



UNITED NATIONS  
GENERAL  
ASSEMBLY



Distr.  
GENERAL

A/C.5/34/23  
5 November 1979

ORIGINAL: ENGLISH

Thirty-fourth session  
FIFTH COMMITTEE  
Agenda item 98

PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1980-1981

Alterations, improvement and major maintenance of premises

United Nations Office at Geneva

Report of the Secretary-General

A. Villa "Les Feuillantines"

1. The villa "Les Feuillantines" is located on a plot of 7,500 square metres adjacent to a main thoroughfare leading to the Geneva airport and the French border town of Ferney-Voltaire. It is subjected to the noise of increasingly heavy traffic. The villa is well separated from the main United Nations site and, as such, is located outside the United Nations security circle. It was purchased in 1937 for SwF 200,000.
2. In a report submitted to the General Assembly at its thirty-third session, 1/ the Secretary-General proposed that the residence of the Director-General of the United Nations Office at Geneva, which had been located in the villa since 1960, be transferred to the villa "La Fenêtre". The General Assembly concurred with this proposal.
3. In his report, the Secretary-General also proposed that villa "Les Feuillantines" and the 7,500 square metres of land on which it is located be offered for sale. By resolution 33/116 A, section V, the General Assembly requested the Secretary-General to study further possibilities of the use of the villa "Les Feuillantines" and to report to it at its thirty-fourth session.
4. The first possibility considered was that the villa should continue to be used as a residence. However, the drawbacks which prompted the Secretary-General to recommend that the residence of the Director-General of the United Nations Office at Geneva be moved from the villa "Les Feuillantines" to the villa "La Fenêtre" 2/ would probably limit the prospects of generating sufficient rental income to justify the costs involved in renovating the villa.

1/ A/C.5/33/33.

2/ Ibid.

5. The utilization of the villa as office space was considered as a second possibility. Even after the transfer to Vienna of the Division of Narcotic Drugs, the Fund for Drug Abuse Control, the International Narcotics Control Board and the Division of Social Affairs, the long-term space situation in Geneva will remain difficult. Current forecasts are that there will not be sufficient reserve space available to meet any growth of services beyond 1980. The transfer to Vienna will permit only alleviation of the present overcrowding of United Nations premises which has developed over the years in several areas. Once the space vacated by the above-mentioned units has been redistributed to other services, a complete space survey will be undertaken to ensure that all space occupied by the United Nations Secretariat in Geneva continues to be used in the most effective manner and to determine the best method to meet foreseeable space requirements.

6. In the meantime, although the villa "Les Feuillantines" could provide only a dozen offices, this would represent a limited but useful relief. Those offices could be occupied by a self-contained unit, which thus would vacate a corresponding number of offices in another United Nations building. The cost of renovating the villa for utilization as office space would depend upon requirements of the occupying service, but it can be tentatively estimated at some \$US 90,000. Maintenance costs should be in the vicinity of \$US 20,000 per year.

7. A third possibility would be the rental of the villa. No delegation or agency has recently approached the United Nations Office in Geneva with a view to renting office space in a United Nations building. At present, commercial office space is easily available in town. To permit recovery of the cost of renovation of the villa, to cover maintenance costs and allow a modest return on the value of the property, the monthly rental should be established at a minimum of SwF 7,500. It is considered unlikely that prospective tenants would be interested at this price in a villa lacking modern office features and located in a noisy environment.

8. The Director-General of the World Intellectual Property Organization recently expressed interest in buying or renting the property "Les Feuillantines". The Administration has informed WIPO that the matter of the utilization or disposal of the property was still under consideration and that his interest would be kept in mind but that no commitment could be made at this juncture.

9. Consideration has been given to a fourth possibility, which is to erect an office building on the property "Les Feuillantines". That property is located in a zone where only villas can be constructed. The Conseil d'Etat of the Canton of Geneva could be requested to grant an exception and authorize the erection of an administrative building, but that building could not exceed the height limit of 15 metres imposed by a perpetual easement taken over from the previous owners by the League of Nations in 1937.

10. The actual widening of the Ferney road, although the local authorities do not currently foresee that it could take place within the next few years, is bound to affect the value of the property. In view of this consideration, a fifth possibility - that of selling the villa at a reasonable price - has been further pursued.

11. Early in 1979, contacts were made with the Cantonal authorities with a view to determining whether they might be interested in purchasing the villa, together with the plot of land constituting the property "Les Feuillantines". The Director-General was subsequently informed that the Conseil d'Etat of Geneva was prepared to enter into negotiations with the United Nations Office at Geneva on the subject of a possible acquisition of the property, although reserving its final decision until agreement had been reached on the main aspects of the transaction (value of the property, payment conditions etc.). Two real estate experts, one employed by each party, have therefore been designated to appraise the value of "Les Feuillantines", but their report is not yet available. It is considered unlikely that in the present circumstances another buyer would show interest in the property.

