED BY THE UNILATERAL ACTION OF THE EGYPTIAN GOVERNMENT IN BRINGING TO AN END THE SYSTEM OF INTERNATIONAL OPERATION OF THE SUEZ CANAL, WHICH WAS CONFIRMED AND COMPLETED BY THE SUEZ CANAL CONVENTION OF 1888

INITIAL PROCEEDINGS

By a joint letter⁹⁶ dated 23 September 1956, the representatives of France and the United Kingdom requested the President of the Security Council to call a meeting of the Council on 26 September 1956 in order to consider the following question:

⁹⁴ 844th meeting (PV): pp. 2-6.

⁹⁵ 844th meeting (PV): p. 67.

⁹⁶ S/3654, O.R., 11th year, Suppl. for July-Sept. 1956, p. 47.

"Situation created by the unilateral action of the Egyptian Government in bringing to an end the system of international operation of the Suez Canal, which was confirmed and completed by the Suez Canal Convention of 1888."

They stated that the general nature of this situation had been set out in their letter⁹⁷ of 12 September 1956 to the President of the Security Council.

By letter⁹⁸ dated 24 September 1956, the representative of Egypt, in view of further developments since his letter⁹⁹ dated 17 September 1956 to the President of the Security Council, requested that the Security Council be urgently convened to consider the following question:

"Actions against Egypt by some powers, particularly France and the United Kingdom, which constitute a danger to international peace and security and are serious violations of the Charter of the United Nations."

The items submitted by France and the United Kingdom, and by Egypt appeared as items 2 and 3, respectively, of the provisional agenda of the 734th meeting on 26 September 1956. The representative of Egypt was invited to participate in the discussion. At the 742nd meeting on 13 October 1956, the representatives of Israel, Jordan, Lebanon, Libya, Saudi Arabia, Syria and Yemen were invited to submit written statements.¹⁰⁰

⁹⁷ S/3645, O.R., 11th year, Suppl. for July-Sept. 1956, pp. 28-29. In this letter, the representatives of France and the United Kingdom stated that the situation created by the action of the Government of Egypt in attempting unilaterally to bring to an end the system of international operation of the Suez Canal, confirmed and completed by the Suez Canal Convention, had created a situation which might endanger the free and open passage of shipping through the Canal. A Conference had therefore been called in London on 16 August 1956, which had been attended by twenty-two States. Eighteen of them, representing over 90 per cent of the users interested in the Canal, had put forward proposals to the Government of Egypt relating to the future operation of the Canal. The Government of Egypt had refused, however, to negotiate on the basis of these proposals, which in the opinion of the French and United Kingdom Governments, offered means for a just and equitable solution. The two Governments considered that this refusal was an aggravation of the situation, which if allowed to continue, would constitute a manifest danger to peace and security.

⁹⁸ S/3656, O.R., 11th year, Suppl. for July-Sept. 1956, p. 48.

⁹⁹ S/3650, O.R., 11th year, Suppl. for July-Sept. 1956, pp. 38-41. In this letter, the representative of Egypt declared that the act of nationalization of the Suez Canal Company had been taken by Egypt in the full exercise of its sovereign rights and without challenge of infringement of the right of any nation. It had been met by declarations by France of mobilization and movement of armed forces, by hostile economic measures and by incitement to the employees and pilots working in the Canal to abandon their work in an attempt to sabotage the operation of the Canal. Several offers by the Government of Egypt to enter into negotiations at a conference for reviewing the Convention of 1888 had been made to no avail, and instead a "Users' Association", incompatible with the dignity and sovereignty of Egypt, had been created by eighteen Governments. Being determined to spare no effort to reach a peaceful solution of the Suez Canal question on the basis of the recognition of the legitimate and sovereign rights of Egypt and in accordance with the Charter of the United Nations, Egypt considered it indispensable that an end be put to acts such as those complained of, which were a serious danger to the international peace and security and were violations of the Charter.

