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### UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST

#### Question of the establishment of a university at Jerusalem

#### Report of the Secretary-General

1. The present report is submitted in pursuance of paragraphs 5 and 6 of General Assembly resolution 35/13 B of 3 November 1980. In paragraph 5 of that resolution, the Assembly requested the Secretary-General "in co-ordination with the Council of the United Nations University, the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the United Nations Educational, Scientific and Cultural Organization, to study ways and means of establishing at Jerusalem a university of arts and sciences to cater to the needs of Palestine refugees in the area, under the aegis of the United Nations". Paragraph 6 of the same resolution requested the Secretary-General to "submit a report on the establishment of the said university to the General Assembly at its thirty-sixth session".

2. Since the Israeli authorities are in effective control of Jerusalem at the present time, it is evident that an essential prerequisite for establishing the proposed university in that city is the co-operation of those authorities. Upon the adoption of the resolution, therefore, the Secretary-General decided to contact the Israeli authorities with a view to its implementation. An exchange of correspondence took place between the Secretariat and the Permanent Representative of Israel to the United Nations, which is reproduced at the latter's request (see annex I).

3. At the same time, discussions were held with the Permanent Representative of Jordan, since the proposed study concerning the establishment of a university at Jerusalem was included in General Assembly resolution 35/13 B as a result of an initiative by Jordan. An exchange of letters took place between the Secretariat and the Permanent Representative of Jordan, which is reproduced at the latter's request (see annex II).

4. Contacts were also established with the Palestine Liberation Organization (PLO) regarding the implementation of the General Assembly resolution. The exchange of correspondence between the Secretariat and the Permanent Observer of the PLO is reproduced in annex III.

5. Close co-operation was maintained with the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations University (UNU) and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in seeking to implement General Assembly resolution 35/13 B. Those organizations were kept fully informed of the efforts of the Secretariat and they provided information and assistance to it as occasion required:

(a) UNESCO made available to the Secretariat the feasibility study prepared by it on the establishment of a Palestinian Open University and other relevant information on this subject. At its twenty-first session, the General Conference of UNESCO adopted 21C/Resolution 1/06 of 21 October 1980, requesting the Director-General to continue his efforts to carry out this project. The recommendations of the feasibility study, which envisaged that the Open University commence its activities in 1984, were approved by the PLO and the Arab Fund for Economic and Social Development (AFESD) in November 1980.

(b) UNESCO, as well as UNU and UNRWA, fully supported the proposal by the Secretariat set forth in the letter of 1 June to the Permanent Representative of Jordan (see annex II, sect. (e)). They agreed that they would examine the possibility of sending a team comprising representatives of the United Nations, UNESCO, UNU and UNRWA to the area, when a practical basis for such a mission had been secured, to study the feasibility of establishing a university at Jerusalem.

6. In order to expedite the preparation of the study requested by the General Assembly, the Secretary-General decided to send a senior official of the Secretariat, Mr. James Holger, to the Middle East to gather data relevant to the study. Mr. Holger visited Amman and Beirut during the second part of August 1981. In view of the position of Israel (see annex I, sect. (f)), he did not visit Jerusalem or the Universities of Bir Zeit, El-Najah (Nablus) and Bethlehem on the West Bank. In Amman, Mr. Holger met with senior government and university officials, namely, the Minister of Education, Mr. Said el-Tal; the Minister for Occupied Territories, Mr. Hassan Ibrahim; the President of the University of Jordan and Chairman of the UNU Council, Mr. Abdel Salam Madjali; and the President of Yarmuk University, Mr. Adnan Badran. He also held talks with the Director of UNRWA Affairs in Jordan; the Chief of the Teacher and Higher Education Division of the UNRWA/UNESCO Department of Education; and the Resident Representative of the United Nations Development Programme (UNDP). Meetings were also arranged with Mr. Hanna Nasser, President of the University of Bir Zeit, and Mr. Rouhi el-Khatib, exiled Mayor of the Arab sector of Jerusalem (East Jerusalem). In Beirut, Mr. Holger met with Mr. A. S. Dajani, Chairman of the Palestine Higher Council for Education, Science and Culture. In order to co-ordinate matters with UNESCO, Mr. Holger also held consultations at UNESCO Headquarters in Paris, where he met with the Assistant Director-General for Education.

7. Based on the contacts mentioned above, and related studies that have already been made, useful information has been gathered relevant to the purposes of General Assembly resolution 35/13 B. This information is briefly summarized below.

