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Skupina poslank in poslancev

Državnega zbora Republike Slovenije

(prvopodpisani dr. Robert Golob in dr. Asta Vrečko)

Ljubljana, 9. september 2026

Državni zbor Republike Slovenije

predsednik

g. Zoran Stevanović

PREDLOG OBTOŽBE PREDSEDNIKA VLADE REPUBLIKE SLOVENIJE PRED USTAVNIM SODIŠČEM REPUBLIKE SLOVENIJE ZARADI KRŠITEV USTAVE REPUBLIKE SLOVENIJE IN KRŠITEV ZAKONA

Podpisani poslanci/ke Državnega zbora RS na podlagi 119. člena Ustave Republike Slovenije, v povezavi s 109. členom Ustave Republike Slovenije (Uradni list RS, št. 33/91-I, 42/97 – UZS68, 66/00 – UZ80, 24/03 – UZ3a, 47, 68, 69/04 – UZ14, 69/04 – UZ43, 69/04 – UZ50, 68/06 – UZ121, 140, 143, 47/13 – UZ148, 47/13 – UZ90, 97, 99, 75/16 – UZ70a, 92/21 – UZ62a in 98/25 – UZ74a) in 192. člena Poslovnika Državnega zbora Republike Slovenije (Uradni list RS, št. 92/07 – uradno prečiščeno besedilo, 105/10, 80/13, 38/17, 46/20, 105/21 – odl. US, 111/21, 58/23 in 35/24) predlagamo, da Državni zbor Republike Slovenije sprejme naslednji sklep:

Državni zbor Republike Slovenije predlaga Ustavnemu sodišču Republike Slovenije, da ugotovi, da je predsednik Vlade Republike Slovenije Janez Janša pri opravljanju svoje funkcije:

- kršil 2., 8. in 153. člen Ustave Republike Slovenije (Uradni list RS, št. 33/91-I, 42/97 – UZS68, 66/00 – UZ80, 24/03 – UZ3a, 47, 68, 69/04 – UZ14, 69/04 – UZ43, 69/04 – UZ50, 68/06 – UZ121, 140, 143, 47/13 – UZ148, 47/13 – UZ90, 97, 99, 75/16 – UZ70a, 92/21 – UZ62a in 98/25 – UZ74a);
- kršil drugi odstavek 2. člena Zakona o zunanjih zadevah (Uradni list RS, št. 113/03 – uradno prečiščeno besedilo, 20/06 – ZNOMCMO, 76/08, 108/09, 80/10 – ZUTD, 31/15, 30/18 – ZKZaš, 83/25 – ZOUL, 112/25 in 12/26 – ZMPDMA);

- kršil Deklaracijo o zunanji politiki Republike Slovenije (Uradni list RS, št. 53/15);
- kršil 10. in 14. točko Deklaracije o trenutnih razmerah na območju Palestine in Izraela (Uradni list RS, št. 119/23);
- kršil Sklep o priznanju neodvisnosti in suverenosti Države Palestina (Uradni list RS, št. 46/24);
- kršil Ustanovno listino Združenih narodov (v nadaljevanju: OZN) in sprejete resolucije Generalne skupščine in Varnostnega sveta OZN o izraelsko-palestinskem konfliktu, med drugim tudi Resolucijo Generalne skupščine OZN 181 (1947) z dne 29. 11. 1947, Resolucijo Varnostnega sveta OZN 242 (1967) z dne 22. 11. 1967 ter Resolucijo Varnostnega sveta OZN 2334 (2016) z dne 23. 12. 2016;
- ravnal v nasprotju s svetovalnim mnenjem Mednarodnega sodišča (ICJ) in odgovorom na vprašanje Generalne skupščine OZN: Pravne posledice politik in praks Izraela na okupiranem palestinskem ozemlju, vključno z vzhodnim Jeruzalemom;
- kršil Dunajsko konvencijo o diplomatskih odnosih, objavljena v Uradnem listu SFRJ – Mednarodne pogodbe, št. 2/64 (Republike Slovenija je naslednica mednarodnih pogodb SFRJ);
- kršil Resolucijo o strategiji nacionalne varnosti Republike Slovenije (Uradni list RS, št. 59/19);
- spravil Republiko Slovenijo v podrejenost tuji državi, s tem ko je suvereno delovanje Republike Slovenije v mednarodnih odnosih oziroma zunanji politiki podredil interesom tuje države Izrael, pri čemer je lahko podan sum izvršitve kaznivega dejanja napada na neodvisnost države po 350. členu Kazenskega zakonika (Uradni list RS, št. 50/12 – uradno prečiščeno besedilo, 54/15, 6/16 popr., 38/16, 27/17, 23/20, 91/20, 95/21, 186/21, 105/22 ZZNŠPP, 16/23 in 107/24 – odl. US);

v zvezi s 14. členom Zakona o Vladi Republike Slovenije (Uradni list RS, št. 24/05 – uradno prečiščeno besedilo, 109/08, 38/10 – ZUKN, 8/12, 21/13, 47/13 – ZDU-1G, 65/14, 55/17, 163/22, 57/25 – ZF in 555/26)

in

na podlagi 119. člena v zvezi s 109. členom Ustave Republike Slovenije (Uradni list RS, št. 92/07 – uradno prečiščeno besedilo, 105/10, 80/13, 38/17, 46/20, 105/21 – odl. US, 111/21, 58/23 in 35/24) ter 66. člena v zvezi z drugim odstavkom 65. člena Zakona o ustavnem sodišču (Uradni list RS, št. 64/07 – uradno prečiščeno besedilo, 109/12, 23/20, 92/21, 22/25 in 57/25 – ZF) odloči, da predsedniku Vlade Republike Slovenije Janezu Janši preneha funkcija predsednika vlade.

V skladu s 3. odstavkom 191. člena Poslovnika Državnega zbora predlagamo poslanca dr. Roberta Goloba za pooblaščenega predstavnika, ki bo zastopal obtožbo pred Ustavnim sodiščem Republike Slovenije.

V skladu z deseto alinejo 3. odstavka 115. člena Poslovnika Državnega zbora bosta kot predstavnika predlagatelja pri delu Državnega zbora sodelovala poslanca dr. Robert Golob in dr. Asta Vrečko.

Predlagamo tudi, da Državni zbor na podlagi drugega odstavka 107. člena Ustave Republike Slovenije in tretjega odstavka 192. člena Poslovnika Državnega zbora zahteva, da predsednik Republike Slovenije poda mnenje o Predlogu obtožbe predsednika Vlade.

OBRAZLOŽITEV:

V času pred volitvami v Državni zbor 22. marca 2026 je politično dogajanje zaznamovala afera Black Cube, ki je prerasla v enega največjih političnih obveščevalno-varnostnih škandalov v slovenski politični zgodovini. Prišlo je do domnevnega vmešavanja tuje zasebne obveščevalne agencije Black Cube v politične in volilne procese v Republiki Sloveniji. Afera je razgalila ranljivost slovenske demokracije na vplive tujih akterjev in manipulacije z zlonamernim prirejanjem zvočnih in slikovnih posnetkov (osebnih podatkov), ki jih omogočajo digitalna orodja in družbena omrežja. 16. marca 2026 so bile javno razkrite prve informacije o domnevnem vpletanju tuje zasebne obveščevalne agencije Black Cube, ki se ukvarja z obveščevalno dejavnostjo po vsem svetu, v volilno dogajanje v Republiki Sloveniji. Iz teh informacij je izhajalo, da so se predstavniki tuje zasebne obveščevalne agencije Black Cube 22. decembra 2025 v Ljubljani sestali s predsednikom SDS Janezom Janšo na sedežu stranke. Tri mesece pozneje so se v Sloveniji pojavili videoposnetki, narejeni po obveščevalnih metodah, ki jih Black Cube že leta uporablja v politično-obveščevalnih akcijah po vsem svetu. Dvanajst dni pred dnevom volitev v Sloveniji so se na spletni strani anti-corruption2026.com, ki nima navedenih lastnikov, urednika ali kontaktnih podatkov, začeli pojavljati videoposnetki pomembnih posameznikov iz Slovenije med domnevnimi poslovnimi sestanki. Organizator sestankov naj bi bil domnevni britanski investicijski sklad, namen objave pa je bil prikazati koruptivnost prejšnje vlade in njenega predsednika. Poročilo o tem so pripravili Borut Mekina, preiskovalni novinar, tednik Mladina, Achiya Schatz, komunikacijski strokovnjak za digitalno manipulacijo in operacije vplivanja, Filip Dobranič, raziskovalec družbenih omrežij in zlorab medmrežja in Nika Kovač, direktorica Inštituta 8. marec na tiskovni konferenci.

Tudi obveščevalno-varnostni organi so potrdili neposredno prisotnost operativcev agencije tuje zasebne obveščevalne agencije Black Cube (v nadaljevanju: agencije Black Cube) na ozemlju Republike Slovenije. Organi so evidentirali večkratne obiske in sestanke predstavnikov agencije na sedežu stranke SDS na Trstenjakovi ulici v Ljubljani. Slovenska obveščevalno-varnostna agencija (SOVA) je o aktivnostih Black Cube v Republiki Sloveniji pripravila poročilo, s katerim je seznanila Svet za nacionalno varnost (SNAV) in ga poslala policiji in pristojnemu državnemu tožilstvu zaradi suma, da so operativci Black Cube pri svojih aktivnostih zagrešili več kaznivih dejanj. V

poročilu, ki je javno objavljeno, piše, da so predstavniki agencije Black Cube, med njimi tudi direktor Dan Zorella, svetovalec Giora Eiland in operativec Liron Tzur ter drugi – od decembra 2025 do februarja 2026 večkrat obiskali Slovenijo. Po ugotovitvah SOVE so 11. decembra 2025 ti trije obiskali sedež stranke SDS na Trstenjakovi ulici v Ljubljani, kjer so imeli sestanek s predsednikom te stranke in poslancem Državnega zbora Janezom Janšo. Enako naj bi se zgodilo tudi 22. decembra 2025. Sicer pa je kasneje predsednik stranke Janez Janša po javnem razkritju potrdil neposredne stike z Gioro Eilandom. Zaradi nevarnosti za varnost države in nedovoljenega vmešavanja v notranjepolitične procese so pristojni organi zoper več operativcev agencije Black Cube izdali ukrep prepovedi vstopa v Republiko Slovenijo.

SNAV ocenjuje, da gre za paraobveščevalno delovanje, usmerjeno zoper nacionalno varnost in suverenost Republike Slovenije in poskuse vplivanja na volitve v Državni zbor 22. marca 2026 iz tujine.

Ključni strateški dokument za področje varovanja nacionalne varnosti in suverenosti je Resolucija o strategiji nacionalne varnosti Republike Slovenije. Suverenost je v tem dokumentu opredeljena kot eden izmed temeljnih trajnih življenjskih interesov države, ki vključuje ohranjanje njene neodvisnosti, ozemeljske celovitosti, ustavne ureditve ter mednarodnopravne in politične subjektivitete. Resolucija nacionalno suverenost in njeno uresničevanje ščiti pred sodobnimi grožnjami, kot so hibridne grožnje. Hibridne grožnje predstavljajo medsebojno povezano, kompleksno in nepredvidljivo visoko integrirano uporabo prikrite ali odkrite kombinacije tradicionalnih in neregularnih vojaških in civilnih ter kriminalnih metod in sredstev, ki jih vodijo in izvajajo državni in nedržavni akterji. Dejavnosti tujih akterjev so usmerjene v šibke točke države ali družbe, z namenom destabilizacije, povzročanja zmede in povečanja ranljivosti, za doseganje lastnih geopolitičnih interesov in vpliva. Tuji akterji s svojimi hibridnimi metodami, dezinformacijami, lažnimi novicami in vpletanjem v demokratične politične procese vplivajo na stabilnost demokratično izvoljenih struktur oblasti, ustavne in družbene ureditve ter mednarodnih institucij, ovirajo in slabijo zmožnost demokratičnega in ustavno opredeljenega političnega odločanja na volitvah in oblikovanja učinkovite nacionalne politične agende, sprožajo radikalizacijo in rekrutacijo skrajnih gibanj ter vplivajo na javno mnenje v državi, kar dosegajo z usmerjanjem akterjev, ki so tako zlorabljeni za hibridno delovanje.

Vsakršno sodelovanje s tujimi akterji, tudi če gre za zasebne obveščevalne agencije oziroma nedržavne akterje, katerih nameni in ti. hibridna dejavnost so usmerjeni v demokratične politične procese kot so npr. splošne volitve, predstavlja kršitev Resolucije o strategiji nacionalne varnosti Republike Slovenije.

Agencija Black Cube deluje kot zasebna tuja obveščevalna agencija in je komercialni ponudnik poslovno-obveščevalnih storitev, vendar je njegova dejanska struktura, kadrovska sestava in operativna zmogljivost neposredno prepletena z uradnimi izraelskimi varnostnimi in obveščevalnimi službami. Agencijo sta leta 2010 ustanovila Dan Zorella in Avi Yanus, oba nekdanja pripadnika izraelske vojske. Večina operativnega kadra v podjetju prihaja neposredno iz vrst izraelskih obveščevalnih in varnostnih organov.

Institucionalna prepletenost agencije Black Cube z vrhom izraelske države se najbolj neposredno odraža v sestavi svetovalnih organov agencije, kjer sedijo nekdanji najvišji predstavniki državnega varnostnega aparata. Dolgoletni predsednik svetovalnega odbora podjetja je bil pokojni Meir Dagan, nekdanji dolgoletni direktor Mosada in svetovalec več izraelskih premierjev za nacionalno varnost. V odboru delujeta tudi Efraim Halevy, prav tako nekdanji vodja Mosada ter nekdanji vodja izraelskega sveta

za nacionalno varnost, in upokojeni generalmajor Giora Eiland, nekdanji vodja operativnih in strateških vej IDF ter nekdanji svetovalec za nacionalno varnost izraelske vlade. Prisotnost takšnih kadrov agenciji omogoča dostop do mednarodnih političnih naročnikov ter prenos državnih obveščevalnih metodologij, kot so prikrito zbiranje podatkov na terenu operacije z lažno identiteto in psihološki pritisk, v zasebni sektor.

Po razkritjih izraelskih medijev je agencija Black Cube v preteklosti izvajala naloge neposredno za izraelsko ministrstvo za obrambo, pri čemer so njegovi sodelavci operativno delovali celo znotraj vojaških obveščevalnih baz. Poleg tega izraelsko ministrstvo za obrambo podjetju izdaja licence za delovanje v tujini, kar potrjuje, da izraelski državni aparat ohranja stalen nadzor nad aktivnostmi agencije Black Cube in ga uporablja za vplivanje na politične in gospodarske procese v tujini, pri čemer meja med zasebnim komercialnim interesom in interesi izraelskega geopolitičnega vpliva pogosto ostaja namerno nejasna. Agencija Black Cube je po svetu znana po tem, da uporablja nezakonito klasično prisluškovanje in snemanje, poslučuje pa se tudi dezinformacijskih in diskreditacijskih kampanj. Pri svojem delovanju poleg drugih uporablja tudi naslednje taktike in metode kot so npr.:

- Metoda "Fake Job Interview"

Operativci agencije se pod krinko predstavnikov izmišljenih tujih investicijskih skladov ali mednarodnih korporacij obrnejo na tarče ali njihove bližje sodelavce. Ponudijo jim svetovalno pogodbo z izjemno visokim plačilom. Med večurnimi lažnimi sestanki oziroma intervjuji se tarče sprostijo in v želji, da bi naredile vtis, razkrivajo notranje informacije, osebne zamere, trače ipd.. Ti pogovori so tajno snemani, kasneje pa javno objavljeni.

- Uporaba »false identity«

Operativci agencije si ustvarijo lažne identitete.

- Dezinformacijske in diskreditacijske kampanje

Agencija Black Cube ne le nezakonito zbira informacije, ampak aktivno ustvarja dezinformacijske in diskreditacijske kampanje. To vključuje nadzorovano objavljane dezinformacij na družbenih omrežjih, kar ustvarja zmedo v javnosti, kjer nihče več ne ve, kaj je resnica in kaj manipulacija, kaj dezinformacija in kaj diskreditacija. Naj jih navedemo samo nekaj, in sicer tistih, ki jih je v državah članicah EU (nekje tudi dokazano v sodnem kazenskem postopku ali pa z javnim priznanjem) zagrešila tuja zasebna obveščevalna agencija Black Cube:

- Romunija (2016–2022): agencija Black Cube je leta 2016 izvedli operacijo proti takratni vodji romunske protikorupcijske agencije (DNA) Lauri Codruți Kövesi (kasnejši glavni evropski tožilki). Namen operacije je bil ustrahovanje, vdor v e-poštne naslove njenih sorodnikov in iskanje kompromitirajočih podatkov. Epilog je sledil leta 2022, ko so bili predstavniki agencije, vključno s soustanoviteljema Danom Zorello in Avijem Janusom, na romunskem sodišču obsojeni na pogojne zaporne kazni zaradi ustanovitve organizirane kriminalne združbe.
- Belgija (2020–2024): tarča operacije agencije Black Cube je bil minister za zdravje Frank Vandenbroucke. Agencijo Black Cube je najelo belgijsko logistično podjetje Medista, ki je izgubilo na javnem razpisu za distribucijo cepiv proti covidu-19. Agencija Black Cube je z uporabo obveščevalnih metod poskušala izpodbijati omenjeni javni razpis in kompromitirati ministra in uradnike na ministrstvu za zdravje, ki so bili zanj odgovorni, ter konkurenčna podjetja, ki so bila na razpisu izbrana.

- Madžarska (2018): agencija Black Cube je delovala na Madžarskem predvsem pred parlamentarnimi volitvami. Z uporabo lažnih identitet je agencija Black Cube tajno snemala razgovore s predstavniki nevladnih organizacij in posamezniki, povezanimi z madžarsko-ameriškim poslovnežem, investitorjem in filantropom Georgem Sorosem, ustanoviteljem neprofitne fundacije Open Society Foundations, ki podpira človekove pravice in pomaga graditi demokracije po vsem svetu. Ti nezakonito pridobljeni in prirejeni posnetki z namenom škoditi so nato služili vladajoči stranki Fidesz za diskreditacijske kampanje omenjenih posameznikov v provladnih medijih.
- Ciper (2026): agencija Black Cube je delovala tudi na Cipru, kjer je potrdila vpletenost v tajno operacijo, imenovano afera Videogate. Black Cube je tajno snemala razgovore s poslovneži in nekdanjimi nosilci javnih funkcij, na katerih so ti razpravljali o javnih investicijskih projektih in s temi poveznimi donacijami. Posnelo se je okoli 30 ur materiala, objavil pa osem minutni posnetek. Vsi, ki so bili posneti, so kasneje zanikali kakršne koli kršitve zakonodaje. Posledica afere je bil odstop svetovalca ciprskega predsednika. Black Cube je kasneje v izjavi za ciprske medije priznal, da je sodeloval pri pripravi video posnetka.

Pripravljalne aktivnosti v Sloveniji je agencija Black Cube po javno objavljenih podatkih opravila v novembru in decembru 2025, ko so njeni predstavniki obiskali sedež politične stranke, ki bi ji objave montiranih posnetkov lahko prinesle politično korist. Vzpostavitev kontaktov operativcev agencije, ki so uporabljali lažne identitete, s tarčami in nezakonito snemanje razgovorov oziroma ti. fake job interviews, se je začelo konec januarja oziroma v začetku februarja 2026. Tarče so operativci pod lažnimi poslovnimi pretvezami zvaljali na sestanke v tujini, predvsem v Londonu, na Dunaju in v Zagrebu. Prvi prirejeni posnetki razgovorov tarč so se na posebni spletni strani anti-corruption2026.com, registrirani na Islandiji, začeli objavljati 9. marca 2026, torej tik pred volitvami. Pozneje so se objavili še posnetki novih tarč. Šele po medijskem razkritju obiska predstavnikov agencije Black Cube v Sloveniji v tednu pred volitvami so se posnetki razgovorov s tarčami prenehali objavljati. Tudi po volitvah novih objav ni bilo. Po javno dostopnih podatkih naj bi razgovori med operativci agencije z lažnimi identitami in tarčami trajali tudi po več ur. Na posnetkih je razvidno, da so s posameznimi tarčami opravili več razgovorov na različnih lokacijah. Iz poročila o forenzični preiskavi izhaja, da so bili objavljeni zvočni in video posnetki načrtno rezani, montirani in vsebinsko prirejeni z izrecnim namenom prikrivanja sledi, diskreditacije političnih tekmecev ter manipulacije javnega mnenja. Razkrita je bila tudi identiteta domnevne operativke agencije Black Cube, ki je snemala sestanek s tarčo v Zagrebu. To je bila Stella Penn Pechanac, nekdanja izraelska vojakinja srbsko-bosanskega porekla. Že pred več leti je delala za Black Cube v aferi hollywoodskega producenta Harveyja Weinsteina. Stella Penn Pechanac je pod lažnim imenom in pod pretvezo zagovornice pravic žensk kontaktirala z Weinsteinovimi žrtvami. Sicer je že takrat trdila, da z agencijo Black Cube ne sodeluje več.

Omenjene aktivnosti in metode delovanja predstavljajo hibridne grožnje oziroma v žargonu poimenovan »hybrid warfare«, katerih cilj je zmanjšanje zaupanja v demokratične institucije, ustvarjanje konflikta in polarizacije, poskus vplivanja na volilno udeležbo z odvrčanjem volivcev, volilno kampanjo zaznamovati s škandali in aferami itd.. Gre za način delovanja, ki ga tudi institucije EU vse izraziteje prepoznavajo kot eno izmed sodobnih groženj demokratičnim procesom in institucionalni stabilnosti držav članic. V okviru EU se hibridne grožnje razumejo kot usklajene in zlonamerne aktivnosti, usmerjene v spodkopavanje države, njenih institucij in družbene kohezije z uporabo informacijskih, političnih, gospodarskih, kibernetičnih in drugih sredstev. Diplomatska služba Evropske unije (EEAS) pa tujo informacijsko manipulacijo in

vmešavanje obravnava kot namerno in usklajeno manipulativno ravnanje državnih ali nedržavnih akterjev oziroma njihovih posrednikov, ki lahko škodljivo vpliva na vrednote, postopke in politične procese. Afera je namreč tudi prestopila meje Republike Slovenije. Tuji mediji so dogajanje spremljali s skrbjo zaradi tujega vplivanja na demokratične volilne procese ene od držav članic EU, ki se do sedaj s temi hibridnimi grožnjami demokraciji še ni soočala.

Pa tudi predsednik 15. Vlade Republike Slovenije dr. Robert Golob je zaradi tega uradno pozval Evropski svet k preiskavi in zaščiti demokracije v državah članicah EU. Evropski svet je po poročilih o domnevnem tujem vmešavanju v slovenske parlamentarne volitve pozval države članice EU in Evropsko komisijo k okrepitvi odpornosti proti takšnim vplivom in poskusom spodkopavanja demokratičnih procesov. Voditelji držav članic so na Evropskem svetu sprejeli sklepe, v katerih poudarjajo potrebo po odločnejšem ukrepanju proti hibridnim grožnjam. Ob tem so izpostavili predvsem manipulacijo z informacijami, tuje vmešavanje ter širše poskuse destabilizacije demokratičnih sistemov. Posebej so opozorili tudi na vlogo tujih zasebnih akterjev pri vplivanju na volitve v državah članicah.

Zaradi utemeljenega suma kaznivih dejanj, ki se preganjajo po uradni dolžnosti, ki naj bi jih pri svojih aktivnostih zagrešili sodelavci tuje zasebne obveščevalne agencije Black Cube, je SOVA obvestila tožilstvo in Policijo. Policija je javno potrdila, da v zvezi z aktivnostmi agencije Black Cube že poteka predkazenski postopek zaradi suma storitve različnih kaznivih dejanj. Zaradi zahtevnosti primera so ustanovili posebno delovno skupino, v njej pa delujejo kriminalisti iz različnih policijskih postaj, preiskovalci Nacionalnega preiskovalnega urada in druge strokovne službe, vse aktivnosti pa potekajo v tesnem sodelovanju s pristojnim državnim tožilstvom in drugimi organi tako v Sloveniji kot v tujini.

Dne 22. 5. 2026 so poslanci Državnega zbora Janezu Janši izvolili za predsednika Vlade Republike Slovenije, 4. 6. 2026 pa je Državni zbor potrdil še minister in zaprisegla je 16. Vlada Republike Slovenije pod vodstvom Janeza Janše.

Z novim predsednikom Vlade se je diametralno obrnila tudi zunanja politika Republike Slovenije v odnosu do države Izrael. Že dan po izvolitvi za predsednika Vlade, je Janši v telefonskem pogovoru čestital tudi izraelski premier Benjamin Netanjahu, ki je Janšo pri tem označil za prijatelja. Zgolj nekaj minut po zaprisegi vladne ekipe v Državnem zboru so s pročelja vladne palače sneli palestinsko zastavo, ki je bila simbolno izobešena konec maja 2024, ko je Državni zbor na predlog Vlade dr. Roberta Goloba priznal Palestino. Zgolj teden dni po imenovanju nove vlade je Vlada Janeza Janše razveljavila vse ukrepe proti Izraelu, ki jih je zaradi kršitev mednarodnega in humanitarnega prava ter pravic Palestincev v Gazi in na Zahodnem bregu sprejela Vlada v prejšnjem mandatu pod vodstvom dr. Roberta Goloba. Konec junija 2026 je Janez Janša v pogovoru za izraelski medij napovedal, da bo Slovenija kot prva članica Evropske unije preselila svoje veleposlaništvo iz Tel Aviva v Jeruzalem.

