

מדינת ישראל

משרדי הממשלה

103

משרד

רפ"מ

אריה / 2-10

אריה - 103

לשם - יהושע - ג. מ. י. ו.

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24.1.1971 - 20.9.1967

1971

מדינת ישראל

ארכיון המדינה



שם תיק: לשכת ראש-הממשלה לוי אשכול וגולדה מאיר-
בינוי בירושלים

מזהה פיוז
110/2-א

מזהה פריט: 000w3f8

תאריך הדפסה: 21/06/2016

כתובת: 2-111-1-1-9

מחלקה

תיק מס' 110

100/7

מדינת ישראל

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בברכה

סאת

נושרד החוץ

א/וי ק/ר-ז'ין
24/1/71

משרד החוז

מחלקת הקשר

מברק נכנס - מסווג

אל : המשרד

מאת: ביר יורק

לוריא, מאוס ב.

מס' 425

בשלה: 28/600 ינרא

פ י ד י

יורק
למברק
19

לאחיה
הקלטה ימגה להמניה ופי הצימן
G הקיוספינצ'וויי האונכנה זאניך.

ארמון הנציב,

א. רואה בדאגה אגרות המזכל האחרונות. האחת, הקצרה, מאימת על דוח נוסף למועביט ולעצרת ומנצלת ענין הארמון האמתלה להניח יסוד לויכוח חדש על מעמד ירושלים שיתבסס על דוח שלילי מאז המזכל.

תשניה. הארוכה, כוללת בנוסף לדעתי הפרה חמורה של החבנה שהושגה ב 67. זאת היתה בשעתו AGREEMENT TO DISAGREE. אשר בין השאר

מצאה בטוי לא רק בצורת השטח שהוחזר אלא גם בעובדה שהצלחנו לשכנע המזכירות לא להסתמך כלל על אמנת החסינות מ 47. שימו נא לב לסעיפים 22 ו 24 של דוחי מ 22 אוגוסט 67.

ב. ייזכר כי גם אז הדבר הסתבך בגלל העברת הקומיניקציות סתם שגרמו לריגוז בשני הצדדים, ואפשר היה להגיע להבנה רק אחרי שיבה אל שיטות דיפלומטיות יותר מתוחכמות ואשר הוזכרו בנסוח משותף של האגרות שהוחלפו. אני סבור שגם עכשיו עלינו לשאוף לחזור לאותה שיטה ולהשתדל להפסיק את ההתכתבות הזאת ביננו לבין המזכל. משום ככ אני מציע,

כאמור במכתבי מאתמול, שכשלב ראשון אשתדל לראות את ארקהרט (באנצ עוד לא חזר) על מנת לברר מה גורם להתענינות פתאומית זאת של המזכל בארמון הנציב ובמיוחד מדוע הם בוחרים בשעה זו דווקא לטרופ את הקלפי ולעשות פלסטר החבנה שהושגה ב 67 ושפעלה עד כה מאז ועד עכשיו לשביעת רצון כולם ומכלי לעורר בעיות כלשהן, וכיצד אפשר להפסיק ההתכתבות שרק עשויה להביא להחרפות בלתי רצויות.

ג. בשתי האגרות, המזכל חוזר ומבקש מה שהוא מכנה WASTER PLAN.

מתעוררת השאלה אם אוכל לתת לו משהו ביד (לידיעתו האישית ולא להצעה למועביט כמוכנ), ולהסביר ביתר פירוט מהו ממברקמ 94 מה 7 דנא.

UNITED NATIONS  NATIONS UNIES

NEW YORK

CABLE ADDRESS—ADRESSE TELEGRAPHIQUE: UNATIONS NEWYORK

REFERENCE.

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 Acting Permanent Representative's Note of 8 January 1971 and to the related question of the inviolability and return to the United Nations of its premises at Government House in Jerusalem, as constituted on 5 June 1967.

In a Note of 10 December 1970, the Secretary-General asked the Permanent Representative to transmit to his Government a request for information about the reported Jerusalem "Master Plan" and for clarification as to whether it "envisages any development affecting the United Nations premises at Government House, either as to the area returned to the United Nations by the Israel authorities in August 1967 or the remainder of the area of the Government House premises as constituted on 5 June 1967."

