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NOTE BY THE SECRETARY-GENERAL UNDER SECURITY COUNCIL
RESOLUTION 237 (1967) AND GENERAL ASSEMBLY RESOLUTION
2252 (ES-V)

1. Security Council resolution 237 (1967) adopted on 14 June 1967 and General Assembly resolution 2252 (ES-V) adopted on 4 July 1967 both refer to humanitarian questions and request the Secretary-General to follow their effective implementation and to report thereon.
2. Concern about humanitarian questions in the Middle Eastern area is frequently brought to my attention. However, since the termination of the mission of the Secretary-General's Special Representative, Mr. Nils Gussing, and the submission of his report^{1/} on 2 October 1967, there has been no United Nations source of first-hand information on these problems. In view of this, the Secretary-General addressed on 26 February 1968 the following note to the Government of Israel:

"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 resolution 237 (1967) adopted by the Security Council on 14 June 1967 concerning the civil populations and prisoners of war in the area of conflict. This resolution requests the Secretary-General to follow the effective implementation of the resolution and to report to the Security Council. The Secretary-General also refers to General Assembly resolution 2252 (ES-V) concerning humanitarian assistance, adopted on 4 July 1967, which also requests the Secretary-General to follow the effective implementation of the resolution and to report thereon to the General Assembly. The Secretary-General has not been able to report on these matters to either organ since the submission on 2 October 1967 of the report of the Special Representative, Mr. Nils Gussing, for lack of any United Nations source of first-hand information.

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1/ S/8158, A/6797.

"Within the context of the above-mentioned resolutions, allegations have been made and concerns have been expressed in various forms and at various times about the treatment being accorded civilians. The Security Council resolution in question specifically calls upon the Government of Israel 'to ensure the safety, welfare and security of the inhabitants of the areas where military operations have taken place and to facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities'. That resolution also 'recommends to the Governments concerned the scrupulous respect of the humanitarian principles governing ... the protection of civilian persons in the time of war, contained in the Geneva Conventions of 12 August 1949'. The Secretary-General, however, at present finds himself in no position to dissipate such concerns effectively by positive reporting of his own based upon information from United Nations sources.

"The Secretary-General believes that it would be both useful for the United Nations and in the interest of all the parties concerned to have a first-hand, up-to-date United Nations report on conditions affecting the civilian population within the meaning of the resolutions. In this connexion, the Secretary-General recalls that Mr. Nils Gussing, with the concurrence of the Israel Government, went to the Near East in July 1967 as his Special Representative to obtain on-the-spot information required for the effective discharge at that time by the Secretary-General of his responsibilities under Security Council resolution 237 (1967).

"The Secretary-General considers that, in view of the indicated circumstances, it would be useful once again for him to send a representative to the area, particularly in order to make it possible for the Secretary-General to meet his reporting obligations under the relevant Security Council and General Assembly resolutions. Indeed, the Secretary-General feels that a positive step of this kind at this time could serve a number of useful purposes.

"The effectiveness of such a mission would obviously depend in large measure upon the co-operation of the Israel authorities. The Secretary-General hopes that this proposal will commend itself to the Government of Israel and trusts that an early response will be forthcoming.

"Notes along these lines are being addressed also to the Permanent Representatives of Jordan, Syria and the United Arab Republic.

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

3. On 28 February 1968, the Secretary-General addressed identical notes along similar lines to the Governments of Jordan, Syria and the United Arab Republic, the text of which is as follows:

"The Secretary-General of the United Nations presents his compliments to the Permanent Representative of _____ to the United Nations and has the honour to refer to resolution 237 (1967) adopted by the Security Council on 14 June 1967 and General Assembly resolution 2252 (ES-V) adopted on 4 July 1967. Both of these resolutions refer to humanitarian questions and both request the Secretary-General to follow their effective implementation and to report thereon. For lack of any United Nations source of first-hand information, the Secretary-General has not been able to report on these matters to either organ since the submission on 2 October 1967 of the report of his Special Representative, Mr. Nils Gussing.

"Within the context of the above-mentioned resolutions, allegations have been made and concerns have been expressed in various forms and at various times about the treatment being accorded civilians. The Security Council resolution in question specifically calls upon the Government of Israel 'to ensure the safety, welfare and security of the inhabitants of the areas where military operations have taken place and to facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities'. That resolution also 'recommends to the Governments concerned the scrupulous respect of the humanitarian principles governing ... the protection of civilian persons in time of war, contained in the Geneva Conventions of 12 August 1949'. The Secretary-General, however, at present finds himself in no position to dissipate such concerns effectively by positive reporting of his own based upon information from United Nations sources.

"The Secretary-General believes that it would be both useful for the United Nations and in the interest of all the parties concerned to have a first-hand, up-to-date United Nations report on conditions affecting the civilian population within the meaning of the General Assembly and Security Council resolutions referred to above. In this connexion, the Secretary-General recalls that Mr. Nils Gussing went to the Near East in July 1967 as his Special Representative to obtain the on-the-spot information required for the effective discharge by the Secretary-General at that time of his responsibilities under Security Council resolution 237 (1967).