Zakon o zunanjih zadevah v prvem odstavku 2. člena določa, da Ministrstvo za zunanje zadeve v okviru pristojnosti vlade izvaja opravljanje zunanjih zadev v skladu s splošnimi usmeritvami, ki jih določa Državni zbor. Državni zbor je 10. julija 2015 sprejel Deklaracijo o zunanji politiki Republike Slovenije (DeZPRS-1). Naloga zunanje politike Republike Slovenije, da zasleduje slovenske interese, ki temeljijo na vrednotah slovenske osamosvojitve in državnosti, Ustavi Republike Slovenije, vrednotah Evropske unije ter načelih Ustanovne listine Organizacije združenih narodov in so zapisani v Deklaraciji o zunanji politiki Republike Slovenije. Po deklaraciji je Državni zbor nosilni organ zunanje politike, ministrstvo za zunanje in evropske zadeve pa ima

pri usklajevanju vseh dejavnikov ključno vlogo. Ker je ministrstvo del vlade, vlada skupaj z državnim zborom oblikuje in izvaja zunanjo politiko. V preambuli deklaracije je zapisano, da Republika Slovenija z drugimi subjekti mednarodnega prava z delovanjem v različnih oblikah sodelovanja v mednarodni skupnosti na globalni in regionalni ravni tvorno prispeva k razvoju mednarodne skupnosti, utemeljenem na miru in varnosti, mirnem reševanju sporov, suvereni enakosti držav, spoštovanju temeljnih človekovih pravic in svoboščin ter človekovega dostojanstva, spoštovanju mednarodnega prava, na zagotavljanju človekove varnosti, mednarodne pravičnosti in solidarnosti, na uveljavljanju načel dobrega upravljanja ter k doseganju ciljev trajnostnega razvoja na globalni ravni. Deklaracija pa kot enega od ciljev zunanje politike navaja okrepljen multilateralni sistem, ki temelji na učinkoviti Organizaciji združenih narodov, suvereni enakosti držav, kolektivni varnosti, mirnem reševanju sporov, samoodločbi narodov, visokih standardih človekovih pravic, močni vlogi mednarodnega prava, okrepljenem mednarodnem razvojnem sodelovanju, humanitarni pomoči in trajnostnem razvoju.

Leta 1980 je Izrael vzhodni del Jeruzalema s starim delom mesta, nezakonito priključil in ga razglasil za del svojega glavnega mesta. Izraelska priključitev Vzhodnega Jeruzalema je nezakonit, saj resolucija Generalne skupščine OZN-a 181 iz leta 1947 predvideva poseben status Jeruzalema. Tudi Varnostni svet Združenih narodov je zavrnil spremembo statusa Jeruzalema in pozval vse države, da skladno z obveznostmi po mednarodnem pravu ne priznajo in ne nudijo pomoči ali podpore pri ohranjanju nezakonitega stanja. V resoluciji Varnostnega sveta OZN 478 iz leta 1980 je zapisano, da so vsi ukrepi, namenjeni spreminjanju statusa Jeruzalema, nični in neveljavni, države, ki so vzpostavile diplomatska predstavništva v Jeruzalemu, pa jih morajo umakniti.

Leta 2016 je bila sprejeta nova resolucija Varnostnega sveta OZN 2334, ki se nanaša na izraelske naselbine na palestinskih ozemljih, zasedenih od leta 1967, vključno z Vzhodnim Jeruzalemom. Varnostni svet je v resoluciji ponovno poudaril, da gradnja izraelskih naselbin nima pravne veljavnosti in predstavlja očitno kršitev mednarodnega prava. Resolucija od Izraela zahteva, da nemudoma in v celoti ustavi vse dejavnosti naseljevanja na okupiranih palestinskih ozemljih

Leta 2024 Meddržavno sodišče (ICJ) v svetovalnem mnenju glede pravnih posledic izraelskih politik in praks na zasedenih palestinskih ozemljih, vključno z Vzhodnim Jeruzalemom, zapisalo, da države ne smejo priznati izraelske suverenosti nad zasedenimi ozemlji, vključno z Vzhodnim Jeruzalemom, ali sprejeti kakršnih koli ukrepov, ki poskušajo spremeniti status teh ozemelj, torej tudi premik veleposlaništva na ta ozemlja ali posredno priznanje Jeruzalema kot prestolnice Izraela. Selitev veleposlaništva bi namreč pomenila priznanje Jeruzalema – skupaj z okupiranim delom – kot glavnega mesta Izraela. Sedež veleposlaništva mora biti na ozemlju države sprejemnice. Sedež veleposlaništva v Jeruzalemu predstavlja priznanje, da mesto predstavlja prestolnico Izraela, kar je v neskladju s pravico narodov do samoodločbe, ki je zapisana v Ustanovni listini Združenih narodov in predstavlja kršitev Dunajske konvencije o diplomatskih odnosih.

V skladu z 12. členom Dunajske konvencije o diplomatskih odnosih država pošiljateljica ne sme odpreti pisarn, ki so del diplomatskega predstavništva, zunaj kraja, kjer je sedež predstavništva, brez izrecnega predhodnega soglasja države sprejemnice. Sedež diplomatskega predstavništva (npr. veleposlaništva) se določi z dogovorom med državo pošiljateljico in državo sprejemnico.

Mednarodno pravo je sistem splošno sprejetih zavezujočih pravnih pravil in načel, ki določajo pravice in obveznosti subjektov mednarodnega prava v njihovih medsebojnih odnosih. Ta pravna pravila in načela izhajajo zlasti iz mednarodnega običajnega prava, mednarodnih pogodb, splošnih mednarodnih načel in mednarodne sodne prakse. Slovenija je vseskozi zagovarjala dosledno spoštovanje mednarodnega prava in krepitev mednarodnega pravnega sistema kot najboljšega zagotovila mednarodnega miru in varnosti.

Zato tudi 8. člen Ustave RS kot ustavni temelj določa odnos med mednarodnim pravnim redom in pravnim redom Republike Slovenije. V prvem odstavku določa načelni položaj splošnoveljavnih načel mednarodnega prava in mednarodnih pogodb v hierarhiji slovenskega pravnega reda, in sicer jih postavlja nad zakone in druge predpise, medtem ko je Ustava najvišji in temeljni akt v državi. 153. člen Ustave pa določa skladnost vsake pravne norme, pravnega akta ali delovanja s pravnim redom v celoti. V skladu z 2. odstavkom 153. člena Ustave morajo ti biti v skladu tudi s splošnoveljavnimi načeli mednarodnega prava in z veljavnimi mednarodnimi pogodbami, ki jih je ratificiral Državni zbor oziroma jih je Republika Slovenija nasledila od bivše SFRJ. Slovenija je po 2. členu opredeljena kot pravna država, kar pomeni, da morajo vsi državni organi delovati zakonito, v skladu z ustavo, splošnoveljavnimi načeli mednarodnega prava in mednarodnih pogodb ter zakoni. Takšno pojmovanje pravne države in že omenjene pravne pravilnosti zajema tudi delovanje državnih organov in nosilcev javnih funkcij. Torej tudi Vlade RS in še posebej predsednika Vlade; v tem primeru Janeza Janšo.

Poleg tega velja opozoriti, da splošnoveljavna načela mednarodnega prava kot je npr. pravica naroda do samoodločbe ipd. varujejo tudi temeljne pravne in družbene vrednote, katerih izraz je tudi Ustava RS.

Ustava RS

Preambula

Izhajajoč iz Temeljne ustavne listine o samostojnosti in neodvisnosti Republike Slovenije, ter temeljnih človekovih pravic in svoboščin, temeljne in trajne pravice slovenskega naroda do samoodločbe, in iz zgodovinskega dejstva, da smo Slovenci v večstoletnem boju za narodno osvoboditev izoblikovali svojo narodno samobitnost in uveljavili svojo državnost, sprejema Skupščina Republike Slovenije Ustavo Republike Slovenije.

...

3. člen

Slovenija je država vseh svojih državljanek in državljanov, ki temelji na trajni in neodtujljivi pravici slovenskega naroda do samoodločbe.

V Sloveniji ima oblast ljudstvo. Državljanke in državljani jo izvršujejo neposredno in z volitvami, po načelu delitve oblasti na zakonodajno, izvršilno in sodno.

Slovenija tudi v Deklaraciji o zunanji politiki Republike Slovenije navaja samoodločbo narodov kot enega od temeljev za doseganje cilja okrepljenega multilateralnega sistema, na tej univerzalni pravici je utemeljena tudi slovenska državnost.

Ta pravica je univerzalna, potrdile so jo mnoge resolucije OZN. Zato je Državni zbor na 73. izredni seji dne 4. 6. 2024 sprejel Sklep o priznanju neodvisnosti in suverenosti Države Palestina št. 007-01/24-11/12. S tem priznava, da obstaja njihovo ozemlje, prebivalstvo in oblast.

Slovenija je ves čas konsistentno podpirala bližnjevzhodni mirovni proces in vzpostavitev dveh držav, zavedajoč se, da bo to pomembno prispevalo k stabilnosti v tem območju. Slovenija je storila več korakov, ki jasno nakazujejo zunanje politično usmeritev glede palestinske državnosti ter pravice Palestincev do samoodločbe in do lastne države. 1. oktobra 2007 je Slovenija odprla Predstavniško pisarno v Ramali. 8. aprila 2011 je dvignila status Palestinske generalne delegacije v Rimu v Palestinsko misijo. S sklepom Vlade januarja 2014 se je status Predstavniške pisarne v Ramali spremenil v Urad v Ramali. Dvignjena je bila tudi raven akreditacije nerezidenčnega vodje diplomatske misije Palestine v Sloveniji. Od marca 2014 se v dvostranski komunikaciji uporablja naziv "Država Palestina".

Odbor za zunanjo politiko Državnega zbora je Vlado 19. septembra 2011 pozval, da aktivno sodeluje ter se zavzema za priznanje Palestinske države in njeno polnopravno članstvo v OZN. 28. novembra 2014 je zahteval od Vlade, da ob upoštevanju vseh vidikov in učinkov Državnemu zboru predloži sklep o priznanju Palestine ter Vlado pozval, da v prihodnosti zavzame pozitivno stališče do prizadevanj Palestine za članstvo v mednarodnih organizacijah in njihovih agencijah.

Kot izhaja tudi iz Deklaracije o trenutnih razmerah na območju Palestine in Izraela, ki jo je Državni zbor sprejel 28. novembra 2023, Slovenija izraža neomajno podporo rešitvi dveh držav, ki bi jo dosegli s pogajanjem na podlagi meja iz leta 1967, upoštevajoč številne resolucije Varnostnega sveta in Generalne skupščine OZN, in bi vključevala dve suvereni, demokratični državi, ki bi sobivali v miru in varnosti, ob polnem spoštovanju mednarodnega prava.

Slovenija je tudi kot nestalna članica Varnostnega sveta OZN vseskozi opozarja na nevarnost trenutne situacije zaradi nerešenega palestinskega vprašanja ter na nevarnost resne eskalacije v regiji. Bila je med pobudnicami resolucije Varnostnega sveta št. 2728, sprejete 25. marca 2024, ki je pozvala obe strani k premirju, k brezpogojni izpustitvi vseh talcev, zaščiti civilnega prebivalstva ter zagotovitvi humanitarne pomoči v Gazo.

Predsednik Vlade Janez Janša je sicer napovedal tudi, da bo Slovenija zamrznila priznanje Palestine.

Državni zbor je s sprejetjem Sklepa o priznanju Države Palestine v imenu Republike Slovenije priznal Državo Palestino kot neodvisno in suvereno državo. Priznanje je enostranski pravni akt, s katerim države sprejmejo že obstoječe dejstvo kot skladno z mednarodnim pravom. Sklep je svojevrsten politični in pravni akt, s katerim Republika Slovenija drugi družbeni skupnosti prizna, da ima značilnosti in je organizirana kot država, ter želi z njo sodelovati.

Mednarodno pravo zamrznitve priznanja druge države ne pozna. Ko država drugo mednarodno entiteto, ki prosi za priznanje, prizna kot državo, tega priznanja ne more preklicati. Ko je bilo priznanje dano, kljub morebitni prekinitvi diplomatskih odnosov, to še vedno pomeni, da se drugo državo priznava.

Da so se pod Vlado Janeza Janše odnosi med Slovenijo in državo Izrael spremenili, kaže tudi dejstvo, da bo oziroma je Izrael prvič v zgodovini Republike Slovenije odprl veleposlaništvo v Ljubljani. Izraelski minister za zunanje zadeve Gideon Sar je ob tej novici zapisal, da imamo po letih sovražnosti prejšnje vlade zdaj priložnost, da ponovno vzpostavimo, okrepimo in poglobimo resnično partnerstvo. Izrael je odprtje rezidenčnega veleposlaništva napovedal že ob prisegi vlade, ki jo vodi predsednik vlade Janez Janša. Predstavništvo bo vodila Ruth Cohen-Dar, ki je doslej Slovenijo pokrivala kot nerezidenčna veleposlanica iz Dunaja.

Dne 25. 8. 2026 so tuji mediji poročali, da so v Bruslju pripravljali izjavo visoke zunanje politične predstavnice Kaje Kallas v imenu celotne Evropske unije. Povod za predlagano skupno izjavo EU je bila odločitev izraelskih oblasti o objavi razpisa za gradnjo približno 1.200 stanovanjskih enot za izraelske naseljence na območju E1 vzhodno od Jeruzalema. Gre za del širšega projekta E1, ki predvideva približno 3.400 stanovanjskih enot na okoli 12 kvadratnih kilometrih ozemlja. Območje E1 je strateškega pomena. Nadaljnja gradnja bi lahko prekinila ozemeljsko povezanost Zahodnega brega, dodatno izolirala Vzhodni Jeruzalem ter bistveno otežila vzpostavitev ozemeljsko povezane palestinske države. Prav zato je visoka predstavnica EU Kaja Kallas opozorila, da projekt močno škoduje možnosti za rešitev dveh držav. Načrte izraelske vlade so obsodile številne evropske in druge države, med drugim Nemčija, Avstrija, Združeno kraljestvo, Kanada in Avstralija, kritično pa se je odzvala tudi predsednica Evropske komisije Ursula von der Leyen. Enostranska odločitev Slovenija je tako blokirala sprejem izjave in s tem močno vplivala na zunanje politično delovanje Evropske unije. Ker izjava ni bila sprejeta s soglasje, je Evropska služba za zunanje delovanje objavila zgolj izjavo Kallas, ki ima nižji diplomatski status. Takšno izjavo lahko objavijo brez odobritve držav članic. Običajno jo uporabijo, če določeno stališče nima soglasne podpore med članicami.

Gre za odločitev z resnimi zunanjepolitičnimi posledicami, saj takšno ravnanje predstavlja očiten odmik od uradnih stališč, ki jih je Republika Slovenija zagovarjala še nedavno. Evropski svet je namreč junija 2026 ob podpori Slovenije ponovno obsodil enostranske ukrepe Izraela za širjenje njegove prisotnosti na Zahodnem bregu, vključno z Vzhodnim Jeruzalemom, ter izraelsko vlado pozval, naj ustavi širjenje naselbin, tudi na območju E1, saj so te po mednarodnem pravu nezakonite.

Dva meseca pozneje je Slovenija kot edina država članica preprečila, da bi vseh 27 držav članic EU skupaj izrazilo vsebinsko primerljivo stališče.

Mednarodnopravno stališče glede izraelskih naselbin je jasno. Izraelske naselbine na okupiranem palestinskem ozemlju so v nasprotju z mednarodnim pravom. Mednarodno sodišče je v svetovalnem mnenju z dne 19. julija 2024 potrdilo nezakonitost izraelskih politik in praks na okupiranem palestinskem ozemlju. Tudi Republika Slovenija je še februarja letos uradno poudarila, da Izrael nima suverenosti nad okupiranim palestinskim ozemljem, vključno z Vzhodnim Jeruzalemom, ter da so enostranski ukrepi, namenjeni širjenju naselbin, spreminjanju pravnega in administrativnega statusa ozemlja ali dejanski aneksiji, nezakoniti po mednarodnem pravu.

Odločitev Slovenije je še posebej problematična zaradi očitnega neskladja z dosedanjimi uradnimi stališči Republike Slovenije. Slovenija je v zadnjih letih dosledno zagovarjala spoštovanje mednarodnega in mednarodnega humanitarnega prava, nasprotovala širjenju nezakonitih izraelskih naselbin ter podpirala rešitev dveh držav. Še 18. in 19. junija 2026, torej že v času aktualne Vlade, je Slovenija skupaj z drugimi državami članicami podprla sklepe Evropskega sveta, ki so izrecno obsodili širjenje izraelske prisotnosti na Zahodnem bregu in izraelsko vlado pozvali, naj ustavi širjenje naselbin, vključno na območju E1. Evropska unija je pred tem, maja 2026, sprejela tudi dodatne omejevalne ukrepe proti ekstremističnim izraelskim naseljencem in organizacijam, odgovornim za hude in sistematične kršitve človekovih pravic Palestincev na Zahodnem bregu.

V času nadaljevanja vojne in humanitarne katastrofe v Gazi ter zaostrovanja razmer na Zahodnem bregu je sposobnost Evropske unije, da nastopi enotno in odločno v bran mednarodnemu pravu, pomembna. Širjenje nezakonitih naselbin pomeni nadaljnje kršenje mednarodnega prava, zmanjšuje možnosti za rešitev dveh držav ter dodatno

oddaljuje možnost trajnega miru. Odločitev Slovenije je zato oslabila skupni evropski odziv v trenutku, ko bi morala Evropska unija pokazati največjo možno enotnost. Hkrati pa takšna odločitev škodi ugledu Republike Slovenije kot države, ki je svojo zunanjo politiko zmeraj gradila na spoštovanju mednarodnega prava in multilateralizma.

Predsednik Vlade Janez Janša je po blokadi skupne izjave na spletnem družbenem omrežju X zapisal: "Pravzaprav smo samo umaknili Slovenijo iz začaranega kroga izgubljanja kredibilnosti pri nenehnih neporocionalnih obsodbah Izraela za vsako potezo. Medtem ko bruseljska birokracija ostaja tiho ob iztrebljanju celih vasi kristjanov v Nigeriji, pomorih lastnih ljudi s strani Hamasa v Gazi, masakrih v Iranu ali vse pogostejših antisemitskih izpadih v Evropi, reagira na vsako napoved Izraela, da bo zgradil kako vas. Uporaba dvojnih meril je tako imenovano zunanjo politiko EU pripeljala v stanje blizu irelevantnosti. Medtem ko že ena sama beseda predsednika US lahko povzroči spremembo cen energentov, prazna zunanjepolitična sporočila EU ne spreminjajo ali rešujejo ničesar.«.

Izraelski premier Benjamin Netanjahu se je nato zahvalil predsedniku vlade Janezu Janši za blokado skupne izjave Evropske unije z obsodbo izraelskih načrtov o širitvi naselbin na zasedenem Zahodnem bregu. Zahvalo je objavil na omrežju X, kjer je zapisal: »"Hvala, predsednik vlade Janša, za vaš pogum in jasnost sredi hinavščine EU-ja. EU molči, ko Turčija, članica Nata, nezakonito okupira polovico Cipra – države članice EU-ja! Ko pa judovsko ljudstvo želi uveljaviti svojo zgodovinsko pravico do gradnje in življenja v domovini svojih prednikov, je EU ogorčen.«.

Slovenija je bila pod vlado dr. Roberta Goloba dosledna in brezkompromisna zagovornica mednarodnega prava. Ko so si številne evropske države zatiskale oči pred grozovito resničnostjo v Gazi, je bila Slovenija v očeh svetovne javnosti prepoznana kot ena redkih svetlih izjem, ki se je postavila na pravo stran zgodovine.

Danes, ko tudi vse več tradicionalnih zaveznic Izraela spoznava, da ravnanja Izraela ni več mogoče opravičevati, bi bila Slovenija lahko prepoznana kot kredibilna in načelna država, ki ni pogledala stran niti takrat, ko to še ni bilo politično udobno.

Namesto tega je Vlada Janeza Janše naredila popoln obrat. Slovenija je kot edina med 27 državami članicami preprečila enotno izjavo Evropske unije o širjenju nezakonitih izraelskih naselbin na okupiranem Zahodnem bregu.

Še posebej nevarno je Netanjahujevo sklicevanje na domnevno »zgodovinsko pravico« do ozemlja, saj zelo dobro vemo, kam vodi logika, po kateri bi države zaradi zgodovinskih, etničnih ali drugih argumentov posegale po ozemlju sosednjih držav. Za Slovenijo kot majhno državo bi moralo biti zavračanje takšne logike še posebej samoumevno: naše državne meje in suverenost varujeta mednarodni red in mednarodno pravo. Relativizirati ali celo podpirati ravnanje države, ki okupacijo tujega ozemlja utemeljuje z domnevno zgodovinsko pravico do tega ozemlja, zato ni le v nasprotju z mednarodnim pravom, temveč je tudi v posmeh trpljenju številnih evropskih narodov, tudi slovenskega, katerih generacije so v vojnah umirale za obstoj in ozemeljsko celovitost svojih držav.

Netanjahujeva zahvala Janezu Janši zgolj še potrjuje, da je kot predsednik vlade postal odvisni oziroma podrejeni izvajalec interesov tuje države Izrael v EU, namesto, da bi v institucijah in organih EU zastopal interese Republike Slovenije.

Po odločitvi Slovenije, da ne podpre skupne izjave EU-ja, v kateri bi ta obsodila odločitev izraelske vlade, da objavi razpis za gradnjo 1200 domov za izraelske naseljence na Zahodnem bregu, tudi dr. Danilo Türk meni, da Slovenija svoje suverenosti ne izgublja znotraj EU-ja, temveč se zdi, da se je pustila instrumentalizirati

Izraelu: »To je problem. Problem za Evropsko unijo in problem za Slovenijo. Seveda pa gre za dejanje, ki je všečno Izraelu.« ... »Predsednik vlade je nekje izjavil, da Slovenci ne želimo biti hlapci Evropske unije. Mislim, da je za kaj takega zelo malo verjetnosti. Lahko pa postanemo hlapci Izraela, za kar v tem času obstaja zelo resna nevarnost.«.... »Tako pa smo prišli v položaj, ko nas ves svet vidi kot instrument izraelske zunanje politike.«. G. dr. Türk je bil slovenski diplomat, je zaslužni profesor mednarodnega prava, strokovnjak za človekove pravice in politik, ki je bil med letoma 2007 in 2012 predsednik Republike Slovenije, med letoma 1992 in 2000 prvi slovenski veleposlanik pri OZN, med letoma 2000 in 2005 pa je bil pomočnik generalnega sekretarja OZN za politične zadeve.

Predlagatelji te ustavne obtožbe smo sicer v zvezi z blokado skupne izjave EU o ravnanju Izraela na Zahodnem bregu zahtevali tudi sklic skupne seje odborov Državnega zbora za zunanjo politiko in za zadeve EU. Seja, ki je potekala 3. 9. 2026, je bila prekinjena, nadaljevanje pa še ni bilo sklicano. Predlagatelji smo vztrajno zahtevali predvsem odgovor na vprašanje, kdo je v imenu Republike Slovenije sprejel odločitev o vetu na skupno izjavo EU. Ali je bil to predsednik Vlade Janez Janša, je šlo za samostojno ravnanje ministra za zunanje zadeve ali za stališče Vlade? Minister za zunanje zadeve je sicer na omenjeni seji pristojnih delovnih teles državnega zbora skušal ravnanje Slovenije relativizirati in trdil da pri izjavi ni šlo za veto ali blokado in da se v zunanjepolitičnih stališčih vlade, ki jo vodi Janez Janša ni spremenilo nič ter da Slovenija zagovarja rešitev dveh držav in mir na Bližnjem vzhodu. Izrecnemu odgovoru na omenjeno vprašanje se je sicer vseskozi izmikal. Iz razprave pa je bilo več kot očitno, da o tem stališču vlada ni razpravljala in odločala in da tudi sam kot minister oziroma Ministrstvo za zunanje zadeve o tem ni samostojno odločalo. Na podlagi navedenega lahko sklepamo, da je bila odločitev o stališču RS sprejeta v neskladju z Deklaracijo o zunanji politiki Republike Slovenije in Zakonom o zunanjih zadevah. Ker je trenutna izraelska vlada v mednarodni skupnosti vse bolj osamljena, saj se od njenih ravnanj odmikajo tudi dosedanje tradicionalne zaveznice v EU, je več kot očitno, v čigavem interesu je bila sprejeta odločitev o izjavi. Torej ne v interesu Republike Slovenije kot države članice EU in same EU, temveč v interesu trenutne izraelske vlade oziroma države Izrael. Tudi v Izraelu namreč vlada v mednarodnih odnosih predstavlja in zastopa državo.