The Acting Permanent Representative in the reply contained in his Note of 8 January 1971 does not answer the question raised by the Secretary-General about the effects of the reported "Master Plan" on the whole or part of the Government House premises. Instead, the Acting Permanent Representative assures the Secretary-General that "the position of the Government of Israel as regards Government House continues to be as indicated in the letters dated 29 June 1967 and 22 August 1967 from the Permanent Representative of Israel to the Secretary-General (S/7930/Add.20 and Add.29), and that no changes are contemplated with regard to the arrangements made in August 1967".



- 2 -

Insofar as the assurances proffered by the Government of Israel do not safeguard the rights of the United Nations to possession of the whole of its Government House premises as constituted on 5 June 1967, they do not cover the obligations of the Secretary-General in this matter.

In his report of 11 August 1967 to the Security Council (S/7930/Add.27), the Secretary-General made it clear that "the United Nations is entitled to the return of the premises of Government House exactly as they were constituted on 5 June 1967 and that it has the right to exclusive and undisturbed occupancy and possession of the full Government House compound". This position was expressly reserved by the Secretary-General in the exchange of letters of 22 August 1967 with the Permanent Representative of Israel (S/7930/Add.29) prior to the return of UNTSO to a part of the Government House premises. Solely because of the urgent need for the facilities at Government House, the Chief of Staff of UNTSO was authorized by the Secretary-General to return to the lesser area, without prejudice to all rights and claims of the United Nations to the occupancy and possession of the whole of the premises.

This reservation made by the Secretary-General is part of the understanding for the return of UNTSO to Government House and entails that Israel should refrain from any unilateral action which would frustrate or render ineffective the United Nations right to inviolability of the whole of its Government House premises and to the immunity of those premises, "by whomsoever held", from "search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action", in accordance with the Convention on Privileges and Immunities of the United Nations to which Israel acceded on 21 September 1949.



- 3 -

Since the dispatch of his Note of 10 December 1970, the Secretary-General has been informed by UNRWA that on 3 January 1971 a bulldozer commenced working within the perimeter of the United Nations premises at Government House as constituted on 5 June 1967, on the south-eastern side of these premises. This activity which coincides with reports appearing in the press about the immediate implementation of a project to erect housing units and other buildings in that area, indicates a further and serious violation of the inviolability of United Nations premises under the Charter of the United Nations and the Convention on Privileges and Immunities of the United Nations.

Aside from legal and other considerations, the works currently being carried out by Israel within United Nations premises may bring about irreparable physical change to these premises. Consequently, the Secretary-General, while reserving the right of the Organization to claim compensation for any ensuing loss or damage, requests that these works be suspended.

The Secretary-General continues to maintain that there is no basis for any curtailment of United Nations rights to Government House as constituted on 5 June 1967 and, especially in view of the recent developments mentioned above, is compelled to seek again by all appropriate means the full recognition and implementation of the right of the Organization to the occupancy and possession of its whole premises in that area. Accordingly the Secretary-General, in the exercise of his responsibilities in a matter involving the rights and interests of the Organization and in view of the implications of this matter on the principle of inviolability of United Nations premises wherever located and by whomsoever held, now also requests the unreserved return to the United Nations of the remainder of its Government House premises.

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

26 January 1971

A handwritten signature in dark ink, appearing to be 'J. K. S.', is written below the date.

UNITED NATIONS  NATIONS UNIES
NEW YORK

CABLE ADDRESS—ADRESSE TELEGRAPHIQUE: UNATIONS NEW YORK

REFERENCE:

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 Acting Permanent Representative's Note of 8 January 1971 in reply to his Note of 10 December 1970 to the Permanent Representative.

In his Note of 10 December 1970, the Secretary-General indicated that he would appreciate the receipt of a copy of the reported Jerusalem "Master Plan" and detailed information thereon from the Israel authorities, as well as clarification as to whether such a "Master Plan" envisages any development affecting part or the whole of the United Nations premises at Government House.

The reply given in the Acting Permanent Representative's Note of 8 January 1971 omits any reference to the reported "Master Plan" and does not contain either a response to the Secretary-General's request for a copy of the Plan or information thereon.

In this connexion the Secretary-General would call the attention of the Permanent Representative to the Secretary-General's reporting responsibilities in regard to the status of Jerusalem under the relevant Security Council and General Assembly resolutions. These are Security Council resolutions 252 (1968) of 21 May 1968, 267 (1969) of 3 July 1969 and 271 (1969) of 15 September 1969, and General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967. Consequently the Secretary-General must again request from the Israel authorities the transmission of a copy of the reported "Master Plan" as well as detailed information on the Plan.