¹⁰⁰ See chapter III, Case 23.

After the adoption of the agenda,¹⁰¹ the Council rejected a Yugoslav proposal¹⁰² for simultaneous consideration of the two items. The President (Cuba) stated that the two items would be discussed separately in the order in which they had been included in the agenda.¹⁰³

The Security Council considered the item submitted by France and the United Kingdom at its 735th to 743rd meetings held between 5 and 13 October 1956,¹⁰⁴ at its 776th and 777th meetings on 26 April 1957, and at its 778th and 779th meetings on 20 and 21 May 1957.

At the 735th meeting on 5 October 1956, the representatives of France and the United Kingdom submitted a joint draft resolution¹⁰⁵ under which the Security Council was to: (1) re-affirm the principle of the freedom of navigation of the Suez Canal in accordance with the Suez Canal Convention of 1888; (2) consider that the rights which all users of the Suez Canal enjoyed under the system upon which the Suez Canal Convention of 1888 was based should be safeguarded, and the necessary guarantees restored; (3) endorse the proposals¹⁰⁶ of the eighteen States as suitably designed to bring about an adjustment and solution of the Suez Canal question by peaceful means and in conformity with justice; (4) recommend that the Government of Egypt should co-operate by negotiation in working out, on the basis of these proposals, a system of operation to be applied to the Suez Canal; (5) recommend that the Government of Egypt should, pending the outcome of such negotiations, co-operate with the Suez Canal Users' Association.

At the same meeting, the representative of the United Kingdom suggested that, after those who wished to state their views in public session had had a chance to do so, the Council should meet in private session so that the possibilities for a peaceful solution could be explored as rapidly as possible.¹⁰⁷ The 739th to 741st meetings on 9, 11 and 12 October were held in private.¹⁰⁸

Decision of 13 October 1956 (743rd meeting): Adoption of the requirements that any settlement of the Suez question should meet

At the 742nd meeting on 13 October 1956, the representatives of France and the United Kingdom submitted a joint draft resolution,¹⁰⁹ under which the Security Council was to: (1) agree that any settlement of the Suez question should meet the following require-

ments: (i) there should be free and open transit through the Canal without discrimination, overt or covert; (ii) the sovereignty of Egypt should be respected; (iii) the operation of the Canal should be insulated from the politics of any country; (iv) the manner of fixing tolls and charges should be decided by agreement between Egypt and the users; (v) a fair proportion of the dues should be allotted to development; and (vi) in case of disputes, unresolved affairs between the Suez Canal Company and the Government of Egypt should be settled by arbitration, with suitable terms of reference and suitable provisions for the payment of sums found to be due; (2) consider that the proposals of the eighteen Powers correspond to the six requirements and were suitably designed to bring about a settlement of the Suez Canal question by peaceful means, in conformity with justice; (3) note that the Government of Egypt, while declaring its readiness in the explanatory conversations to accept the principles of organized collaboration between an Egyptian authority and the users, had not yet formalized sufficiently precise proposals to meet the six requirements; (4) invite the Governments of Egypt, France and the United Kingdom to continue their interchanges and in this connexion invite the Government of Egypt to make known promptly its proposals for a system meeting the six requirements and providing guarantees to the users not less effective than those sought by the proposals of the eighteen Powers; and (5) consider that pending the conclusion of an agreement for the definitive settlement of the regime of the Suez Canal on the basis of the six requirements, the Suez Canal Users' Association, which had been qualified to receive the dues payable by ships belonging to its members, and the competent Egyptian authorities, should co-operate to ensure the satisfactory operation of the Canal and free and open transit through the Canal in accordance with the 1888 Convention.

With regard to the earlier draft resolution¹¹⁰ the representative of the United Kingdom stated that its sponsors did not intend to ask the Council to consider it at that time. They did not withdraw it and did not ask for a vote upon it.¹¹¹

The representative of Iran submitted an amendment¹¹² to the second operative paragraph of the joint draft resolution.