Kazenski zakonik v svojem triintridesetem poglavju ureja kazniva dejanja zoper suverenost Republike Slovenije in njeno demokratično ustavno ureditev, pri čemer v 350. členu inkriminira kaznivo dejanje napada na neodvisnost države. Predmetni člen določa, da se z zaporom od enega do desetih let kaznuje državljani Republike Slovenije, ki poskusi spraviti Republiko Slovenijo v podrejenost ali odvisnost od tuje države. Temeljna varovana pravna dobrina tega kaznivega dejanja je zunanja suverenost, ozemeljska in politična neodvisnost ter avtonomija odločanja Republike Slovenije kot samostojnega mednarodnopravnega subjekta. Iz zakonske dikcije izhaja, da gre za tako imenovani odrezani poskus (*delictum sui generis*), kjer zakonodajalec že sam poskus izenačuje z dokončanim kaznivim dejanjem, zato za obstoj kaznivega dejanja ni nujno, da bi bila suverenost države že dejansko v celoti odvzeta ali formalnopravno ukinjena. Gre za pravo posebno kaznivo dejanje (*delictum proprium*), saj je njegov storilec lahko izključno državljani Republike Slovenije, kar odraža posebno dolžnost varovanja interesov lastne države. V sodobni kazenskopравни teoriji in mednarodnem pravu pojmov »podrejenost« in »odvisnost« ni mogoče omejiti zgolj na klasične vojaške posege, kapitulacijo ali formalno aneksijo ozemlja. V sodobnih družbenopolitičnih razmerah se podrejenost najpogosteje kaže skozi faktično odvisnost najvišjih državnih organov od tujih sil ter skozi tako imenovano ugrabitev države (*state capture*), kjer domači funkcionarji suverene pristojnosti ne izvajajo več avtonomno in v

interesu lastne države ter njenih državljanov, temveč kot orodje za uveljavljanje strateških interesov tuje velesile. Po tej teoriji bi bilo mogoče dejanje po 350. členu KZ-1 mogoče storiti z oblastno zlorabljenim ravnanjem nosilcev javnih funkcij, s katerim se suverena zunanja politika države nezakonito instrumentalizira zgolj pri enem od nosilcev javnih funkcij oblasti, tj. predsedniku vlade, in podredi interesom tuje države.

V tem primeru bi lahko govorili o zvezi med delovanjem tuje zasebne obveščevalne agencije Black Cube v pred in volilnem obdobju, prevzemom oblasti oziroma imenovanjem izvršilne veje oblasti z Janezom Janšo kot predsednikom vlade ter njegovimi naknadnimi zunanjepolitičnimi ravnanji, ki pomenijo neposredno materializacijo odvisnega oziroma podrejenega položaja Republike Slovenije napram državi Izrael. To razmerje se je po Janšinem prevzemu funkcije predsednika vlade začelo neposredno odražati v sistematičnem podrejanju slovenske zunanje politike interesom tuje države, države Izrael. Njegov položaj nosilca najvišje funkcije izvršilne oblasti pa mu daje izjemno institucionalno moč pri vodenju in usmerjanju zunanje politike ter zastopanju države v mednarodnih institucijah, tudi v organih Evropske unije. Predsednik Vlade Janez Janša je nemudoma dosegel, da je vlada razveljavila vse predhodno sprejete omejevalne ukrepe zoper Izrael, napovedal selitev slovenskega veleposlaništva v Jeruzalem v nasprotju s skupnimi stališči Evropske unije in resolucijami Varnostnega sveta in generalne skupščine Združenih narodov ter napovedal zamrznitev priznanja Palestine, uspel doseči blokado skupne izjave Evropske unije, s katero bi Evropska unija obsodila nezakonito gradnjo 1200 domov za izraelske naseljence na Zahodnem bregu v okviru spornega projekta E1. S tem zlorabil institut soglasja v skupni zunanji in varnostni politiki Evrope unije z izključnim ciljem zavarovati partikularne geopolitične interese države Izrael (kar je z javno zahvalo za blokado potrdil tudi izraelski premier), je zunanjo politiko Republike Slovenije instrumentaliziral in jo podredil interesom tuje države – t.j. države Izrael. S takšnim ravnanjem je spravil Republiko Slovenijo v položaj zunanjepolitične odvisnosti in vazalnega odnosa, saj odločitev ne sprejema več samostojno, temveč kot vračanje političnih uslug tuji državi. Poleg tega se Janez Janša kot izkušen politik in kot večkratni nosilec javne funkcije ter funkcije predsednika vlade še kako dobro zaveda svojega delovanja ter dejstva, da suvereno delovanje Republike Slovenije v mednarodnih odnosih oziroma zunanjo politiko podreja zahtevam države Izrael.

Priložena gradiva – predlogi dokazov:

- Ustava Republike Slovenije (Uradni list RS, št. 33/91-I, 42/97 – UZS68, 66/00 – UZ80, 24/03 – UZ3a, 47, 68, 69/04 – UZ14, 69/04 – UZ43, 69/04 – UZ50, 68/06 – UZ121, 140, 143, 47/13 – UZ148, 47/13 – UZ90, 97, 99, 75/16 – UZ70a, 92/21 – UZ62a in 98/25 – UZ74a);
- Zakon o zunanjih zadevah (Uradni list RS, št. 113/03 – uradno prečiščeno besedilo, 20/06 – ZNOMCMO, 76/08, 108/09, 80/10 – ZUTD, 31/15, 30/18 – ZKZaš, 83/25 – ZOUL, 112/25 in 12/26 – ZMPDMA);
- Deklaracija o zunanji politiki Republike Slovenije (Uradni list RS, št. 53/15);
- Deklaracija o trenutnih razmerah na območju Palestine in Izraela (Uradni list RS, št. 119/23);
- Sklep o priznanju neodvisnosti in suverenosti Države Palestina (Uradni list RS, št. 46/24);
- Resolucija o strategiji nacionalne varnosti Republike Slovenije (Uradni list RS, št. 59/19);

- Kazenski zakonik (Uradni list RS, št. 50/12 – uradno prečiščeno besedilo, 54/15, 6/16 popr., 38/16, 27/17, 23/20, 91/20, 95/21, 186/21, 105/22 Z ZNŠPP, 16/23 in 107/24 – odl. US);
- Ustanovna listina Združenih narodov (OZN) in sprejete resolucije Generalne skupščine in Varnostnega sveta OZN o izraelsko-palestinskem konfliktu, med drugim tudi Resolucijo Generalne skupščine OZN 181 (1947) z dne 29. 11. 1947, Resolucijo Varnostnega sveta OZN 242 (1967) z dne 22. 11. 1967 ter Resolucijo Varnostnega sveta OZN 2334 (2016) z dne 23. 12. 2016;
- Pravne posledice politik in praks Izraela na okupiranem palestinskem ozemlju, vključno z vzhodnim Jeruzalemom - svetovalno mnenje in odgovor na vprašanja Generalne skupščine OZN Mednarodnega sodišča (ICJ)

XVII

**RESOLUTION ADOPTED ON THE REPORT OF THE AD HOC COMMITTEE ON THE
PALESTINIAN QUESTION**

**RESOLUTION ADOPTÉE SUR LE RAPPORT DE LA COMMISSION AD HOC CHARGÉE
DE LA QUESTION PALESTINIENNE**

181 (III). Future government of Palestine**A**

The General Assembly,

Having met in special session at the request of the mandatory Power to constitute and instruct a special committee to prepare for the consideration of the question of the future government of Palestine at the second regular session;

Having constituted a Special Committee and instructed it to investigate all questions and issues relevant to the problem of Palestine, and to prepare proposals for the solution of the problem, and

Having received and examined the report of the Special Committee (document A/364)¹ including a number of unanimous recommendations and a plan of partition with economic union approved by the majority of the Special Committee,

Considers that the present situation in Palestine is one which is likely to impair the general welfare and friendly relations among nations;

Takes note of the declaration by the mandatory Power that it plans to complete its evacuation of Palestine by 1 August 1948;

Recommends to the United Kingdom, as the mandatory Power for Palestine, and to all other Members of the United Nations the adoption and implementation, with regard to the future government of Palestine, of the Plan of Partition with Economic Union set out below;

Requests that

(a) The Security Council take the necessary measures as provided for in the plan for its implementation;

(b) The Security Council consider, if circumstances during the transitional period require such consideration, whether the situation in Palestine constitutes a threat to the peace. If it decides that such a threat exists, and in order to maintain international peace and security, the Security Council should supplement the authorization of the General Assembly by taking measures, under Articles 39 and 41 of the Charter, to empower the United Nations Commission, as provided in this

¹ See *Official Records of the second session of the General Assembly*, Supplement No. 11, Volumes I-IV.

181 (II). Gouvernement futur de la Palestine**A**

L'Assemblée générale,

Après s'être réunie en session spéciale à la requête de la Puissance mandataire, en vue de procéder à la constitution, et de définir le mandat, d'une commission spéciale chargée de préparer l'examen par l'Assemblée, en sa seconde session régulière, de la question du futur gouvernement de la Palestine;

Ayant constitué une Commission spéciale, et lui ayant donné mandat d'enquêter sur toutes les questions relatives au problème de la Palestine, et de préparer des propositions en vue de la solution de ce problème, et

Ayant reçu et examiné le rapport de la Commission spéciale (document A/364)¹, où figurent un certain nombre de recommandations présentées par la Commission à l'unanimité, et un plan de partage avec union économique approuvé par la majorité de la Commission spéciale,

Considère que la situation actuelle de la Palestine est de nature à nuire au bien général et aux relations amicales entre les nations;

Prend acte de la déclaration de la Puissance mandataire, par laquelle celle-ci fait connaître qu'elle se propose d'achever l'évacuation de la Palestine pour le 1^{er} août 1948;

Recommande au Royaume-Uni, en tant que Puissance mandataire pour la Palestine, ainsi qu'à tous les autres Etats Membres de l'Organisation des Nations Unies, l'adoption et la mise à exécution, en ce qui concerne le futur gouvernement de la Palestine, du Plan de partage avec Union économique exposé ci-dessous;

Demande

a) Que le Conseil de sécurité prenne les mesures nécessaires prévues dans le plan pour sa mise à exécution;

b) Que le Conseil de sécurité détermine, au cas où les circonstances l'exigeraient pendant la période de transition, si la situation en Palestine représente une menace contre la paix. S'il décide qu'une telle menace existe, et afin de maintenir la paix et la sécurité internationales, le Conseil de sécurité complètera l'autorisation de l'Assemblée générale par des mesures prises aux termes des Articles 39 et 41 de la Charte, qui donneront pouvoir à la Commission des Nations

¹ Voir les *Documents officiels de la deuxième session de l'Assemblée générale*, Supplément No 11, Volumes I-IV.

resolution, to exercise in Palestine the functions which are assigned to it by this resolution;

(c) The Security Council determine as a threat to the peace, breach of the peace or act of aggression, in accordance with Article 39 of the Charter, any attempt to alter by force the settlement envisaged by this resolution;

(d) The Trusteeship Council be informed of the responsibilities envisaged for it in this plan;

Calls upon the inhabitants of Palestine to take such steps as may be necessary on their part to put this plan into effect;

Appeals to all Governments and all peoples to refrain from taking any action which might hamper or delay the carrying out of these recommendations, and

Authorizes the Secretary-General to reimburse travel and subsistence expenses of the members of the Commission referred to in Part I, Section B, paragraph 1 below, on such basis and in such form as he may determine most appropriate in the circumstances, and to provide the Commission with the necessary staff to assist in carrying out the functions assigned to the Commission by the General Assembly.

B¹

The General Assembly

Authorizes the Secretary-General to draw from the Working Capital Fund a sum not to exceed \$2,000,000 for the purposes set forth in the last paragraph of the resolution on the future government of Palestine.

*Hundred and twenty-eighth plenary meeting,
29 November 1947.*

At its hundred and twenty-eighth plenary meeting on 29 November 1947 the General Assembly, in accordance with the terms of the above resolution, elected the following members of the United Nations Commission on Palestine:

BOLIVIA, CZECHOSLOVAKIA, DENMARK, PANAMA and PHILIPPINES.

PLAN OF PARTITION WITH ECONOMIC UNION

PART I

Future constitution and government of Palestine

A. TERMINATION OF MANDATE, PARTITION AND INDEPENDENCE

1. The Mandate for Palestine shall terminate as soon as possible but in any case not later than 1 August 1948.

¹ This resolution was adopted without reference to a Committee.

Unies prévue dans la présente résolution d'exercer en Palestine les fonctions qui lui sont assignées dans la présente résolution;

c) Que le Conseil de sécurité considère comme menace contre la paix, rupture de paix ou acte d'agression, conformément à l'Article 39 de la Charte, toute tentative visant à modifier par la force le règlement prévu par la présente résolution;

d) Que le Conseil de tutelle soit informé de la responsabilité qui lui incombera aux termes de ce plan;

Invite les habitants de la Palestine à prendre toutes les mesures qui pourraient être nécessaires de leur part, en vue d'assurer l'application de ce plan;

Fait appel à tous les Gouvernements et tous les peuples pour qu'ils s'abstiennent de toute action qui risquerait d'entraver ou de retarder l'exécution de ces recommandations, et

Autorise le Secrétaire général à rembourser les frais de voyage et de subsistance des membres de la Commission dont il est fait mention ci-dessous (première partie, section B, paragraphe 1) sur telle base et sous telle forme qu'il estimera les plus appropriées aux circonstances, et à fournir à la Commission le personnel nécessaire pour l'aider à remplir les fonctions qui lui sont assignées par l'Assemblée générale.

B¹

L'Assemblée générale

Autorise le secrétaire général à prélever sur le Fonds de roulement une somme ne dépassant pas 2.000.000 de dollars, aux fins énoncées dans le dernier alinéa de la résolution relative au gouvernement futur de la Palestine.

*Cent-vingt huitième séance plénière,
le 29 novembre 1947.*

Au cours de sa cent-vingt-huitième séance plénière, tenue le 29 novembre 1947, et conformément aux termes de la résolution ci-dessus, l'Assemblée générale a élu les Membres suivants pour faire partie de la Commission des Nations Unies pour la Palestine:

BOLIVIE, TCHÉCOSLOVAQUIE, DANEMARK, PANAMA et PHILIPPINES.

PLAN DE PARTAGE AVEC UNION ECONOMIQUE

PREMIERE PARTIE

Constitution et gouvernement futurs de la Palestine

A. FIN DU MANDAT, PARTAGE ET INDEPENDANCE

1. Le Mandat pour la Palestine prendra fin aussitôt que possible, et en tous cas le 1er août 1948 au plus tard.

¹ Cette résolution a été adoptée sans renvoi à une Commission.

2. The armed forces of the mandatory Power shall be progressively withdrawn from Palestine, the withdrawal to be completed as soon as possible but in any case not later than 1 August 1948.

The mandatory Power shall advise the Commission, as far in advance as possible, of its intention to terminate the Mandate and to evacuate each area.

The mandatory Power shall use its best endeavours to ensure that an area situated in the territory of the Jewish State, including a seaport and hinterland adequate to provide facilities for a substantial immigration, shall be evacuated at the earliest possible date and in any event not later than 1 February 1948.

3. Independent Arab and Jewish States and the Special International Regime for the City of Jerusalem, set forth in part III of this plan, shall come into existence in Palestine two months after the evacuation of the armed forces of the mandatory Power has been completed but in any case not later than 1 October 1948. The boundaries of the Arab State, the Jewish State, and the City of Jerusalem shall be as described in parts II and III below.

4. The period between the adoption by the General Assembly of its recommendation on the question of Palestine and the establishment of the independence of the Arab and Jewish States shall be a transitional period.

B. STEPS PREPARATORY TO INDEPENDENCE

1. A Commission shall be set up consisting of one representative of each of five Member States. The Members represented on the Commission shall be elected by the General Assembly on as broad a basis, geographically and otherwise, as possible.

2. The administration of Palestine shall, as the mandatory Power withdraws its armed forces, be progressively turned over to the Commission; which shall act in conformity with the recommendations of the General Assembly, under the guidance of the Security Council. The mandatory Power shall to the fullest possible extent co-ordinate its plans for withdrawal with the plans of the Commission to take over and administer areas which have been evacuated.

In the discharge of this administrative responsibility the Commission shall have authority to issue necessary regulations and take other measures as required.

The mandatory Power shall not take any action to prevent, obstruct or delay the implementation by the Commission of the measures recommended by the General Assembly.

3. On its arrival in Palestine the Commission shall proceed to carry out measures for the establishment of the frontiers of the Arab and Jewish States and the City of Jerusalem in accordance with the general lines of the recommendations of the General Assembly on the partition of Palestine. Nevertheless, the boundaries as described in part II of this plan are to be modified in such a way that village areas as a rule will not be divided by state boundaries unless pressing reasons make that necessary.

4. The Commission, after consultation with the democratic parties and other public organizations

2. Les forces armées de la Puissance mandataire évacueront progressivement la Palestine; cette évacuation devra être achevée aussitôt que possible, et en tous cas le 1^{er} août 1948 au plus tard.

La Puissance mandataire informera la Commission aussi longtemps à l'avance que possible, de son intention de mettre fin au Mandat et d'évacuer chaque zone.

La Puissance mandataire fera tout ce qui est en son pouvoir pour assurer, à une date aussi rapprochée que possible, et en tous cas le 1^{er} février 1948 au plus tard, l'évacuation d'une zone située sur le territoire de l'Etat juif et possédant un port maritime et un arrière-pays suffisants pour donner les facilités nécessaires en vue d'une immigration importante.

3. Les Etats indépendants arabe et juif ainsi que le Régime international particulier prévu pour la Ville de Jérusalem dans la troisième partie de ce plan, commenceront d'exister en Palestine deux mois après que l'évacuation des forces armées de la Puissance mandataire aura été achevée et, en tous cas, le 1^{er} octobre 1948 au plus tard. Les frontières de l'Etat arabe, de l'Etat juif et de la Ville de Jérusalem seront les frontières indiquées aux deuxième et troisième parties ci-dessous.

4. La période qui s'écoulera entre l'adoption par l'Assemblée générale de ses recommandations sur la question palestinienne et l'établissement de l'indépendance des Etats juif et arabe sera une période de transition.

B. MESURES PREPARATOIRES A L'INDEPENDANCE

1. On instituera une Commission composée des représentants de cinq Etats Membres, à raison d'un représentant par Etat. Les Membres représentés au sein de cette Commission seront élus par l'Assemblée générale, sur une base, géographique ou autre, aussi large que possible.

2. A mesure que la Puissance mandataire retirera ses forces armées, elle transmettra progressivement l'administration de la Palestine à la Commission qui agira conformément aux recommandations de l'Assemblée générale et sous la direction du Conseil de sécurité. La Puissance mandataire coordonnera dans toute la mesure du possible son plan de retrait avec le plan établi par la Commission pour prendre en main et administrer les régions qui auront été évacuées.

Pour assurer les fonctions d'administration dont la responsabilité lui est confiée, la Commission aura autorité pour promulguer les règlements nécessaires et prendre toutes autres mesures utiles.

La Puissance mandataire ne se livrera à aucun acte de nature à gêner, empêcher ou retarder l'exécution par la Commission des mesures recommandées par l'Assemblée générale.

3. Dès son arrivée en Palestine, la Commission prendra des dispositions en vue de fixer les frontières des Etats juif et arabe et de la Ville de Jérusalem, en se conformant d'une manière générale aux recommandations de l'Assemblée générale relatives au partage de la Palestine. Néanmoins, le tracé des frontières, tel qu'il est indiqué dans la deuxième partie du plan, doit être modifié de manière qu'en règle générale, les territoires des villages ne soient pas coupés par la ligne frontière entre les deux Etats, à moins que des motifs pressants ne rendent nécessaire une telle mesure.

4. Après consultation avec les partis démocratiques et les autres organisations publiques des Etats

of the Arab and Jewish States, shall select and establish in each State as rapidly as possible a Provisional Council of Government. The activities of both the Arab and Jewish Provisional Councils of Government shall be carried out under the general direction of the Commission.

If by 1 April 1948 a Provisional Council of Government cannot be selected for either of the States, or, if selected, cannot carry out its functions, the Commission shall communicate that fact to the Security Council for such action with respect to that State as the Security Council may deem proper, and to the Secretary-General for communication to the Members of the United Nations.

5. Subject to the provisions of these recommendations, during the transitional period the Provisional Councils of Government, acting under the Commission, shall have full authority in the areas under their control, including authority over matters of immigration and land regulation.

6. The Provisional Council of Government of each State, acting under the Commission, shall progressively receive from the Commission full responsibility for the administration of that State in the period between the termination of the Mandate and the establishment of the State's independence.

7. The Commission shall instruct the Provisional Councils of Government of both the Arab and Jewish States, after their formation, to proceed to the establishment of administrative organs of government, central and local.

8. The Provisional Council of Government of each State shall, within the shortest time possible, recruit an armed militia from the residents of that State, sufficient in number to maintain internal order and to prevent frontier clashes.

This armed militia in each State shall, for operational purposes, be under the command of Jewish or Arab officers resident in that State, but general political and military control, including the choice of the militia's High Command, shall be exercised by the Commission.

9. The Provisional Council of Government of each State shall, not later than two months after the withdrawal of the armed forces of the Mandatory Power, hold elections to the Constituent Assembly which shall be conducted on democratic lines.

The election regulations in each State shall be drawn up by the Provisional Council of Government and approved by the Commission. Qualified voters for each State for this election shall be persons over eighteen years of age who are: (a) Palestinian citizens residing in that State and (b) Arabs and Jews residing in the State, although not Palestinian citizens, who, before voting, have signed a notice of intention to become citizens of such State.

Arabs and Jews residing in the City of Jerusalem who have signed a notice of intention to become citizens, the Arabs of the Arab State and the Jews of the Jewish State, shall be entitled to vote in the Arab and Jewish States respectively.

Women may vote and be elected to the Constituent Assemblies.

During the transitional period no Jew shall be permitted to establish residence in the area of the proposed Arab State, and no Arab shall be permitted

arabe et juif, la Commission désignera et établira, aussi rapidement que possible, dans chaque Etat, un Conseil provisoire de gouvernement. Les Conseils provisoires de gouvernement des Etats arabe et juif agiront sous la direction générale de la Commission.

Si, au 1er avril 1948, il n'a pu être désigné de Conseil provisoire de gouvernement pour l'un ou l'autre Etat, ou si ce Conseil, une fois institué, ne peut s'acquitter de ses fonctions, la Commission en informera le Conseil de sécurité pour qu'il prenne à l'égard de cet Etat, les mesures qu'il jugera appropriées; elle en informera aussi le Secrétaire général qui avisera les Membres de l'Organisation des Nations Unies.

5. Pendant la période de transition, et sous réserve des dispositions des recommandations susdites, les Conseils provisoires de gouvernement, agissant sous la direction de la Commission, auront pleine autorité dans les zones qui dépendent d'eux, notamment en matière d'immigration et de réglementation foncière.

6. Le Conseil provisoire de gouvernement de chaque Etat, agissant sous la direction de la Commission, se verra progressivement confier par celle-ci l'entière responsabilité de l'administration de cet Etat pendant la période qui s'écoulera entre la cessation du mandat et l'établissement de l'indépendance dudit Etat.

7. Une fois les Conseils provisoires de gouvernement des Etats arabe et juif constitués, la Commission leur donnera mission de procéder à la création des organes administratifs du gouvernement central et des autorités locales.

8. Le Conseil provisoire de gouvernement de chaque Etat recrutera dans le plus bref délai possible, parmi les résidents de cet Etat, une milice armée assez nombreuse pour maintenir l'ordre dans le pays et pour prévenir les incidents de frontière.

Dans chaque Etat, cette milice armée opérera sous les ordres d'officiers juifs ou arabes résidant en cet Etat, mais la direction générale, politique et militaire de la milice, notamment la désignation du Haut commandement, sera exercée par la Commission.

9. Deux mois au plus tard après le retrait des forces armées de la Puissance mandataire, le Conseil provisoire de gouvernement de chaque Etat organisera des élections à l'Assemblée constituante, élections qui devront être conformes aux principes démocratiques.

Dans chaque Etat, les règlements concernant les élections seront établis par le Conseil provisoire de gouvernement et approuvés par la Commission. Pourront participer à ces élections, dans chaque Etat, toutes personnes de plus de dix-huit ans qui seront: a) citoyens palestiniens résidant dans cet Etat ou b) Arabes ou Juifs résidant dans l'Etat et qui, sans être citoyens palestiniens, auront, avant le vote, signé une déclaration affirmant expressément leur intention de devenir citoyens dudit Etat.

Les Arabes et les Juifs résidant dans la Ville de Jérusalem qui auront déclaré sous cette forme leur intention de devenir citoyens — les Arabes, citoyens de l'Etat arabe et les Juifs, citoyens de l'Etat juif — auront le droit de vote dans l'Etat arabe et dans l'Etat juif, respectivement.

Les femmes auront le droit de vote et seront éligibles aux Assemblées constituantes.

Pendant la période de transition, aucun Juif ne pourra établir sa résidence sur le territoire de l'Etat arabe envisagé, et aucun Arabe ne pourra établir sa

to establish residence in the area of the proposed Jewish State, except by special leave of the Commission.

10. The Constituent Assembly of each State shall draft a democratic constitution for its State and choose a provisional government to succeed the Provisional Council of Government appointed by the Commission. The constitutions of the States shall embody chapters 1 and 2 of the Declaration provided for in section C below and include *inter alia* provisions for:

(a) Establishing in each State a legislative body elected by universal suffrage and by secret ballot on the basis of proportional representation, and an executive body responsible to the legislature;

(b) Settling all international disputes in which the State may be involved by peaceful means in such a manner that international peace and security, and justice, are not endangered;

(c) Accepting the obligation of the State to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations;

(d) Guaranteeing to all persons equal and non-discriminatory rights in civil, political, economic and religious matters and the enjoyment of human rights and fundamental freedoms, including freedom of religion, language, speech and publication, education, assembly and association;

(e) Preserving freedom of transit and visit for all residents and citizens of the other State in Palestine and the City of Jerusalem, subject to considerations of national security, provided that each State shall control residence within its borders.