UNITED NATIONS  NATIONS UNIES

- 2 -

The Secretary-General is sending to the Permanent Representative of Israel a separate Note dealing with the United Nations Government House premises.

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

26 January 1971

Shaw



PERMANENT
REPRESENTATIVE OF ISRAEL
TO THE UNITED NATIONS

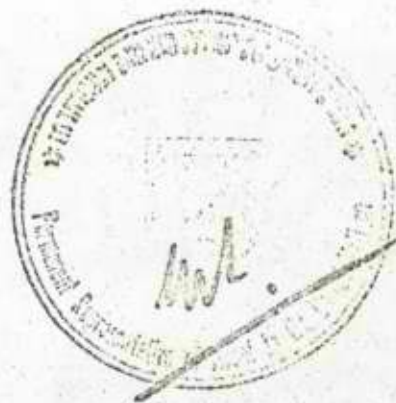
15 EAST 70TH STREET
NEW YORK, N. Y. 10021

TRAFALGAR 9-3611

The Acting Permanent Representative of Israel to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour, on instructions of his Government, to refer to the Secretary-General's communication of 10 December 1970 and to state that he is authorized to assure the Secretary-General that the position of the Government of Israel as regards Government House continues to be as indicated in the letters dated 29 June 1967 and 22 August 1967 from the Permanent Representative of Israel to the Secretary-General (S/7930/Add.20 and Add.29), and that no changes are contemplated with regard to the arrangements made in August 1967.

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

New York
8 January 1971



משרד החוץ

מחלקת הקשר

מברק יוצא - מסווג

מס' 94

תאריך: 7.1.71

אלו ביקר ירדן
מאת: המשרד

ט י י י י

אדמון הנביג - ירושלים.

לא היינו רוצים לתת לגר"ח טחן ומעמד מוכרים על ידינו בכל הנוגע להקפדת סיוע
העיר, מה גם שהעילה אשר בה נחסכת המזכירות איננה קיימת ומציאות.
מאידך, רצוננו להרגיש רכות את המזכירות כקשר לכך שמעילותנו אינה נוגדת
את דברינו כמטרה הילופי המכתבים המסיקים שהתלפו כינינו לפיכך נעמנו.
מטרה ההרגעה הזו להביא לידי סיום, לפחות במלב זמ, את המיפול מצד האום
בנושא. על כן אנו מביעים כי תביט אגדה נחתייחס לאגדה המזכר מ-10/12
באגדה ייאמר:

I AM AUTHORIZED TO ASSURE YOU THAT THE POSITION OF THE GOVERNMENT
OF ISRAEL AS REGARDS GOVERNMENT HOUSE CONTINUES TO BE AS INDICATED
IN THE LETTERS DATED 29 JUNE 1967 AND 22 AUGUST 1967, FROM THE
PERMANENT REPRESENTATIVE OF ISRAEL TO THE SECRETARY-GENERAL OF THE
UN, PUBLISHED IN DOCUMENTS S/7930/ADD. 20 AND ADD. 29, AND THAT NO
CHANGE ARE CONTEMPLATED WITH REGARDS TO THE ARRANGEMENTS MADE IN
AUGUST 1967.

אם יש לך השגחה בקשר לגר"ח הברק בא. אם לאו הגשמה האגדה ללא דחוי.
לידיעתך בלבד:

החכמה הנדונה בשתי החברות בג'רוסלים פוזט המוזכרות באגדה המזכר היא:
OLD CITY OF JERUSALEM AND ITS ENVIRONS OUTLINE TOWN PLANNING SCHEM

הרעיה בדבר הפקדה חכמה זו המכונה בקיצור "החכמה המיתגד"

OUTLINE TOWN PLANNING SCHEME

הרעיה נילקוט הפירסומים ב-24.12.70. עד בה לא בודע לנו על כל החיטות כחברות
לעבודה זו, החכמה פורקית במשרד הפנים בירושלים ותוך ארבעה חודשים מהפרסום
נילקוט הפירסומים יכולים המעורבים לדאוגה ולהעיר עליה. כהום איננה האודשים
ירבו הערות השגרות וייבחן חוקר חוקי לחכמה. ארבעה האודשים יסתיימו לכו
ב-24.12.70 (ולא ב-18.12.70 כפי שנאמר באגדה המזכר המסתמכת על החכמה
בג'רוסלים ירדן).