At the 743rd meeting on 13 October 1956, the representative of Yugoslavia stated that the second part of the joint draft resolution submitted by France and the United Kingdom was based on the proposals of the eighteen Powers which had already shown themselves to offer no basis for agreement, and submitted a draft resolution¹¹³ according to which the Security Council would: (1) consider that a solution to be found must meet certain requirements [identical with the six requirements set forth in the French-United Kingdom joint draft

¹⁰¹ For the adoption of the agenda, see chapter II, Case 6.

¹⁰² For the consideration of the Yugoslav proposal, see chapter II, Case 14.

¹⁰³ 734th meeting: para. 134.

¹⁰⁴ 739th-741st meetings: official communiqués circulated in place of the verbatim records.

¹⁰⁵ S/3666, O.R., 11th year, Suppl. for Oct.-Dec. 1956, p. 5.

¹⁰⁶ S/3665, O.R., 11th year, Suppl. for Oct.-Dec. 1956, p. 2.

¹⁰⁷ 735th meeting: para. 95.

¹⁰⁸ S/3671, O.R., 11th year, Suppl. for Oct.-Dec., 1956, pp. 5-6.

¹⁰⁹ See in chapter I, part IV, the note under rule 23 and in the same chapter, Case 12.

¹¹⁰ S/3666, O.R., 11th year, Suppl. for Oct.-Dec. 1956, pp. 5-6.

¹¹¹ 742nd meeting: para. 20.

¹¹² 742nd meeting: para. 60.

¹¹³ S/3672, O.R., 11th year, Suppl. for Oct.-Dec. 1956, p. 20.

resolution]; (2) recommend that the negotiations be continued; (3) request the Secretary-General to offer, if necessary, his assistance in subsequent stages of negotiations; (4) call on all the parties concerned to abstain from taking any measures which might impair these negotiations.¹¹⁴

The President (France) stated that the amendment¹¹⁵ submitted by the representative of Iran to the French-United Kingdom joint draft resolution had been accepted by the sponsors of the latter and would be incorporated in the joint draft resolution, which would be submitted to the vote in two parts. The first part would include the statement of the six principles, contained in operative paragraph 1, and the second part would begin with operative paragraph 2, as amended by Iran, and continue to the end of the joint draft resolution.¹¹⁶

The first part of the joint draft resolution submitted by France and the United Kingdom, up to the end of the first paragraph, was adopted unanimously.¹¹⁷

The second part of the joint draft resolution, as amended, was not adopted. There were 9 votes in favour and 2 against (one of the negative votes being that of a permanent member).¹¹⁸

The draft resolution was not put to a vote as a whole. The President declared without objection that by the Council's tradition the whole was now identical with the first part. Since the first part had been unanimously adopted, it would be considered that the whole had also been adopted unanimously.¹¹⁹

The Yugoslav delegation did not press for a vote on its own draft resolution.¹²⁰

The Council did not take up item 3 on its agenda, consideration of which was not pressed by the representative of Egypt.¹²¹

The resolution,¹²² as adopted, read:

¹¹⁴ 743rd meeting: paras. 25-30.

¹¹⁵ 742nd meeting: para. 60.

¹¹⁶ 743rd meeting: paras. 103-104.

¹¹⁷ 743rd meeting: para. 106.

¹¹⁸ 743rd meeting: para. 106.

¹¹⁹ 743rd meeting: para. 107.

¹²⁰ 743rd meeting: para. 112.