(a) The UNESCO feasibility study on the Palestinian Open University, <sup>1/</sup> which contains valuable statistical data that could be germane to the proposed university at Jerusalem, estimates that each year some 40,000 Palestinian Arab students successfully complete their secondary school education. Of these, some 10,000 succeed in gaining admission into universities each year. The remaining 30,000 are not able to continue their studies at university level, mainly because of the lack of university facilities. This situation is expected to become more acute in the coming years owing to the following factors: (i) over-all population growth; (ii) the growing proportion of school-age population within the total Palestinian Arab community; (iii) increased social demand for secondary education per age group; and (iv) a growing participation rate of women in education. Estimates of Palestinian Arab school-leavers over the coming years indicate that there will be some 57,000 by 1985, increasing to 72,000 by 1990 and to 82,000 by 1995.

(b) Palestinian and Jordanian sources are of the opinion that several measures will have to be adopted in the near future, among which the establishment of new universities should be included if school-leavers are to be enabled to pursue their studies at university level. This would appear to be particularly relevant to the West Bank, Gaza Strip and East Jerusalem, where a significant number of secondary school-leavers desirous of continuing their education are at present compelled to apply to universities outside the area.

(c) According to information available to UNESCO, of the 60,000 students who constituted total enrolment of Palestinian Arabs in institutions of higher learning in 1977, approximately 40,000 (or 66 per cent) were attending universities in Arab countries, principally Egypt and Lebanon; about 15,000 (or 25 per cent) were studying elsewhere (Europe, Asia and the Americas); and only about 5,000 (or 9 per cent) attended universities on the West Bank and in Israel. The latter category is broken down as follows: (i) 1,900 students for Israel; and (ii) 3,193 for the West Bank. Recent figures for the West Bank from Israeli sources show a total enrolment of 4,652 for 1979/80 and 6,176 for 1980/81. Breakdown of the 4,652 figure indicated the following enrolment: 1,386 at Bir Zeit; 1,982 at El-Najah (Nablus); 811 at Bethlehem and 473 at the Islamic College in Hebron. <sup>2/</sup>

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<sup>1/</sup> UNESCO, "Palestinian Open University, Feasibility Study" (Paris, September 1980).

<sup>2/</sup> The State of Israel, Ministry of Defence, Co-ordinator of Government Operations in Judea and Samaria, Gaza District, Sinai, Golan Heights, A Thirteen-Year Survey (1967-1980) (1 January 1981), appendix 26, table 1.

(d) Since resolution 35/13 B was adopted in relation to the item dealing with UNRWA, it would be appropriate to provide certain data on the Palestine refugee population, in particular its pupil component, on the West Bank and in the Gaza Strip. 3/ As at the end of September 1979, there was a total of 683,081 UNRWA-registered refugees (319,063 on the West Bank and 364,018 in the Gaza Strip) of which 204,043 fell into the 6-17 age group. 4/ Of these, 156,384 refugee pupils were enrolled in the elementary and lower secondary education cycles (first nine years of schooling) as well as in the vocational/technical and teacher training sectors (64,883 on the West Bank and 91,501 in the Gaza Strip). 5/ Though the UNRWA/UNESCO programme does not run the upper secondary cycle (last three years of schooling), the following enrolment data is available for refugee pupils attending government schools: 7,025 on the West Bank and 10,447 in the Gaza Strip. 6/ This, of course, accounts for only part of the total enrolment at the upper secondary level.

(e) Statistics on the school-leaving examination (Tawjihiya) are worthy of mention. In 1978/79, according to a study prepared for the University of Bir Zeit, 9,640 West Bank students sat for the examination, with 7,010 passing it. Israeli sources, while not giving specific data for that academic year, provide figures for 1979/80: 11,333 sat for the examination and 7,987 passed it. Concerning the Gaza Strip, the following data have been furnished by the Israeli authorities for the same academic year: 6,384 students sat for the examination, with 4,281 passing it. On the basis of these statistics, which do not include East Jerusalem, a total of 12,268 students passed the Tawjihiya examination in both territories. 7/ The above-mentioned Bir Zeit study indicated that the combined intake of first-year students at the universities of Bir Zeit, El-Najah and Bethlehem on the West Bank accounted for approximately one sixth of the number of successful school-leavers in 1978/79, which would give a total of 1,167 new students entering those institutions (one sixth of 7,010).

(f) In the report, 8/ submitted in 1978 by the Director-General of UNESCO to the organization's twentieth General Conference, on the educational and cultural institutions in the occupied Arab territories, extensive reference is made to the reports submitted to him by members of a UNESCO mission which visited the occupied Arab territories from 30 November to 9 December 1977. On the subject of higher

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3/ UNRWA data for the West Bank include East Jerusalem.

4/ UNRWA/UNESCO Department of Education, Statistical Yearbook 1979-80, table 1, p. 10.

5/ Ibid., table 4, p. 14.

6/ Ibid., table 64, p. 87.

7/ The State of Israel, appendix 25C, p. 56.