12. Consequently, in the light of all the factors mentioned in the present report and given the present uncertainties, the Secretary-General has concluded that, at least until such time as contacts with the Swiss authorities result in more tangible facts, the status quo should be maintained. Accordingly, he recommends that:

- (a) The United Nations should retain the property "Les Feuillantines";
- (b) The villa should be utilized if need be as office space, on the understanding that only absolutely required alterations be made;
- (c) The property should be maintained, meanwhile, in a reasonable condition.

B. Proposed transfer of United Nations property to the City of Geneva

13. In 1954, an exchange of properties took place between the Canton of Geneva and the United Nations in which the United Nations received the property known as "Le Bocage" in exchange for "Le Chêne". On the northern limit of "Le Bocage" stood an old house called "Maison Bachmann", which encroached upon the Pregny road to such an extent that no sidewalk existed and thereby created a dangerous situation for pedestrians. The house became so dilapidated that it was necessary to demolish it in December 1978; provision for this purpose was made in the programme budget for the current biennium.

14. The United Nations Office at Geneva was approached in January 1979 by the authorities of the Canton and City of Geneva, who wished to eliminate the encroachment of the property "Le Bocage" on the public domain and thus eliminate any hazard to vehicular or pedestrian traffic. They therefore proposed a transfer of ownership of that strip of land corresponding to the encroachment and measuring 160 square metres in order to construct a sidewalk.

15. During the discussions, it came to light that an adjacent part of the property "Le Bocage" representing some 80 square metres and owned by the United Nations was, in fact, outside the actual limit of "Le Bocage" and therefore open to public trespassing. The situation, which existed when the property "Le Bocage" became

United Nations property in 1954 in exchange for "Le Chêne" property, presumably has prevailed for some 50 years, if not more. No information on the matter could be found in the official property records of the Canton of Geneva or in the archives.

16. In discussion of the question of compensation for the transfer of the above-mentioned tracts of land, the City invoked the terms of the prevailing Swiss law on roads of 28 April 1967, which stipulates that in case of purchase by any Swiss authority - communal, cantonal or federal - of hors ligne areas - i.e., any piece of private land which projects beyond the building line of a street or road, which is the case for the two areas in question, the acquisition price per square metre cannot exceed 50 per cent of the value per square metre of the property to which it belongs.

17. It appears in this regard that the privileges and immunities enjoyed by the United Nations in Switzerland according to section 2 of the 1946 Agreement, and concerning exemption from expropriation, could not be invoked. Paragraph 4 of the conditions governing the exchange of properties "Le Bocage" and "Le Chêne" between the United Nations and the City of Geneva, as stipulated in the instrument of transfer of property dated 8 December 1954, provides that each party will have to respect "legal restrictions to ownership as to building line plans and other similar restrictions which by law, are not subject to registration" on the official property records. Those conditions were accepted by the United Nations. Therefore, the law of 28 April 1967 is applicable.

18. In these circumstances, and as a result of discussions with the City of Geneva, the possibility of settling the matter along the following lines was considered:

(a) The United Nations would cede to the City of Geneva the strip of land necessary for the construction of the sidewalk, together with the adjacent area, representing a total surface area of 240 square metres;

(b) The City would, in addition to its financial responsibility for the sidewalk, also erect, at its own expense, a wall on the new limit of property between the public and United Nations domains in compensation for the value of the land transferred by the United Nations.

19. Tentative agreement was reached in principle on that solution, subject on the part of both parties to the condition that the value of the land transferred would be reasonably commensurate with the cost of erecting the wall and, furthermore, that final agreement would be subject to approval by the General Assembly.

20. On the question of financial compensation, the cost of erecting the wall has been estimated at SwF 27,000. The real estate expert who was commissioned by the United Nations on the occasion of the exchange of several properties with the Canton of Geneva in 1976 estimates the current value of the land to be transferred to the City at SwF 200 per square metre, or SwF 48,000. In view of the limitation of compensation in such cases to 50 per cent of the normal value of the land,

according to the terms of the law of 28 April 1967, mentioned in paragraphs 16 and 17 above, the proposed arrangements are not detrimental to United Nations interests from the financial point of view. Furthermore, the United Nations would not be involved in any other related financial expenditure.

21. It should also be considered that in such cases of hors ligne areas, it is customary that the land be given to the City free of charge. In the present case, the land in question has been physically outside the United Nations property ever since the acquisition of "Le Bocage" and its value to the United Nations could, at best, be considered only marginal.

22. The Secretary-General therefore recommends that the General Assembly approve the transfer to the City of Geneva of the United Nations property consisting of the strips of land referred to above under the arrangements indicated in paragraph 18.

-----