"The Secretary-General considers that, in view of the indicated circumstances, it would be useful once again for him to send a representative to the area, particularly in order to make it possible for the Secretary-General to meet his reporting obligations under the relevant Security Council and General Assembly resolutions. Indeed, the Secretary-General feels that a positive step of this kind at this time could serve a number of useful purposes.

"The Secretary-General hopes for an early and favourable reaction to this proposal from the Government of _____ and trusts that the representative, if appointed, may count upon the co-operation of the Government.

"Notes along these lines have been addressed also to the Permanent Representatives of _____.

/...

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

4. On 18 March 1968, the Secretary-General received the following reply to his note of 28 February 1968 from the Permanent Representative of Syria:

"The Permanent Representative of the Syrian Arab Republic to the United Nations presents his compliments to the Secretary-General and has the honour to refer to his letter of 28 February 1968 proposing to send a representative to the Near East, like the Special Representative sent in July 1967, to enable the Secretary-General to meet his reporting obligations under resolution 237 (1967) adopted by the Security Council on 14 June 1967 and General Assembly resolution 2252 (ES-V) adopted on 4 July 1967.

"The Permanent Representative of the Syrian Arab Republic, upon instructions from his Government, wishes to inform the Secretary-General that the Syrian Government agrees to the dispatch of a special representative appointed by the Secretary-General in order to implement those resolutions which specifically call on Israel 'to ensure the safety, welfare and security of the inhabitants of the areas where military operations have taken place and to facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities'. This agreement by the Syrian Government is only and exclusively limited to the carrying out by this Special Representative of the mission within the scope of resolutions 237 (1967) and 2252 (ES-V). The Syrian Government wishes to make it clear that this mission shall not under any circumstances go beyond these terms of reference and that no other purposes could be pursued such as mentioned by the Secretary-General in his letter wherein it is stated: 'Indeed, the Secretary-General feels that a positive step of this kind at this time could serve a number of useful purposes' - lines 11, 12, 13.

"The Permanent Representative of the Syrian Arab Republic takes this opportunity to express to the Secretary-General the assurances of his highest consideration."

5. On 26 March 1968, the Secretary-General received the following reply to his note of 28 February 1968 from the Permanent Representative of Jordan:

"The Permanent Representative of Jordan to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to refer to his note dated 28 February 1968 regarding on-the-spot information required for the effective discharge of the Secretary-General of his responsibilities, under the Security Council resolution 237 (1967) and General Assembly resolution 2252 (ES-V).

"The Permanent Representative of Jordan, upon instructions from his Government, wishes to inform the Secretary-General that the Government of

Jordan welcomes the proposal to send a representative of the Secretary-General to the area for the purposes stated in the above-mentioned two resolutions.

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

6. Also on 26 March 1968, the Secretary-General received the following reply to his note of 28 February 1968 from the Permanent Representative of the United Arab Republic:

"The Permanent Representative of the United Arab Republic to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to refer to his note dated 28 February 1968, regarding on-the-spot information required for the effective discharge by the Secretary-General of his responsibilities under the Security Council resolution 237 (1967) and General Assembly resolution 2252 (ES-V).

"The Permanent Representative of the United Arab Republic, upon instructions from his Government, wishes to inform the Secretary-General that the Government of the United Arab Republic welcomes the proposal to send a representative of the Secretary-General to the area for the purposes stated in the above-mentioned two resolutions.

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

7. The Secretary-General replied on 27 March 1968 to the note of 18 March 1968 from the Permanent Representative of Syria as follows:

"The Secretary-General of the United Nations presents his compliments to the Permanent Representative of the Syrian Arab Republic to the United Nations and has the honour to refer to the latter's note of 18 March 1968 relating to the Secretary-General's proposal in his note of 28 February 1968 to send a representative to the Near East to enable the Secretary-General to discharge his reporting responsibilities under resolution 237 (1967) of the Security Council of 14 June 1967 and resolution 2252 (ES-V) of the General Assembly of 4 July 1967.

"The Secretary-General is grateful to the Government of Syria for agreeing to the designation of a representative of the Secretary-General for the exclusive purpose of carrying out his mission within the scope of resolutions 237 (1967) and 2252 (ES-V). The Secretary-General further wishes to assure the Syrian Government that the terms of reference of the representative to be designated by him and of the mission will not in any sense go beyond the scope of the above-mentioned two resolutions and that the Secretary-General has no other purposes in mind for this mission. In this regard, the Secretary-General notes the sentence in the note of the Permanent

Representative which was quoted from the Secretary-General's letter of 28 February reading 'Indeed, the Secretary-General feels that a positive step of this kind at this time could serve a number of useful purposes'. The Secretary-General wishes to make clear that this sentence is in no way related to the terms of reference or functions of the intended representative, but sought only to underline the importance attributed to the mission by the Secretary-General in the sense of relieving tension and improving the atmosphere.