8/ UNESCO, document 20C/113 of 28 September 1978.



education in the West Bank, Professor Ruiz-Gimenez, who was a member of that mission, indicated that, from a quantitative point of view, the situation had improved in comparison with that existing before 1967. However, as far as quality was concerned (freedom of teaching, importation of textbooks, the choice of professors, the possibility of establishing other facilities and research institutes, the editing and diffusion of publications, cultural expression, etc.), there were still serious limitations and problems that had to be overcome. Concerning higher education in the Gaza Strip, Professor Ruiz-Gimenez noted that the Israeli authorities had not founded any university centres in the territory, pointing out that limited opportunities were open for students with high grades in their school-leaving examinations to pursue university education in Egypt, where the Government reserved a quota of about 1,000 students from the Gaza Strip each year for admission to its universities; Europe; the United States of America; or other Arab countries. Similar views on the state of higher education in the occupied Arab territories have been expressed by other United Nations bodies, such as UNDP <sup>9/</sup> and the International Labour Organisation (ILO). <sup>10/</sup> In submitting the reports of the mission to the UNESCO Executive Board, the Director-General formulated a set of nine recommendations designed to help the inhabitants of these territories to enjoy their natural right to an education and culture which accord with their national identity. These recommendations, which include one specifically relating to higher education, were approved by the UNESCO Executive Board and later by its General Conference at its twentieth session. The recommendation concerning higher education read as follows:

- "1. Make a more accurate study of higher education with a view to determining needs on a case-by-case basis and ways and means of satisfying them. This study should be carried out without restrictions of any kind in the universities and higher education centres that have been created since 1967 (Bethlehem, Hebron, Bir Zeit and Nablus).
- "2. Give higher educational establishments and their staff the freedom and resources needed for the continuation of their research and training activities.
- "3. Allow the unimpeded import of the books and publications required; consider, if necessary, abolition of the duties levied on the import of books or teaching materials for educational purposes.
- "4. Assist higher educational establishments in procuring the publications, books and materials they need to pursue their activities.
- "5. Allow the universities to call on foreign teachers or teachers living outside the occupied territories.

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<sup>9/</sup> UNDP, "Report of the Inter-Agency Task Force on assistance to the Palestinian people" (30 April 1979).

<sup>10/</sup> International Labour Office, Report of the Director-General, International Labour Conference, sixty-sixth session, 1980.

"6. Allow close links to be established with foreign universities, particularly universities in the Arab world.

"7. Abolish or relax restrictions concerning the circulation of students.

"8. Generally speaking, remove the impediments which censorship is claimed to impose on the circulation of intellectual works.

"9. Consider the setting-up of a higher educational establishment in the Gaza Strip.

"10. Some of the activities envisaged above could be financed out of the Regular Programme, but the setting up of a funds-in-trust in UNESCO to assist particularly with the financing of the universities and the granting of fellowships should also be contemplated."

(g) The question of higher education in the occupied Arab territories was also taken up by the General Conference of UNESCO at its twenty-first session, 11/ when the subject of Israeli Military Order No. 854 dated 6 July 1980 was discussed. This military order came under criticism by a number of delegates, as an instrument to limit still further the academic freedom of university institutions on the West Bank and modify the existing Jordanian educational law applicable in that area. The General Conference of UNESCO adopted 21C/Resolution 14.1 which, "noting that the occupation authorities are making use of Israeli Military Order No. 854 and its addenda, dated 6 July 1980, to deprive the universities in the occupied Arab territories of their independence, educational and administrative, and to subject them to the authority of the Israeli military governor, in defiance of the resolutions adopted by UNESCO and the United Nations", requested Israel "to cancel the above-mentioned Military Order immediately".

(h) The Israeli view on these questions is reflected in a survey 12/ prepared by the "Co-ordinator of Government Operations in Judea and Samaria, Gaza District, Sinai and Golan Heights". The information contained in that document is summarized below:

(i) Israel dismisses the charges that it has been restricting academic freedom of universities in the occupied areas. This applies particularly to accusations related to the issuance of new regulations alleged to have amended Jordanian legislation in force on the West Bank. Israel's stand is that some decisions taken in the recent past were motivated by the need "to ensure the maintenance of public order and normal day-to-day life".

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11/ UNESCO, document 21C/18 and Add., of 6 October 1980.

12/ State of Israel, ..., pp. 18-22A and appendices 25 and 26.

- (ii) In the field of higher education, the changes brought about by the Israeli authorities are reflected by the following: (a) today, there are three institutions of higher learning on the West Bank and one in the Gaza Strip, as compared to none prior to 1967; (b) student enrolment, as well as the number of teachers in these institutions, continues to increase significantly; (c) degrees offered by these institutions are recognized by universities in Arab States and, in the case of Bir Zeit, by United States universities also.

