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Item 127 of the preliminary list*

REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE
UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF
THE ORGANIZATION

Letter dated 3 May 1982 from the Permanent Representative of Israel
to the United Nations addressed to the Secretary-General

In my letter dated 21 April 1982 to the President of the General Assembly (A/ES-7/18), I pointed out the irregularities that surrounded the "resumption" on 20 April 1982 of the seventh emergency special session of the Assembly that had been adjourned "temporarily" on 29 July 1980. I also stated in that letter that those irregularities were only further compounding the fundamental impropriety that surrounded the said emergency special session from its very inception, as indicated in my letter dated 20 July 1980 addressed to the Secretary-General (A/35/344).

The total disregard of the requirements of the Charter, the rules of procedure of the General Assembly, of elementary propriety and of basic logic has become one of the characteristic features of the conduct of the anti-Israel forces that manipulate the General Assembly to suit the whims of Israel's enemies. This also became clear in the manner of the convening of the ninth emergency special session of the Assembly earlier this year, as explained in my letter to you dated 28 January 1982 (A/ES-9/4).

I enclose copies of my letters contained in documents A/ES-9/4 and A/ES-7/18 and have the honour to request that my present letter and its enclosures (annexes I and II) be circulated as a document of the General Assembly under item 127 of the preliminary list.

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

* A/37/50/Rev.1.

ANNEX I

Letter dated 28 January 1982 from the Permanent Representative of
Israel to the United Nations addressed to the Secretary-General

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, on 10 November 1956, 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." a/

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, page 321, where it is stated that

"... holding simultaneous sessions would be contrary to the basic purpose of emergency special session, 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, paragraph 1, of the Charter - see my statement of 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 2329th meeting, on 20 January 1982.

(Signed) Yehuda Z. BLUM
Ambassador

Permanent Representative of Israel
to the United Nations

a/ Official Records of the General Assembly, First Emergency Special Session, Plenary Meetings and Annexes, 572nd plenary meeting.

ANNEX II

Letter dated 21 April 1982 from the Permanent Representative of
Israel to the United Nations addressed to the President of the
General Assembly

In my letter to the Secretary-General dated 20 July 1980 (A/35/344), I pointed out that the very convening of the seventh emergency special session of the General Assembly was in violation of the requirements laid down in Assembly resolution 377 A (V) of 3 November 1950, entitled "Uniting for peace", and that its holding thus made a complete mockery of the relevant rules of procedure of the Assembly. I further pointed out that, as a result, any resolutions adopted by an intrinsically illegal session of the General Assembly would themselves be illegal and tainted ab initio.

The impropriety surrounding the seventh emergency special session from its very inception and the illegality of its deliberations and proceedings have been further compounded this week by the "resumption" on 20 April 1982 of the seventh emergency special session after it had been adjourned "temporarily" on 29 July 1980 (resolution ES-7/2, para. 14). A "temporary" adjournment must surely be temporary and cannot be construed as extending ad infinitum to suit the whims of certain States who ride roughshod over the Charter, the rules of procedure of the General Assembly, elementary propriety and basic logic.

As I pointed out in my statement to the General Assembly on 20 April 1982, the "resumption" now of the seventh emergency special session "21 months after it was suspended 'temporarily', and the current revival of an initially contrived emergency, is not only a complete abuse of the emergency procedure envisaged by the 'Uniting for peace' resolution and by the rules of procedure of the General Assembly; it also constitutes yet another stage in the constant perversion of this Organization by an obsessed, unprincipled and hypocritical group of countries which has shed the last vestiges of decency in its fixation on my country and my people" (A/ES-7/PV.12, p. 51).

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