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PALESTINE

QUESTION OF AN INTERNATIONAL REGIME FOR THE JERUSALEM AREA
AND PROTECTION OF THE HOLY PLACES: SPECIAL REPORT OF
THE TRUSTEESHIP COUNCIL

Report of the Ad Hoc Political Committee

Rapporteur: Mr. S.P. LOPEZ (Philippines)

1. By a resolution adopted on 14 June 1950, the Trusteeship Council submitted to the General Assembly a special report (A/1286)* on the question of an international regime for the Jerusalem area and protection of the Holy Places, together with a Statute for the City of Jerusalem drawn up in accordance with General Assembly resolution 303 (IV) of 9 December 1949.
2. The General Assembly, at its 284th and 285th meetings on 26 September 1950, decided to include the item "Palestine" as item 20 in the agenda of the fifth session and, under item (a) thereof, to refer to the Ad Hoc Political Committee for consideration the special report of the Trusteeship Council.
3. The Ad Hoc Political Committee considered item 20 (a) at its 73rd to 81st meetings inclusive. The representative of the Hashemite Kingdom of the Jordan participated in the debate pursuant to a previous decision of the Committee.

* See Official Records of the General Assembly, Fifth Session, Supplement No. 2.

4. At the 73rd meeting on 7 December 1950 the Committee heard a statement (A/AC.33/L.69) by the representative of the Dominican Republic in his capacity as President of the Trusteeship Council.

5. At the same meeting, a draft resolution (A/AC.32/L.63) was submitted by Sweden. Section A, consisting of eight paragraphs, invited the Governments of Israel and the Hashemite Kingdom of the Jordan to give pledges to observe the principles of article 18 of the Universal Declaration of Human Rights; to give free access to the Holy Places, maintaining existing privileges in that respect; to abstain from measures of taxation detrimental to the Holy Places; to respect the property rights of religious bodies; to reduce armed forces in Jerusalem; and to co-operate with a Commissioner appointed by the United Nations. Section B, consisting of seventeen articles, provided for United Nations supervision of the protection of, and free access to, the Holy Places, to be exercised through a Commissioner to be appointed for three years by a Committee of the General Assembly, to which he would be responsible and report annually. The jurisdiction and control of each part of the Jerusalem area was to be exercised by the States concerned, subject to specified powers granted to the Commissioner as regards the supervision of the protection of and free access to the Holy Places.

6. At the 75th meeting of the Committee on 12 December, Belgium submitted a draft resolution (A/AC.33/L.71), the first operative paragraph of which instructed four persons, to be appointed by the Trusteeship Council, to study, in consultation with the Governments exercising de facto control over the Holy Places and with the other States, authorities and religious bodies concerned, the conditions of a settlement capable of ensuring the effective protection, under the supervision of the United Nations, of the Holy Places and of spiritual and religious interests in the Holy Land. The second paragraph invited the four persons to report to the General Assembly at its sixth session. The third paragraph requested the States concerned to co-operate fully in giving effect to the resolution, and the fourth paragraph invited the Secretary-General to place staff and facilities at the disposal of the persons concerned.

7. At the 79th meeting, an amendment (A/AC.38/L.73/Rev.2) to the Swedish draft resolution was submitted jointly by the United Kingdom, the United States of America and Uruguay, and was accepted at the 80th meeting by the representative of Sweden. The proposed amendment substituted for the seventh paragraph of the preamble the words "Pending further decisions by the United Nations with respect to the interests of the international community in the Jerusalem area." The amendments to the operative part left section A, which became paragraph 1, unchanged except for drafting modifications consequent on the substitution for the entire section B of three paragraphs, numbered 2, 3 and 4. Paragraph 2 provided for a United Nations representative to represent the interests of the United Nations in the Holy City in implementation of the first paragraph and to report to the General Assembly with such recommendations as he might consider appropriate with regard to the Jerusalem question. He was to be appointed on the nomination of the Secretary-General by a General Assembly Committee composed of the eleven States that are members of the Security Council. The third paragraph called upon the Governments of the States in the Holy Land to co-operate fully with the United Nations representative. The fourth paragraph requested the Secretary-General to furnish the necessary staff and facilities to the United Nations representative. An oral suggestion by the representative of the Netherlands at the 81st meeting was accepted by the sponsors, for inclusion in paragraph 2, to the effect that the United Nations representative should report to the sixth session of the General Assembly.