(i) Jordanian and Palestinian representatives have stated that limited fields of study offered in the curricula are a severe shortcoming at the existing institutions of higher learning in the area. It is one of the reasons why students from the West Bank, East Jerusalem and the Gaza Strip find themselves in a position of having to apply to universities outside the area. The following is a brief account of the existing facilities:

- (i) Bir Zeit University, a member of the Association of Arab Universities and of the International Association of Universities, is the most important institution of higher learning on the West Bank. It has four faculties: Arts, Science, Commerce and Economics, and Engineering. All faculties grant bachelor's degrees; a master's degree in Education is also offered;
- (ii) Bethlehem University is a small institution concentrating on non-traditional programmes, such as in-service teacher training, nursing and hotel management. It also offers courses in literature, social sciences, art and business administration;
- (iii) El-Najah University in Nablus has departments in natural and social sciences, architecture, education, psychology and English;
- (iv) The Islamic College in Hebron offers courses to prepare teachers for the study of Islam;
- (v) Concerning the Gaza Strip, the Israeli authorities list the Al-Azhar Seminary in Gaza as an institution of university level. The Israeli survey states that Al-Azhar Seminary offers secondary school graduates two years of college-level studies in Islamic religion but does not indicate whether it grants any degrees; 13/
- (vi) In regard to East Jerusalem, according to Jordanian and Palestinian officials, the Science and Technology College in Abu Dis appears to be the only Arab institution of higher learning in that area. At present, it has an enrolment of 60 students and it is planned that by 1985 its currently limited curriculum will expand to include mathematics, physics, chemistry, biology, education, geology, applied physics and mathematics, and applied chemistry and biology, with an expected enrolment of 240 students.

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13/ Ibid., pp. 21-22.

(j) With respect to the proposed Palestinian Open University, it is intended to provide mass-oriented university-level undergraduate instruction in as many relevant fields of study as possible, either part-time or full-time and utilizing open learning techniques. The university is expected to organize its academic offerings in three principal areas: science (basic sciences, agricultural sciences and food technology, technology and engineering); social sciences (including business management and public administration); and humanities (including education). The institution plans to confer bachelor of arts and bachelor of science degrees, and also provide a wide selection of programmes aimed at giving students intermediate qualifications apt to meet their particular needs. <sup>14/</sup>

(k) Given the limitation of the existing facilities, Jordanian and Palestinian education experts hold the view that it is essential to increase the number of highly trained Palestinian personnel in the professional, managerial, scientific and technical levels, and that these cadres should be trained in the occupied territories, including Jerusalem. In their opinion, the following priority areas need to be emphasized in the curriculum of the proposed university in Jerusalem:

- (i) Education, especially teacher training;
- (ii) Housing and construction (training of surveyors, civil engineers, draughtsmen, city planners, mechanical engineers, construction-related technicians, etc.);
- (iii) Health services and medical science (training of doctors, nurses, laboratory technicians, etc.);
- (iv) Agriculture (training of experts in agricultural research and agricultural marketing);
- (v) Industry (training of managers, administrators, engineers, technicians and marketing specialists).

Research and development facilities as well as the improvement of vocational skills have also been mentioned as important areas on which the new university should focus. In addition, courses in Arabic, Arab history and literature, Islam, sociology and archeology have been highlighted for inclusion in the curriculum with a view to preserving the cultural heritage of the Palestinian Arab people.

8. Views were expressed by Jordanian and Palestinian representatives that the university should cater to the needs of Palestinian Arab students wherever they might at present reside. They added, however, that at least in the initial phase of the university's activities, admission might need to be restricted to such students who live in East Jerusalem, the West Bank and Gaza. This should be on

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<sup>14/</sup> UNESCO, "Palestinian Open University" ... .



purely practical grounds and in the light of the limitation of the existing facilities for higher education in the area. In this connexion, various sites in the Jerusalem area were suggested by the experts consulted.

9. The Jordanian and Palestinian representatives stressed that since the proposed university was meant to be established "under the aegis of the United Nations", the latter should provide a detailed charter for the institution, select the members of its board of trustees, assist in the appointment of academic staff and, if possible, arrange for the financing. With regard to the question of financing, they indicated that, if necessary, voluntary funds, primarily from Arab sources, could be made available on a regular basis. In respect to the teaching staff, recruitment policies should be governed by the need to ensure academic excellence. Furthermore, it was contemplated that the proposed university should attract as large a number as possible of highly qualified Arab Palestinians who are currently working outside the area. It was proposed that the rector of the university should be a Palestinian of outstanding academic standing and that a representative of the United Nations should be appointed to act as liaison between the university and the United Nations. It was also suggested that the university should be in a position to offer consultancy services to higher education institutions in the occupied territories to further their progress and development.

