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REPORT BY THE SECRETARY-GENERAL IN ACCORDANCE WITH
SECURITY COUNCIL RESOLUTION 259 (1968)

1. This report is submitted in pursuance of paragraph 1 of Security Council resolution 259 (1968) of 27 September 1968, which requests the Secretary-General "urgently to dispatch a special representative to the Arab territories under military occupation by Israel following the hostilities of 5 June 1967, and to report on the implementation of resolution 237 (1967)".

2. On 28 September, the day following the adoption of resolution 259 (1968) by the Security Council, I addressed letters to the Permanent Representatives of Israel, Jordan, Syria and the United Arab Republic. The letter to the representative of Israel is as follows:

"Dear Mr. Ambassador,

"I refer to the resolution adopted by the Security Council on 27 September 1968, on the question of a Special Representative in the further implementation of Security Council resolution 237 (1967).

"With specific reference to the action required of me by the resolution I call to your attention particularly the three operative paragraphs of the resolution which read as follows:

'1. Requests the Secretary-General urgently to dispatch a special representative to the Arab territories under military occupation by Israel following the hostilities of 5 June 1967, and to report on the implementation of resolution 237 (1967);

'2. Requests the Government of Israel to receive the Special Representative of the Secretary-General, to co-operate with him and to facilitate his work;

'3. Recommends that the Secretary-General be afforded all co-operation in his efforts to bring about the implementation of the present resolution and resolution 237 (1967).'

"In view of the foregoing provisions of the resolution, it is my clear duty to seek immediate assurance that your Government will receive, co-operate with and facilitate the work of the Special Representative to be designated by me for this new mission.

"In this regard, you will recall that immediately following the vote on the resolution, I informed the Council that I have been ready for some time to designate the Special Representative who would undertake the second humanitarian mission and that he could proceed to the area with minimum delay 'once there is assurance that he will have the access and co-operation indispensable to the fulfilment of his mission.'

"A prompt response to this letter will be greatly appreciated.

(Signed) U THANT"

Identical letters were sent to the representatives of the three Arab Governments, reading as follows:

"Dear Mr. Ambassador,

"I refer to the resolution adopted by the Security Council on 27 September 1968 on the question of a Special Representative in the further implementation of Security Council resolution 237 (1967).

"It is my intention to implement this resolution as fully and as expeditiously as possible. In this regard, it would be helpful for me to be enabled to assure the Special Representative who is to undertake the second humanitarian mission that he may count upon the same co-operation and support from the appropriate authorities of your Government, which the first such mission enjoyed. A prompt word from you to this effect will be appreciated.

"You will recall that immediately following the vote on the resolution I informed the Council that I have been ready for some time to designate a Special Representative who would undertake the second humanitarian mission and that he would proceed to the area with minimum delay 'once there is assurance that he will have the access and co-operation indispensable to the fulfilment of his mission'.

(Signed) U THANT"

3. Replies to these letters were addressed to me as indicated below. The letter from the Permanent Representative of Jordan, dated 30 September, reads:

"Dear Mr. Secretary-General,

"This is to acknowledge with thanks receipt of your letter dated 28th September, 1968, concerning the despatch of a Special Representative for further implementation of Security Council resolution 237, which calls upon 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. Your prompt action on Resolution 259 of the Security Council is highly appreciated by my Government.

"I am authorized to assure Your Excellency that Your Special Representative will be afforded all co-operation in his efforts to bring about the implementation of the above resolutions.

(Signed) Muhammad H. EL-FARRA"

The letter from the Permanent Representative of the United Arab Republic, also dated 30 September, is as follows:

"Dear Mr. Secretary-General:

"This is to acknowledge with thanks receipt of your letter dated 28th September 1968, concerning the despatch of a Special Representative for further implementation of Security Council Resolution 237, which calls upon 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. Your prompt action on Resolution 259 of the Security Council is highly appreciated by my Government.

"I am authorized to assure Your Excellency that your Special Representative will be afforded all co-operation in his efforts to bring about the implementation of the above Resolutions.

(Signed) Mohamed Awad EL KONY"

Following is the text of the reply from the Permanent Representative of Syria, dated 3 October:

"Dear Mr. Secretary-General:

"This is to acknowledge with thanks receipt of your letter dated 28th September, 1968, concerning the despatch of a Special Representative to further implementation of Security Council Resolution 237, which calls 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. Your prompt action on Resolution 259 of the Security Council is highly appreciated by my Government.