"The Secretary-General takes this opportunity to express to the Permanent Representative of the Syrian Arab Republic the assurances of his highest consideration."

8. The Secretary-General replied on 27 March 1968 to the note of 26 March 1968 from the Permanent Representative of Jordan as follows:

"The Secretary-General of the United Nations presents his compliments to the Permanent Representative of Jordan to the United Nations and has the honour to refer to the latter's note of 26 March 1968 relating to the Secretary-General's proposal in his note of 28 February 1968 to send a representative to the Near East to enable the Secretary-General to discharge his reporting responsibilities under resolution 237 (1967) of the Security Council of 14 June 1967 and resolution 2252 (ES-V) of the General Assembly of 4 July 1967.

"The Secretary-General is grateful to the Government of Jordan for agreeing to the proposal to send a representative of the Secretary-General to the area for the purposes stated in the two resolutions mentioned above.

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

9. The Secretary-General replied on 27 March 1968 to the note of 26 March 1968 from the Permanent Representative of the United Arab Republic as follows:

"The Secretary-General of the United Nations presents his compliments to the Permanent Representative of the United Arab Republic to the United Nations and has the honour to refer to the latter's note of 26 March 1968 relating to the Secretary-General's proposal in his note of 28 February 1968 to send a representative to the Near East to enable the Secretary-General to discharge his reporting responsibilities under resolution 237 (1967) of the Security Council of 14 June 1967 and resolution 2252 (ES-V) of the General Assembly of 4 July 1967.

"The Secretary-General is grateful to the Government of the United Arab Republic for agreeing to the proposal to send a representative of the Secretary-General to the area for the purposes stated in the two resolutions mentioned above.

"The Secretary-General takes this opportunity to express to the Permanent Representative of the United Arab Republic the assurances of his highest consideration."

10. The Secretary-General received on 18 April 1968 the following reply from the Permanent Representative of Israel:

"The Permanent Representative of Israel to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to refer to the Secretary-General's note of 26 February 1968 which proposes sending a representative to the area under resolution 237 (1967) adopted by the Security Council on 14 June 1967 and resolution 2252 (ES-V) adopted by the General Assembly on 4 July 1967.

"The Permanent Representative reaffirms the willingness of the Israel Government to co-operate with such a representative, as orally conveyed by the Permanent Representative to the Secretary-General on 15 March 1968. The Government of Israel regards such co-operation as a continuation of that extended to Mr. Nils Gussing, who visited the area in July 1967, as the Representative of the Secretary-General in connexion with the same matters.

"The Government of Israel has taken note of the Secretary-General's assurance that his Representative will, inter alia, look into and report to the Secretary-General on the situation of the Jewish communities in the Arab countries situated in the area of conflict, who were affected in the wake of the June 1967 hostilities.

"It is understood that the mission of that Representative is intended to be solely of a fact-finding nature. In this regard, the Permanent Representative is requested to assure the Secretary-General that the Government of Israel has always been and remains ready to furnish the Secretary-General, at his request, with factual information on specific matters.

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

11. The Secretary-General replied on 19 April to the note of 18 April 1968 from the Permanent Representative of Israel 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 Permanent Representative's note of 18 April 1968 replying to the Secretary-General's note of 26 February 1968, proposing that a representative of the Secretary-General again be sent to the Near East in order to help the Secretary-General meet his reporting

responsibilities under Security Council resolution 237 (1967) and General Assembly resolution 2252 (ES-V).

"The Secretary-General is grateful to the Government of Israel for agreeing to the proposal he has made to send a representative of the Secretary-General to the area for the purposes stated in the two resolutions mentioned above.

"The Secretary-General has noted the reference in the Permanent Representative's note to the 'assurance' that has been given by the Secretary-General or on his behalf with regard to the scope of the activities of the Secretary-General's representative. In this regard, the Secretary-General wishes to make it clear that the terms of reference of his representative will be exactly as stated in the second paragraph of the Secretary-General's note of 26 February, namely: 'Within the context of the above-mentioned resolutions, allegations have been made and concerns have been expressed in various forms and at various times about the treatment being accorded civilians. The Security Council resolution in question specifically calls upon the Government of Israel "to ensure the safety, welfare and security of the inhabitants of the areas where military operations have taken place and to facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities". That resolution also "Recommends to the Governments concerned the scrupulous respect of the humanitarian principles governing... the protection of civilian persons in time of war, contained in the Geneva Conventions of 12 August 1949".'

"The Secretary-General wishes also to affirm that the mission of his representative will be of a fact-finding nature in the sense of seeking to provide the Secretary-General with the information necessary for him to discharge effectively his reporting obligations under the two resolutions in question.

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