הכביה הסתאוי קרבעה באדסן עקדנזי ביזן הסארי יעזי הקרקס נשימוטס, איתור
 דרכיה ראשיות, שימוש כהונדרי בנין זכו⁴. אך אינה פוסקת לא בפעולה ולא בגבולות
 מדוייקים של כל צעה. גבולות אלה עשויים להשתנות בזמן הנישה להכביה
 מפורטות. ניתן לפנות הכביה מיהאר באורח תהליך בו מכיניט הכביה מיהאר הדעה.
 בתהליכים דומים או פוסטים יותר ניתן להכין הכביה בנין עינו מפורטות המפרשות
 את תוכנית המיהאר.

מבדאה מחוך אי ידיעה או אי הנבה לא זכור בשני הקפליה מאג⁵ לוסלה פרסט השט
 "תוכנית המיהאר" אלא השט "תוכנית האב"
 MASTER PLAN
 תוכנית האב לא אושרת והיא עדיין בשלבי עיבוד. היא איננה ולא תהיה מסמך חוקי
 אלא כעין ספר הנחיות להכנת תוכניות מיהאר.
 לאחרונה בערכו דיונים של קבועת מוסתים בינלאומיה לחכרון עדיה שכוונסה על ידי
 דאש עירית ירושלים לייפץ בכל התוכניות הבגוי של ירושלים. הקבוצה חסירה
 הערה הנבדקת עתה על ידי הראשיות המוסמכות. בעתידה החכרסטו בעיקר דירגיה
 על "תוכנית האב".

לודיא - מארט ג

שוחזר ויוזם 4 מנכ"ל לודיא מירון מארט כ
 גל/רג

UNITED NATIONS  NATIONS UNIES
NEW YORK

CABLE ADDRESS—ADRESSE TELEGRAPHIQUE: UNATIONS NEWYORK

REFERENCE:

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 request the Permanent Representative to bring the following to his Government's urgent attention:

1. A press report, which appeared in the 19 August 1970 issue of the Jerusalem Post, contained information that "The Jerusalem District Town Planning Committee yesterday [18 August 1970] approved a master plan for a 10,000-dunam area within and outside the Old City walls". The press report indicated, among other things, that the plan was to take effect in four months [i.e. on 18 December 1970] and that "The Government House area has been classified as a residential area, with land to be set aside for hotels".
2. On instructions from the Secretary-General, representatives of UNTSO informally approached the Israel Foreign Ministry on this matter. On 12 November 1970, they were informed by the Deputy Director of the Division of Political Affairs that the plan referred to by the Jerusalem Post had not yet been made public. They then asked the Deputy Director whether the plan affected the Government House premises, both in its present limits and those before June 1967, but received no reply.
3. On 3 December 1970, the Jerusalem Post carried a further report on this subject according to which the District Planning Commission approved in principle on 1 December developments in the Government House area and near Beit Safafa and detailed plans for the property were expected to be submitted shortly

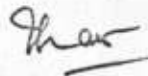
to the Housing Ministry since the Ministry was known "to want construction to start next month". The report also stated that "The Government House development, designed by David Best, will consist of 600-700 housing units on 150 dunams".

4. In order to enable the Secretary-General to meet his responsibilities to the Security Council and to the General Assembly in relation to the status of the City of Jerusalem, he would appreciate the receipt at an early date of detailed information from the Israel authorities relating to the reported "master plan" together with a copy thereof.

5. In connexion with the matter under reference, the Secretary-General also attaches great importance to the status of the United Nations premises at Government House. He would therefore appreciate clarification from the Israel authorities whether the reported "master plan" envisages any development affecting the United Nations premises at Government House, either as to the area returned to the United Nations by the Israel authorities in August 1967 or the remainder of the area of the Government House premises as constituted on 5 June 1967, in respect of which the Secretary-General has expressed the views of the United Nations in his Report to the Security Council of 11 August 1967 (S/7930/Add.27), and his letter of 22 August 1967 to the Permanent Representative of Israel (S/7930/Add.29).

