

295531
UNITED NATIONS

SECURITY
COUNCIL



Distr.
GENERAL

S/10124*
18 February 1971

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL UNDER SECURITY COUNCIL
RESOLUTIONS 252 (1968), 267 (1969) AND 271 (1969) AND
GENERAL ASSEMBLY RESOLUTION 2254 (ES-V)

1. In the light of recent reported statements from various sources concerning Jerusalem and in view of the reporting responsibilities conferred upon him by the Security Council and the General Assembly,^{1/} the Secretary-General considers it necessary to submit the present report.
2. On 10 December 1970, the Secretary-General handed to the Permanent Representative of Israel to the United Nations a note of the same date, which reads as follows:

"The Secretary-General of the United Nations presents his compliments to the Permanent Representative of Israel to the United Nations and has the honour to request the Permanent Representative to bring the following to his Government's urgent attention:

"1. A press report, which appeared in the 19 August 1970 issue of the Jerusalem Post, contained information that 'The Jerusalem District Town Planning Committee yesterday 18 August 1970 approved a master plan for a 10,000-dunam area within and outside the Old City walls'. The press report indicated, among other things, that the plan was to take effect in four months i.e. on 18 December 1970 and that 'The Government House area has been classified as a residential area, with land to be set aside for hotels'.

* Also issued under the symbol A/8282.

^{1/} Security Council resolutions 252 (1968) of 21 May 1968, 267 (1969) of 3 July 1969 and 271 (1969) of 15 September 1969, and General Assembly resolution 2254 (ES-V) of 14 July 1967.

"2. On instructions from the Secretary-General, representatives of UNTSO informally approached the Israel Foreign Ministry on this matter. On 12 November 1970, they were informed by the Deputy Director of the Division of Political Affairs that the plan referred to by the Jerusalem Post had not yet been made public. They then asked the Deputy Director whether the plan affected the Government House premises, both in its present limits and those before June 1967, but received no reply.

"3. On 3 December 1970, the Jerusalem Post carried a further report on this subject according to which the District Planning Commission approved in principle on 1 December developments in the Government House area and near Beit Safafa and detailed plans for the property were expected to be submitted shortly to the Housing Ministry since the Ministry was known 'to want construction to start next month'. The report also stated that 'The Government House development, designed by David Best, will consist of 600-700 housing units on 150 dunams'.

"4. In order to enable the Secretary-General to meet his responsibilities to the Security Council and to the General Assembly in relation to the status of the City of Jerusalem, he would appreciate the receipt at an early date of detailed information from the Israel authorities relating to the reported 'master plan' together with a copy thereof.

"5. In connexion with the matter under reference, the Secretary-General also attaches great importance to the status of the United Nations premises at Government House. He would therefore appreciate clarification from the Israel authorities whether the reported 'master plan' envisages any development affecting the United Nations premises at Government House, either as to the area returned to the United Nations by the Israel authorities in August 1967 or the remainder of the area of the Government House premises as constituted on 5 June 1967, in respect of which the Secretary-General has expressed the views of the United Nations in his report to the Security Council of 11 August 1967 (S/7930/Add.27), and his letter of 22 August 1967 to the Permanent Representative of Israel (S/7930/Add.29).

"The Secretary-General takes this opportunity to express once again to the Permanent Representative of Israel the assurances of his highest consideration."

3. On 8 January 1971, the Acting Permanent Representative of Israel to the United Nations addressed the following note to the Secretary-General:

"The Acting Permanent Representative of Israel to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour, on instructions of his Government,

to refer to the Secretary-General's communication of 10 December 1970 and to state that he is authorized to assure the Secretary-General that the position of the Government of Israel as regards Government House continues to be as indicated in the letters dated 29 June 1967 and 22 August 1967 from the Permanent Representative of Israel to the Secretary-General (S/7930/Add.20 and 29), and that no changes are contemplated with regard to the arrangements made in August 1967.

"The Acting Permanent Representative of Israel avails himself of this opportunity to renew to the Secretary-General the assurances of his highest consideration."

4. On 26 January 1971, the Secretary-General handed two notes to the Permanent Representative of Israel. The first note reads:

"The Secretary-General of the United Nations presents his compliments to the Permanent Representative of Israel to the United Nations and has the honour to refer to the Acting Permanent Representative's note of 8 January 1971 in reply to his note of 10 December 1970 to the Permanent Representative.

"In his note of 10 December 1970, the Secretary-General indicated that he would appreciate the receipt of a copy of the reported Jerusalem 'Master Plan' and detailed information thereon from the Israel authorities, as well as clarification as to whether such a 'Master Plan' envisages any development affecting part or the whole of the United Nations premises at Government House.

"The reply given in the Acting Permanent Representative's note of 8 January 1971 omits any reference to the reported 'Master Plan' and does not contain either a response to the Secretary-General's request for a copy of the Plan or information thereon.