11. The Commission shall appoint a preparatory economic commission of three members to make whatever arrangements are possible for economic co-operation, with a view to establishing, as soon as practicable, the Economic Union and the Joint Economic Board, as provided in section D below.

12. During the period between the adoption of the recommendations on the question of Palestine by the General Assembly and the termination of the Mandate, the mandatory Power in Palestine shall maintain full responsibility for administration in areas from which it has not withdrawn its armed forces. The Commission shall assist the mandatory Power in the carrying out of these functions. Similarly the mandatory Power shall co-operate with the Commission in the execution of its functions.

13. With a view to ensuring that there shall be continuity in the functioning of administrative services and that, on the withdrawal of the armed forces of the mandatory Power, the whole administration shall be in the charge of the Provisional Councils and the Joint Economic Board, respectively, acting under the Commission, there shall be a progressive transfer, from the mandatory Power to the Commission, of responsibility for all the functions of government, including that of maintaining law and order in the areas from which the forces of the mandatory Power have been withdrawn.

14. The Commission shall be guided in its activities by the recommendations of the General Assem-

blée sur le territoire de l'Etat juif envisagé, sauf autorisation spéciale de la Commission.

10. L'Assemblée constituante de chaque Etat élaborera une constitution démocratique pour cet Etat et choisira un gouvernement provisoire qui succédera au Conseil provisoire de gouvernement désigné par la Commission. Les constitutions des Etats devront comprendre les clauses énoncées aux chapitres 1er et 2 de la Déclaration prévue à la section C ci-dessous et, entre autres, des dispositions:

a) Créant dans chaque Etat un corps législatif élu au suffrage universel et au scrutin secret sur la base de la représentation proportionnelle, ainsi qu'un organe exécutif responsable devant le corps législatif;

b) Permettant de régler, par des moyens pacifiques, tous différends internationaux dans lesquels l'Etat pourrait être impliqué, de telle manière que la paix et la sécurité internationales et la justice ne soient pas mises en danger;

c) Portant acceptation, par l'Etat, de l'obligation de s'abstenir, dans ses relations internationales, de tout recours à la menace ou à l'emploi de la force soit contre l'intégrité territoriale ou l'indépendance politique de tout Etat, soit de toute autre manière incompatible avec les buts de l'Organisation des Nations Unies;

d) Garantissant à toutes personnes, sans discrimination, des droits égaux en matière civile, politique, économique et religieuse et la jouissance des droits de l'homme et des libertés fondamentales, y compris la liberté de culte, de langue, de parole et de publication, d'instruction, de réunion et d'association;

e) Garantissant la liberté de transit et de visite en Palestine et dans la Ville de Jérusalem à tous les résidents et citoyens de l'autre Etat, sous réserve de considérations de sécurité nationale et à condition que chaque Etat exerce le contrôle de la résidence à l'intérieur de ses frontières.

11. La Commission désignera une commission économique préparatoire de trois membres chargée de conclure tous arrangements possibles pour réaliser la coopération économique, en vue d'établir aussitôt que possible l'Union économique et le Conseil économique mixte prévus à la section D ci-dessous.

12. Pendant la période qui s'écoulera entre l'adoption par l'Assemblée générale des recommandations relatives à la question palestinienne et la cessation du Mandat, la Puissance mandataire de Palestine conservera l'entière responsabilité de l'administration des régions dont elle n'aura pas retiré ses forces armées. La Commission aidera la Puissance mandataire à s'acquitter de ces fonctions. De même, la Puissance mandataire collaborera avec la Commission dans l'exécution de ses fonctions.

13. En vue d'assurer la continuité dans le fonctionnement des services administratifs et pour que, au moment du retrait des forces armées de la Puissance mandataire, toute l'administration soit entre les mains des Conseils provisoires et du Conseil économique mixte, respectivement agissant sous la direction de la Commission, la Puissance mandataire transférera progressivement à la Commission toutes les fonctions gouvernementales, y compris la responsabilité du maintien de l'ordre public dans les régions d'où la Puissance mandataire aura retiré ses forces armées.

14. La Commission s'inspirera, dans son activité, des recommandations de l'Assemblée générale et

bly and by such instructions as the Security Council may consider necessary to issue.

The measures taken by the Commission, within the recommendations of the General Assembly, shall become immediately effective unless the Commission has previously received contrary instructions from the Security Council.

The Commission shall render periodic monthly progress reports, or more frequently if desirable, to the Security Council.

15. The Commission shall make its final report to the next regular session of the General Assembly and to the Security Council simultaneously.

C. DECLARATION

A declaration shall be made to the United Nations by the provisional government of each proposed State before independence. It shall contain *inter alia* the following clauses:

GENERAL PROVISION

The stipulations contained in the declaration are recognized as fundamental laws of the State and no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them.

CHAPTER 1

Holy Places, religious buildings and sites

1. Existing rights in respect of Holy Places and religious buildings or sites shall not be denied or impaired.

2. In so far as Holy Places are concerned, the liberty of access, visit and transit shall be guaranteed, in conformity with existing rights, to all residents and citizens of the other State and of the City of Jerusalem, as well as to aliens, without distinction as to nationality, subject to requirements of national security, public order and decorum.

Similarly, freedom of worship shall be guaranteed in conformity with existing rights, subject to the maintenance of public order and decorum.

3. Holy Places and religious buildings or sites shall be preserved. No act shall be permitted which may in any way impair their sacred character. If at any time it appears to the Government that any particular Holy Place, religious building or site is in need of urgent repair, the Government may call upon the community or communities concerned to carry out such repair. The Government may carry it out itself at the expense of the community or communities concerned if no action is taken within a reasonable time.

4. No taxation shall be levied in respect of any Holy Place, religious building or site which was exempt from taxation on the date of the creation of the State.

No change in the incidence of such taxation shall be made which would either discriminate between the owners or occupiers of Holy Places, religious buildings or sites, or would place such owners or occupiers in a position less favourable in relation to the general incidence of taxation than existed at the time of the adoption of the Assembly's recommendations.

5. The Governor of the City of Jerusalem shall have the right to determine whether the provisions

des instructions que le Conseil de sécurité jugera nécessaire de lui donner.

Les mesures prises par la Commission dans le cadre des recommandations de l'Assemblée générale, prendront immédiatement effet, à moins que le Conseil de sécurité n'ait donné au préalable à la Commission des instructions contraires.

La Commission présentera tous les mois, ou à intervalles plus rapprochés le cas échéant, un rapport au Conseil de sécurité sur la situation.

15. La Commission présentera son rapport final, simultanément à la prochaine session ordinaire de l'Assemblée générale et au Conseil de sécurité.

C. DECLARATION

Avant la reconnaissance de l'indépendance, le gouvernement provisoire de chacun des Etats envisagés adressera à l'Organisation des Nations Unies une déclaration qui devra contenir, entre autres, les clauses suivantes:

DISPOSITION GÉNÉRALE

Les stipulations contenues dans la déclaration sont reconnues comme lois fondamentales de l'Etat. Aucune loi, aucun règlement et aucune mesure officielle ne pourront être en contradiction, en opposition avec ces stipulations ou leur faire obstacle et aucune loi, aucun règlement et aucune mesure officielle ne pourront prévaloir contre elles.

CHAPITRE PREMIER

Lieux saints, édifices et sites religieux

1. Il ne sera porté aucune atteinte aux droits existants concernant les lieux saints, édifices ou sites religieux.

2. En ce qui concerne les lieux saints, la liberté d'accès, de visite et de transit sera garantie, conformément aux droits existants, à tous les résidents ou citoyens de l'autre Etat et de la Ville de Jérusalem, ainsi qu'aux étrangers, sans distinction de nationalité, sous réserve de considérations de sécurité nationale et du maintien de l'ordre public et de la bienséance.

De même, le libre exercice du culte sera garanti conformément aux droits existants, compte tenu du maintien de l'ordre public et de la bienséance.

3. Les lieux saints et les édifices ou sites religieux seront préservés. Toute action de nature à compromettre, de quelque façon que ce soit, leur caractère sacré sera interdite. Si, à quelque moment, le Gouvernement estime qu'il y a des réparations urgentes à faire à un lieu saint, à un édifice ou à un site religieux quelconque, il pourra inviter la ou les communautés intéressées à procéder aux réparations. Il pourra procéder lui-même à ces réparations, aux frais de la ou des communautés intéressées, s'il n'est donné aucune suite à sa demande dans un délai raisonnable.

4. Aucun impôt ne sera perçu sur les lieux saints, édifices ou sites religieux qui étaient exemptés d'impôts lors de la création de l'Etat.

Il ne sera apporté à l'incidence des impôts aucune modification qui constituerait une discrimination entre les propriétaires ou occupants des lieux saints, édifices ou sites religieux, ou qui placerait ces propriétaires ou occupants dans une situation moins favorable, par rapport à l'incidence générale des impôts, qu'au moment de l'adoption des recommandations de l'Assemblée.

5. Le Gouverneur de la Ville de Jérusalem aura le droit de décider si les dispositions de la Constitu-

of the Constitution of the State in relation to Holy Places, religious buildings and sites within the borders of the State and the religious rights appertaining thereto, are being properly applied and respected, and to make decisions on the basis of existing rights in cases of disputes which may arise between the different religious communities or the rites of a religious community with respect to such places, buildings and sites. He shall receive full co-operation and such privileges and immunities as are necessary for the exercise of his functions in the State.

CHAPTER 2

Religious and minority rights

1. Freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, shall be ensured to all.

2. No discrimination of any kind shall be made between the inhabitants on the ground of race, religion, language or sex.

3. All persons within the jurisdiction of the State shall be entitled to equal protection of the laws.

4. The family law and personal status of the various minorities and their religious interests, including endowments, shall be respected.

5. Except as may be required for the maintenance of public order and good government, no measure shall be taken to obstruct or interfere with the enterprise of religious or charitable bodies of all faiths or to discriminate against any representative or member of these bodies on the ground of his religion or nationality.

6. The State shall ensure adequate primary and secondary education for the Arab and Jewish minority, respectively, in its own language and its cultural traditions.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the State may impose, shall not be denied or impaired. Foreign educational establishments shall continue their activity on the basis of their existing rights.

7. No restriction shall be imposed on the free use by any citizen of the State of any language in private intercourse, in commerce, in religion, in the Press or in publications of any kind, or at public meetings.¹

8. No expropriation of land owned by an Arab in the Jewish State (by a Jew in the Arab State)² shall be allowed except for public purposes. In all cases of expropriation full compensation as fixed by the Supreme Court shall be paid previous to dispossession.

¹ The following stipulation shall be added to the declaration concerning the Jewish State: "In the Jewish State adequate facilities shall be given to Arabic-speaking citizens for the use of their language, either orally or in writing, in the legislature, before the Courts and in the administration."

² In the declaration concerning the Arab State, the words "by an Arab in the Jewish State" should be replaced by the words "by a Jew in the Arab State".

tion de l'Etat concernant les lieux saints, édifices et sites religieux se trouvant sur le territoire de l'Etat, et les droits religieux s'y rapportant, sont bien et dûment appliqués et observés. Il aura également le droit de prendre, en se fondant sur les droits actuels, toutes décisions relatives aux différends qui pourraient surgir entre les diverses communautés religieuses ou les rites d'une communauté religieuse au sujet des lieux, édifices et sites susdits. Il devra recevoir une pleine coopération et jouira des privilèges et immunités nécessaires à l'exercice de ses fonctions dans l'Etat.

CHAPITRE 2

Droits religieux et droits des minorités

1. La liberté de conscience et le libre exercice de toutes les formes de culte compatibles avec l'ordre public et les bonnes mœurs seront garantis à tous.

2. Il ne sera fait aucune discrimination, quelle qu'elle soit, entre les habitants, du fait des différences de race, de religion, de langue ou de sexe.

3. Toutes les personnes relevant de la juridiction de l'Etat auront également droit à la protection de la loi.

4. Le droit familial traditionnel et le statut personnel des diverses minorités, ainsi que leurs intérêts religieux, y compris les fondations, seront respectés.

5. Sous réserve des nécessités du maintien de l'ordre public et de la bonne administration, on ne prendra aucune mesure qui mettrait obstacle à l'activité des institutions religieuses ou charitables de toutes confessions ou constituerait une intervention dans cette activité et on ne pourra faire aucune discrimination à l'égard des représentants ou des membres de ces institutions du fait de leur religion ou de leur nationalité.

6. L'Etat assurera à la minorité, arabe ou juive, l'enseignement primaire et secondaire, dans sa langue, et conformément à ses traditions culturelles.

Il ne sera porté aucune atteinte aux droits des communautés de conserver leurs propres écoles en vue de l'instruction et de l'éducation de leurs membres dans leur propre langue, à condition que ces communautés se conforment aux prescriptions générales sur l'instruction publique que pourra édicter l'Etat. Les établissements éducatifs étrangers poursuivront leur activité sur la base des droits existants.

7. Aucune restriction ne sera apportée à l'emploi, par tout citoyen de l'Etat, de n'importe quelle langue, dans ses relations personnelles, dans le commerce, la religion, la presse, les publications de toutes sortes ou les réunions publiques¹.

8. Aucune expropriation d'un terrain possédé par un Arabe dans l'Etat juif (par un Juif dans l'Etat arabe)² ne sera autorisée, sauf pour cause d'utilité publique. Dans tous les cas d'expropriation, le propriétaire sera entièrement et préalablement indemnisé, au taux fixé par la Cour suprême.

¹ La clause suivante sera ajoutée à la déclaration relative à l'Etat juif: "Dans l'Etat juif, des facilités suffisantes seront données aux citoyens de langue arabe, pour l'emploi de leur langue, soit oralement, soit par écrit, au corps législatif, devant les tribunaux et dans l'administration."

² Dans la déclaration relative à l'Etat arabe, les mots "par un Arabe dans l'Etat juif" seraient remplacés par les mots "par un Juif dans l'Etat arabe".

CHAPTER 3

Citizenship, international conventions and financial obligations

1. *Citizenship.* Palestinian citizens residing in Palestine outside the City of Jerusalem, as well as Arabs and Jews who, not holding Palestinian citizenship, reside in Palestine outside the City of Jerusalem shall, upon the recognition of independence, become citizens of the State in which they are resident and enjoy full civil and political rights. Persons over the age of eighteen years may opt, within one year from the date of recognition of independence of the State in which they reside, for citizenship of the other State, providing that no Arab residing in the area of the proposed Arab State shall have the right to opt for citizenship in the proposed Jewish State and no Jew residing in the proposed Jewish State shall have the right to opt for citizenship in the proposed Arab State. The exercise of this right of option will be taken to include the wives and children under eighteen years of age of persons so opting.

Arabs residing in the area of the proposed Jewish State and Jews residing in the area of the proposed Arab State who have signed a notice of intention to opt for citizenship of the other State shall be eligible to vote in the elections to the Constituent Assembly of that State, but not in the elections to the Constituent Assembly of the State in which they reside.

2. *International conventions.* (a) The State shall be bound by all the international agreements and conventions, both general and special, to which Palestine has become a party. Subject to any right of denunciation provided for therein, such agreements and conventions shall be respected by the State throughout the period for which they were concluded.

(b) Any dispute about the applicability and continued validity of international conventions or treaties signed or adhered to by the mandatory Power on behalf of Palestine shall be referred to the International Court of Justice in accordance with the provisions of the Statute of the Court.

3. *Financial obligations.* (a) The State shall respect and fulfil all financial obligations of whatever nature assumed on behalf of Palestine by the mandatory Power during the exercise of the Mandate and recognized by the State. This provision includes the right of public servants to pensions, compensation or gratuities.

(b) These obligations shall be fulfilled through participation in the Joint Economic Board in respect of those obligations applicable to Palestine as a whole, and individually in respect of those applicable to, and fairly apportionable between, the States.

(c) A Court of Claims, affiliated with the Joint Economic Board, and composed of one member appointed by the United Nations, one representative of the United Kingdom and one representative of the State concerned, should be established. Any dispute between the United Kingdom and the State respecting claims not recognized by the latter should be referred to that Court.

(d) Commercial concessions granted in respect of any part of Palestine prior to the adoption of the resolution by the General Assembly shall continue to be valid according to their terms, unless modified by agreement between the concession-holder and the State.

CHAPITRE 3

Citoyenneté, conventions internationales et obligations financières

1. *Citoyenneté.* Les citoyens palestiniens résidant en Palestine, à l'extérieur de la Ville de Jérusalem, et les Arabes et Juifs qui, sans avoir la nationalité palestinienne, résident en Palestine à l'extérieur de la Ville de Jérusalem, deviendront citoyens de l'Etat dans lequel ils résident et jouiront de tous les droits civils et politiques, à partir du moment où l'indépendance aura été reconnue. Toute personne de plus de dix-huit ans pourra, dans le délai d'un an à dater du jour où l'indépendance de l'Etat sur le territoire duquel elle réside aura été reconnue, opter pour la nationalité de l'autre Etat, étant entendu qu'aucun Arabe résidant sur le territoire de l'Etat arabe envisagé n'aura le droit d'opter pour la nationalité de l'Etat juif envisagé, et qu'aucun Juif résidant dans l'Etat juif envisagé, n'aura le droit d'opter pour la nationalité de l'Etat arabe envisagé. Toute personne qui exercera ce droit d'option sera censée opter en même temps pour sa femme, et ses enfants de moins de dix-huit ans.

Les Arabes résidant sur le territoire de l'Etat juif envisagé et les Juifs résidant sur le territoire de l'Etat arabe envisagé qui ont signé une déclaration affirmant leur intention d'opter pour la nationalité de l'autre Etat pourront participer aux élections à l'Assemblée constituante de cet Etat, mais non aux élections à l'Assemblée constituante de l'Etat où ils ont leur résidence.

2. *Conventions internationales.* a) L'Etat sera lié par tous les accords et conventions internationaux, d'ordre général ou particulier, auxquels la Palestine est devenue partie. Ces accords et conventions seront respectés par l'Etat pendant toute la période pour laquelle ils ont été conclus, sous réserve de tout droit de dénonciation que ces accords peuvent prévoir.

b) Tout différend portant sur l'applicabilité ou la validité continue de conventions ou traités internationaux dont la Puissance mandataire est signataire ou auxquels elle a adhéré pour la Palestine, sera porté devant la Cour internationale de Justice, conformément aux dispositions du Statut de la Cour.

3. *Obligations financières.* a) L'Etat respectera et exécutera toutes les obligations financières, de quelque ordre qu'elles soient, assumées au nom de la Palestine par la Puissance mandataire au cours de l'exercice du mandat et reconnues par l'Etat. Cette disposition comprend le droit des fonctionnaires à des pensions, indemnités ou primes.

b) L'Etat remplira celles de ces obligations qui sont applicables à l'ensemble de la Palestine, en participant au Conseil économique mixte; il remplira individuellement celles qui, applicables aux Etats, peuvent être équitablement réparties entre eux.

c) Il conviendra de créer une Cour des revendications, rattachée au Conseil économique mixte et comprenant un membre nommé par l'Organisation des Nations Unies, un représentant du Royaume-Uni et un représentant de l'Etat intéressé. Tout différend entre le Royaume-Uni et l'Etat concernant les revendications non reconnues par ce dernier, sera soumis à cette Cour.

d) Les concessions commerciales accordées pour une partie quelconque de la Palestine, avant l'adoption de la résolution par l'Assemblée générale, seront maintenues conformément aux termes des contrats, à moins que ces derniers ne soient modifiés par voie d'accord entre le détenteur de la concession et l'Etat.

CHAPTER 4

Miscellaneous provisions

1. The provisions of chapters 1 and 2 of the declaration shall be under the guarantee of the United Nations, and no modifications shall be made in them without the assent of the General Assembly of the United Nations. Any Member of the United Nations shall have the right to bring to the attention of the General Assembly any infraction or danger of infraction of any of these stipulations, and the General Assembly may thereupon make such recommendations as it may deem proper in the circumstances.

2. Any dispute relating to the application or the interpretation of this declaration shall be referred, at the request of either party, to the International Court of Justice, unless the parties agree to another mode of settlement.

D. ECONOMIC UNION AND TRANSIT

1. The Provisional Council of Government of each State shall enter into an undertaking with respect to Economic Union and Transit. This undertaking shall be drafted by the Commission provided for in section B, paragraph 1, utilizing to the greatest possible extent the advice and co-operation of representative organizations and bodies from each of the proposed States. It shall contain provisions to establish the Economic Union of Palestine and provide for other matters of common interest. If by 1 April 1948 the Provisional Councils of Government have not entered into the undertaking, the undertaking shall be put into force by the Commission.

The Economic Union of Palestine

2. The objectives of the Economic Union of Palestine shall be:

- (a) A customs union;
- (b) A joint currency system providing for a single foreign exchange rate;
- (c) Operation in the common interest on a non-discriminatory basis of railways; inter-State highways; postal, telephone and telegraphic services, and ports and airports involved in international trade and commerce;

(d) Joint economic development, especially in respect of irrigation, land reclamation and soil conservation;

(e) Access for both States and for the City of Jerusalem on a non-discriminatory basis to water and power facilities.

3. There shall be established a Joint Economic Board, which shall consist of three representatives of each of the two States and three foreign members appointed by the Economic and Social Council of the United Nations. The foreign members shall be appointed in the first instance for a term of three years; they shall serve as individuals and not as representatives of States.

4. The functions of the Joint Economic Board shall be to implement either directly or by delegation the measures necessary to realize the objectives of the Economic Union. It shall have all powers of organization and administration necessary to fulfil its functions.

5. The States shall bind themselves to put into

CHAPITRE 4

Dispositions diverses

1. Les dispositions des chapitres 1 et 2 de la déclaration seront garanties par l'Organisation des Nations Unies et aucune modification ne pourra y être apportée sans l'assentiment de l'Assemblée générale des Nations Unies. Tout Membre de l'Organisation des Nations Unies aura le droit d'attirer l'attention de l'Assemblée générale sur les violations ou les risques de violation de l'une quelconque de ces clauses et l'Assemblée générale pourra présenter telles recommandations qu'elle estimera appropriées aux circonstances.

2. Tout différend portant sur l'application ou l'interprétation de la présente déclaration sera, à la requête de l'une ou l'autre partie, soumis à la Cour internationale de Justice, à moins que les deux parties ne conviennent d'un autre mode de règlement.

D. UNION ECONOMIQUE ET TRANSIT

1. Le Conseil provisoire du gouvernement de chaque Etat signera un engagement relatif à l'Union économique et au transit. La Commission prévue au paragraphe 1 de la section B rédigera le texte de cet engagement en faisant appel dans la plus large mesure possible au concours et aux conseils des institutions et organismes représentatifs de chacun des Etats dont on envisage la création. Cet engagement comprendra des dispositions créant l'Union économique palestinienne, et réglera également d'autres questions d'intérêt commun. Si, le 1er avril 1948, les Conseils provisoires de gouvernement n'ont pas signé l'engagement, c'est la Commission qui promulguera cet engagement.

L'Union économique palestinienne

2. L'Union économique palestinienne aura pour buts:

- a) La création d'une union douanière;
- b) L'établissement d'un système monétaire commun prévoyant un taux de change unique;
- c) L'administration, dans l'intérêt commun et sur une base non discriminatoire, des chemins de fer, des routes communes aux deux Etats, des services postaux, télégraphiques et téléphoniques, et des ports et aéroports qui participent aux échanges et au commerce internationaux;

d) Le développement économique commun, particulièrement en ce qui concerne l'irrigation, la mise en valeur des terres et la conservation des sols;

e) La possibilité, pour les deux Etats et pour la Ville de Jérusalem d'utiliser, sur une base non discriminatoire, les eaux et les sources d'énergie.

3. Il sera créé un Conseil économique mixte, composé de trois représentants pour chacun des deux Etats et de trois membres étrangers désignés par le Conseil économique et social de l'Organisation des Nations Unies. Les membres étrangers seront nommés pour une période initiale de trois ans; ils exerceront leurs fonctions à titre individuel et non pas en tant que représentants d'Etats.

4. Le Conseil économique mixte aura pour fonctions de mettre en œuvre, directement ou par délégation, les mesures nécessaires pour atteindre les objectifs de l'Union économique. Il sera investi de tous les pouvoirs d'organisation et d'administration nécessaires à l'accomplissement de sa tâche.

5. Les Etats s'engageront à appliquer les déci-

effect the decisions of the Joint Economic Board. The Board's decisions shall be taken by a majority vote.

6. In the event of failure of a State to take the necessary action the Board may, by a vote of six members, decide to withhold an appropriate portion of that part of the customs revenue to which the State in question is entitled under the Economic Union. Should the State persist in its failure to co-operate, the Board may decide by a simple majority vote upon such further sanctions, including disposition of funds which it has withheld, as it may deem appropriate.

7. In relation to economic development, the functions of the Board shall be the planning, investigation and encouragement of joint development projects, but it shall not undertake such projects except with the assent of both States and the City of Jerusalem, in the event that Jerusalem is directly involved in the development project.

8. In regard to the joint currency system the currencies circulating in the two States and the City of Jerusalem shall be issued under the authority of the Joint Economic Board, which shall be the sole issuing authority and which shall determine the reserves to be held against such currencies.

