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The situation in the Middle East

Question of Palestine

Identical letters dated 6 December 2017 from the Chargé d'affaires a.i. of the Permanent Observer Mission of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council

I write to you with urgency, in follow-up to the letter conveyed to you on 3 December 2017 from the President of the State of Palestine and Chairman of the Executive Committee of the Palestine Liberation Organization, Mahmoud Abbas, appealing for efforts to avert a decision by the current administration of the United States of America recognizing Jerusalem as the capital of Israel, in contravention of Security Council resolutions and the long-standing international consensus in this regard.

In the light of the extremely regrettable decision announced today by the American President, we call upon the Security Council to address this critical matter without delay and to act swiftly to uphold its responsibilities and the integrity and authority of its resolutions.

The international community must reaffirm its clear legal position on the status of Jerusalem, affirm its rejection of all violations of that status by whomever and whenever and demand that this decision be rescinded. The Security Council's relevant resolutions remain valid and must be implemented.

We recall the Security Council's numerous resolutions regarding Jerusalem, including, inter alia, resolutions 476 (1980) and 478 (1980). We recall, in particular, the Council's reaffirmations regarding the inadmissibility of the acquisition of territory by force; its recognition of the specific status of Jerusalem and the need for protection of the Holy Sites in the City; and its clear determination that "all legislative and administrative measures and actions taken by Israel, the occupying Power, which purport to alter the character and status of the Holy City of Jerusalem have no legal validity and constitute a flagrant violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War".

It is also to be recalled that in resolution 478 (1980), the Security Council specifically affirmed that the enactment of the "basic law" on Jerusalem by Israel



constitutes a violation of international law, and demanded that it be rescinded forthwith. The Council also called upon all Member States to accept its decision not to recognize the “basic law” and any other such actions seeking to alter the character and status of Jerusalem, and directly called upon “those States that have established diplomatic missions at Jerusalem to withdraw such missions from the Holy City”.

Moreover, the Security Council’s affirmation that “it will not recognize any changes to the 4 June 1967 lines, including with regard to Jerusalem, other than those agreed by the parties through negotiations” in resolution 2334 (2016) stands, firmly and unequivocally. Neither this decision by the United States, nor any other action contrary to the Council’s positions, has any legal effect and cannot change the applicability of international law to this situation.

Israel is not recognized as sovereign over Jerusalem and its status remains unresolved; Jerusalem has long been designated a final status issue in the Middle East peace process; East Jerusalem remains occupied territory since 1967; and the announcement today by the American President does not change these facts.

Security Council resolution 2334 (2016) was unequivocal regarding the applicability of international law to Jerusalem. It was also explicit in the call for the immediate reversal of the negative trends on the ground imperilling the two-State solution and for all parties to refrain from provocative actions, incitement and inflammatory rhetoric. Furthermore, resolution 2334 (2016) clearly reaffirmed that ending the Israeli occupation and achieving a just, lasting, comprehensive and peaceful solution, with the two-State solution on the 1967 lines at its core, can only be reached on the basis of the relevant United Nations resolutions, the Madrid Principles, including the principle of land for peace, the Arab Peace Initiative and the Quartet road map.

A clear message must therefore be conveyed, reaffirming the applicable laws and resolutions and opposing this unilateral and provocative decision, which will only further embolden Israel’s illegal policies and measures in the City and the rest of the Occupied Palestinian Territory, effectively rewarding the occupying Power for its intransigence and supporting its impunity. These developments totally contradict the ongoing efforts to create the conditions necessary for any meaningful negotiations for a peaceful solution. Any party undertaking such actions undermines its own role in the pursuit of peace, and those concerned with the promotion of peace cannot reasonably condone such actions. We call upon all States to be firm in their rejection of these actions and in their non-recognition of this unlawful situation.

The impact of such provocations cannot be underestimated, nor can the significance and sensitivity of Jerusalem to the Palestinian people, Muslims and Christians, and to all Arabs and Muslims worldwide. A comprehensive, just and lasting solution to the question of Palestine cannot be achieved without a just and lasting solution to the question of Jerusalem. Furthermore, the historic status quo at the Haram al-Sharif must be preserved as a matter of priority and urgency.

It is also duly recognized that the City of Jerusalem is sacred to the followers of the three monotheistic religions — Islam, Christianity and Judaism. The Security Council and General Assembly have clearly acknowledged this, calling for the protection of the City’s unique spiritual, religious and cultural dimensions and heritage. They have also repeatedly affirmed the legitimate interest of the international community as a whole in the question of Jerusalem, which has long been accorded a special political and legal status, beginning with General Assembly resolution 181 (II) of 1947, in which the City was designated a *corpus separatum*.

Any decisions or actions that disregard these fundamental legal, political and religious dimensions of the question of Jerusalem can only aggravate already

heightened tensions and destabilize this situation, with far-reaching implications and consequences. This includes the exacerbation of religious sensitivities that risk transforming this solvable political-territorial conflict into a never-ending religious war, which will only be exploited by religious extremists, fuelling violent radicalism and strife in the region and beyond.

We thus call upon the Security Council to act urgently to avert the further destabilization of this extremely volatile situation, which poses a threat to international peace and security. At this critical and sensitive moment, the Palestinian people and their leadership, alongside all those around the world who believe in international law and the path of justice as the most viable path to peace, are looking to the Council with high expectations for it to shoulder its responsibilities, in accordance with the Charter of the United Nations. We look to the Council to firmly uphold its resolutions, including with regard to Jerusalem, and to restore the primacy of international law in the efforts to resolve the Israeli-Palestinian conflict and establish just and lasting peace, whereby the Palestinian people can finally achieve their inalienable rights and achieve their freedom in their independent and sovereign State of Palestine, with East Jerusalem as its capital, living side by side in peace and security with all of its neighbours.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 37 and 38, and of the Security Council.

(Signed) Feda **Abdelhady-Nasser**
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