8. At the 80th meeting on 13 December 1950, China submitted amendments (A/AC.38/L.74) to the Belgian draft resolution. These would have substituted in paragraph 1 of the operative part for the words "Instructs four persons to be appointed by the Trusteeship Council" the following: "Decides to establish a Commission of four persons to be appointed by the General Assembly", and would have made consequent changes in paragraphs 2 and 4. It was also proposed to insert after the word "report" in the second paragraph, ~~the~~ words "with recommendations if possible." These amendments were not accepted by the representative of Belgium and were later withdrawn by the mover.

/9. At the same

9. At the same meeting, Lebanon submitted the following amendments (A/AC.38/L.76) to the Belgian draft resolution: (1) to insert after the first paragraph of the preamble a new paragraph as follows: "Recalling its resolutions 181 (II) of 29 November 1947, 194 (III) of 11 December 1948 and 303 (IV) of 9 December 1949"; (2) to delete from the third paragraph of the preamble the words following "which it had prepared"; (3) to insert a new paragraph in the operative part to precede the first paragraph as follows: "1. Decides that new efforts should be made with a view to a satisfactory settlement of the question within the framework of the principles previously adopted by the General Assembly"; (4) replace the words "of the Holy Places" in the first operative paragraph by the words "over the Jerusalem area", and delete the matter following the word "settlement". The first of these amendments was accepted by the representative of Belgium at the 81st meeting, and the remainder were withdrawn by the mover.

10. At the 81st meeting on 13 December 1950, after the Committee, on the motion of the representative of Chile, had decided, by 30 votes to 18, with 10 abstentions, to vote first on the Belgian draft resolution, the latter was adopted by a roll-call vote of 30 to 18, with 11 abstentions.

In favour: Afghanistan, Argentina, Belgium, Bolivia, Brazil, Burma, Chile, China, Colombia, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Haiti, Indonesia, Iran, Iraq, Lebanon, Luxembourg, Pakistan, Paraguay, Peru, Philippines, Saudi Arabia, Syria, Venezuela, Yemen.

Against: Australia, Denmark, Guatemala, Honduras, Iceland, Israel, Liberia, Netherlands, New Zealand, Norway, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yugoslavia.

Abstaining: Byelorussian Soviet Socialist Republic, Canada, Czechoslovakia, Dominican Republic, India, Mexico, Nicaragua, Panama, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

On the motion of the representative of Lebanon, the Committee decided, by 25 votes to 18, with 12 abstentions, not to vote on the Swedish draft resolution as amended.

11. The Ad Hoc Political Committee accordingly recommends that the General Assembly adopt the following resolution:

PALESTINE: QUESTION OF AN INTERNATIONAL REGIME FOR THE
JERUSALEM AREA AND PROTECTION OF THE HOLY PLACES

The General Assembly,

Considering that the world community has unique spiritual and religious interests in the Holy Land,

Recalling its resolutions 181 (II) of 29 November 1947, 194 (III) of 11 December 1948 and 303 (IV) of 9 December 1949:

Noting the special report of the Trusteeship Council on the question of an international regime for the Jerusalem area and the protection of the Holy Places,

Considering that, for lack of the necessary co-operation by the States concerned, the Trusteeship Council has been unable to give effect to the Statute which it had prepared; that a reconsideration of the question of the international protection of the Holy Places and of spiritual and religious interests in the Holy Land is therefore essential; and that new efforts must be made to settle the question in accordance with the principles already adopted by the General Assembly,

1. Instructs four persons, to be appointed by the Trusteeship Council, to study, in consultation with the Governments at present in de facto control of the Holy Places and with the other States, authorities and religious bodies concerned, the conditions of a settlement capable of ensuring the effective protection, under the supervision of the United Nations, of the Holy Places and of spiritual and religious interests in the Holy Land;
2. Invites **them** to report to the General Assembly at its sixth session;
3. Requests the States concerned to co-operate fully in giving effect to the present resolution;
4. Invites the Secretary-General to place at the disposal of these persons the staff and facilities necessary for the fulfilment of their task.