¹²¹ See the letter [S/3679, O.R., 11th year, Suppl. for Oct.-Dec. 1956, pp. 53-55] dated 15 October 1956 to the President of the Security Council from the Minister for Foreign Affairs of Egypt. For the exchange of correspondence between the Secretary-General and the Minister for Foreign Affairs of Egypt following adoption of the resolutions, see S/3728, O.R., 11th year, Suppl. for Oct.-Dec. 1956, pp. 120-124. The document contains: (a) Note; (b) Letter dated 24 October 1956 from the Secretary-General to the Minister for Foreign Affairs of Egypt; (c) Letter dated 2 November 1956 from the representative of Egypt transmitting a communication from the Minister for Foreign Affairs of Egypt to the Secretary-General. For proceedings of the Security Council affecting the Suez Canal between the 743rd and 779th meetings, see in this chapter, under Palestine question, *decision of 30 October 1956 (749th meeting)*, and under Letter dated 30 October 1956 from the representative of Egypt addressed to the President of the Security Council, *decision of 31 October 1956 (751st meeting)*.

¹²² S/3675, O.R., 11th year, Suppl. for Oct.-Dec. 1956, pp. 47-48.

"The Security Council,

"Noting the declarations made before it and the accounts of the development of the exploratory conversations on the Suez question given by the Secretary-General of the United Nations and the Foreign Ministers of Egypt, France and the United Kingdom,

"Agrees that any settlement of the Suez question should meet the following requirements:

"1. There should be free and open transit through the Canal without discrimination, overt or covert—this covers both political and technical aspects;

"2. The sovereignty of Egypt should be respected;

"3. The operation of the Canal should be insulated from the politics of any country;

"4. The manner of fixing tolls and charges should be decided by agreement between Egypt and the users;

"5. A fair proportion of the dues should be allotted to development;

"6. In case of disputes, unresolved affairs between the Universal Suez Maritime Canal Company and the Egyptian Government should be settled by arbitration with suitable terms of reference and suitable provisions for the payment of sums found to be due."

Decision of 21 May 1957 (779th meeting): Statement by the President summarizing the debate and stating that the Council would remain seized of the question

By letter¹²³ dated 24 April 1957, the representative of the United States requested the President of the Security Council to convene a meeting of the Council for the purpose of resuming the discussion of the item relating to the Suez Canal and taking note of the situation regarding passage through the Suez Canal.

At the 776th meeting on 26 April 1957, the Security Council included the letter submitted by the representative of the United States in its agenda.¹²⁴ Following adoption of the agenda, the representative of Egypt was invited to take part in the discussion.

The representative of the United States, explaining why his Government had requested a meeting of the Council, recalled (1) the unanimous adoption of the resolution enumerating six basic requirements to be met in any Suez Canal settlement and the agreement that the Council should remain seized of the matter, and (2) the circulation to members of the Council and the registration with the United Nations of the Declaration¹²⁵ of the Egyptian Government on the Suez Canal. In the

¹²³ S/3817/Rev.1, O.R., 12th year, Suppl. for Apr.-June 1957, p. 8.

¹²⁴ 776th meeting: para. 3.

¹²⁵ By letter [S/3818, O.R., 12th year, Suppl. for Apr.-June 1957, pp. 8-12] dated 24 April 1957, addressed to the Secretary-General, the Minister for Foreign Affairs of Egypt announced that the Suez Canal was open for normal traffic. With the letter, a "Declaration on the Suez Canal and arrangements for its operation" was enclosed for registration by the Secretariat as an international instrument.

view of the United States, the Declaration did not meet fully the six requirements of the Security Council; the fundamental difficulty was the absence of provision for "organized co-operation". Perhaps no final judgement could be made regarding the regime proposed by Egypt until it had been tried out in practice. The Council should remain seized of the matter while the system proposed by Egypt was given a trial.

Discussion of the adequacy and legal standing of the Declaration continued at the same meeting and at the 777th meeting on 26 April 1957. There followed expressions of the view on the one hand that examination of the item by the Council would be completed only when an international instrument had been framed following further negotiations and, on the other hand, that with publication of the Egyptian Government's declaration, the Suez Canal problem was in fact settled.