9. So far as is consistent with paragraph 2 (b) above, each State may operate its own central bank, control its own fiscal and credit policy, its foreign exchange receipts and expenditures, the grant of import licenses, and may conduct international financial operations on its own faith and credit. During the first two years after the termination of the Mandate, the Joint Economic Board shall have the authority to take such measures as may be necessary to ensure that—to the extent that the total foreign exchange revenues of the two States from the export of goods and services permit, and provided that each State takes appropriate measures to conserve its own foreign exchange resources—each State shall have available, in any twelve months' period, foreign exchange sufficient to assure the supply of quantities of imported goods and services for consumption in its territory equivalent to the quantities of such goods and services consumed in that territory in the twelve months' period ending 31 December 1947.

10. All economic authority not specifically vested in the Joint Economic Board is reserved to each State.

11. There shall be a common customs tariff with complete freedom of trade between the States, and between the States and the City of Jerusalem.

12. The tariff schedules shall be drawn up by a Tariff Commission, consisting of representatives of each of the States in equal numbers, and shall be submitted to the Joint Economic Board for approval by a majority vote. In case of disagreement in the Tariff Commission, the Joint Economic Board shall arbitrate the points of difference. In the event that the Tariff Commission fails to draw up any schedule by a date to be fixed, the Joint Economic Board shall determine the tariff schedule.

13. The following items shall be a first charge on the customs and other common revenue of the Joint Economic Board:

sions du Conseil économique mixte. Les décisions du Conseil seront prises à la majorité.

6. Dans le cas où un Etat négligera de prendre les mesures nécessaires, le Conseil pourra, par un vote affirmatif de six de ses membres, décider de retenir une partie déterminée de la part qui revient à l'Etat en question sur les recettes des douanes, en vertu de l'Union économique. Si l'Etat persiste à ne pas collaborer, le Conseil pourra décider, à la majorité simple, de prendre telles sanctions ultérieures qu'il jugera appropriées, y compris notamment l'utilisation des fonds qu'il aura retenus.

7. En ce qui concerne le développement économique, le Conseil aura pour fonctions de préparer, étudier et favoriser des programmes communs aux deux Etats, mais il ne pourra pas exécuter ces programmes sans l'assentiment des deux Etats et de la Ville de Jérusalem dans les cas où la Ville de Jérusalem sera directement intéressée aux programmes de développement.

8. En ce qui concerne le système monétaire commun, les monnaies circulant dans les deux Etats et dans la Ville de Jérusalem seront émises sous le contrôle du Conseil économique mixte qui sera la seule autorité émettrice et qui fixera les réserves à conserver pour la garantie de ces monnaies.

9. Dans la mesure où le permettra le paragraphe 2 b) ci-dessus, chaque Etat pourra posséder sa propre banque centrale, assurer lui-même le contrôle de sa politique fiscale et du crédit, de ses recettes et dépenses en devises étrangères, de l'octroi des licences d'importation, et procéder à des opérations financières internationales sur la base de son crédit personnel. Pendant les deux années qui suivront immédiatement la cessation du Mandat, le Conseil économique mixte aura autorité pour prendre toutes les dispositions qui pourraient être nécessaires pour que — dans la mesure où le permettra la somme totale des revenus en devises étrangères tirés par les deux Etats de l'exportation des biens et services, et pourvu que chaque Etat prenne les dispositions appropriées pour conserver ses propres ressources en devises étrangères — chaque Etat ait à sa disposition, pour n'importe quelle période de douze mois, une somme de devises étrangères suffisante pour garantir au territoire lui-même une quantité de biens et services importés équivalente à la quantité de biens et services requis par le territoire pendant les douze mois finissant au 31 décembre 1947.

10. Chaque Etat jouira de tous les pouvoirs économiques qui ne sont pas expressément confiés au Conseil économique mixte.

11. Il sera établi un tarif douanier commun prévoyant une liberté de commerce complète entre les Etats, ainsi qu'entre les Etats et la Ville de Jérusalem.

12. Les tarifs seront établis par une Commission tarifaire, composée de représentants de chacun des Etats en nombre égal, et seront soumis au Conseil économique mixte pour approbation à la majorité des voix. En cas de désaccord au sein de la Commission tarifaire, le Conseil économique mixte tranchera les questions en litige. Au cas où la Commission tarifaire ne parviendrait pas à établir un tarif dans le délai fixé, le Conseil économique mixte l'établira lui-même.

13. Les recettes des douanes et autres recettes ordinaires du Conseil économique mixte seront affectées en priorité aux catégories suivantes:

(a) The expenses of the customs service and of the operation of the joint services;

(b) The administrative expenses of the Joint Economic Board;

(c) The financial obligations of the Administration of Palestine consisting of:

(i) The service of the outstanding public debt;

(ii) The cost of superannuation benefits, now being paid or falling due in the future, in accordance with the rules and to the extent established by paragraph 3 of chapter 3 above.

14. After these obligations have been met in full, the surplus revenue from the customs and other common services shall be divided in the following manner: not less than 5 per cent and not more than 10 per cent to the City of Jerusalem; the residue shall be allocated to each State by the Joint Economic Board equitably, with the objective of maintaining a sufficient and suitable level of government and social services in each State, except that the share of either State shall not exceed the amount of that State's contribution to the revenues of the Economic Union by more than approximately four million pounds in any year. The amount granted may be adjusted by the Board according to the price level in relation to the prices prevailing at the time of the establishment of the Union. After five years, the principles of the distribution of the joint revenues may be revised by the Joint Economic Board on a basis of equity.

15. All international conventions and treaties affecting customs tariff rates, and those communications services under the jurisdiction of the Joint Economic Board, shall be entered into by both States. In these matters, the two States shall be bound to act in accordance with the majority vote of the Joint Economic Board.

16. The Joint Economic Board shall endeavour to secure for Palestine's exports fair and equal access to world markets.

17. All enterprises operated by the Joint Economic Board shall pay fair wages on a uniform basis.

Freedom of transit and visit

18. The undertaking shall contain provisions preserving freedom of transit and visit for all residents or citizens of both States and of the City of Jerusalem, subject to security considerations; provided that each State and the City shall control residence within its borders.

Termination, modification and interpretation of the undertaking

19. The undertaking and any treaty issuing therefrom shall remain in force for a period of ten years. It shall continue in force until notice of termination, to take effect two years thereafter, is given by either of the parties.

20. During the initial ten-year period, the undertaking and any treaty issuing therefrom may not be modified except by consent of both parties and with the approval of the General Assembly.

21. Any dispute relating to the application or the interpretation of the undertaking and any treaty

a) Les dépenses des services douaniers et l'entretien des autres services communs;

b) Les frais d'administration du Conseil économique mixte;

c) Les charges financières de l'administration de la Palestine, à savoir:

i) Le service de la dette publique;

ii) Les sommes dues au titre des retraites payées actuellement ou payables à l'avenir, conformément au règlement, et dans la mesure prévue par le paragraphe 3 du chapitre 3 ci-dessus.

14. Lorsque ces dépenses auront été entièrement couvertes, l'excédent des recettes provenant du service des douanes et d'autres services communs sera réparti de la façon suivante: une somme qui ne sera ni inférieure à 5 pour 100 ni supérieure à 10 pour 100 sera attribuée à la Ville de Jérusalem; le Conseil économique mixte attribuera le reste de façon équitable aux Etats juif et arabe afin de maintenir les services gouvernementaux et sociaux de chaque Etat à un niveau suffisant et convenable; toutefois, aucun des deux Etats ne pourra, en une année, se faire attribuer une somme dépassant de plus de quatre millions de livres environ le montant de sa contribution aux recettes de l'Union économique. Le Conseil pourra réviser les sommes accordées en comparant le niveau des prix au niveau existant au moment de la création de l'Union. A l'expiration d'un délai de cinq ans, le Conseil économique mixte pourra procéder à une révision des principes de répartition des recettes communes en s'inspirant de considérations d'équité.

15. Tous les accords et traités internationaux relatifs aux tarifs douaniers, ainsi qu'aux services des communications placés sous l'autorité du Conseil économique mixte, seront signés par les deux Etats. Dans ces domaines, les deux Etats seront tenus d'agir conformément à la décision de la majorité du Conseil économique mixte.

16. Le Conseil économique mixte s'efforcera d'obtenir pour les exportations de la Palestine un accès juste et égal aux marchés mondiaux.

17. Toutes les entreprises gérées par le Conseil économique mixte devront payer des salaires équitables sur une base uniforme.

Liberté de transit et de visite

18. L'engagement devra contenir des dispositions garantissant la liberté de transit et de visite à tous les résidents ou citoyens des deux Etats et de la Ville de Jérusalem, sous réserve des nécessités de sécurité; étant entendu que chaque Etat et la Ville assureront le contrôle des personnes résidant à l'intérieur de leurs territoires respectifs.

Dénonciation, modification et interprétation de l'engagement

19. L'engagement ainsi que tout traité s'y rattachant resteront en vigueur pendant une période de dix ans. Passé ce délai, il restera en vigueur jusqu'à ce que l'une des parties les dénonce, ladite dénonciation prenant effet après une période de deux ans.

20. Au cours de la période initiale de dix ans, l'engagement et tout traité s'y rattachant ne pourront être modifiés que du consentement des deux parties et avec l'approbation de l'Assemblée générale.

21. Tout différend au sujet de l'application ou de l'interprétation de l'engagement et de tout traité

issuing therefrom shall be referred, at the request of either party, to the International Court of Justice, unless the parties agree to another mode of settlement.

E. ASSETS

1. The movable assets of the Administration of Palestine shall be allocated to the Arab and Jewish States and the City of Jerusalem on an equitable basis. Allocations should be made by the United Nations Commission referred to in section B, paragraph 1, above. Immovable assets shall become the property of the government of the territory in which they are situated.

2. During the period between the appointment of the United Nations Commission and the termination of the Mandate, the mandatory Power shall, except in respect of ordinary operations, consult with the Commission on any measure which it may contemplate involving the liquidation, disposal or encumbering of the assets of the Palestine Government, such as the accumulated treasury surplus, the proceeds of Government bond issues, State lands or any other asset.

F. ADMISSION TO MEMBERSHIP IN THE UNITED NATIONS

When the independence of either the Arab or the Jewish State as envisaged in this plan has become effective and the declaration and undertaking, as envisaged in this plan, have been signed by either of them, sympathetic consideration should be given to its application for admission to membership in the United Nations in accordance with Article 4 of the Charter of the United Nations.

PART II

Boundaries¹

A. THE ARAB STATE

The area of the Arab State in Western Galilee is bounded on the west by the Mediterranean and on the north by the frontier of the Lebanon from Ras en Naqura to a point north of Saliha. From there the boundary proceeds southwards, leaving the built-up area of Saliha in the Arab State, to join the southernmost point of this village. Thence it follows the western boundary line of the villages of 'Alma, Rihaniya and Teitaba, thence following the northern boundary line of Meirun village to join the Acre-Safad sub-district boundary line. It follows this line to a point west of Es Sammu'i village and joins it again at the northernmost point of Farradiya. Thence it follows the sub-district boundary line to the Acre-Safad main road. From here it follows the western boundary of Kafr I'nan village until it reaches the Tiberias-Acre sub-district boundary line, passing to the west of the junction of the Acre-Safad and Lubiya-Kafr I'nan roads. From the

¹ The boundary lines described in part II are indicated in Annex A. The base map used in marking and describing this boundary is "Palestine 1:250,000" published by the Survey of Palestine, 1946.

s'y rattachant sera renvoyé, à la demande de l'une ou de l'autre partie, devant la Cour internationale de Justice, à moins que les deux parties ne conviennent d'un autre mode de règlement.

E. BIENS MOBILIERS ET IMMOBILIERS

1. Les biens mobiliers de l'administration de la Palestine seront attribués aux Etats arabe et juif et à la Ville de Jérusalem sur une base équitable de répartition. La répartition devra être effectuée par la Commission des Nations Unies mentionnée à la section B, paragraphe 1, ci-dessus. Les biens immobiliers deviendront la propriété du gouvernement du territoire sur lequel ils sont situés.

2. Au cours de la période qui s'écoulera entre la date de nomination de la Commission des Nations Unies et l'expiration du mandat, la Puissance mandataire devra, pour toutes les opérations importantes, se mettre d'accord avec la Commission sur toutes les mesures qu'elle désirerait envisager, notamment en ce qui concerne la liquidation, la disposition ou l'hypothèque des avoirs du Gouvernement de la Palestine, tels que les excédents du Trésor, les produits des émissions d'obligations du Gouvernement, les terres domaniales ainsi que tous autres avoirs.

F. ADMISSION COMME MEMBRE DE L'ORGANISATION DES NATIONS UNIES

Lorsque l'indépendance de l'Etat arabe ou de l'Etat juif, telle qu'elle est prévue dans le présent plan, sera devenue effective et que la déclaration et l'engagement prévus dans le présent plan auront été signés par l'un ou l'autre de ces Etats, il conviendra d'examiner avec bienveillance sa demande d'admission comme Membre des Nations Unies conformément à l'Article 4 de la Charte des Nations Unies.

DEUXIÈME PARTIE

Frontières¹

A. L'ETAT ARABE

La région de l'Etat arabe comprise dans la Galilée occidentale est limitée à l'ouest par la Méditerranée, et au nord par la frontière du Liban, de Ras en Naqura jusqu'à un point au nord de Saliha. De là, la frontière se dirige vers le sud, englobant dans l'Etat arabe l'agglomération de Saliha, et rejoint le point le plus méridional de ce village. Elle suit ensuite la ligne formée par la limite ouest des villages d'Alma, Rihaniya et Teitaba; elle emprunte ensuite la limite nord du village de Meirun et rejoint la limite des sous-districts d'Acre et de Safad. Elle suit cette ligne jusqu'à un point à l'ouest du village d'Es Sammu'i et la rejoint au point le plus septentrional de Farradiya. Elle suit ensuite la ligne marquant la limite des sous-districts jusqu'à la route d'Acre à Safad. De là, elle suit la limite occidentale du village de Kafr I'nan jusqu'à ce qu'elle rencontre la limite des sous-districts de Tibériade et d'Acre; elle passe alors à l'ouest de l'intersection des

¹ On trouvera à l'Annexe A le tracé des frontières décrites dans la deuxième partie. On a employé la carte de Palestine au 250.000^{ème} publiée en 1946 par le Survey of Palestine pour le tracé et la description de cette frontière.

La carte à laquelle le texte se réfère étant l'œuvre des services géographiques britanniques, nous respectons l'orthographe anglaise des noms de lieu qui ne sont pas universellement connus.

south-west corner of Kafr I'nan village the boundary line follows the western boundary of the Tiberias sub-district to a point close to the boundary line between the villages of Maghar and Eilabun, thence bulging out to the west to include as much of the eastern part of the plain of Battuf as is necessary for the reservoir proposed by the Jewish Agency for the irrigation of lands to the south and east.

The boundary rejoins the Tiberias sub-district boundary at a point on the Nazareth-Tiberias road south-east of the built-up area of Tur'an; thence it runs southwards, at first following the sub-district boundary and then passing between the Kadoorie Agricultural School and Mount Tabor, to a point due south at the base of Mount Tabor. From here it runs due west, parallel to the horizontal grid line 230, to the north-east corner of the village lands of Tel Adashim. It then runs to the north-west corner of these lands, whence it turns south and west so as to include in the Arab State the sources of the Nazareth water supply in Yafa village. On reaching Ginneiger it follows the eastern, northern and western boundaries of the lands of this village to their south-west corner, whence it proceeds in a straight line to a point on the Haifa-Afula railway on the boundary between the villages of Sarid and El Mujeidil. This is the point of intersection.

The south-western boundary of the area of the Arab State in Galilee takes a line from this point, passing northwards along the eastern boundaries of Sarid and Gevat to the north-eastern corner of Nahalal, proceeding thence across the land of Kefar ha Horesh to a central point on the southern boundary of the village of 'Ilut, thence westwards along that village boundary to the eastern boundary of Beit Lahm, thence northwards and north-eastwards along its western boundary to the north-eastern corner of Waldheim and thence north-westwards across the village lands of Shafa 'Amr to the south-eastern corner of Ramat Yohanan. From here it runs due north-north-east to a point on the Shafa 'Amr-Haifa road, west of its junction with the road to I'Billin. From there it proceeds north-east to a point on the southern boundary of I'Billin situated to the west of the I'Billin-Birwa road. Thence along that boundary to its westernmost point, whence it turns to the north, follows across the village land of Tamra to the north-westernmost corner and along the western boundary of Julis until it reaches the Acre-Safad road. It then runs westwards along the southern side of the Safad-Acre road to the Galilee-Haifa District boundary, from which point it follows that boundary to the sea.

The boundary of the hill country of Samaria and Judea starts on the Jordan River at the Wadi Malih south-east of Beisan and runs due west to meet the Beisan-Jericho road and then follows the western side of that road in a north-westerly direction to the junction of the boundaries of the sub-districts of Beisan, Nablus, and Jenin. From that point it follows the Nablus-Jenin sub-district boundary westwards for a distance of about three kilometres and then turns north-westwards, passing to the east of the built-up areas of the villages of Jalbun and Faqqu'a, to the boundary of the sub-districts of Jenin and Beisan at a point north-east of Nuris.

routes d'Acre à Safad et de Lubiya à Kafr I'nan. A partir de l'angle sud-ouest du village de Kafr I'nan, la frontière suit la limite ouest du sous-district de Tibériade jusqu'à un point voisin de la ligne formée par les limites des territoires des villages de Maghar et d'Eilabun; ensuite, elle fait saillie vers l'ouest et englobe, dans la partie orientale de la plaine de Battuf, le territoire nécessaire au réservoir envisagé par l'Agence juive pour l'irrigation des terres du sud et de l'est.

La frontière rejoint la limite du sous-district de Tibériade en un point de la route de Nazareth à Tibériade situé au sud-est de la région bâtie de Tur'an; de là, elle se dirige vers le sud, suivant d'abord la limite du sous-district, puis passant entre l'Ecole d'agriculture Kadoorie et le Mont Thabor jusqu'à un point exactement au sud du pied du Mont Thabor. De là, elle se dirige franchement à l'ouest, parallèlement à la ligne horizontale 230 du quadrillage, jusqu'à l'angle nord-est du territoire du village de Tel Adashim. Elle se dirige ensuite jusqu'à l'angle nord-ouest de ce territoire, puis tourne au sud et à l'ouest pour englober dans l'Etat arabe les sources du village de Yafa qui alimentent Nazareth. En atteignant Ginneiger, elle suit les limites est, nord et ouest du territoire de ce village jusqu'à leur angle sud-ouest; elle se dirige ensuite, en ligne droite, jusqu'à un point de la voie ferrée Haifa-Afula situé à la limite des territoires des villages de Sarid et d'El Mujeidil. C'est là le point d'intersection.

La frontière sud-ouest de la partie de l'Etat arabe comprise dans la Galilée emprunte une ligne qui, partant de ce point, se dirige vers le nord en suivant les limites est de Sarid et de Gevat jusqu'à l'angle nord-est de Nahalal. De là, elle traverse le territoire de Kefar ha Horesh jusqu'à un point central situé à la limite sud du village d'Ilut, puis se dirige vers l'ouest en suivant la limite de ce village jusqu'à la limite est de Beit Lahm. Elle s'infléchit ensuite vers le nord et le nord-est, en suivant la limite ouest de Beit Lahm jusqu'à l'angle nord-est de Waldheim, d'où elle se dirige vers le nord-ouest en coupant le territoire du village de Shafa'Amr jusqu'à l'angle sud-ouest de Ramat Yohanan. De ce point, elle oblique franchement en direction nord-nord-est jusqu'à un point situé sur la route de Shafa'Amr à Haïfa, à l'ouest de l'intersection de cette route avec la route de I'Billin. De là, elle se dirige vers le nord-est, jusqu'à un point situé à la limite sud de I'Billin, à l'ouest de la route de I'Billin à Birwa. La frontière suit alors cette limite jusqu'à son point le plus occidental et, tournant vers le nord, coupe le territoire du village de Tamra, jusqu'à l'angle le plus au nord-ouest de ce territoire et suit la limite ouest de Julis jusqu'à sa rencontre avec la route d'Acre à Safad. Elle se prolonge ensuite vers l'ouest en suivant le bord sud de la route de Safad à Acre jusqu'à la limite des districts de Galilée et de Haïfa qu'elle emprunte ensuite jusqu'à la mer.

La frontière de la région accidentée de Samarie et de Judée part du Jourdain, au confluent de l'oued Malih, au sud-est de Beissan et prend franchement la direction ouest jusqu'à atteindre la route de Beisan à Jéricho, puis emprunte le bord ouest de cette route en direction du nord-ouest jusqu'au point d'intersection des limites des sous-districts de Beissan, de Naplouse et de Jenin. Partant de ce point, elle suit la limite des sous-districts de Naplouse et de Jenin en direction de l'ouest, sur une distance de trois kilomètres environ, puis tourne en direction nord-ouest, en contournant à l'est l'agglomération des villages de Jalbun et de Faqqu'a,

Thence it proceeds first north-westwards to a point due north of the built-up area of Zir'in and then westwards to the Afula-Jenin railway, thence north-westwards along the district boundary line to the point of intersection on the Hejaz railway. From here the boundary runs south-westwards, including the built-up area and some of the land of the village of Kh.Lid in the Arab State to cross the Haifa-Jenin road at a point on the district boundary between Haifa and Samaria west of El Mansi. It follows this boundary to the southernmost point of the village of El Buteinat. From here it follows the northern and eastern boundaries of the village of Ar'ara, rejoining the Haifa-Samaria district boundary at Wadi'Arara, and thence proceeding south-south-westwards in an approximately straight line joining up with the western boundary of Qaqun to a point east of the railway line on the eastern boundary of Qaqun village. From here it runs along the railway line some distance to the east of it to a point just east of the Tulkarm railway station. Thence the boundary follows a line half-way between the railway and the Tulkarm-Qalqiliya-Jaljuliya and Ras el Ein road to a point just east of Ras el Ein station, whence it proceeds along the railway some distance to the east of it to the point on the railway line south of the junction of the Haifa-Lydd and Beit Nabala lines, whence it proceeds along the southern border of Lydda airport to its south-west corner, thence in a south-westerly direction to a point just west of the built-up area of Sarafand el 'Amar, whence it turns south, passing just to the west of the built-up area of Abu el Fadil to the north-east corner of the lands of Beer Ya' Aqov. (The boundary line should be so demarcated as to allow direct access from the Arab State to the airport.) Thence the boundary line follows the western and southern boundaries of Ramle village, to the north-east corner of El Na'ana village, thence in a straight line to the southernmost point of El Barriya, along the eastern boundary of that village and the southern boundary of 'Innaba village. Thence it turns north to follow the southern side of the Jaffa-Jerusalem road until El Qubab, whence it follows the road to the boundary of Abu Shusha. It runs along the eastern boundaries of Abu Shusha, Seidun, Hulda to the southernmost point of Hulda, thence westwards in a straight line to the north-eastern corner of Umm Kalkha, thence following the northern boundaries of Umm Kalkha, Qazaza and the northern and western boundaries of Mukhezin to the Gaza District boundary and thence runs across the village lands of El Mismiya, El Kabira, and Yasur to the southern point of intersection, which is midway between the built-up areas of Yasur and Batani Sharqi.

From the southern point of intersection the boundary lines run north-westwards between the villages of Gan Yavne and Barqa to the sea, at a point half way between Nabi Yunis and Minat el Qila, and south-eastwards to a point west of Qastina, whence it turns in a south-westerly direction, passing to the east of the built-up areas of Es Sawafir, Esh Sharqiya and Ibdis. From the south-east corner of Ibdis village it runs to a point south-west of the built-up area of Beit 'Affa, crossing the Hebron-El Majdal road just to the west of the built-up area of Iraq Suweidan. Thence it proceeds southwards along the western village boundary of El Faluja to

jusqu'à la limite des sous-districts de Jenin et de Beissan, en un point situé au nord-est de Nuris. De là, elle se dirige tout d'abord en direction nord-ouest jusqu'à un point situé franchement au nord de l'agglomération de Zir'in, puis va dans la direction de l'ouest jusqu'à la voie ferrée Afula-Jenin et, de là, s'élance vers le nord-ouest en suivant la limite du district jusqu'à sa rencontre avec la voie ferrée du Hedjaz. A partir de là, la frontière se dirige en direction du sud-ouest, englobant dans l'Etat arabe l'agglomération et une partie du territoire du village de Kh.Lid et traverse la route de Haifa à Jenin en un point de la limite du district situé entre Haifa et Samarie, à l'ouest d'El Mansi. Elle suit cette limite jusqu'à l'extrême sud du village d'El Buteimat. De là, elle suit les limites nord et est du village d'Ar'ara, rejoint la limite des districts de Haifa et de Samarie à l'oued 'Ara et se dirige ensuite en direction sud-sud-ouest, et, presque en ligne droite, rejoint la limite ouest de Qaqun en un point situé à l'est de la voie ferrée, à la limite est du village de Qaqun. De là, elle suit le bord est de la voie ferrée sur une certaine distance jusqu'à un point situé exactement à l'est de la gare de Tulkarm. Ensuite la frontière emprunte une ligne à mi-distance du chemin de fer et de la route Tulkarm-Qalqiliya-Jaljuliya-Ras el Ein, jusqu'à un point situé juste à l'est de la gare de Ras el Ein; de là, elle suit le bord est de la voie ferrée sur une certaine distance jusqu'au point de la voie située au sud de l'intersection des lignes Haifa-Lydd et Beit-Nabala; puis elle suit la bordure sud de l'aéroport de Lydda jusqu'à son angle sud-ouest; de là, elle va en direction du sud-ouest jusqu'à un point situé exactement à l'ouest de l'agglomération de Sarafand el 'Amar. Elle tourne ensuite vers le sud, en passant exactement à l'ouest de la zone bâtie d'Abu el Fadil et va jusqu'à l'angle nord-est du territoire de Beer Ya' Aqov (la frontière devra être établie de manière à permettre d'accéder directement à l'aéroport en venant de l'Etat arabe). Ensuite, la frontière longe les limites ouest et sud du village de Ramle jusqu'à l'angle nord-est du village de El Na'ana. Puis elle s'enfonce en ligne droite jusqu'au point le plus méridional d'El Barriya, en suivant la limite est de ce village et la limite sud du village de 'Innaba. Elle s'incline ensuite vers le nord pour suivre le côté sud de la route de Jaffa à Jérusalem jusqu'à El Qubab d'où elle suit la route se dirigeant vers les limites du territoire d'Abu Shusha. Elle emprunte les limites orientales d'Abu Shusha, de Seidun et de Hulda, jusqu'à l'extrémité sud de Hulda, d'où elle se dirige vers l'ouest selon une ligne droite jusqu'à l'angle nord-est d'Umm Kalkha pour suivre ensuite les limites septentrionales d'Umm Kalkha, de Qazaza et les limites septentrionales et occidentales du Mukhezin jusqu'à la limite du district de Gaza; elle traverse ensuite le territoire des villages d'El Mismiya, d'El Kabira et de Yasur, jusqu'au point d'intersection méridional qui se trouve à mi-chemin entre les agglomérations de Yasur et Batani Sharqi.