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

10 December 1970



א/מ/ס/ר/67/186



מדינת ישראל
ISRAEL

משרד החוץ
דואר חוץ
1 - 1967
תיק

נציגות הקבע ליד
האומות המאוחדות
PERMANENT MISSION
TO THE UNITED NATIONS

ס ו ד י

11 EAST 70th STREET
NEW YORK, N. Y. 10021
Trafalgar 9-7600

30 באוגוסט 1967
או"ם/סר/67/618

אל: מר ג. רפאל
מר הרמן, וושינגטון
מר תקוע, המשרד, ירושלים

מאת: שבתאי רוזן

הנדון: ארמון הנציב

אני מצ"ב תזכיר, מעין יומן, המתאר את ההתפתחויות
והשיחות בענין ארמון הנציב בירושלים.

ב ב ל כ ה,

שבתאי רוזן

29 August 1967

SECRET

Note on the Question of the Development of Government House,
Jerusalem, 5 June 1967 - 29 August 1967.

1. At the 1347th meeting of the Security Council on 5 June 1967, the Secretary-General reported that after the outbreak of hostilities in Jerusalem on that morning, the COS had drawn the attention of Israel and Jordan to the inviolability of the Government House area and had received from each side the required assurances. Nevertheless, at 1330 hours, local time, approximately one company of Jordanian soldiers had occupied the garden of Government House. The Secretary-General went on to report (although subsequently it transpired that this was inaccurate) that at approximately 0820 hours, New York time, Jordanian troops had occupied Government House. As a result of those developments, the Secretary-General appealed directly to King Hussein for the immediate evacuation of the grounds and buildings of the Government House compound. In a written report submitted later in the day (S/7930), the Secretary-General reported that Israeli troops had driven out the Jordanian soldiers and had ordered COS to leave Government House. The Secretary-General thereupon cabled Mr. Eshkol requesting to restore the grounds and buildings of the Government House compound urgently to exclusive U.N. control.

2. At the 1349th meeting of the Security Council on 7 June, the Secretary-General reported that he had formally approached the Government of Israel, requesting assurances that the records and documents of UNTSO in Jerusalem, which are of both practical importance and irreplaceable historical value, would be preserved and protected, undisturbed and undamaged, until UNTSO personnel returned to their headquarters.

3. At the 1350th meeting of the Security Council on 7 June, the Secretary-General reported that the Government House area had allegedly received heavy mortar bombardment reportedly causing Israel casualties.

4. At the 1353d meeting of the Security Council on 9 June 1967, the Secretary-General again referred to the difficulties, particularly as regards communication facilities, experienced by the COS since he had had to leave Government House. After some discussion, the President of the Security Council announced a consensus which included the following sentence:

"That we should request the Government of Israel to restore the use of Government House to General Odd Bull."

5. In a written report of 12 June 1967 (S/7930/Add.4), the Secretary-General again referred to the COS's communication difficulties pending his return to Government House. This aspect is again referred to in another report of the same date (S/7930/Add.5). Following further conversations in Jerusalem

on 13 June, the Secretary-General cabled Mr. Eshkol referring to the Security Council consensus of 9 June and expressing the hope "for a favourable reply...without further delay" (S/7930/Add.6).

6. On 16 June 1967 the Secretary-General addressed a Note Verbale to the Permanent Representative of Israel regarding the situation prevailing in headquarters, UNTSO in Government House. This communication related essentially to alleged looting and removal of documents and equipment. It referred, however, also to the important question of principle involved in the immediate return of UNTSO to its headquarters in Government House, adding that the Secretary-General was awaiting reply to his two cables of 5 and 13 June. Both a formal and a substantive reply on the question of looting and the protection of the building were conveyed on 17 June 1967, but they contained no reference to the return of Government House.

7. A series of conversations and exchange of letters also took place at that time in Jerusalem, and on 17 June 1967 General Bull informed Mr. Sasson that "under formal instructions of the Secretary-General, I intend to re-establish UNTSO headquarters at Government House as soon as possible, and in any case, no later than within a period of ten days from the date of this letter."