"In this connexion the Secretary-General would call the attention of the Permanent Representative to the Secretary-General's reporting responsibilities in regard to the status of Jerusalem under the relevant Security Council and General Assembly resolutions. These are Security Council resolutions 252 (1968) of 21 May 1968, 267 (1969) of 3 July 1969 and 271 (1969) of 15 September 1969, and General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967. Consequently the Secretary-General must again request from the Israel authorities the transmission of a copy of the reported 'Master Plan' as well as detailed information on the Plan.

"The Secretary-General is sending to the Permanent Representative of Israel a separate note dealing with the United Nations Government House premises.

"The Secretary-General avails himself of this opportunity to renew to the Permanent Representative of Israel the assurances of his highest consideration."

The second note is as follows:

"The Secretary-General of the United Nations presents his compliments to the Permanent Representative of Israel to the United Nations and has the honour to refer to the Acting Permanent Representative's note of 8 January 1971 and to the related question of the inviolability and return to the United Nations of its premises at Government House in Jerusalem, as constituted on 5 June 1967.

"In a note of 10 December 1970, the Secretary-General asked the Permanent Representative to transmit to his Government a request for information about the reported Jerusalem 'Master Plan' and for clarification as to whether it 'envisages any development affecting the United Nations premises at Government House, either as to the area returned to the United Nations by the Israel authorities in August 1967 or the remainder of the area of the Government House premises as constituted on 5 June 1967'.

"The Acting Permanent Representative, in the reply contained in his note of 8 January 1971, does not answer the question raised by the Secretary-General about the effects of the reported 'Master Plan' on the whole or part of the Government House premises. Instead, the Acting Permanent Representative assures the Secretary-General that 'the position of the Government of Israel as regards Government House continues to be as indicated in the letters dated 29 June 1967 and 22 August 1967 from the Permanent Representative of Israel to the Secretary-General (S/7930/Add.20 and 29), and that no changes are contemplated with regard to the arrangements made in August 1967'.

"In so far as the assurances proffered by the Government of Israel do not safeguard the rights of the United Nations to possession of the whole of its Government House premises as constituted on 5 June 1967, they do not cover the obligations of the Secretary-General in this matter.

"In his report of 11 August 1967 to the Security Council (S/7930/Add.27), the Secretary-General made it clear that 'the United Nations is entitled to the return of the premises of Government House exactly as they were constituted on 5 June 1967 and that it has the right to exclusive and undisturbed occupancy and possession of the full Government House compound'. This position was expressly reserved by the Secretary-General in the exchange of letters of 22 August 1967 with the Permanent Representative of Israel (S/7930/Add.29) prior to the return of UNTSO to a part of the Government House premises. Solely because of the urgent need for

the facilities at Government House, the Chief of Staff of UNTSO was authorized by the Secretary-General to return to the lesser area, without prejudice to all rights and claims of the United Nations to the occupancy and possession of the whole of the premises.

"This reservation made by the Secretary-General is part of the understanding for the return of UNTSO to Government House and entails that Israel should refrain from any unilateral action which would frustrate or render ineffective the United Nations right to inviolability of the whole of its Government House premises and to the immunity of those premises, 'by whomsoever held', from 'search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action', in accordance with the Convention on Privileges and Immunities of the United Nations to which Israel acceded on 21 September 1949.

"Since the dispatch of his note of 10 December 1970, the Secretary-General has been informed by UNTSO that on 3 January 1971 a bulldozer commenced working within the perimeter of the United Nations premises at Government House as constituted on 5 June 1967, on the south-eastern side of these premises. This activity, which coincides with reports appearing in the press about the immediate implementation of a project to erect housing units and other buildings in that area, indicates a further and serious violation of the inviolability of United Nations premises under the Charter of the United Nations and the Convention on Privileges and Immunities of the United Nations.

"Aside from legal and other considerations, the works currently being carried out by Israel within United Nations premises may bring about irreparable physical change to these premises. Consequently, the Secretary-General, while reserving the right of the Organization to claim compensation for any ensuing loss or damage, requests that these works be suspended.

"The Secretary-General continues to maintain that there is no basis for any curtailment of United Nations rights to Government House as constituted on 5 June 1967 and, especially in view of the recent developments mentioned above, is compelled to seek again by all appropriate means the full recognition and implementation of the right of the Organization to the occupancy and possession of its whole premises in that area. Accordingly the Secretary-General, in the exercise of his responsibilities in a matter involving the rights and interests of the Organization and in view of the implications of this matter on the principle of inviolability of United Nations premises wherever located and by whomsoever held, now also requests the unreserved return to the United Nations of the remainder of its Government House premises.

/...

"The Secretary-General avails himself of this opportunity to renew to the Permanent Representative of Israel the assurances of his highest consideration."

5. So far no reply to these two notes has been received from the Permanent Representative of Israel.