10. From the above, it will be seen that much useful information has been gathered in regard to the university proposed in General Assembly resolution 35/13 B and the ways and means of establishing it. However, it is evident that the actual establishment of the university at Jerusalem is possible only with the agreement and co-operation of the Israeli authorities who are currently in control of the area. This co-operation has not yet been obtained and the present position of Israel is as set out in the letter of its Permanent Representative dated 14 July 1981 (see annex I, sect. (f)).

ANNEX I

Exchange of correspondence between the Secretariat and the  
Permanent Representative of Israel to the United Nations

(a) On 30 January 1981, the Under-Secretary-General for Special Political Affairs addressed a letter to the Permanent Representative of Israel, in which, after recalling paragraphs 5 and 6 of General Assembly resolution 35/13 B, he stated:

"In pursuance of that resolution, it is intended to begin work shortly on the study requested of the Secretary-General. As the study will require information on a variety of matters relating to the proposed university, it would be appreciated if the Government of Israel could co-operate in this endeavour and, in this connexion, also grant free access to experts of the United Nations who may need to be sent to the area.

"While I am naturally aware of the position taken by the Israeli delegation at the time when this resolution was debated in the Special Political Committee, I should be most grateful if your Government could consider this matter further and inform us of its position at an early date."

(b) On 11 May 1981, the Permanent Representative of Israel sent the following reply:

"I should like to refer to your letter to me of 30 January 1981, concerning General Assembly resolution 35/13 B of 3 November 1980.

"While the position of Israel regarding that resolution was stated by the representative of Israel in the Special Political Committee of the 35th General Assembly on 22 October 1980, further consideration has nonetheless been given to the request contained in your letter under reference. In doing so, we have encountered several difficulties in attempting to comprehend the essence and purpose of the proposed university. I would therefore appreciate receiving clarifications which would give us a better understanding of the subject.

"For instance, it is not sufficiently clear from the resolution in question or from your letter whether the proposed university would be restricted to Palestinian refugees alone, to the exclusion of non-refugees; and if so, what authority would determine who is a "refugee", and what criteria would be applied for that purpose?

"In either case, it is intended that the proposed university would distinguish between Jewish, Muslim or Christian Palestinian refugees, and exclude anyone on the basis of his or her origin or religion?

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"Clarification of these questions would help us to assess the matter both in the light of the laws of Israel, particularly those concerning institutions of higher education, and also in the light of the principles of the United Nations."

(c) On 27 May 1981, the Under-Secretary-General for Special Political Affairs wrote again to the Permanent Representative of Israel as follows:

"I should like to refer to your letter of 11 May 1981 in which you requested certain clarifications concerning paragraph 5 of General Assembly resolution 35/13 B.

"As is indicated in that resolution, the objective of the proposed university is to cater to the needs of Palestinian refugees in the area. The admissions policy of the proposed university will have to be determined by the authorities of that university, under such guidance as may be given by the General Assembly, in conformity with the principles of the United Nations. In the same manner, it will be for the competent authorities of the university to determine who is a Palestine refugee for the purposes of admission.

"In this context, I should like to recall that resolution 35/13 B was adopted by the General Assembly under the item concerning the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and that reports on that Agency have been submitted to the General Assembly by the Director (later Commissioner-General) on UNRWA on a regular basis since 1951. It is clear from those reports that, in order to be eligible for assistance from that Agency, a Palestine refugee must be a person whose normal residence had been in Palestine for a minimum of two years prior to the 1948 conflict and who, as a result of that conflict, lost both his home and his means of livelihood. The descendants of such a person are also eligible for assistance from the Agency. In this connexion, it is relevant to note that neither the General Assembly nor the Agency has made any distinction between Palestine refugees on the basis of their religion.

"In light of these clarifications, I hope you will now be in a position to reply to my letter of 30 January 1981. In order to expedite the preparation of the report requested by the General Assembly, I should be grateful if this reply could be sent to me not later than 30 June 1981."

(d) In reply to the above message, the Permanent Representative of Israel sent the following letter dated 25 June 1981 to the Under-Secretary-General for Special Political Affairs:

"Thank you for your reply of 27 May 1981 to my letter of 11 May, offering some clarifications of paragraph 5 of General Assembly resolution 35/13 B.

"While those clarifications were of course appreciated, many questions, in our view, still remain regarding the essence and purpose of the proposed

university, especially in light of the principles embodied in the United Nations Charter and in the Universal Declaration of Human Rights, and also in the light of general practice regarding matters affecting refugees throughout the world.

"This is so because, to the best of our knowledge, there is no precedent or model for a United Nations sponsored university for any of the many groups throughout the world of refugees and their offspring, most of whom are unable to meet their needs even for elementary education.