Du point d'intersection méridional, la frontière se dirige d'une part vers le nord-ouest entre les villages de Gan Yavne et de Barqa, pour atteindre la mer à un point situé à mi-chemin entre Nabi Yunis et Minat el Qila, et d'autre part vers le sud-est jusqu'à un point situé à l'ouest de Qastina, s'inclinant ensuite vers le sud-ouest pour passer à l'est des agglomérations d'Es Sawafir d'Esh Sharqiya et d'Ibdis. De l'angle sud-est du village d'Ibdis, elle se dirige vers un point situé au sud-ouest de l'agglomération de Beit 'Affa, traversant la route qui va d'Hébron à El Majdal juste à l'ouest de l'agglomération d'Iraq Suweidan. Elle suit ensuite vers le sud

the Beersheba sub-district boundary. It then runs across the tribal lands of 'Arab el Jubarat to a point on the boundary between the sub-districts of Beersheba and Hebron north of Kh. Khuweilifa, whence it proceeds in a south-westerly direction to a point on the Beersheba-Gaza main road two kilometres to the north-west of the town. It then turns south-eastwards to reach Wadi Sab' at a point situated one kilometre to the west of it. From here it turns north-eastwards and proceeds along Wadi Sab' and along the Beersheba-Hebron road for a distance of one kilometre, whence it turns eastwards and runs in a straight line to Kh. Kuseifa to join the Beersheba-Hebron sub-district boundary. It then follows the Beersheba-Hebron boundary eastwards to a point north of Ras Ez Zuweira, only departing from it so as to cut across the base of the indentation between vertical grid lines 150 and 160.

About five kilometres north-east of Ras ez Zuweira it turns north, excluding from the Arab State a strip along the coast of the Dead Sea not more than seven kilometres in depth, as far as Ein Geddi, whence it turns due east to join the Transjordan frontier in the Dead Sea.

The northern boundary of the Arab section of the coastal plain runs from a point between Minat el Qila and Nabi Yunis, passing between the built-up areas of Gan Yavne and Barqa to the point of intersection. From here it turns south-westwards, running across the lands of Batani Sharqi, along the eastern boundary of the lands of Beit Daras and across the lands of Julis, leaving the built-up areas of Batani Sharqi and Julis to the westwards, as far as the north-west corner of the lands of Beit Tima. Thence it runs east of El Jiya across the village lands of El Barbara along the eastern boundaries of the villages of Beit Jirja, Deir Suneid and Dimra. From the south-east corner of Dimra the boundary passes across the lands of Beit Hanun, leaving the Jewish lands of Nir-Am to the eastwards. From the south-east corner of Beit Hanun the line runs south-west to a point south of the parallel grid line 100, then turns north-west for two kilometres, turning again in a south-westerly direction and continuing in an almost straight line to the north-west corner of the village lands of Kirbet Ikhza'a. From there it follows the boundary line of this village to its southernmost point. It then runs in a southerly direction along the vertical grid line 90 to its junction with the horizontal grid line 70. It then turns south-eastwards to Kh. el Ruheiba and then proceeds in a southerly direction to a point known as El Baha, beyond which it crosses the Beersheba-El 'Auja main road to the west of Kh. el Mushrifa. From there it joins Wadi 'El Zaiyatin el to the west of El Subeita. From there it turns to the north-east and then to the south-east following this wadi and passes to the east of 'Abda to join Wadi Nafkh. It then bulges to the south-west along Wadi Nafkh, Wadi Ajrim and Wadi Lissan to the point where Wadi Lissan crosses the Egyptian frontier.

The area of the Arab enclave of Jaffa consists of that part of the town-planning area of Jaffa which lies to the west of the Jewish quarters lying south of Tel-Aviv, to the west of the continuation of Herzl street up to its junction with the Jaffa-Jerusalem road, to the south-west of the section of the Jaffa-

la limite ouest du territoire du village d'El Faluja jusqu'à la limite du sous-district de Bersabée. De là elle traverse les terrains de pâture de 'Arab el Jubarat jusqu'à un point situé à la limite des sous-districts de Bersabée et d'Hébron, au nord de Kh. Khuweilifa. Elle se dirige ensuite vers le sud-ouest jusqu'à un point de la grande route de Bersabée à Gaza, situé à deux kilomètres au nord-ouest de la ville. Elle s'incline alors vers le sud-est pour atteindre l'oued Sab' en un point situé à un kilomètre à l'ouest de la ville. De là, elle s'incline vers le nord-est et suit l'oued Sab', puis la route de Bersabée à Hébron sur une distance d'un kilomètre; elle tourne ensuite vers l'est et se dirige en suivant un tracé rectiligne jusqu'à Kh. Kuseifa, où elle rejoint la limite des sous-districts de Bersabée et d'Hébron, qu'elle suit en direction de l'est jusqu'à un point au nord de Ras Ez Zuweira, ne la quittant que pour traverser la base du saillant situé entre les lignes verticales 150 et 160 du quadrillage.

A cinq kilomètres environ au nord-est de Ras Ez Zuweira, elle s'incline vers le nord pour séparer de l'Etat arabe une bande de territoire située le long de la côte de la mer Morte, dont la profondeur ne dépasse pas sept kilomètres; elle arrive ainsi à Ein Geddi, d'où elle s'incline directement vers l'est pour rejoindre la frontière de la Transjordanie à la mer Morte.

La limite nord de la partie arabe de la plaine côtière, partant d'un point situé entre Minat el Qila et Nabi Yunis, passe entre les agglomérations de Gan Yavne et Barqa pour atteindre le point d'intersection. De là, elle s'incline vers le sud-ouest pour traverser le territoire de Batani Sharqi, emprunte la limite orientale du territoire de Beit Daras, traverse le territoire de Julis, laissant à l'ouest les agglomérations de Batani Sharqi et Julis jusqu'à l'angle nord-ouest du territoire de Beit Tima. De là, elle passe par l'est d'El Jiya et traverse le territoire du village d'El Barbara en suivant les limites orientales des villages de Beit Jirja, de Deir Suneid et de Dimra. De l'angle sud-est de Dimra, la frontière traverse le territoire de Beit Hanun, laissant à l'est les propriétés juives de Nir-Am. De l'angle sud-est de Beit Hanun, la ligne se dirige vers le sud-ouest et atteint un point se trouvant au sud de la ligne horizontale 100 du quadrillage, prend ensuite la direction nord-ouest pendant deux kilomètres, reprend la direction sud-ouest et atteint l'angle nord-ouest du territoire de Kirbet Ikhza'a en suivant une ligne presque rectiligne. De là, elle suit la limite de ce territoire jusqu'à son point le plus méridional. Elle longe ensuite, vers le sud, la ligne verticale 90 du quadrillage jusqu'à l'intersection de cette dernière avec la ligne horizontale 70. Elle s'incline alors vers le sud-est jusqu'à Kh. el Ruheiba et prend ensuite la direction sud jusqu'au lieu dit El Baha, au-delà duquel elle coupe la grande route de Bersabée à El 'Auja, à l'ouest de Kh. el Mushrifa. De là, elle atteint l'oued El Zaiyatin immédiatement à l'ouest d'El Subeita. Elle s'incline alors vers le nord-est puis vers le sud-est, en suivant l'oued El Zaiyatin, et passe à l'est de 'Abda pour atteindre l'oued Nafkh. Elle s'incurve alors vers le sud-ouest en suivant l'oued Nafkh, l'oued Ajrim et l'oued Lissan et atteint le point où l'oued Lissan coupe la frontière égyptienne.

La région de l'enclave arabe de Jaffa comprend la partie de la zone urbaine de Jaffa se trouvant à l'ouest des quartiers juifs situés au sud de Tel Aviv, à l'ouest du prolongement de la Rue Herzl jusqu'à son croisement avec la route de Jaffa à Jérusalem, au sud-ouest de la section de la route de Jaffa à

Jerusalem road lying south-east of that junction, to the west of Miqve Yisrael lands, to the north-west of Holon local council area, to the north of the line linking up the north-west corner of Holon with the north-east corner of Bat Yam local council area and to the north of Bat Yam local council area. The question of Karton quarter will be decided by the Boundary Commission, bearing in mind among other considerations the desirability of including the smallest possible number of its Arab inhabitants and the largest possible number of its Jewish inhabitants in the Jewish State.

B. THE JEWISH STATE

The north-eastern sector of the Jewish State (Eastern Galilee) is bounded on the north and west by the Lebanese frontier and on the east by the frontiers of Syria and Transjordan. It includes the whole of the Hula Basin, Lake Tiberias, the whole of the Beisan sub-district, the boundary line being extended to the crest of the Gilboa mountains and the Wadi Malih. From there the Jewish State extends north-west, following the boundary described in respect of the Arab State.

The Jewish section of the coastal plain extends from a point between Minat et Qila and Nabi Yunis in the Gaza sub-district and includes the towns of Haifa and Tel-Aviv, leaving Jaffa as an enclave of the Arab State. The eastern frontier of the Jewish State follows the boundary described in respect of the Arab State.

The Beersheba area comprises the whole of the Beersheba sub-district, including the Negeb and the eastern part of the Gaza sub-district, but excluding the town of Beersheba and those areas described in respect of the Arab State. It includes also a strip of land along the Dead Sea stretching from the Beersheba-Hebron sub-district boundary line to Ein Geddi, as described in respect of the Arab State.

C. THE CITY OF JERUSALEM

The boundaries of the City of Jerusalem are as defined in the recommendations on the City of Jerusalem. (See Part III, Section B, below).

PART III

City of Jerusalem

A. SPECIAL REGIME

The City of Jerusalem shall be established as a *corpus separatum* under a special international regime and shall be administered by the United Nations. The Trusteeship Council shall be designated to discharge the responsibilities of the Administering Authority on behalf of the United Nations.

B. BOUNDARIES OF THE CITY

The City of Jerusalem shall include the present municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which shall be Abu Dis; the most southern, Bethlehem; the most western, Ein Karim (including also the built-up area of Motsa); and the most northern Shu'fat, as indicated on the attached sketch-map (annex B).

C. STATUTE OF THE CITY

The Trusteeship Council shall, within five months of the approval of the present plan, elaborate and

Jérusalem se trouvant au sud-est de ce croisement, à l'ouest des terres de Miqve Yisrael, au nord-ouest de la municipalité de Holon, au nord de la ligne reliant l'angle nord-ouest de Holon à l'angle nord-est de la municipalité de Bat Yam et au nord de la zone de la municipalité de Bat Yam. La Commission des frontières réglera la question du quartier de Karton en tenant compte notamment du fait qu'il est souhaitable que l'Etat juif comprenne le plus petit nombre possible des habitants arabes de ce quartier et le plus grand nombre possible de ses habitants juifs.

B. L'ETAT JUIF

La partie nord-est de l'Etat juif (Galilée orientale) est bornée au nord et à l'ouest par la frontière du Liban, et à l'est par la frontière de la Syrie et de la Transjordanie. Ce territoire comprend tout le bassin de Hula, le lac de Tibériade, tout le sous-district de Beïssan, la frontière se prolongeant jusqu'à la crête des monts Gilboa et à l'oued Malih. A partir de là, l'Etat juif s'étend vers le nord-ouest, borné par la frontière qui a été indiquée pour l'Etat arabe.

La partie juive de la plaine côtière s'étend à partir d'un point situé entre Minat el Qila et Nabi Yunis, dans le sous-district de Gaza; elle comprend les villes de Haïfa et Tel Aviv, Jaffa constituant une enclave de l'Etat arabe. La frontière orientale de l'Etat juif coïncide avec celle qui a été indiquée à propos de l'Etat arabe.

La région de Bersabée comprend tout le sous-district de Bersabée, y compris le Negeb et en outre la partie orientale du sous-district de Gaza, mais à l'exclusion de la ville de Bersabée et des zones indiquées à propos de l'Etat arabe. Elle comprend aussi une bande de territoire qui s'étend le long de la mer Morte, de la frontière du sous-district d'Hébron-Bersabée à Ein Geddi, comme il a été indiqué à propos de l'Etat arabe.

C. LA VILLE DE JERUSALEM

La Ville de Jérusalem a pour frontières celles qui ont été indiquées dans les recommandations sur la Ville de Jérusalem (voir Troisième partie, section B, ci-dessous).

TROISIEME PARTIE

Ville de Jérusalem

A. REGIME SPECIAL

La Ville de Jérusalem sera constituée en *corpus separatum* sous un régime international spécial et sera administrée par les Nations Unies. Le Conseil de tutelle sera désigné pour assurer, au nom de l'Organisation des Nations Unies, les fonctions d'Autorité chargée de l'administration.

B. FRONTIERES DE LA VILLE

La Ville de Jérusalem comprendra la municipalité actuelle de Jérusalem plus les villages et centres environnants, dont le plus oriental sera Abu Dis, le plus méridional Bethléem, le plus occidental Ein Karim (y compris l'agglomération de Motsa) et la plus septentrionale Shu'fat, comme le montre la carte schématique ci-jointe (annexe B).

C. STATUT DE LA VILLE

Le Conseil de tutelle devra, dans les cinq mois à dater de l'approbation du présent plan, élaborer et

approve a detailed Statute of the City which shall contain *inter alia* the substance of the following provisions:

1. *Government machinery; special objectives.* The Administering Authority in discharging its administrative obligations shall pursue the following special objectives:

(a) To protect and to preserve the unique spiritual and religious interests located in the city of the three great monotheistic faiths throughout the world, Christian, Jewish and Moslem; to this end to ensure that order and peace, and especially religious peace, reign in Jerusalem;

(b) To foster co-operation among all the inhabitants of the city in their own interests as well as in order to encourage and support the peaceful development of the mutual relations between the two Palestinian peoples throughout the Holy Land; to promote the security, well-being and any constructive measures of development of the residents, having regard to the special circumstances and customs of the various peoples and communities.

2. *Governor and administrative staff.* A Governor of the City of Jerusalem shall be appointed by the Trusteeship Council and shall be responsible to it. He shall be selected on the basis of special qualifications and without regard to nationality. He shall not, however, be a citizen of either State in Palestine.

The Governor shall represent the United Nations in the City and shall exercise on their behalf all powers of administration, including the conduct of external affairs. He shall be assisted by an administrative staff classed as international officers in the meaning of Article 100 of the Charter and chosen whenever practicable from the residents of the city and of the rest of Palestine on a non-discriminatory basis. A detailed plan for the organization of the administration of the city shall be submitted by the Governor to the Trusteeship Council and duly approved by it.

3. *Local autonomy.* (a) The existing local autonomous units in the territory of the city (villages, townships and municipalities) shall enjoy wide powers of local government and administration.

(b) The Governor shall study and submit for the consideration and decision of the Trusteeship Council a plan for the establishment of special town units consisting, respectively, of the Jewish and Arab sections of new Jerusalem. The new town units shall continue to form part of the present municipality of Jerusalem.

4. *Security measures.* (a) The City of Jerusalem shall be demilitarized; its neutrality shall be declared and preserved, and no para-military formations, exercises or activities shall be permitted within its borders.

(b) Should the administration of the City of Jerusalem be seriously obstructed or prevented by the non-co-operation or interference of one or more sections of the population, the Governor shall have authority to take such measures as may be necessary to restore the effective functioning of the administration.

(c) To assist in the maintenance of internal law and order and especially for the protection of the

approuver un Statut détaillé de la Ville comprenant notamment, l'essentiel des dispositions suivantes:

1. *Mécanisme gouvernemental: ses fins particulières.* L'Autorité chargée de l'administration, dans l'accomplissement de ses obligations administratives, poursuivra les fins particulières ci-après:

a) Protéger et préserver les intérêts spirituels et religieux sans pareils qu'abrite la Ville des trois grandes croyances monothéistes répandues dans le monde entier: Christianisme, Judaïsme et Islamisme; à cette fin, faire en sorte que l'ordre et la paix, et la paix religieuse surtout, règnent à Jérusalem;

b) Stimuler l'esprit de coopération entre tous les habitants de la ville, aussi bien dans leur propre intérêt que pour contribuer de tout leur pouvoir dans toute la Terre sainte, à l'évolution pacifique des relations entre les deux peuples palestiniens, assurer la sécurité et le bien-être et encourager toute mesure constructive propre à améliorer la vie des habitants, eu égard à la situation et aux coutumes particulières des différents peuples et communautés.

2. *Gouverneur et personnel administratif.* Le Conseil de tutelle procédera à la nomination d'un Gouverneur de Jérusalem, qui sera responsable devant lui. Ce choix se fondera sur la compétence particulière des candidats, sans tenir compte de leur nationalité. Toutefois, nul citoyen de l'un ou de l'autre Etat palestinien ne pourra être nommé Gouverneur.

Le Gouverneur sera le représentant de l'Organisation des Nations Unies dans la Ville de Jérusalem, et exercera en son nom tous les pouvoirs d'ordre administratif, y compris la conduite des affaires étrangères. Il sera assisté par un personnel administratif dont les membres seront considérés comme des fonctionnaires internationaux au sens de l'Article 100 de la Charte et seront choisis, dans la mesure du possible, parmi les habitants de la ville et du reste de la Palestine sans distinction de race. Pour l'organisation de l'administration de la Ville, le Gouverneur soumettra un plan détaillé au Conseil de tutelle, par qui il sera dûment approuvé.

3. *Autonomie locale.* a) Les subdivisions locales autonomes qui composent actuellement le territoire de la Ville (villages, communes et municipalités) disposeront à l'échelon local de pouvoirs étendus de gouvernement et d'administration.

b) Le Gouverneur étudiera et soumettra à l'examen et à la décision du Conseil de tutelle un plan de création de secteurs municipaux spéciaux comprenant respectivement le quartier juif et le quartier arabe de la Nouvelle Jérusalem. Les nouveaux arrondissements continueront à faire partie de la municipalité actuelle de Jérusalem.

4. *Mesures de sécurité.* a) La Ville de Jérusalem sera démilitarisée; sa neutralité sera proclamée et protégée et aucune formation paramilitaire, aucun exercice ni aucune activité paramilitaires ne seront autorisés dans ses limites.

b) Au cas où un ou plusieurs groupes de la population réussiraient par leur ingérence ou leur manque de coopération à entraver ou paralyser gravement l'administration de la Ville de Jérusalem, le Gouverneur sera autorisé à prendre les mesures nécessaires pour rétablir un fonctionnement efficace de l'administration.

c) Pour faire respecter la loi et l'ordre dans la Ville, et veiller en particulier à la protection des

Holy Places and religious buildings and sites in the city, the Governor shall organize a special police force of adequate strength, the members of which shall be recruited outside of Palestine. The Governor shall be empowered to direct such budgetary provision as may be necessary for the maintenance of this force.

5. *Legislative organization.* A Legislative Council, elected by adult residents of the city irrespective of nationality on the basis of universal and secret suffrage and proportional representation, shall have powers of legislation and taxation. No legislative measures shall, however, conflict or interfere with the provisions which will be set forth in the Statute of the City, nor shall any law, regulation, or official action prevail over them. The Statute shall grant to the Governor a right of vetoing bills inconsistent with the provisions referred to in the preceding sentence. It shall also empower him to promulgate temporary ordinances in case the Council fails to adopt in time a bill deemed essential to the normal functioning of the administration.

6. *Administration of justice.* The Statute shall provide for the establishment of an independent judiciary system, including a court of appeal. All the inhabitants of the City shall be subject to it.

7. *Economic union and economic regime.* The City of Jerusalem shall be included in the Economic Union of Palestine and be bound by all stipulations of the undertaking and of any treaties issued therefrom, as well as by the decisions of the Joint Economic Board. The headquarters of the Economic Board shall be established in the territory of the City.

The Statute shall provide for the regulation of economic matters not falling within the regime of the Economic Union, on the basis of equal treatment and non-discrimination for all Members of the United Nations and their nationals.

8. *Freedom of transit and visit; control of residents.* Subject to considerations of security, and of economic welfare as determined by the Governor under the directions of the Trusteeship Council, freedom of entry into, and residence within, the borders of the City shall be guaranteed for the residents or citizens of the Arab and Jewish States. Immigration into, and residence within, the borders of the city for nationals of other States shall be controlled by the Governor under the directions of the Trusteeship Council.

9. *Relations with the Arab and Jewish States.* Representatives of the Arab and Jewish States shall be accredited to the Governor of the City and charged with the protection of the interests of their States and nationals in connexion with the international administration of the City.

10. *Official languages.* Arabic and Hebrew shall be the official languages of the city. This will not preclude the adoption of one or more additional working languages, as may be required.

11. *Citizenship.* All the residents shall become *ipso facto* citizens of the City of Jerusalem unless they opt for citizenship of the State of which they have been citizens or, if Arabs or Jews, have filed notice of intention to become citizens of the Arab or Jewish State respectively, according to part I, section B, paragraph 9, of this plan.

lieux saints et des édifices et emplacements religieux, le Gouverneur organisera un corps spécial de police, disposant de forces suffisantes, dont les membres seront recrutés en dehors de la Palestine. Le Gouverneur aura le droit d'ordonner l'ouverture de crédits nécessaires à l'entretien de ce corps.

5. *Organisation législative.* Un Conseil législatif élu au suffrage universel et au scrutin secret, selon une représentation proportionnelle, par les habitants adultes de la Ville, sans distinction de nationalité, disposera des pouvoirs législatifs et fiscaux. Toutefois, aucune mesure législative ne devra être en opposition ou en contradiction avec les dispositions qui seront prévues dans le Statut de la Ville et aucune loi, aucun règlement ni aucune action officielle ne prévaudront contre ces dispositions. Le Statut donnera au Gouverneur le droit de veto sur les projets de lois incompatibles avec les dispositions en question. Il lui conférera également le pouvoir de promulguer des ordonnances provisoires, dans le cas où le Conseil manquerait d'adopter en temps utile un projet de loi considéré comme essentiel au fonctionnement normal de l'administration.

6. *Administration de la justice.* Le Statut devra prévoir la création d'organes judiciaires indépendants et notamment d'une cour d'appel, dont tous les habitants de la Ville seront justiciables.

7. *Union économique et régime économique.* La Ville de Jérusalem sera incluse dans l'union économique palestinienne et elle sera liée par toutes les dispositions de l'engagement et de tout traité qui en procédera, ainsi que par toutes les décisions du Conseil économique mixte. Le siège du Conseil économique sera établi dans le territoire de la Ville.

Le Statut devra prévoir les règlements nécessaires pour les questions économiques non soumises au régime de l'Union économique sur la base non discriminatoire d'un traitement égal pour tous les Etats Membres des Nations Unies et leurs ressortissants.

8. *Liberté de passage et de séjour; contrôle des résidents.* Sous réserve de considérations de sécurité, et compte tenu des nécessités économiques telles que le Gouverneur les déterminera conformément aux instructions du Conseil de tutelle, la liberté de pénétrer et de résider dans les limites de la Ville sera garantie aux résidents ou citoyens de l'Etat arabe et de l'Etat juif. L'immigration et la résidence à l'intérieur des limites de la Ville pour les ressortissants des autres Etats seront soumises à l'autorité du Gouverneur agissant conformément aux instructions du Conseil de tutelle.

9. *Relations avec l'Etat arabe et l'Etat juif.* Des représentants de l'Etat arabe et de l'Etat juif seront accrédités auprès du Gouverneur de la Ville et chargés de la protection des intérêts de leurs Etats et de ceux de leurs ressortissants auprès de l'administration internationale de la Ville.

10. *Langues officielles.* L'arabe et l'hébreu seront les langues officielles de la Ville. Cette disposition n'empêchera pas l'adoption d'une ou plusieurs langues de travail supplémentaires, selon les besoins.

11. *Citoyenneté.* Tous les résidents deviendront *ipso facto* citoyens de la Ville de Jérusalem, à moins qu'ils n'optent pour l'Etat dont ils étaient citoyens, ou que, Arabes ou Juifs, ils n'aient officiellement fait connaître leur intention de devenir citoyens de l'Etat arabe ou de l'Etat juif, conformément au paragraphe 9 de la section B de la première partie du présent plan.