At the conclusion of the meeting, the President (United Kingdom) declared that, in accordance with the usual practice, arrangements for a further discussion of the question would be made by the President of the Council in consultation with those concerned.¹²⁸

By letter¹²⁷ dated 15 May 1957, the representative of France requested the President of the Security Council to call a meeting of the Council to resume consideration of the item relating to the Suez Canal. Enclosed with the letter was a communiqué of the Council of Ministers of France dated 15 May 1957 in which it was stated that the French Government had noted with regret the decision taken by those users of the Suez Canal who had accepted the direct payment of tolls to Egypt, without the latter having furnished them the minimum guarantees concerning free transit through the Canal and the equitable distribution of the monies collected. The French Government could not regard as acceptable, and still less as final, a solution of the Canal problem which was in flagrant contradiction with the six requirements unanimously approved by the Security Council in October 1956.

At the 778th meeting on 20 May 1957, the Security Council decided by 10 votes in favour and none against, with 1 abstention, to include the letter of the representative of France in the agenda.¹²⁹

At the 779th meeting on 21 May 1957, the President (United States), no draft resolution having been introduced in the Council, in summarizing the debate, stated:

"The Council has now completed a further discussion of the Suez Canal question. It is plain that a clear majority of the members of the Council are acutely aware of the responsibilities of the United Nations with regard to this matter. This is shown by the fact that the Council on 13 October 1956 adopted a resolution enumerating six requirements which should be met in any Suez Canal settlement and adopted them unanimously. There is the further

fact that the Council has discussed this problem several times, and that it has remained seized of the issue is further evidence of the Council's interest and concern.

"It is of course clear that certain views have also been expressed to the effect that the Egyptian Declaration and the present operation of the Suez Canal do adequately implement the six requirements of the Council.

"But the majority of the members are of the opinion that these requirements have not yet been met, that there are uncertainties that require clarification, and that, even as expressed by the Egyptian representative yesterday, the Egyptian position remains to be completed.

"...

"These comments reflect continuing doubts on the part of a number of members regarding the Suez Canal system now put into effect by the Egyptian Government, and about which clarification by Egypt is desired.

"The Egyptian Government will presumably wish as soon as possible to examine these points carefully and to consider the concrete steps it can take to remove the doubts which have arisen. Member Governments will undoubtedly be guided in their diplomatic actions and users will be guided in their practical actions by the views that have been expressed here today and by the Egyptian response to the questions which have been raised here. In the meantime the Council will remain seized of the question and will be in a position to meet again when the representative of Egypt has something further to communicate or when other developments make it desirable."¹²⁹

The representative of the USSR observed that it was clear that the questions to which the President had referred in his summing up reflected only the opinions of individual delegations and not the collective opinion of the whole Security Council as an organ of the United Nations.¹³⁰ The President replied that his summary had been accurate and spoke for itself.¹³¹

The question remains on the list of matters of which the Security Council is seized.¹³²

¹²⁹ 779th meeting: paras. 116-118, 126-127.

¹³⁰ 779th meeting: para. 131.

¹³¹ 779th meeting: para. 132.

¹³² By letter [S/3839/Rev.1, O.R., 12th year, Suppl. for Apr.-June 1957, p. 24] dated 13 June 1957, addressed to the Secretary-General, the representative of France transmitted a communication from his Government in which it was stated that, having regard to the fact that the conclusions drawn by the President of the Security Council indicated the provisional nature of the Egyptian memorandum of 24 April and the need for complete implementation of the six requirements adopted by the Council on 13 October 1956, the French Government was making available to French shipping companies and ship owners the means necessary to enable their ships to use the Canal. That action, it was stated, in no way affected the conclusions referred to and could neither prejudice the rights of third parties nor modify in any way the point of view expressed by the

¹²⁸ 777th meeting: para. 102.

¹²⁷ S/3829, O.R., 12th year, Suppl. for Apr.-June 1957, pp. 20-21.

¹²⁶ 778th meeting: para. 14.