8. At this point the discussions were taken over by Mr. Eban directly with the Secretary-General. Ambassador Goldberg also expressed his interest in the matter. An attempt was made to persuade the Secretary-General to refrain altogether from pressing for the return of Government House, but U Thant was unwilling to go so far, and the concept then began to take shape of a pragmatic solution to the problem, based on the new situation in the area. On 28 June 1967, accordingly, the Secretary-General sent an Aide Memoire to the Permanent Representative of Israel which included the following three paragraphs:

"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 once again to the urgent matter of the return of UNTSO to its Headquarters at Government House in Jerusalem.

The Permanent Representative will recall that the Foreign Minister of Israel during his discussion with the Secretary-General on the evening of Thursday, 22 June, assured the Secretary-General that a reply from his Government on the question of UNTSO's return to Government House would be presented to the Secretary-General "in a day or two". It was also indicated by the Foreign Minister at that time that it was thought that the matter could be dealt with by an exchange of letters in which the Government of Israel would make clear its position that UNTSO's sole concern and function now should be with the recent cease-fire resolutions of the Security Council and no longer with the Armistice Agreements and the now obsolete arrangements of the past. The Secretary-General, it will also be recalled, responded that he could and would take note of these views of Israel but clearly he could not take a position which would be prejudicial to any Security Council resolution, past or present.

In view of the fact that the functioning of UNTSO continues to be handicapped by being deprived of its long-established Headquarters, the Secretary-General must regard this as a matter of real urgency. He is obliged, therefore, to ask the Government of Israel to expedite its reply to his

several appeals on this matter, particularly since the outcome is of concern to the Security Council to which the Secretary-General is obliged to report about it."

9. In a telegram to Mr. Eban dispatched at 1730 hours on 29 June, Mr. Levavi indicated that the Government approved the proposed exchange of letters with the Secretary-General, and on 29 June a letter was sent from the Permanent Representative to the Secretary-General. This provoked a reply dated 1 July 1967, which amongst other things corrected the inaccurate information given to the Security Council at the 1347th meeting (see paragraph 1 above) and also contained the following paragraph:

"In this regard, I interpret the meaning of the penultimate paragraph of your letter to be a favourable response to the request made in my message to the Prime Minister of 13 June, a message which also referred to my original request in my approach of 5 June. That is to say that my request was and is for the return of UNTSO to its Headquarters at Government House with exclusive occupancy of and control by it over the buildings and grounds of that compound, in accordance with established practice and in conformity with the terms of the relevant provisions of the Convention on the Privileges and Immunities of the United Nations. In my view, no other arrangement would be satisfactory."

This letter was regarded as extremely unsatisfactory, and in a series of conversations between Dr. Bunche and Mr. Rosenne it transpired that a misunderstanding had developed between the Secretary-General and Mr. Eban and that the text of the exchange of letters had not been finally settled. As a result of these conversations, an agreed text was reached, and the original letters of 27 June and 1 July were returned and replaced by

the agreed text which was reported to the Security Council on 4 July 1967 in document S/7930/Add.20.

10. On 9 July 1967 at a meeting between General Bull and the Minister of Defence, General Dayan, referring to the Government's decision as embodied in the exchange of letters with the Secretary-General, explained that there were a number of legal and practical questions to be resolved before General Bull's return to Government House could be effected. In a telegram dispatched at 1230 hours on 11 July 1967, Mr. Tekoa indicated that the Government had decided that the return would be effected on the basis of a further exchange of short letters. However, in a later telegram dispatched at 1600 hours of the same date, it was explained that the Government had formally decided to place at the disposal of General Bull the property described in the Map and the extract from the Jerusalem Land Registry for the sole purpose of carrying out his duty as the representative of the Secretary-General in supervising the cease-fire, and that this was to be reflected in the exchange of letters.

11. On 15 July 1967 the Secretary-General sent a further Aide Memoire in which, referring to a conversation between Mr. Eban and Dr. Bunche on 12 July 1967, the Secretary-General stated that the delay in the return of General Bull to Government House had been occasioned by the desire of the Government to define the area to be returned, and that the Secretary-

General was waiting for a map defining the area or the map co-ordinates.

12. On 17 July 1967 Mr. Rosenne, in a conversation with Dr. Bunche, transmitted the map and the original and translation of the extract from the Jerusalem Land Registry. In the course of this conversation, Mr. Rosenne explained that the map included all the buildings which were used by the United Nations and that part of the road from the present gate to Government House itself. The area included a large part of the parking lot, but the second part of the parking lot was on the other side of the road and could not be included in this plan, although there is no objection to the United Nations' continuing to use it. The antenna, south of the road and a considerable distance away from the buildings, was outside this area, but Israel agreed that it should be fenced and that the United Nations would continue to have free access and use of it. General Bull was invited to examine the area on the spot. (It subsequently transpired that there is a second antenna to the north of the area, and assurances were given to Dr. Bunche that the United Nations could continue to have free access and use of that antenna also.)