"While the understanding of my Government, commensurate with both resolutions 237 and 259 of the Security Council, remains that the Special Representative has no mandate over Syrian citizens of Jewish faith, I am authorized to assure you that Your Special Representative will be afforded all co-operation in his efforts to bring about the implementation of the above Resolution.

(Signed) George J. TOMEH"

The Permanent Representative of Israel replied by his letter of 4 October as follows:

"Excellency,

"In reply to your letter of 28 September 1968 on the question of appointing a Special Representative in the further implementation of Security Council resolution 237 (1967), I wish to confirm that my Government is willing to receive and co-operate with such a representative on the same basis as that laid down for the fact-finding mission of Mr. Gussing last year, namely, the text of resolution 237 as interpreted in paragraph 212 of your report A/6797 of 15 September 1967, reading as follows:

'Since the outbreak of the recent hostilities, Israel has expressed concern about the treatment of Jewish minorities, particularly in certain Arab States. Upon his arrival, the Special Representative was approached on this subject by the Israel Government. The Special Representative, not being sure whether this particular humanitarian problem should be inquired into under his terms of reference, consulted the Secretary-General. The Secretary-General informed him that the provisions of Security Council resolution 237 (1967) might properly be interpreted as having application to the treatment, at the time of the recent war and as a result of that war, of both Arab and Jewish persons in the States which are directly concerned because of their participation in that war.'

"As soon as parallel assurances have been received from the Governments of the Arab States that participated in the war that your Special Representative will have the access and co-operation indispensable to the fulfillment of his mission concerning the Jewish minorities in their countries. I shall be at your disposal to discuss the arrangements for the mission.

(Signed) Yosef TEKOAH"

4. On 7 October, I addressed the following letter to the Permanent Representative of Israel:

"Dear Mr. Ambassador,

"I acknowledge receipt of your letter of 4 October 1968 replying to my letter of 28 September on the question of a Special Representative in pursuance of Security Council resolution 259 of 27 September 1968.

"Permit me to point out that your letter makes no reference to this resolution although it was, in fact, the reason for my letter, which, indeed, quoted the three operative paragraphs of the resolution.

"I have taken careful note of the reply of your Government to my request for assurance that in accordance with operative paragraph 2 of resolution 259 it will receive, co-operate with and facilitate the work of the Special Representative. Your letter, however, expresses only your Government's willingness 'to receive and co-operate with such a representative on the same basis as that laid down for the fact-finding mission of Mr. Gussing last year, namely, the text of resolution 237 as interpreted in paragraph 212 of your report A/6797 of 15 September 1967'. This response, it seems to me, is conditional and thus would not appear to be consistent with what is called for by the provisions of Security Council resolution 259. Nor does it give to me the assurance required for the fulfilment of that resolution by dispatching the Special Representative.

"The unavoidable conclusion to be drawn from your letter, as I interpret it, is that my approach has been met with only a conditional and therefore inadequate response. In this regard, may I repeat that my letter of 28 September was written in pursuance of Security Council resolution 259. You will note particularly that operative paragraph 2 of the resolution makes a request of the Government of Israel which envisages implementation without conditions. Further, please note that operative paragraph 1 of the resolution in question refers exclusively to '... the Arab territories under military occupation by Israel...'. It will be understood, I am sure, that it is not within the discretion of the Secretary-General to modify the requirements of a Security Council resolution or to concur in a course of action less than or different from what is called for in that resolution.

"To my regret, I am obliged to conclude that your letter of 4 October does not afford me a basis on which to dispatch the Special Representative in accordance with the clear intention of Security Council resolution 259. It follows that, in the light of these circumstances, I will have no alternative but to advise the Security Council to this effect in a report, as called for in operative paragraph 1 of the resolution, which it is my intention to submit shortly.

(Signed) U THANT"

5. The present situation as regards the dispatch of the Special Representative called for in Security Council resolution 259 (1968) is exactly as indicated in the foregoing communications and no elaboration of it in this report is required. As will be seen from the correspondence, I have not been able to give effect to the decision of the Security Council.
