

No. 3968

**UNITED NATIONS
and
INDIA**

Exchange of letters (with annexes) constituting an agreement concerning the service with the United Nations Emergency Force of national contingent provided by the Government of India. New York, 21 June and 14 August 1957

Official text : English.

Registered ex officio on 14 August 1957.

**ORGANISATION DES NATIONS UNIES
et
INDE**

Échange de lettres (avec annexes) constituant un accord relatif à l'affectation à la Force d'urgence des Nations Unies d'un contingent national fourni par le Gouvernement indien. New-York, 21 juin et 14 août 1957

Texte officiel anglais.

Enregistré d'office le 14 août 1957.

No. 3968. EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED NATIONS AND INDIA CONCERNING THE SERVICE WITH THE UNITED NATIONS EMERGENCY FORCE OF NATIONAL CONTINGENT PROVIDED BY THE GOVERNMENT OF INDIA. NEW YORK, 21 JUNE AND 14 AUGUST 1957

I

The Secretary-General of the United Nations to the Permanent Representative of India to the United Nations

PO 230 (3)

21 June 1957

Sir,

I have the honour to refer to the resolutions of the General Assembly relating to the United Nations Emergency Force (UNEF) and particularly to resolution 1000 (ES-I) of 5 November 1956² and resolution 1001 (ES-I) of 7 November 1956.³ I also have the honour to refer to our previous communications concerning the national contingent provided by your Government for service with UNEF.

2. It will be recalled that the guiding principles for the organization and functioning of the Force were set out in paragraphs 6 to 9 of the "Second and Final report" of the Secretary-General on the plan for an emergency international United Nations Force (A/3302). They were approved by the General Assembly in paragraph 1 of resolution 1001 (ES-I). By paragraph 2 of the same resolution the General Assembly concurred in the definition of the functions of the Force as stated in paragraph 12 of the Secretary-General's report.

3. Paragraph 7 of resolution 1001 (ES-I) authorized the Secretary-General to issue regulations and instructions which may be essential to the effective functioning of the Force, following consultation with the Advisory Committee established by the same resolution, and to take all other necessary administrative and executive actions. Pursuant to this resolution I have, on 8 February 1957, concluded by exchange of letters an agreement between the United Nations and the

¹ Deemed to have taken effect as from 16 November 1956, the date that the national contingent provided by the Government of India departed from its home country to assume duties with UNEF, in accordance with paragraph 11.

² United Nations, *Official Records of the General Assembly, First Emergency Special Session, Supplement No. 1* (A/3354), p. 2.

³ United Nations, *Official Records of the General Assembly, First Emergency Special Session, Supplement No. 1* (A/3354), p. 3.

Government of Egypt concerning the status of UNEF in Egypt.¹ On the same date I submitted a report (A/3526) on this Agreement to the General Assembly which was noted with approval by resolution A/RES/485 adopted on 22 February 1957.² Following consultation with the Advisory Committee, the participating States, and the Commander of the Force, I have also issued Regulations for the United Nations Emergency Force (ST/SGB/UNEF/1) on 20 February 1957. Copies of these documents are attached as annexes I and II respectively.³

4. The Regulations referred to above affirm the international character of the Force as a subsidiary organ of the General Assembly and define the conditions of service for the members of the Force. National contingents provided for UNEF serve under these Regulations.

5. The Regulations and the Agreement referred to in paragraph 3 of this letter also secure to the Force and its individual members the privileges and immunities necessary for the independent exercise of its functions. I should like to direct your attention to the provisions of the Regulations and of the Agreement which provide these privileges and immunities and particularly to Article 34 of the Regulations (annex II) and to paragraphs 10, 11 and 12 of my letter to the Ministry of Foreign Affairs of Egypt of 8 February 1957 (A/3526, pp. 4 and 5—annex I). It will be noted that paragraph 11 of this letter states that "Members of the Force shall be subject to the exclusive jurisdiction of their respective national States in respect of any criminal offences which may be committed by them in Egypt". This immunity from the jurisdiction of Egypt is based on the understanding that the authorities of the participating states would exercise such jurisdiction as might be necessary with respect to crimes or offences committed in Egypt by any members of the Force provided from their own military services. It is assumed that the participating States will act accordingly.

6. I should also like to direct your attention to Article 13 of the UNEF Regulations (annex II) concerning "Good Order and Discipline". This Article provides :

"The Commander of the UNEF shall have general responsibility for the good order of the Force. Responsibility for disciplinary action in national contingents provided for the Force rests with the commanders of the national contingents. Reports concerning disciplinary action shall be communicated to the Commander of the UNEF who may consult with the commander of the national contingent and if necessary the authorities of the Participating State concerned."

¹ United Nations, *Treaty Series*, Vol. 260, p. 61.

² United Nations, *Official Records of the General Assembly, Eleventh Session, Supplement No. 17* (A/3572), p. 62, resolution 1126 (XI).