13. At 1620 hours, New York time, on 18 July 1967, Dr. Bunche confidentially informed Mr. Rosenne that because of the legal formalities, the question had been referred to the Legal Department, which had raised a number of difficulties,

and that he (Dr. Bunche) was no longer handling the matter. In the absence of Mr. Stavropoulos, Mr. Blaine Sloan was in charge of the file.

14. In the course of a conversation with the Secretary-General on 21 July 1967, in the presence of Dr. Bunche and Mr. Rosenne, Mr. Rafael warned the Secretary-General against the possibility of unnecessary difficulties being created by Mr. Sloan, who had previously served in Israel and had been requested to leave the country.

15. On 24 July 1967 a long conversation between Mr. Rosenne and Lt-Col Caleff with Mr. Sloan and Mr. Heenan took place. Mr. Sloan persisted in raising a number of difficulties of principle, which militated against the United Nations' accepting anything less than the original area. The Israel representatives argued against all these contentions.

16. On 25 July 1967 in a conversation between Mr. Rosenne and the Secretary-General and Dr. Bunche, the basic policy questions of both sides were discussed, but no final clarification was reached. In the evening of the same day, Mr. Sloan initiated a telephone conversation from which it appeared that he knew nothing of the earlier conversation with the Secretary-General, and this conversation was inconclusive.

17. On 26 July 1967 at a meeting with Dr. Bunche alone, Mr. Rosenne explained in detail the difficulties caused by Mr. Sloan, and further suggestions were made regarding a pragmatic solution. Later in the day, and again on the twenty-

seventh, Mr. Sloan tried to commence a discussion on the whole matter, including the text of the proposed exchange of letters or protocol, but Mr. Rosenne refused.

18. On 28 July 1967 a further meeting took place between Mr. Rafael and the Secretary-General, together with Dr. Bunche and Mr. Rosenne. At this meeting, at which it became clear that the Secretary-General was inclined towards accepting the reduced area, Mr. Rafael suggested that perhaps the whole problem could be solved by an informal letter from the Secretary-General to him to the effect that in pursuance of the exchange of letters of 29 June and 1 July and subsequent discussions between the Secretary-General, Mr. Eban, Dr. Bunche, Mr. Rafael, and Mr. Rosenne, in which the area of Government House had been defined, the Secretary-General would acknowledge that arrangements had been completed to make available the Government House premises to the COS. Mr. Rafael made this suggestion after he had received telephonic confirmation of it from Mr. Tekoa.

19. On 2 August 1967 Dr. Bunche telephoned Mr. Rosenne and stated that the Secretary-General was awaiting replies to two questions which he had raised with Mr. Rafael at the last meeting; namely, what was the difference between the original area and the area now proposed to be returned, and what use would be made of the non-returned area, and in particular was it intended to be put to military use. On 5 August 1967 at a meeting with Mr. Urquhart (in the absence of Dr. Bunche

on vacation), Mr. Rosenne replied that in the view of the Government of Israel, the two questions were quite irrelevant. The reduced area included all the buildings, the larger part of the parking lot, the original gate of the approaching road--44.600 dunams in all. As regards the second question, no such use was at present contemplated.

20. At a meeting between the Secretary-General and Mr. Rafael, together with Dr. Bunche and Mr. Rosenne, on 10 August, at the initiative of the Secretary-General, U Thant indicated that within a day or two it would be reported to the Security Council that he was considering authorizing General Bull to resume possession of his headquarters as proposed by the Government of Israel, without prejudice to the United Nations' position.