"In the circumstances, how can the earmarking of significant sums of the United Nations' limited resources for the benefit of one particular group of refugees be reconciled with the principles of universality and non-discrimination? This question is all the more pertinent given the fact that the Palestinian refugees, who constitute a small fraction of all the people displaced since the end of World War II, have been the recipients of extraordinary financial and educational benefits provided since the early 1950s by the international community through UNRWA, and as a result probably are now the most privileged and best educated of all refugee groups in the world.

"Another question arises in view of the fact that most Governments throughout the world, as well as the United Nations and other international agencies, which seek constructive solutions to the problems of refugees, have pursued policies aimed at the rehabilitation of refugees through their integration into the general population. We wonder therefore how this virtually universal approach to the subject can be reconciled with the attempt implicit in the above-mentioned resolution, to isolate one group of refugees, separate them from the general population, promote special institutions for them, create distinct academies of arts and sciences for them, and in general support ways and means to perpetuate an abnormal status for them. We would particularly welcome your views on how all this can properly be done under the aegis of the United Nations and through its means and machinery.

"Besides these issues, a series of legal questions arises because of the reference in your letter to the competent authorities of the university and to the range of matters apparently to be left to their discretion. Since the proposed university is to cater to the needs of the Palestine refugees in the area, we wonder how the university would function within the frame-work of the local legislation, especially that relating to higher education.

"We should appreciate your comments on all of these points."

(e) On 2 July 1981, the Under-Secretary-General for Special Political Affairs sent the following letter in reply to the Permanent Representative of Israel's message of 25 June:

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"Thank you for your letter of 25 June in which, with reference to my communication of 27 May, you sought further clarifications concerning the implementation of paragraph 5 of General Assembly resolution 35/13 B.

"I take due note of your view that many questions still remain regarding the essence and purpose of the proposed university, especially in light of the principles embodied in the United Nations Charter and in the Universal Declaration of Human Rights, and also in the light of general practice regarding matters affecting refugees throughout the world.

"The Secretary-General is not in a position to give authoritative answers to such questions. It is not up to him to interpret or speculate on the motives or intent of the General Assembly when it adopts resolutions on various international matters. But the Secretary-General, in accordance with Article 98 of the Charter, must do all he can to carry out the responsibilities entrusted to him by the General Assembly, and this is what he is doing with reference to paragraphs 5 and 6 of General Assembly resolution 35/13 B. You may be assured that in preparing the study that is requested of him, which is in the nature of a feasibility study, the Secretary-General will be mindful of the principles embodied in the Charter and in the Universal Declaration of Human Rights.

"In this connexion, I should inform you that in order to expedite the preparation of the study requested by the General Assembly, the Secretariat plans to send Mr. James Holger to the Middle East to gather data relevant to the study. In this connexion, as a first step, it would obviously be most desirable if Mr. Holger could visit Jerusalem and the Universities in Bir Zeit, Nablus and Bethlehem in the West Bank. I would hope that the Israeli authorities would agree to facilitate the proposed visit, in which event Mr. Holger would arrive in Jerusalem in the early part of August 1981."

(f) On 14 July, the Permanent Representative of Israel replied as follows:

"I should like to thank you for your letter of 2 July 1981.

"We note that in it you indicate that the Secretary-General is not in a position to give authoritative answers to the questions raised in my letter of 25 June 1981 concerning General Assembly resolution 35/13 B.

"In the circumstances, I feel sure that you will understand our continuing concerns about the essence and purpose of the proposed university. Indeed, even the preliminary steps suggested to facilitate the implementation of the resolution in question would seem to substantiate the view that its sponsors were attempting to use the field of higher education for dubious political ends, totally extraneous to, and out of keeping with, genuine academic pursuits.

"In view of the fact that no substantive clarifications have been received to our questions, you will, I am sure, readily understand that we, for our part, are now unable to help in taking this matter further. When the necessary clarifications are provided, we shall be prepared to give it further consideration."

ANNEX II

Exchange of correspondence between the Secretariat and the  
Permanent Representative of Jordan to the United Nations

(a) On 30 January 1981, the Under-Secretary-General for Special Political Affairs addressed a letter to the Permanent Representative of Jordan in which, after recalling the terms of paragraphs 5 and 6 of General Assembly resolution 35/13 B, he stated:

"In pursuance of that resolution, it is intended to begin work shortly on the study requested of the Secretary-General. Bearing in mind that the resolution was adopted on the initiative of Jordan, I should be grateful if you would convey to me any suggestions or information which your Government may have on the subject."

(b) A further letter was addressed by the Under-Secretary-General for Special Political Affairs to the Permanent Representative of Jordan on 18 May 1981:

"I should like to follow up on my letter of 30 January 1981 relating to the implementation of General Assembly resolution 35/13 B of 3 November 1981 in paragraph 5 of which the Assembly requested the Secretary-General to study ways and means of establishing at Jerusalem a university of arts and sciences to cater to the needs of Palestine refugees in the area under the aegis of the United Nations.

"In pursuant of the General Assembly's request, I have also approached other concerned parties on the same subject. In this connexion, I wish to advise you that on 11 May the Permanent Representative of Israel conveyed to me his Government's initial reaction to my letter of 30 January. For your information, I am enclosing a copy of both letters.

"Mindful that the proposed study concerning a university in Jerusalem was included in the resolution on the initiative of Jordan, I would like to reiterate the request made to you in my letter of 30 January. Any suggestions or information which your Government may have on the subject would be most helpful to us in the preparation of the Secretary-General's report. By the same token, any clarification Jordan may wish to make on the points raised by the Israeli Representative in his letter would also be appreciated.

"As the position of the Jordanian Government is essential for the preparation of the proposed study, I should be grateful if you would provide us with all available information on this matter as soon as possible and preferably by 30 June 1981."

(c) On 20 May 1981, the following reply was sent by the Permanent Representative of Jordan:

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"I wish to acknowledge receipt of your letter dated 18 May 1981, as well as the enclosed copy of your previous letter of 30 January 1981, as well as the reply of the Permanent Representative of Israel to the letter of 30 January.

"I wish to recall in this connexion the telephone conversation which, at the time, I had had with you and in which I had informed you that I had sent a message to my Government requesting that the appropriate measures be taken to assist the Secretary-General in implementing paragraph 5 of the General Assembly resolution 35/13 B of 3 November 1980 in coordination with the Council of the United Nations University, the UNRWA and the UNESCO, to study ways and means of establishing at Jerusalem a university of arts and sciences to cater to the needs of Palestine refugees in the area, under the aegis of the United Nations.

"Considering that the said resolution had also requested the Secretary-General to submit a report on the establishment of the said university to the General Assembly at its thirty-sixth session, with a view to facilitating the task of the Secretary-General, I had suggested in my telephone conversation with you that representatives of three bodies referred to in the resolution might at their discretion, and amongst other steps which they may deem necessary, make a visit to the University of Jordan in Amman, as well as to the University of Yarmuk in Irbid (Jordan) to discuss with their leaders the manifold structural, academic, financial, staffing and administrative dimensions involved in establishing the proposed university of Jerusalem.

"These two institutions of higher learning have acquired vast experience over the years in establishing and expanding the two universities, and their expertise would be extremely germane and useful in formulating the ways and means for the establishment of the university of Jerusalem. I had alerted the authorities at the two universities of a possible visit by the designated United Nations representatives for this purpose and they had assured me that they would extend all possible cooperation.

"It is regrettable, Mr. Under-Secretary-General, that such a visit had not, apparently, taken place even though time for preparing the report to the General Assembly seems relatively to be running out.

"I shall transmit to my Government your letter of 18 May 1981 and its enclosures for its perusal. I should like, however, to give an all too platitudinous reply to some of the questions raised in the letter sent to you on 11 May 1981 by the Permanent Representative of Israel. The General Assembly has, in its resolution 194 of 11 December 1948 defined in no unmistakable terms what is a Palestinian refugee. Its definition of a Palestinian refugee has not altered one iota since it was adopted and is being reiterated every year since. I believe you will agree with me that education



should not be the proper field for seemingly innocuous but facetious hair-splitting. The proposed university of Jerusalem under General Assembly resolution 35/13 B would explicitly be, as the resolution states, under the aegis of the United Nations which needs no guidance in defining what a Palestinian refugee, properly so-called is. The criteria, therefore, is already firmly established.

"The definition of a Palestinian refugee by the highest body of the United Nations, and inspired by its Charter, cannot but be above the bigoted divisiveness on the basis of creed, colour or race. It is tautological to reiterate that a Palestinian refugee is a Palestine refugee, and no time should be expended on extraneous issues which run counter to General Assembly resolution 35/13 B of 3 November 1980. That resolution was passed unanimously with only Israel dissenting. If it is Israel's policy to persist in its opposition, it should say so without beating round the bush. The General Assembly at its forthcoming 36th session is entitled to a studious report on its resolution.

"I, therefore, strongly urge that representatives of the United Nations bodies designated by the said resolution should go out soonest to Jordan and other Middle East countries to formulate a coherent and comprehensive structural plan for the establishment of the university divested from any political considerations or impediments which fall within the jurisdiction of the General Assembly itself."

(d) In reply to the above letter, the Under-Secretary-General for Special Political Affairs addressed a further letter to the Permanent Representative of Jordan on 1 June 1981 as follows:

"I should like to refer to your letter of 20 May 1981 in reply to mine of 30 January and 18 May concerning the implementation of General Assembly resolution 35/13 B.

"Since the Secretary-General has been requested to study ways and means of establishing a university at Jerusalem, and since the Israeli authorities are in effective control of that city at the present time, it seems evident that an essential prerequisite for establishing the proposed university is the co-operation of the Israeli authorities. It was for this reason that I wrote to the Permanent Representative of Israel on 30 January 1981 and made available to you both a copy of my letter and of his preliminary reaction. On 27 May, I addressed a further letter to the Permanent Representative of Israel in clarification of the various points he had raised. A copy of that letter is attached for your information. You will note that my reply took into account the observations contained in your letter of 20 May in regard to Palestine refugees, although I did not specifically mention General Assembly resolution 194 of 11 December 1948 since that resolution does not seek to provide a precise definition of who is a Palestinian refugee. We are now awaiting a further reply from the Permanent Representative of Israel.

"We are grateful for your suggestion that a team of representatives of the United Nations organizations concerned visit the University of Jordan in Amman and the University of Yarmuk in Irbid to discuss with their leaders the structural, academic, financial, staffing and administrative dimensions involved in establishing the proposed university at Jerusalem. After careful consideration, we feel that this suggestion can best be acted upon at a stage when the practical basis for establishing the university has been secured. At that stage, it would be desirable to send a team of United Nations experts to Jerusalem to discuss practical aspects relating to the proposal to establish the university there. The team could then also visit the two universities suggested by you.

"Meanwhile, the Secretariat is gathering information relevant to the establishing of the proposed university. In this connexion, I should like to mention that UNESCO has made available to us a feasibility study for a Palestinian Open University, which it has recently completed under the terms of an agreement signed in December 1977 with the PLO and the Arab Fund for Economic and Social Development. We are examining this study carefully, in consultation with UNESCO and PLO representatives, both because this study contains valuable information which is germane to the proposed university at Jerusalem, and because it is important that the two projects be most carefully co-ordinated. As you may be aware, at its twenty-first session, the General Conference of UNESCO adopted resolution 21/06 requesting the Director-General to continue his efforts to carry out the project relating to the Palestinian Open University."

(e) On 22 June 1981, a follow-up letter was addressed by the Under-Secretary-General for Special Political Affairs to the Permanent Representative of Jordan:

"Following my letter to you of 1 June 1981, I have given further thought to your suggestion that a United Nations team visit the Universities of Jordan in Amman and of Yarmuk in Irbid in order to discuss matters relevant to the proposed study on the establishment of a university at Jerusalem.

"We have not as yet received any indication from the Israeli Government that such a team could visit Jerusalem. However, as a first step, the Secretariat plans to send Mr. James Holger to Jordan in order to visit the two universities that you have suggested. Mr. Holger would arrive in Amman on or about 21 July and stay in Jordan till around 25 July. Mr. Holger has extensive experience both of the Middle East and of the United Nations system, having served with the United Nations University before joining my office.

"I would be grateful if you could kindly facilitate Mr. Holger's visit to Jordan and, in particular, arrange for him to meet the competent authorities of the Universities of Jordan and Yarmuk."

(f) In subsequent conversations, Ambassador Nuseibeh informed the Secretariat that his Government welcomed the proposed visit.

ANNEX III

Exchange of correspondence between the Secretariat and the Permanent Observer  
of the Palestine Liberation Organization to the United Nations

(a) On 30 January 1981, the Under-Secretary-General for Special Political Affairs addressed a letter to the Permanent Observer of the PLO, in which, after recalling the terms of paragraphs 5 and 6 of General Assembly resolution 35/13 B, he stated:

"In pursuance of that resolution, it is intended to begin work shortly on the study requested of the Secretary-General. I should be grateful if you would convey to me any suggestions or information which your Organization may have on the subject."

(b) The Permanent Observer of the PLO replied on 8 June as follows:

"I wish to refer to your letter of 30 January 1981 regarding General Assembly resolution 35/13 B (paragraph 5) and have the honour to inform that the Palestine Liberation Organization expressed its full support for the establishment at Jerusalem of a university of arts and sciences to cater to the needs of Palestinian refugees in the area, under the aegis of the United Nations.

"We will suggest that a feasibility study be prepared taking into account the curriculum and facilities provided by the existing education institutions in Bir Zeit, Nablus and Bethlehem with particular emphasis on catering to needs not provided by such institutions with a view to further helping the Palestinian refugees in the area.

"Mr. James Holger has already discussed some aspects with a Palestinian expert in the field of education and I am sure that they covered some good ground."

(c) In conversations with the PLO Permanent Observer, it was agreed that the visit to the Middle East by the senior Secretariat official should include an exchange of views with officials of the PLO's Education Department in Beirut. In this connexion, the Permanent Observer also mentioned the details of a project for a Palestinian Open University being undertaken by UNESCO with the assistance of the PLO and the Arab Fund for Economic and Social Development. He indicated that the proposed establishment of a university in Jerusalem would not be in competition with, but rather complementary to, the Open University.

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