

No. 3957

**UNITED NATIONS
and
CANADA**

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 Canada. New York, 21 June and 29 July 1957

Official text : English.

Registered ex officio on 29 July 1957.

**ORGANISATION DES NATIONS UNIES
et
CANADA**

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 canadien. New-York, 21 juin et 29 juillet 1957

Texte officiel anglais.

Enregistré d'office le 29 juillet 1957.

No. 3957. EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED NATIONS AND CANADA CONCERNING THE SERVICE WITH THE UNITED NATIONS EMERGENCY FORCE OF NATIONAL CONTINGENT PROVIDED BY THE GOVERNMENT OF CANADA. NEW YORK, 21 JUNE AND 29 JULY 1957

I

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

¹ Deemed to have taken effect as from 13 November 1956, the date that the national contingent provided by the Government of Canada 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.

the 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 respectively³.

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."

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

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. 54 of this volume.