³ See p. 240 of this volume.

7. In view of the considerations set out in paragraphs 5 and 6 above, I should appreciate your assurance that the commander of the national contingent provided by your Government will be in a position to exercise the necessary disciplinary authority. I should also appreciate your assurance that your Government will be prepared to exercise jurisdiction with respect to any crime or offence which might be committed by a Member of such national contingent.

8. The effective functioning of the United Nations Emergency Force requires that some continuity of service of units with the Force be ensured in order that the UNEF Commander may be in a position to plan his operations with knowledge of what units will be available. I should, therefore, appreciate your assurance that the national contingent provided by your Government will not be withdrawn without adequate prior notification, to the Secretary-General, so as to avoid the impairment of the ability of the Force to discharge its functions. Likewise, should circumstances render the service of your national contingent with the Force no longer necessary, the Secretary-General undertakes to consult with your Government and to give adequate prior notifications concerning its withdrawal.

9. Reference is also made to Articles 11 and 12 of the UNEF Regulations which deal with "Command Authority" and "Chain of Command and Delegation of Authority". Article 12 provides *inter alia* that changes in commanders of national contingents which have been made available by participating governments should be made in consultation between the Commander of the United Nations Emergency Force and the appropriate authorities of the participating government.

10. Finally, I suggest that questions involving the allocation of expenses should be dealt with, in the light of relevant resolutions of the General Assembly, in a supplemental agreement. Such other supplementary arrangements concerning the service of your national contingents with the Force may be made as occasion requires.

11. It is the intention that this letter together with your reply accepting the proposals set forth herein shall constitute an agreement between the United Nations and India and shall be deemed to have taken effect from the date that the national contingent provided by your Government departed from its home country to assume duties with UNEF. It is also intended that it shall remain in force until such time as your national contingent may be withdrawn from the Force either in accordance with the terms of paragraph 8 above or in the light of developments affecting the functioning of the Force which may render its service no longer necessary. The provisions of paragraph 12 relating to the settlement of disputes should remain in force until all outstanding claims have been settled.

12. It is also proposed that all disputes between the United Nations and your Government concerning the interpretation or application of this agreement which are not settled by negotiation or other agreed mode of settlement shall be referred for final settlement to a Tribunal of three arbitrators. One of the arbi-

trators shall be appointed by the Secretary-General of the United Nations, one by your Government, and the umpire shall be chosen jointly by the Secretary-General and your Government. If the two parties fail to agree on the appointment of the umpire within one month of the proposal of arbitration by one of the parties, the President of the International Court of Justice shall be asked by either party to appoint the umpire. Should a vacancy occur for any reason, the vacancy shall be filled within thirty days by the method laid down in this paragraph for the original appointment. The Tribunal shall come into existence upon the appointment of the umpire and at least one of the other members of the Tribunal. Two members of the Tribunal shall constitute a quorum for the performance of its functions, and for all deliberations and decisions of the Tribunal a favourable vote of two members shall be sufficient.

Accept, Sir, the renewed assurances of my highest consideration.

Dag HAMMARSKJOLD
Secretary-General

The Permanent Representative of India
to the United Nations

A N N E X I

A/3526

ELEVENTH SESSION
AGENDA ITEM 66

QUESTION CONSIDERED BY THE FIRST EMERGENCY SPECIAL SESSION
OF THE GENERAL ASSEMBLY FROM 1 TO 10 NOVEMBER 1956

REPORT OF THE SECRETARY-GENERAL ON ARRANGEMENTS CONCERNING THE STATUS OF
THE UNITED NATIONS EMERGENCY FORCE IN EGYPT

[For the text of this annex, see *United Nations, Treaty Series, Vol. 271, No. 3913.*]

A N N E X I I

REGULATIONS FOR THE UNITED NATIONS EMERGENCY FORCE

[For the text of this annex, see *United Nations, Treaty Series, Vol. 271, No. 3913.*]

II

*The Permanent Representative of India to the United Nations to the Secretary-General
of the United Nations*

PERMANENT MISSION OF INDIA TO THE UNITED NATIONS
NEW YORK

No. 44/MA.

August 14, 1957

Sir,

I have the honour to refer to your letter of the 21st June 1957 concerning the service with the United Nations Emergency Force of the national contingent provided by my Government. In this letter you have proposed that my Government and the United Nations should enter into an agreement in accordance with the terms provided therein.

My Government accepts this proposal and agrees that your letter and this reply shall constitute an agreement between the Government of India and the United Nations. My Government also gives the assurances requested in paragraphs 7 and 8 of your letter.

Accept, Sir, the renewed assurances of my highest consideration.

Arthur S. LALL
Permanent Representative of India
to the United Nations

His Excellency Mr. Dag Hammarskjold
Secretary-General
United Nations
New York