21. The Secretary-General's Report, S/7930/Add.27, is dated 11 August (a Friday), but it was only circulated on the fourteenth. At a meeting with the Secretary-General on that date, in the presence of Dr. Bunche and Mr. Rosenne, Mr. Rafael objected particularly to the expression "a first tentative step" in paragraph 8 of that Report as well as to the last eleven words of that paragraph, on the ground that they were incompatible with the Secretary-General's statement on 10 August as well as with the conversation between Mr. Eban and Dr. Bunche on 12 July and the Aide Memoire of 15 July (see paragraph 11 above). At the conversation on 10 August the impression had been created that the draft of the Secretary-General's Report

would be shown to the Israel representatives. The Secretary-General explained that before he could give his final assent to the proposed arrangement, he had to be absolutely satisfied that there would be no negative reaction from any Member of the Security Council, and his report had been designed to produce such a "negative consensus". A discussion then took place on the best manner of consummating the arrangement, and the Secretary-General rejected an idea that this should take the form of an exchange of letters with General Bull, preferring an exchange of letters directly between Mr. Rafael and himself. A preliminary draft of the Secretary-General's letter was thereupon submitted. It referred to the Secretary-General's authorization to the Chief of Staff "to return" to his headquarters, and concluded with a "without prejudice" clause, to the effect that this action was being taken by the Secretary-General on the understanding that it was a practical step only without regard to or effect upon the position of the United Nations "concerning any and all rights and claims it may assert pertaining to the Government House compound." In this conversation strong exception was taken to the word "return" at the beginning of the letter and to the formulation of the "without prejudice" clause at the end. The Secretary-General indicated that this letter had been drafted after a talk with Ambassador Goldberg. He also explained that the full text of the correspondence would have to be submitted to the Security Council.

22. Further negotiations then took place between Dr. Bunche and Mr. Rosenne. They related to the following points:

- a. The order of the letters;
- b. A substitute for the word "return";
- c. The satisfactory formulation of the "without prejudice" clause;
- d. The question of the map or plan.

The general objective of these negotiations was to reach a solution which would give satisfaction to each side and would not create added difficulties when the matter came to be reported to the Security Council. These negotiations related both to the Secretary-General's letter and to Mr. Rafael's, and the text of both of these were fully approved by the Government of Israel and by the Secretary-General before they were finally signed. The final approval of the Government of Israel is contained in a telegram No. 304 from the Foreign Minister's Office to Mr. Rafael of 22 August. The letters were accordingly exchanged on 22 August and were immediately reported to the Security Council by the Secretary-General in S/7930/Add.29. It will be observed that in these letters:

- a. The word "return" is removed from the first sentence of the Secretary-General's letter and replaced by the expression "move back into", and that the corresponding phrase in Mr. Rafael's letter is simply "move into".

b. A satisfactory circumlocution was found for the "without prejudice" clause.

c. The map has become a "plan" and is not part of the exchange of letters. The reason for this was to avoid formal publication as a Security Council document of a map which would only emphasize the difference between the original area and the area now made available to General Bull. The "plan", which in its legend contains a reference to the Jerusalem Land Registry and was agreed with General Bull, was actually transmitted under cover of a demi-official letter from Mr. Rosenne to Dr. Bunche on 25 August and was acknowledged by Dr. Bunche in a similar letter dated 28 August 1967.

23. Government House was evacuated by the IDF and taken over by United Nations guards on the afternoon of 24 August. This was reported by the Secretary-General to the Security Council on 28 August (S/7930/Add.31).

24. In resuming the foregoing, it is obvious that the various Reports of the Secretary-General, and particularly S/7930/Add.20, Add.27 and Add.29, have to be read as a whole. On all questions of principle the exchange of correspondence reveals an agreement to disagree. The major questions of principle thus dealt with relate to:

- a. The definition of the function of the United Nations;
- b. The legal basis of the transaction.

In this respect the important thing is that the Secretary-General

in the end agreed to delete any reference to the Convention on the Privileges and Immunities of the United Nations (see paragraph 9 above in particular) thus overriding the very strong objections of the Legal Department of the United Nations. On the other hand, as the Secretary-General's Report, S/7930/Add.29, and particularly the opening phrase of his letter of 22 August, point out, the Secretary-General has in fact accepted the offer of the Government of Israel as explained or interpreted by the Secretary-General in his Report on 11 August 1967, paragraph 3. That Report, and particularly paragraph 4, makes it plain that from a practical point of view the reduced area is adequate for United Nations purposes. Although the questions of principle were thus left aside, it may be stated that, there having been no objection from any Member of the Security Council between 11 and 22 August to the proposed arrangement, it has by implication been accepted by the Security Council.

Shabtai Rosenne

New York

29 August 1967