The Trusteeship Council shall make arrangements for consular protection of the citizens of the City outside its territory.

12. *Freedoms of citizens.* (a) Subject only to the requirements of public order and morals, the inhabitants of the City shall be ensured the enjoyment of human rights and fundamental freedoms, including freedom of conscience, religion and worship, language, education, speech and Press, assembly and association, and petition.

(b) No discrimination of any kind shall be made between the inhabitants on the grounds of race, religion, language or sex.

(c) All persons within the City shall be entitled to equal protection of the laws.

(d) The family law and personal status of the various persons and communities and their religious interests, including endowments, shall be respected.

(e) Except as may be required for the maintenance of public order and good government, no measure shall be taken to obstruct or interfere with the enterprise of religious or charitable bodies of all faiths or to discriminate against any representative or member of these bodies on the ground of his religion or nationality.

(f) The City shall ensure adequate primary and secondary education for the Arab and Jewish communities respectively, in their own languages and in accordance with their cultural traditions.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the City may impose, shall not be denied or impaired. Foreign educational establishments shall continue their activity on the basis of their existing rights.

(g) No restriction shall be imposed on the free use by any inhabitant of the City of any language in private intercourse, in commerce, in religion, in the Press or in publications of any kind, or at public meetings.

13. *Holy Places.* (a) Existing rights in respect of Holy Places and religious buildings or sites shall not be denied or impaired.

(b) Free access to the Holy Places and religious buildings or sites and the free exercise of worship shall be secured in conformity with existing rights and subject to the requirements of public order and decorum.

(c) Holy Places and religious buildings or sites shall be preserved. No act shall be permitted which may in any way impair their sacred character. If at any time it appears to the Governor that any particular Holy Place, religious building or site is in need of urgent repair, the Governor may call upon the community or communities concerned to carry out such repair. The Governor may carry it out himself at the expense of the community or communities concerned if no action is taken within a reasonable time.

(d) No taxation shall be levied in respect of any Holy Place, religious building or site which was exempt from taxation on the date of the creation of the City. No change in the incidence of such tax-

Le Conseil de tutelle prendra des arrangements pour assurer la protection consulaire des citoyens de la Ville à l'extérieur de son territoire.

12. *Libertés des citoyens.* a) Seront garantis aux habitants de la Ville, sous réserve des seules exigences de l'ordre public et de la morale, les droits de l'homme et les libertés fondamentales, liberté de conscience, de religion et de culte, libre choix de la langue, du mode d'instruction, liberté de parole et liberté de la presse, liberté de réunion, d'association et de pétition.

b) On ne fera entre les habitants aucune espèce de distinctions fondées sur la race, la religion, la langue ou le sexe.

c) Toutes les personnes résidant à l'intérieur de la Ville auront un droit égal à la protection des lois.

d) Le droit familial et le statut personnel des différents individus et des diverses communautés, ainsi que leurs intérêts religieux, y compris les fondations, seront respectés.

e) Sous réserve des nécessités du maintien de l'ordre public et de la bonne administration, on ne prendra aucune mesure qui mettrait obstacle à l'activité des institutions religieuses ou charitables de toutes confessions ou qui constituerait une intervention dans cette activité, et on ne pourra faire aucune discrimination à l'égard des représentants ou des membres de ces institutions du fait de leur religion ou de leur nationalité.

f) La Ville assurera une instruction primaire et secondaire convenable à la communauté arabe et à la communauté juive, dans leur langue et conformément à leurs traditions culturelles.

Il ne sera porté aucune atteinte aux droits des communautés de conserver leurs propres écoles pour l'instruction de leurs membres dans leur langue nationale, à condition que ces communautés se conforment aux prescriptions générales sur l'instruction publique que pourrait édicter la Ville. Les établissements scolaires étrangers poursuivront leur activité sur la base des droits existants.

g) On ne fera obstacle d'aucune manière que ce soit à l'emploi par tout habitant de la Ville de n'importe quelle langue, dans ses relations privées, dans le commerce, les services religieux, la presse, les publications de toute nature et les réunions publiques.

13. *Lieux saints.* a) Il ne sera porté aucune atteinte aux droits actuels concernant les lieux saints, les édifices et les sites religieux.

b) Le libre accès aux lieux saints, édifices et sites religieux et le libre exercice du culte seront garantis conformément aux droits actuels, compte tenu du maintien de l'ordre et de la bienséance publics.

c) Les lieux saints et les édifices et sites religieux seront préservés. Toute action de nature à compromettre, de quelque façon que ce soit, leur caractère sacré, sera interdite. Si le Gouverneur estime qu'il est urgent de réparer un lieu saint, un édifice ou un site religieux quelconque, il pourra inviter la communauté ou les communautés intéressées à procéder aux réparations. Il pourra procéder lui-même à ces réparations aux frais de la communauté ou des communautés intéressées, s'il n'est donné aucune suite à sa demande dans un délai normal.

d) Aucun impôt ne sera perçu sur les lieux saints, édifices et sites religieux exemptés d'impôts lors de la création de la Ville. Il ne sera porté à l'incidence des impôts aucune modification qui constituerait

tion shall be made which would either discriminate between the owners or occupiers of Holy Places, religious buildings or sites, or would place such owners or occupiers in a position less favourable in relation to the general incidence of taxation than existed at the time of the adoption of the Assembly's recommendations.

14. *Special powers of the Governor in respect of the Holy Places, religious buildings and sites in the City and in any part of Palestine.* (a) The protection of the Holy Places, religious buildings and sites located in the City of Jerusalem shall be a special concern of the Governor.

(b) With relation to such places, buildings and sites in Palestine outside the city, the Governor shall determine, on the ground of powers granted to him by the Constitutions of both States, whether the provisions of the Constitutions of the Arab and Jewish States in Palestine dealing therewith and the religious rights appertaining thereto are being properly applied and respected.

(c) The Governor shall also be empowered to make decisions on the basis of existing rights in cases of disputes which may arise between the different religious communities or the rites of a religious community in respect of the Holy Places, religious buildings and sites in any part of Palestine.

In this task he may be assisted by a consultative council of representatives of different denominations acting in an advisory capacity.

D. DURATION OF THE SPECIAL REGIME

The Statute elaborated by the Trusteeship Council on the aforementioned principles shall come into force not later than 1 October 1948. It shall remain in force in the first instance for a period of ten years, unless the Trusteeship Council finds it necessary to undertake a re-examination of these provisions at an earlier date. After the expiration of this period the whole scheme shall be subject to re-examination by the Trusteeship Council in the light of the experience acquired with its functioning. The residents of the City shall be then free to express by means of a referendum their wishes as to possible modifications of the regime of the City.

PART IV

Capitulations

States whose nationals have in the past enjoyed in Palestine the privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection, as formerly enjoyed by capitulation or usage in the Ottoman Empire, are invited to renounce any right pertaining to them to the re-establishment of such privileges and immunities in the proposed Arab and Jewish States and the City of Jerusalem.

une discrimination entre les propriétaires ou occupants des lieux saints, édifices ou sites religieux, qui placerait ces propriétaires ou occupants dans une situation moins favorable, par rapport à l'incidence générale des impôts, qu'au moment de l'adoption des recommandations de l'Assemblée.

14. *Pouvoirs spéciaux du Gouverneur en ce qui concerne les lieux saints, les édifices ou sites religieux dans la Ville et dans toute région de la Palestine.* a) Le Gouverneur se préoccupera tout particulièrement de la protection des lieux saints, des édifices et des sites religieux qui se trouvent dans la Ville de Jérusalem.

b) En ce qui concerne de pareils lieux, édifices et sites de Palestine à l'extérieur de la Ville, le Gouverneur décidera, en vertu des pouvoirs que lui aura conférés la Constitution de l'un et l'autre Etats, si les dispositions des Constitutions de l'Etat arabe et de l'Etat juif de Palestine relatives à ces lieux et aux droits religieux y afférents sont dûment appliquées et respectées.

c) Le Gouverneur a également le pouvoir de statuer, en se fondant sur les droits reconnus, sur les différends qui pourront s'élever entre les diverses communautés religieuses ou les divers rites d'une même communauté religieuse à l'égard des lieux saints, des édifices et des sites religieux dans toute la région de la Palestine.

Dans ces fonctions, le Gouverneur pourra se faire aider d'un conseil consultatif composé de représentants de différentes confessions siégeant à titre consultatif.

D. DUREE DU REGIME SPECIAL

Le Statut élaboré par le Conseil de tutelle, d'après les principes énoncés plus haut, entrera en vigueur le 1er octobre 1948 au plus tard. Il sera tout d'abord en vigueur pendant une période de dix ans, à moins que le Conseil de tutelle n'estime devoir procéder plus tôt à un nouvel examen de ces dispositions. A l'expiration de cette période, l'ensemble du Statut devra faire l'objet d'une révision de la part du Conseil de tutelle, à la lumière de l'expérience acquise au cours de cette première période de fonctionnement. Les personnes ayant leur résidence dans la Ville auront alors toute liberté de faire connaître, par voie de referendum, leurs suggestions relatives à d'éventuelles modifications au régime de la Ville.

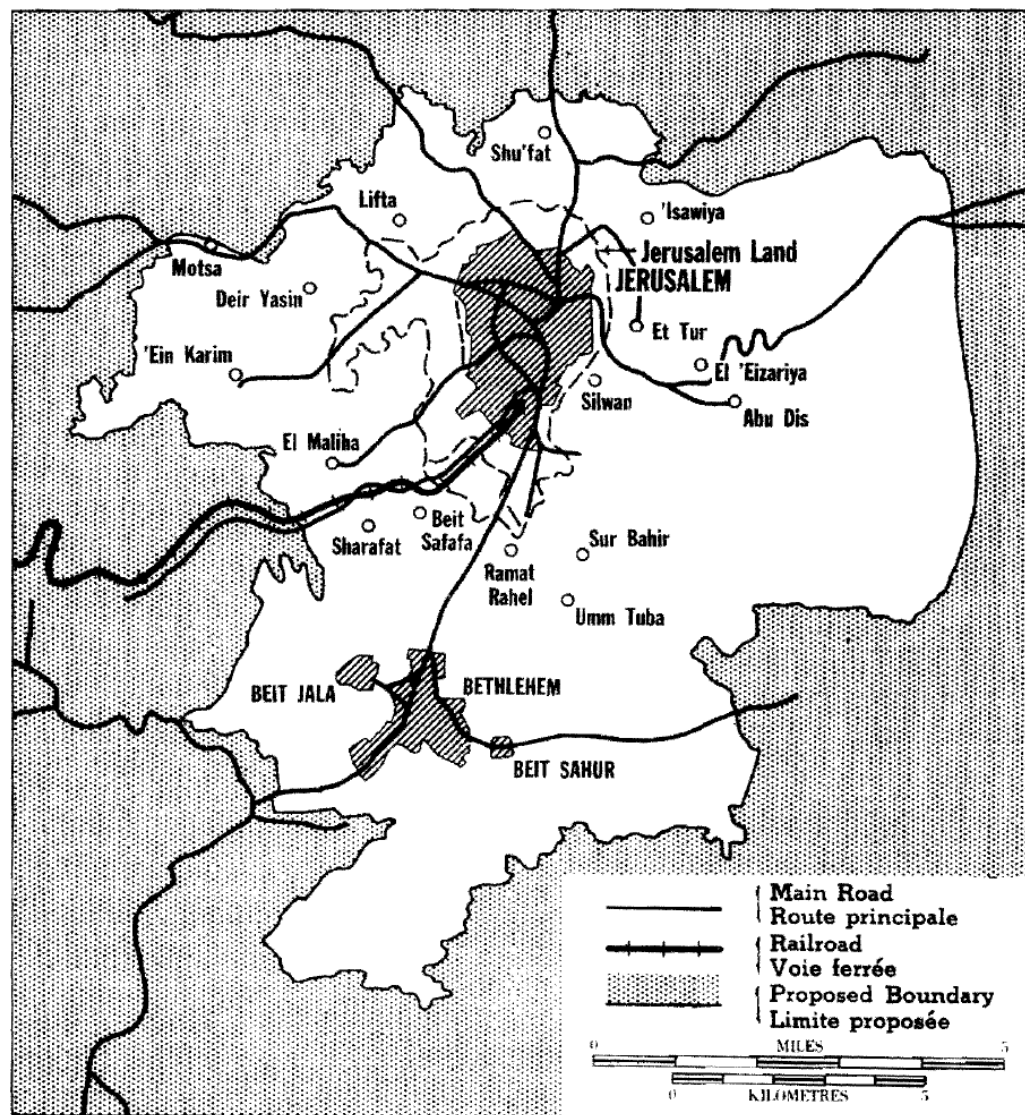
QUATRIÈME PARTIE

Capitulations

Les Etats dont les ressortissants ont, dans le passé, bénéficié en Palestine des privilèges et immunités réservés aux étrangers, y compris les avantages de la juridiction et de la protection consulaires qui leur étaient conférés sous l'Empire ottoman en vertu des capitulations ou de la coutume, sont invités à renoncer à tous leurs droits au rétablissement des dits privilèges et immunités dans l'Etat arabe et dans l'Etat juif dont la création est envisagée, ainsi que dans la Ville de Jérusalem.

CITY OF JERUSALEM BOUNDARIES PROPOSED

BY THE AD HOC COMMITTEE
ON THE PALESTINIAN QUESTION



VILLE DE JERUSALEM LIMITES PROPOSEES

PAR LA COMMISSION AD HOC
CHARGE DE LA QUESTION PALESTINIENNE

conferred on a Member State when it was invited to participate under rule 37 of the provisional rules of procedure.

Adopted by 10 votes to 1 (United States of America), with 4 abstentions (France, Norway, Portugal, United Kingdom of Great Britain and Northern Ireland).

Resolution 478 (1980)

of 20 August 1980

The Security Council,

Recalling its resolution 476 (1980),

Reaffirming again that the acquisition of territory by force is inadmissible,

Deeply concerned over the enactment of a "basic law" in the Israeli Knesset proclaiming a change in the character and status of the Holy City of Jerusalem, with its implications for peace and security,

Noting that Israel has not complied with resolution 476 (1980),

Reaffirming its determination to examine practical ways and means, in accordance with the relevant provisions of the Charter of the United Nations, to secure the full implementation of its resolution 476 (1980), in the event of non-compliance by Israel,

1. Censures in the strongest terms the enactment by Israel of the "basic law" on Jerusalem and the refusal to comply with relevant Security Council resolutions;

2. Affirms that the enactment of the "basic law" by Israel constitutes a violation of international law and does not affect the continued application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,²² in the Palestinian and other Arab territories occupied since June 1967, including Jerusalem;

3. Determines that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character and status of the Holy City of Jerusalem, and in particular the recent "basic law" on Jerusalem, are null and void and must be rescinded forthwith;

4. Affirms also that this action constitutes a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East;

5. Decides not to recognize the "basic law" and such other actions by Israel that, as a result of this law, seek to alter the character and status of Jerusalem and calls upon:

(a) All Member States to accept this decision;

(b) Those States that have established diplomatic missions at Jerusalem to withdraw such missions from the Holy City;

6. Requests the Secretary-General to report to the Security Council on the implementation of the present resolution before 15 November 1980;

7. Decides to remain seized of this serious situation.

Adopted at the 2245th meeting by 14 votes to none, with 1 abstention (United States of America).

Decisions

In a note dated 20 August 1980,⁴⁹ the President of the Council stated that the Chairman of the Security Council Commission established under resolution 446 (1979) to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, had informed him on behalf of the Commission that, in accordance with the decision taken by the Security Council to maintain its original composition, the Commission had resumed its work and that it would, however, be difficult for it to report to the Council before 1 September 1980, as called for in paragraph 9 of resolution 465 (1980), and that the Commission requested an extension of the date of submission of its report to 25 November. The President added that, after informal consultations on the matter, it had been found that no member of the Council had any objection to the request of the Commission.

At its 2256th meeting, on 26 November 1980, the Council proceeded with the discussion of the item entitled "The situation in the Middle East: report of the Secretary-General on the United Nations Disengagement Observer Force (S/14263)".⁵⁰

Resolution 481 (1980)

of 26 November 1980

The Security Council,

Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force,⁵¹

Decides:

(a) To call upon the parties concerned to implement immediately Security Council resolution 338 (1973);

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 31 May 1981;

⁴⁹ *Ibid.*, document S/14116.

⁵⁰ *Ibid.*, Supplement for October, November and December 1980.

⁵¹ *Ibid.*, document S/14263.



Security Council

Distr.: General
23 December 2016

Resolution 2334 (2016)

Adopted by the Security Council at its 7853rd meeting, on
23 December 2016

The Security Council,

Reaffirming its relevant resolutions, including resolutions 242 (1967), 338 (1973), 446 (1979), 452 (1979), 465 (1980), 476 (1980), 478 (1980), 1397 (2002), 1515 (2003), and 1850 (2008),

Guided by the purposes and principles of the Charter of the United Nations, and reaffirming, inter alia, the inadmissibility of the acquisition of territory by force,

Reaffirming the obligation of Israel, the occupying Power, to abide scrupulously by its legal obligations and responsibilities under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and *recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice,

Condemning all measures aimed at altering the demographic composition, character and status of the Palestinian Territory occupied since 1967, including East Jerusalem, including, inter alia, the construction and expansion of settlements, transfer of Israeli settlers, confiscation of land, demolition of homes and displacement of Palestinian civilians, in violation of international humanitarian law and relevant resolutions,

Expressing grave concern that continuing Israeli settlement activities are dangerously imperilling the viability of the two-State solution based on the 1967 lines,

Recalling the obligation under the Quartet Roadmap, endorsed by its resolution 1515 (2003), for a freeze by Israel of all settlement activity, including “natural growth”, and the dismantlement of all settlement outposts erected since March 2001,

Recalling also the obligation under the Quartet roadmap for the Palestinian Authority Security Forces to maintain effective operations aimed at confronting all those engaged in terror and dismantling terrorist capabilities, including the confiscation of illegal weapons,

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Condemning all acts of violence against civilians, including acts of terror, as well as all acts of provocation, incitement and destruction,

Reiterating its vision of a region where two democratic States, Israel and Palestine, live side by side in peace within secure and recognized borders,

Stressing that the status quo is not sustainable and that significant steps, consistent with the transition contemplated by prior agreements, are urgently needed in order to (i) stabilize the situation and to reverse negative trends on the ground, which are steadily eroding the two-State solution and entrenching a one-State reality, and (ii) to create the conditions for successful final status negotiations and for advancing the two-State solution through those negotiations and on the ground,

1. *Reaffirms* that the establishment by Israel of settlements in the Palestinian territory occupied since 1967, including East Jerusalem, has no legal validity and constitutes a flagrant violation under international law and a major obstacle to the achievement of the two-State solution and a just, lasting and comprehensive peace;

2. *Reiterates* its demand that Israel immediately and completely cease all settlement activities in the occupied Palestinian territory, including East Jerusalem, and that it fully respect all of its legal obligations in this regard;

3. *Underlines* that it will not recognize any changes to the 4 June 1967 lines, including with regard to Jerusalem, other than those agreed by the parties through negotiations;

4. *Stresses* that the cessation of all Israeli settlement activities is essential for salvaging the two-State solution, and calls for affirmative steps to be taken immediately to reverse the negative trends on the ground that are imperilling the two-State solution;

5. *Calls* upon all States, bearing in mind paragraph 1 of this resolution, to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967;

6. *Calls* for immediate steps to prevent all acts of violence against civilians, including acts of terror, as well as all acts of provocation and destruction, calls for accountability in this regard, and calls for compliance with obligations under international law for the strengthening of ongoing efforts to combat terrorism, including through existing security coordination, and to clearly condemn all acts of terrorism;

7. *Calls upon* both parties to act on the basis of international law, including international humanitarian law, and their previous agreements and obligations, to observe calm and restraint, and to refrain from provocative actions, incitement and inflammatory rhetoric, with the aim, inter alia, of de-escalating the situation on the ground, rebuilding trust and confidence, demonstrating through policies and actions a genuine commitment to the two-State solution, and creating the conditions necessary for promoting peace;

8. *Calls upon* all parties to continue, in the interest of the promotion of peace and security, to exert collective efforts to launch credible negotiations on all

final status issues in the Middle East peace process and within the time frame specified by the Quartet in its statement of 21 September 2010;

9. *Urges in this regard* the intensification and acceleration of international and regional diplomatic efforts and support aimed at achieving, without delay a comprehensive, just and lasting peace in the Middle East on the basis of the relevant United Nations resolutions, the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative and the Quartet Roadmap and an end to the Israeli occupation that began in 1967; and *underscores* in this regard the importance of the ongoing efforts to advance the Arab Peace Initiative, the initiative of France for the convening of an international peace conference, the recent efforts of the Quartet, as well as the efforts of Egypt and the Russian Federation;

10. *Confirms its determination* to support the parties throughout the negotiations and in the implementation of an agreement;

11. *Reaffirms* its determination to examine practical ways and means to secure the full implementation of its relevant resolutions;

12. *Requests* the Secretary-General to report to the Council every three months on the implementation of the provisions of the present resolution;

13. *Decides* to remain seized of the matter.



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Press Release

Unofficial

No. 2024/57

19 July 2024

Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem

The Court gives its Advisory Opinion and responds to the questions posed by the General Assembly

THE HAGUE, 19 July 2024. The International Court of Justice has today given its Advisory Opinion in respect of the *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*.

It is recalled that, on 30 December 2022, the General Assembly of the United Nations adopted resolution A/RES/77/247 in which, referring to Article 65 of the Statute of the Court, it requested the International Court of Justice to give an advisory opinion on the following questions:

- “(a) What are the legal consequences arising from the ongoing violation by Israel of the right of the Palestinian people to self-determination, from its prolonged occupation, settlement and annexation of the Palestinian territory occupied since 1967, including measures aimed at altering the demographic composition, character and status of the Holy City of Jerusalem, and from its adoption of related discriminatory legislation and measures?
- (b) How do the policies and practices of Israel referred to . . . above affect the legal status of the occupation, and what are the legal consequences that arise for all States and the United Nations from this status?”

In its [Advisory Opinion](#), the Court responds to the questions posed by the General Assembly by concluding that:

- the State of Israel’s continued presence in the Occupied Palestinian Territory is unlawful;
- the State of Israel is under an obligation to bring to an end its unlawful presence in the Occupied Palestinian Territory as rapidly as possible;
- the State of Israel is under an obligation to cease immediately all new settlement activities, and to evacuate all settlers from the Occupied Palestinian Territory;
- the State of Israel has the obligation to make reparation for the damage caused to all the natural or legal persons concerned in the Occupied Palestinian Territory;

- all States are under an obligation not to recognize as legal the situation arising from the unlawful presence of the State of Israel in the Occupied Palestinian Territory and not to render aid or assistance in maintaining the situation created by the continued presence of the State of Israel in the Occupied Palestinian Territory;
- international organizations, including the United Nations, are under an obligation not to recognize as legal the situation arising from the unlawful presence of the State of Israel in the Occupied Palestinian Territory; and
- the United Nations, and especially the General Assembly, which requested the opinion, and the Security Council, should consider the precise modalities and further action required to bring to an end as rapidly as possible the unlawful presence of the State of Israel in the Occupied Palestinian Territory.

Reasoning of the Court

After concluding that it has jurisdiction to render the requested opinion and that there are no compelling reasons for it to decline to give an opinion (paras. 22-50), the Court recalls the general context of the case (paras. 51-71) and addresses the scope and meaning of the two questions posed by the General Assembly (paras. 72-83).

The Court then assesses the conformity of Israel's policies and practices in the Occupied Palestinian Territory, as identified in question (a), with its obligations under international law. In particular, the Court's analysis examines, in turn, the questions of the prolonged occupation, Israel's policy of settlement, the question of the annexation of the Palestinian territory occupied since 1967, and Israel's adoption of related legislation and measures that are allegedly discriminatory (paras. 103-243).

With regard to the question of the prolonged occupation of the Occupied Palestinian Territory, which has lasted for more than 57 years (paras. 104-110), the Court observes that, by virtue of its status as an occupying Power, a State assumes a set of powers and duties with respect to the territory over which it exercises effective control. The nature and scope of these powers and duties are always premised on the same assumption: that occupation is a temporary situation to respond to military necessity, and it cannot transfer title of sovereignty to the occupying Power.

In the Court's view, the fact that an occupation is prolonged does not in itself change its legal status under international humanitarian law. Although premised on the temporary character of the occupation, the law of occupation does not set temporal limits that would, as such, alter the legal status of the occupation. Occupation consists of the exercise by a State of effective control in foreign territory. In order to be permissible, therefore, such exercise of effective control must at all times be consistent with the rules concerning the prohibition of the threat or use of force, including the prohibition of territorial acquisition resulting from the threat or use of force, as well as with the right to self-determination. Therefore, the fact that an occupation is prolonged may have a bearing on the justification under international law of the occupying Power's continued presence in the occupied territory.

As regards Israel's settlement policy (paras. 111-156), the Court reaffirms what it stated in its [Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory](#) of 9 July 2004, that the Israeli settlements in the West Bank and East Jerusalem, and the régime associated with them, have been established and are being maintained in violation of international law. The Court notes with grave concern reports that Israel's settlement policy has been expanding since the Court's 2004 Advisory Opinion.

