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LETTER DATED 28 JANUARY 1982 FROM THE PERMANENT REPRESENTATIVE
OF ISRAEL TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT
OF THE SECURITY COUNCIL

In connexion with resolution 500 (1982) adopted by the Security Council today, I have the honour to state the following:

On 18 December 1981 the thirty-sixth session of the General Assembly was suspended and is due to resume at a date or dates to be announced. The thirty-sixth regular session of the General Assembly is thus still in progress and has not been concluded.

In these circumstances there is no basis for holding a special session - including an emergency special session - as long as the regular session has not been concluded. As was stated by the President of the first emergency special session of the General Assembly, the overlapping of an emergency special session with a regular session:

"would be contrary to the provisions for the convening of emergency special sessions, which are held solely because the General Assembly is not in regular session. Those who drew up the provisions for emergency meetings certainly did not intend that such meetings should be held when the General Assembly was in regular session and hence fully capable of dealing with the items before it." (572nd plenary meeting of 10 November 1956, para. 28).

This conclusion was also relied upon in paragraph 18 of the legal opinion of the United Nations Secretariat, dated 25 August 1967, published in the United Nations Juridical Yearbook, 1967, p. 324, where it is stated that:

"Holding simultaneous sessions would be contrary to the basic purpose of emergency special sessions, as a device for speedily convening the Assembly when it is not already in session."

The inappropriateness of convening at this time an emergency special session of the General Assembly, as decided by the Security Council in its resolution 500 (1982), is heightened by the fact that the item to be dealt with by the emergency special session is on the agenda of the thirty-sixth regular session of the General Assembly. The General Assembly has even adopted a resolution on the matter (albeit in violation of Article 12 (1) of the Charter - see my statement of

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17 December 1981, A/36/PV.103, p. 111) which was also mentioned in the preamble of the Jordanian draft resolution (S/14832/Rev.1) that failed of adoption by the Security Council at its 2 329th meeting of 20 January 1982.

I have the honour to request that this letter be circulated as a document of the Security Council.

(Signed) Yehuda Z. BLUM
Ambassador
Permanent Representative of Israel
to the United Nations