As regards the question of the annexation of the Occupied Palestinian Territory (paras. 157-179), it is the view of the Court that to seek to acquire sovereignty over an occupied territory, as shown by the policies and practices adopted by Israel in East Jerusalem and the West Bank, is contrary to the prohibition of the use of force in international relations and its corollary principle of the non-acquisition of territory by force.

The Court then examines the question of the legal consequences arising from Israel's adoption of related discriminatory legislation and measures (paras. 180-229). It concludes that a broad array of legislation adopted and measures taken by Israel in its capacity as an occupying Power treat Palestinians differently on grounds specified by international law. The Court notes that this differentiation of treatment cannot be justified with reference to reasonable and objective criteria nor to a legitimate public aim. Accordingly, the Court is of the view that the régime of comprehensive restrictions imposed by Israel on Palestinians in the Occupied Palestinian Territory constitutes systemic discrimination based on, *inter alia*, race, religion or ethnic origin, in violation of Articles 2, paragraph 1, and 26 of the International Covenant on Civil and Political Rights, Article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights, and Article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination.

The Court then turns to the aspect of question (a) that enquires as to the effects of Israel's policies and practices on the exercise of the Palestinian people's right to self-determination (paras. 230-243). In this regard, the Court is of the view that, as a consequence of Israel's policies and practices, which span decades, the Palestinian people has been deprived of its right to self-determination over a long period, and further prolongation of these policies and practices undermines the exercise of this right in the future. For these reasons, the Court considers that Israel's unlawful policies and practices are in breach of Israel's obligation to respect the right of the Palestinian people to self-determination.

Turning to the first part of question (b), the Court examines whether and, if so, how the policies and practices of Israel have affected the legal status of the occupation in light of the relevant rules and principles of international law (paras. 244-264).

In this respect, the Court first considers that the first part of question (b) is not whether the policies and practices of Israel affect the legal status of the occupation as such. Rather, the Court is of the view that the scope of the first part of the second question concerns the manner in which Israel's policies and practices affect the legal status of the occupation, and thereby the legality of the continued presence of Israel, as an occupying Power, in the Occupied Palestinian Territory. This legality is to be determined under the rules and principles of general international law, including those of the Charter of the United Nations.

In this context, the Court is of the view that Israel's assertion of sovereignty and its annexation of certain parts of the territory constitute a violation of the prohibition of the acquisition of territory by force. This violation has a direct impact on the legality of Israel's continued presence, as an occupying Power, in the Occupied Palestinian Territory. The Court considers that Israel is not entitled to sovereignty over or to exercise sovereign powers in any part of the Occupied Palestinian Territory on account of its occupation. Nor can Israel's security concerns override the principle of the prohibition of the acquisition of territory by force.

The Court further observes that the effects of Israel's policies and practices, and its exercise of sovereignty over certain parts of the Occupied Palestinian Territory, constitute an obstruction to the exercise by the Palestinian people of its right to self-determination. The effects of these policies and practices include Israel's annexation of parts of the Occupied Palestinian Territory, the fragmentation of this territory, undermining its integrity, the deprivation of the Palestinian people of the enjoyment of the natural resources of the territory and its impairment of the Palestinian people's right to pursue its economic, social and cultural development.

The Court is of the view that the above-described effects of Israel's policies and practices, resulting, *inter alia*, in the prolonged deprivation of the Palestinian people of its right to self-determination, constitute a breach of this fundamental right. This breach has a direct impact on the legality of Israel's presence, as an occupying Power, in the Occupied Palestinian Territory. The Court is of the view that occupation cannot be used in such a manner as to leave indefinitely the occupied population in a state of suspension and uncertainty, denying them their right to self-determination while integrating parts of their territory into the occupying Power's own territory.

In light of the foregoing, the Court turns to the examination of the legality of the continued presence of Israel in the Occupied Palestinian Territory (paras. 259-264).

The Court considers that the violations by Israel of the prohibition of the acquisition of territory by force and of the Palestinian people's right to self-determination have a direct impact on the legality of the continued presence of Israel, as an occupying Power, in the Occupied Palestinian Territory. The sustained abuse by Israel of its position as an occupying Power, through annexation and an assertion of permanent control over the Occupied Palestinian Territory and continued frustration of the right of the Palestinian people to self-determination, violates fundamental principles of international law and renders Israel's presence in the Occupied Palestinian Territory unlawful.

This illegality relates to the entirety of the Palestinian territory occupied by Israel in 1967. This is the territorial unit across which Israel has imposed policies and practices to fragment and frustrate the ability of the Palestinian people to exercise its right to self-determination, and over large swathes of which it has extended Israeli sovereignty in violation of international law. The entirety of the Occupied Palestinian Territory is also the territory in relation to which the Palestinian people should be able to exercise its right to self-determination, the integrity of which must be respected.

*

The Court has found that Israel's policies and practices referred to in question (a) are in breach of international law. The maintenance of these policies and practices is an unlawful act of a continuing character entailing Israel's international responsibility.

The Court has also found in reply to the first part of question (b) that the continued presence of Israel in the Occupied Palestinian Territory is illegal. The Court therefore addresses the legal consequences arising from Israel's policies and practices referred to in question (a) for Israel, together with those arising from the illegality of Israel's continued presence in the Occupied Palestinian Territory under question (b), for Israel, for other States and for the United Nations (paras. 267-281).

*

President SALAM appends a declaration to the Advisory Opinion of the Court; Vice-President SEBUTINDE appends a dissenting opinion to the Advisory Opinion of the Court; Judge TOMKA appends a declaration to the Advisory Opinion of the Court; Judges TOMKA, ABRAHAM and AURESCU append a joint opinion to the Advisory Opinion of the Court; Judge YUSUF appends a separate opinion to the Advisory Opinion of the Court; Judge XUE appends a declaration to the Advisory Opinion of the Court; Judges IWASAWA and NOLTE append separate opinions to the Advisory Opinion of the Court; Judges NOLTE and CLEVELAND append a joint declaration to the Advisory Opinion of the Court; Judges CHARLESWORTH and BRANT append declarations to the

Advisory Opinion of the Court; Judges GÓMEZ ROBLEDÓ and CLEVELAND append separate opinions to the Advisory Opinion of the Court; Judge TLADI appends a declaration to the Advisory Opinion of the Court.

A full summary of the Advisory Opinion appears in the document entitled “[Summary 2024/8](#)”, to which summaries of the declarations and opinions are annexed. This summary and the full text of the Advisory Opinion are available on the [case page](#) on the Court’s website.

Earlier [press releases](#) relating to this case are also available on the website.

Note: The Court’s press releases are prepared by its Registry for information purposes only and do not constitute official documents.

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. The seat of the Court is at the Peace Palace in The Hague (Netherlands). The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States; and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system.

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Vienna Convention on Diplomatic Relations

(Done at Vienna on 18 April 1961)

The States Parties to the present Convention,

Recalling that people of all nations from ancient times have recognized the status of diplomatic agents,

Having in mind the purposes and principles of the Charter of the United Nations concerning the sovereign equality of States, the maintenance of international peace and security, and the promotion of friendly relations among nations,

Believing that an international convention on diplomatic intercourse, privileges and immunities would contribute to the development of friendly relations among nations, irrespective of their differing constitutional and social systems,

Realizing that the purpose of such privileges and immunities is not to benefit individuals but to ensure the efficient performance of the functions of diplomatic missions as representing States,

Affirming that the rules of customary international law should continue to govern questions not expressly regulated by the provisions of the present Convention,

Have agreed as follows:

Article 1

For the purpose of the present Convention, the following expressions shall have the meanings hereunder assigned to them:

- a. The "head of the mission" is the person charged by the sending State with the duty of acting in that capacity;
- b. The "members of the mission" are the head of the mission and the members of the staff of the mission;
- c. The "members of the staff of the mission" are the members of the diplomatic staff, of the administrative and technical staff and of the service staff of the mission;
- d. The "members of the diplomatic staff" are the members of the staff of the mission having diplomatic rank;
- e. A "diplomatic agent" is the head of the mission or a member of the diplomatic staff of the mission;
- f. The "members of the administrative and technical staff" are the members of the staff of the mission employed in the administrative and technical service of the mission;
- g. The "members of the service staff" are the members of the staff of the mission in the domestic service of the mission;
- h. A "private servant" is a person who is in the domestic service of a member of the mission and who is not an employee of the sending State;
- i. The "premises of the mission" are the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used for the purposes of the mission including the residence of the head of the mission.

Article 2

The establishment of diplomatic relations between States, and of permanent diplomatic missions, takes place by mutual consent.

Article 3

1. The functions of a diplomatic mission consist, inter alia, in:
 - a. Representing the sending State in the receiving State;

- b. Protecting in the receiving State the interests of the sending State and of its nationals, within the limits permitted by international law;
 - c. Negotiating with the Government of the receiving State;
 - d. Ascertaining by all lawful means conditions and developments in the receiving State, and reporting thereon to the Government of the sending State;
 - e. Promoting friendly relations between the sending State and the receiving State, and developing their economic, cultural and scientific relations.
2. Nothing in the present Convention shall be construed as preventing the performance of consular functions by a diplomatic mission.

Article 4

1. The sending State must make certain that the agrément of the receiving State has been given for the person it proposes to accredit as head of the mission to that State.
2. The receiving State is not obliged to give reasons to the sending State for a refusal of agrément.

Article 5

1. The sending State may, after it has given due notification to the receiving States concerned, accredit a head of mission or assign any member of the diplomatic staff, as the case may be, to more than one State, unless there is express objection by any of the receiving States.
2. If the sending State accredits a head of mission to one or more other States it may establish a diplomatic mission headed by a chargé d'affaires ad interim in each State where the head of mission has not his permanent seat.
3. A head of mission or any member of the diplomatic staff of the mission may act as representative of the sending State to any international organization.

Article 6

Two or more States may accredit the same person as head of mission to another State, unless objection is offered by the receiving State.

Article 7

Subject to the provisions of articles 5, 8, 9 and 11, the sending State may freely appoint the members of the staff of the mission. In the case of military, naval or air attachés, the receiving State may require their names to be submitted beforehand, for its approval.

Article 8

1. Members of the diplomatic staff of the mission should in principle be of the nationality of the sending State.
2. Members of the diplomatic staff of the mission may not be appointed from among persons having the nationality of the receiving State, except with the consent of that State which may be withdrawn at any time.
3. The receiving State may reserve the same right with regard to nationals of a third State who are not also nationals of the sending State.

Article 9

1. The receiving State may at any time and without having to explain its decision, notify the sending State that the head of the mission or any member of the diplomatic staff of the mission is persona non grata or that any other member of the staff of the mission is not acceptable. In any such case, the sending State shall, as appropriate, either recall the person concerned or terminate his functions with the

mission. A person may be declared non grata or not acceptable before arriving in the territory of the receiving State.

2. If the sending State refuses or fails within a reasonable period to carry out its obligations under paragraph 1 of this article, the receiving State may refuse to recognize the person concerned as a member of the mission.

Article 10

1. The Ministry for Foreign Affairs of the receiving State, or such other ministry as may be agreed, shall be notified of:
 - a. The appointment of members of the mission, their arrival and their final departure or the termination of their functions with the mission;
 - b. The arrival and final departure of a person belonging to the family of a member of the mission and, where appropriate, the fact that a person becomes or ceases to be a member of the family of a member of the mission;
 - c. The arrival and final departure of private servants in the employ of persons referred to in subparagraph (a) of this paragraph and, where appropriate, the fact that they are leaving the employ of such persons;
 - d. The engagement and discharge of persons resident in the receiving State as members of the mission or private servants entitled to privileges and immunities.
2. Where possible, prior notification of arrival and final departure shall also be given.

Article 11

1. In the absence of specific agreement as to the size of the mission, the receiving State may require that the size of a mission be kept within limits considered by it to be reasonable and normal, having regard to circumstances and conditions in the receiving State and to the needs of the particular mission.
2. The receiving State may equally, within similar bounds and on a non-discriminatory basis, refuse to accept officials of a particular category.

Article 12

The sending State may not, without the prior express consent of the receiving State, establish offices forming part of the mission in localities other than those in which the mission itself is established.

Article 13

1. The head of the mission is considered as having taken up his functions in the receiving State either when he has presented his credentials or when he has notified his arrival and a true copy of his credentials has been presented to the Ministry for Foreign Affairs of the receiving State, or such other ministry as may be agreed, in accordance with the practice prevailing in the receiving State which shall be applied in a uniform manner.
2. The order of presentation of credentials or of a true copy thereof will be determined by the date and time of the arrival of the head of the mission.

Article 14

1. Heads of mission are divided into three classes—namely:
 - a. That of ambassadors or nuncios accredited to Heads of State, and other heads of mission of equivalent rank;
 - b. That of envoys, ministers and internuncios accredited to Heads of State;
 - c. That of chargés d'affaires accredited to Ministers for Foreign Affairs.
2. Except as concerns precedence and etiquette, there shall be no differentiation between heads of mission by reason of their class.

Article 15

The class to which the heads of their missions are to be assigned shall be agreed between States.

Article 16

1. Heads of mission shall take precedence in their respective classes in the order of the date and time of taking up their functions in accordance with article 13.
2. Alterations in the credentials of a head of mission not involving any change of class shall not affect his precedence.
3. This article is without prejudice to any practice accepted by the receiving State regarding the precedence of the representative of the Holy See.

Article 17

The precedence of the members of the diplomatic staff of the mission shall be notified by the head of the mission to the Ministry for Foreign Affairs or such other ministry as may be agreed.

Article 18

The procedure to be observed in each State for the reception of heads of mission shall be uniform in respect of each class.

Article 19

1. If the post of head of the mission is vacant, or if the head of the mission is unable to perform his functions, a chargé d'affaires ad interim shall act provisionally as head of the mission. The name of the chargé d'affaires ad interim shall be notified, either by the head of the mission or in case he is unable to do so, by the Ministry for Foreign Affairs of the sending State to the Ministry for Foreign Affairs of the receiving State or such other ministry as may be agreed.
2. In cases where no member of the diplomatic staff of the mission is present in the receiving State, a member of the administrative and technical staff may, with the consent of the receiving State, be designated by the sending State to be in charge of the current administrative affairs of the mission.

Article 20

The mission and its head shall have the right to use the flag and emblem of the sending State on the premises of the mission, including the residence of the head of the mission, and on his means of transport.

Article 21

1. The receiving State shall either facilitate the acquisition on its territory, in accordance with its laws, by the sending State of premises necessary for its mission or assist the latter in obtaining accommodation in some other way.
2. It shall also, where necessary, assist missions in obtaining suitable accommodation for their members.

Article 22

1. The premises of the mission shall be inviolable. The agents of the receiving State may not enter them, except with the consent of the head of the mission.
2. The receiving State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.
3. The premises of the mission, their furnishings and other property thereon and the means of transport of the mission shall be immune from search, requisition, attachment or execution.

Article 23

1. The sending State and the head of the mission shall be exempt from all national, regional or municipal dues and taxes in respect of the premises of the mission, whether owned or leased, other than such as represent payment for specific services rendered.
2. The exemption from taxation referred to in this article shall not apply to such dues and taxes payable under the law of the receiving State by persons contracting with the sending State or the head of the mission.

Article 24

The archives and documents of the mission shall be inviolable at any time and wherever they may be.

Article 25

The receiving State shall accord full facilities for the performance of the functions of the mission.

Article 26

Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the receiving State shall ensure to all members of the mission freedom of movement and travel in its territory.

Article 27

1. The receiving State shall permit and protect free communication on the part of the mission for all official purposes. In communicating with the Government and the other missions and consulates of the sending States, wherever situated, the mission may employ all appropriate means, including diplomatic couriers and messages in code or cipher. However, the mission may install and use a wireless transmitter only with the consent of the receiving State.
2. The official correspondence of the mission shall be inviolable. Official correspondence means all correspondence relating to the mission and its functions.
3. The diplomatic bag shall not be opened or detained.
4. The packages constituting the diplomatic bag must bear visible external marks of their character and may contain only diplomatic documents or articles intended for official use.
5. The diplomatic courier, who shall be provided with an official document indicating his status and the number of packages constituting the diplomatic bag, shall be protected by the receiving State in the performance of his functions. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.
6. The sending State or the mission may designate diplomatic couriers ad hoc. In such cases the provisions of paragraph 5 of this article shall also apply, except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the diplomatic bag in his charge.
7. A diplomatic bag may be entrusted to the captain of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag but he shall not be considered to be a diplomatic courier. The mission may send one of its members to take possession of the diplomatic bag directly and freely from the captain of the aircraft.

Article 28

The fees and charges levied by the mission in the course of its official duties shall be exempt from all dues and taxes.

Article 29

The person of a diplomatic agent shall be inviolable. He shall not be liable to any form of arrest or detention. The receiving State shall treat him with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity.

Article 30

1. The private residence of a diplomatic agent shall enjoy the same inviolability and protection as the premises of the mission.
2. His papers, correspondence and, except as provided in paragraph 3 of article 31, his property, shall likewise enjoy inviolability.

Article 31

1. A diplomatic agent shall enjoy immunities from the criminal jurisdiction of the receiving State. He shall also enjoy immunity from its civil and administrative jurisdiction, except in the case of:
 - a. A real action relating to private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purpose of the mission;
 - b. An action relating to succession in which the diplomatic agent is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;
 - c. An action relating to any professional or commercial activity exercised by the diplomatic agent in the receiving State outside his official functions.
2. A diplomatic agent is not obliged to give evidence as a witness.
3. No measures of execution may be taken in respect of a diplomatic agent except in the cases coming under subparagraphs (a), (b) and (c) of paragraph 1 of this article, and provided that the measures concerned can be taken without infringing the inviolability of his person or of his residence.
4. The immunity of a diplomatic agent from the jurisdiction of the receiving State does not exempt him from the jurisdiction of the sending State.

Article 32

1. The immunity from jurisdiction of diplomatic agents and of persons enjoying immunity under article 37 may be waived by the sending State.
2. Waiver must always be express.
3. The initiation of proceedings by a diplomatic agent or by a person enjoying immunity from jurisdiction under article 37 shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.
4. Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgement, for which a separate waiver shall be necessary.

Article 33

1. Subject to the provisions of paragraph 3 of this article, a diplomatic agent shall with respect to services rendered for the sending State be exempt from social security provisions which may be in force in the receiving State.
2. The exemption provided for in paragraph 1 of this article shall also apply to private servants who are in the sole employ of a diplomatic agent, on condition:
 - a. That they are not nationals of or permanently resident in the receiving State; and
 - b. That they are covered by the social security provisions which may be in force in the sending State or a third State.
3. A diplomatic agent who employs persons to whom the exemption provided for in paragraph 2 of this article does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this article shall not preclude voluntary participation in the social security system of the receiving State provided that such participation is permitted by that State.
5. The provisions of this article shall not affect bilateral or multilateral agreements concerning social security concluded previously and shall not prevent the conclusion of such agreements in the future.

Article 34

A diplomatic agent shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except:

- a. Indirect taxes of a kind which are normally incorporated in the price of goods or services;
- b. Dues and taxes on private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission;
- c. Estate, succession or inheritance duties levied by the receiving State, subject to the provisions of paragraph 4 of article 39;
- d. Dues and taxes on private income having its source in the receiving State and capital taxes on investments made in commercial undertakings in the receiving State;
- e. Charges levied for specific services rendered;
- f. Registration, court or record fees, mortgage dues and stamp duty, with respect to immovable property, subject to the provisions of article 23.

Article 35

The receiving State shall exempt diplomatic agents from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

Article 36

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services, on:
 - a. Articles for the official use of the mission;
 - b. Articles for the personal use of a diplomatic agent or members of his family forming part of his household, including articles intended for his establishment.
2. The personal baggage of a diplomatic agent shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles not covered by the exemptions mentioned in paragraph 1 of this article, or articles the import or export of which is prohibited by the law or controlled by the quarantine regulations of the receiving State. Such inspection shall be conducted only in the presence of the diplomatic agent or of his authorized representative.

Article 37

1. The members of the family of a diplomatic agent forming part of his household shall, if they are not nationals of the receiving State, enjoy the privileges and immunities specified in articles 29 to 36.
2. Members of the administrative and technical staff of the mission, together with members of their families forming part of their respective households, shall, if they are not nationals of or permanently resident in the receiving State, enjoy the privileges and immunities specified in articles 29 to 35, except that the immunity from civil and administrative jurisdiction of the receiving State specified in paragraph 1 of article 31 shall not extend to acts performed outside the course of their duties. They shall also enjoy the privileges specified in article 36, paragraph 1, in respect of articles imported at the time of first installation.
3. Members of the service staff of the mission who are not nationals of or permanently resident in the receiving State shall enjoy immunity in respect of acts performed in the course of their duties,

exemption from dues and taxes on the emoluments they receive by reason of their employment and the exemption contained in article 33.

4. Private servants of members of the mission shall, if they are not nationals of or permanently resident in the receiving State, be exempt from dues and taxes on the emoluments they receive by reason of their employment. In other respects, they may enjoy privileges and immunities only to the extent admitted by the receiving State. However, the receiving State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

Article 38

1. Except in so far as additional privileges and immunities may be granted by the receiving State, a diplomatic agent who is a national of or permanently resident in that State shall enjoy only immunity from jurisdiction, and inviolability, in respect of official acts performed in the exercise of his functions.
2. Other members of the staff of the mission and private servants who are nationals of or permanently resident in the receiving State shall enjoy privileges and immunities only to the extent admitted by the receiving State. However, the receiving State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

Article 39

1. Every person entitled to privileges and immunities shall enjoy them from the moment he enters the territory of the receiving State on proceeding to take up his post or, if already in its territory, from the moment when his appointment is notified to the Ministry for Foreign Affairs or such other ministry as may be agreed.
2. When the functions of a person enjoying privileges and immunities have come to an end, such privileges and immunities shall normally cease at the moment when he leaves the country, or on expiry of a reasonable period in which to do so, but shall subsist until that time, even in case of armed conflict. However, with respect to acts performed by such a person in the exercise of his functions as a member of the mission, immunity shall continue to subsist.
3. In case of the death of a member of the mission, the members of his family shall continue to enjoy the privileges and immunities to which they are entitled until the expiry of a reasonable period in which to leave the country.
4. In the event of the death of a member of the mission not a national of or permanently resident in the receiving State or a member of his family forming part of his household, the receiving State shall permit the withdrawal of the movable property of the deceased, with the exception of any property acquired in the country the export of which was prohibited at the time of his death. Estate, succession and inheritance duties shall not be levied on movable property the presence of which in the receiving State was due solely to the presence there of the deceased as a member of the mission or as a member of the family of a member of the mission.

Article 40

1. If a diplomatic agent passes through or is in the territory of a third State, which has granted him a passport visa if such visa was necessary, while proceeding to take up or to return to his post, or when returning to his own country, the third State shall accord him inviolability and such other immunities as may be required to ensure his transit or return. The same shall apply in the case of any members of his family enjoying privileges or immunities who are accompanying the diplomatic agent, or travelling separately to join him or to return to their country.
2. In circumstances similar to those specified in paragraph 1 of this article, third States shall not hinder the passage of members of the administrative and technical or service staff of a mission, and of members of their families, through their territories.
3. Third States shall accord to official correspondence and other official communications in transit, including messages in code or cipher, the same freedom and protection as is accorded by the receiving State. They shall accord to diplomatic couriers, who have been granted a passport visa if such visa was necessary, and diplomatic bags in transit the same inviolability and protection as the receiving State is bound to accord.

4. The obligations of third States under paragraphs 1, 2 and 3 of this article shall also apply to the persons mentioned respectively in those paragraphs, and to official communications and diplomatic bags, whose presence in the territory of the third State is due to force majeure.

Article 41

1. Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State. They also have a duty not to interfere in the internal affairs of that State.
2. All official business with the receiving State entrusted to the mission by the sending State shall be conducted with or through the Ministry for Foreign Affairs of the receiving State or such other ministry as may be agreed.
3. The premises of the mission must not be used in any manner incompatible with the functions of the mission as laid down in the present Convention or by other rules of general international law or by any special agreements in force between the sending and the receiving State.

Article 42

A diplomatic agent shall not in the receiving State practise for personal profit any professional or commercial activity.

Article 43

The function of a diplomatic agent comes to an end, *inter alia*:

- a. On notification by the sending State to the receiving State that the function of the diplomatic agent has come to an end;
- b. On notification by the receiving State to the sending State that, in accordance with paragraph 2 of article 9, it refuses to recognize the diplomatic agent as a member of the mission.

Article 44

The receiving State must, even in case of armed conflict, grant facilities in order to enable persons enjoying privileges and immunities, other than nationals of the receiving State, and members of the families of such persons irrespective of their nationality, to leave at the earliest possible moment. It must, in particular, in case of need, place at their disposal the necessary means of transport for themselves and their property.

Article 45

If diplomatic relations are broken off between two States, or if a mission is permanently or temporarily recalled:

- a. The receiving State must, even in case of armed conflict, respect and protect the premises of the mission, together with its property and archives;
- b. The sending State may entrust the custody of the premises of the mission, together with its property and archives, to a third State acceptable to the receiving State;
- c. The sending State may entrust the protection of its interests and those of its nationals to a third State acceptable to the receiving State.

Article 46

A sending State may with the prior consent of a receiving State, and at the request of a third State not represented in the receiving State, undertake the temporary protection of the interests of the third State and of its nationals.

SKUPINA POSLANK IN POSLANCEV

Priloga:

- podpisi poslank in poslancev: