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President: Mr. HENRÍQUEZ UREÑA (Dominican Republic).

Present: The representatives of the following countries: Argentina, Australia, Belgium, China, Dominican Republic, France, Iraq, New Zealand, Philippines, United Kingdom of Great Britain and Northern Ireland, United States of America.

Question of an international regime for the Jerusalem area and the protection of the Holy Places (General Assembly resolution 303 (IV) of 9 December 1949) (T/423, T/564, T/592, T/681) (*continued*)

At the invitation of the President, Mr. Rouchdy, representative of Egypt, Mr. Eban, representative of Israel, and Mr. Asha, representative of Syria, took their places at the Council table.

1. The PRESIDENT called for discussion on the draft resolution submitted by Belgium and France (T/L.85) and on the attached draft report (T/L.84).

2. Mr. RYCKMANS (Belgium) proposed that the words "of any kind" should be deleted from the phrase "no acknowledgment of any kind" in paragraph 13 of the draft report.

3. Mr. FLETCHER-COOKE (United Kingdom) pointed out that, although the penultimate paragraph of the draft resolution contained the phrase "neither Government is prepared to collaborate in the implementation of the Statute as approved by the Trusteeship Council", there was no mention of that fact in the final paragraph of the draft report.

4. Furthermore, the word "submitted", in the fourth sentence of paragraph 13 of the draft report, should be replaced by the word "communicated" in order to avoid giving the impression that the Trusteeship Council intended to consider the proposals of the Government of Israel.

5. The PRESIDENT said that the final paragraph of the draft report should be altered in the light of the comments which had just been made.

6. Mr. KHALIDY (Iraq) pointed out that he had only just seen the draft report.

7. With regard to the draft resolution, he thought it should end with the words "the attached report", in the final paragraph, so as not to prejudice the Assembly's decision.

8. Mr. MUÑOZ (Argentina) recalled that, during the eighth meeting, his delegation had proposed either that the solution suggested by the United Kingdom representative should be adopted or that some additional phrase should be inserted after the words "certain new proposals" to explain that those proposals had not been considered by the Council. If the other members of the Council preferred to shorten the final paragraph of the draft resolution, he felt that the words "together with copies of the Statute as approved by the Council" should be retained after "the attached report".

9. The PRESIDENT said that the Argentine proposal allowed for two possible solutions. The text might read "together with copies of the Statute as approved by the Council", with the addition of the words "and all other pertinent documents", or else the following words might be inserted: "...the reply of the Government of Israel, dated 26 May 1950, which includes certain proposals which have not been considered by the Council".

10. Mr. SAYRE (United States of America) thought it would be unfortunate not to mention the Statute in the final paragraph of the draft resolution. That paragraph should also mention the two reports of the President, Mr. Garreau, to the Council and the reply of the Government of Israel (T/457, Add. 1 and Add. 2 and T/681 and Corr. 1). He was prepared to accept the insertion of the words "which have not been considered by the Council" as proposed by the representative of Argentina.

11. Mr. ROUCHDY (Egypt) thought it would be sufficient to conclude the final paragraph of the draft resolution with the words "the attached report and all other pertinent documents". He did not think it was for the Trusteeship Council to inform the General Assembly that certain new proposals were being submitted to it.

12. Mr. LIU (China) said that his delegation was, in general, in favour of the draft resolution submitted by the French and Belgian delegations. He thanked Mr. Garreau for his conscientious efforts to aid the Council in carrying out the functions entrusted to it by the General Assembly.

13. With regard to the final paragraph of the draft resolution, he shared the views of the representatives

of Iraq and the United Kingdom. To keep the words "which includes certain new proposals" would prejudge the decision to be made by the General Assembly. In accordance with the suggestion made by the representative of Egypt, he proposed that the final paragraph of the draft resolution should read: "Decides to submit to the General Assembly the attached report together with copies of the Statute as approved by the Council, and all other pertinent documents".

14. Mr. GARREAU (France) accepted the proposal made by the representative of China, provided that the representative of Belgium was also prepared to accept it. The words "and all other pertinent documents" would naturally cover the two reports which he had himself submitted to the Council, as well as the memorandum sent by the Government of Israel. In the opinion of his delegation, the fact that the Trusteeship Council was submitting the report and all other pertinent documents to the General Assembly did not in any way mean that the Council was removing the question of Jerusalem from its agenda. The purpose of transmitting those documents was simply to inform the General Assembly that the Council had been able to accomplish the first part of its task, by adopting a Statute for Jerusalem, but that it was not at that time in a position to proceed with its work by implementing the Statute. It would be for the General Assembly either to issue new instructions to the Trusteeship Council, or to adopt some new formula which would make it possible to continue the study of the problem of Jerusalem until a final solution was reached.

15. Mr. RYCKMANS (Belgium) considered that the Council alone was entitled to decide which were the pertinent documents. He therefore proposed the following wording for the final paragraph of the draft resolution: "Decides to submit to the General Assembly the attached report together with copies of the Statute as approved by the Council, the reports of President Garreau to the Council and the reply of the Government of Israel dated 26 May 1950".

16. He agreed with the representative of Iraq that the inclusion of the words "which includes certain new proposals" would represent a departure from the strictly objective attitude which was desirable.

17. Mr. EBAN (Israel) considered it essential that the General Assembly should be accurately informed of the events which had taken place in the Trusteeship Council. The Council should therefore submit to the General Assembly not only the Statute approved at the sixth session held at Geneva (T/592) but also all the other documents that marked the various stages of the Council's efforts to solve the problem. Those documents included Mr. Garreau's reports, as President, together with the proposals submitted by the Government of Israel. There was no reason why they should be covered by a vague phrase such as "all other pertinent documents". An accurate statement of the facts should specify that the Israel Government's reply contained new proposals. That was purely a statement of fact which in no way prejudged the decision which the Assembly would adopt. Should the least ambiguity remain in that respect, however,

it might be dispelled by specifying, as the representative of Argentina had suggested, that those proposals had not yet been considered, and that the General Assembly should consider them first.

18. Mr. ASHA (Syria) was in complete agreement with the representatives of Egypt, China and Iraq.

19. Sir Carl BERENDSEN (New Zealand) did not think the Council need assume the responsibility of deciding which documents should be transmitted to the General Assembly. He would prefer that the words "which includes certain new proposals" should be omitted since they would, to some degree, prejudge the consideration of the question by the competent body and also because the new proposals did not in any way concern the Council. He was ready to vote immediately for the resolution and report as they stood. He reminded the Council, however, that the General Assembly, by its resolution 303 (IV), had requested it not to allow "any actions taken by any interested Government or Governments to divert it from adopting and implementing the Statute of Jerusalem". It would be unfortunate if that astonishing clause were not quoted in the Council's report.

20. Mr. Garreau had stated in his report to the Council that the results of his mission had been disappointing. Sir Carl Berendsen felt that that was rather an understatement; the Trusteeship Council should state that it was absolutely precluded from performing the task allotted to it.

21. The PRESIDENT invited the Council to vote on the draft resolution and the amendments thereto.

22. Mr. KHALIDY (Iraq) asked whether the Council intended to delete the words "which includes certain new proposals, and all other pertinent documents" from the draft report as well as from the final paragraph of the draft resolution.

23. The PRESIDENT stated that the Council must decide separately, first on the draft resolution and then on the draft report. The question raised by the representative of Iraq could not therefore be examined at that point unless it came under the heading of the general discussion and unless it were considered that that discussion was not yet closed.

24. Mr. KHALIDY (Iraq) said he was ready to raise the point again when the Council had concluded its examination of the draft resolution and was ready to begin its study of the report. He had raised the point at that stage of the discussion because he had taken it for granted that, by adopting the draft resolution, the Council would automatically adopt the report.

25. Mr. SAYRE (United States of America) agreed with the President that the Council would have to vote separately on the two documents, but thought that since the resolution transmitted the report to the General Assembly, it would be logical to begin by determining what was to be in the report. He disagreed with the representative of Iraq that the few words in question should be deleted from the report if the Council decided to delete them from the text of the resolution; on the contrary, if the Council voted in favour of deleting the words from the resolution, it should include them in the report.

26. Mr. EBAN (Israel) stated that the proposal made by the representative of Iraq would render the account given in the report inaccurate. As that account stood, it was purely objective in nature. If the draft resolution did not refer to the new proposals which had been put forward, it was essential that the report itself should record them; if the suggestion of the representative of Iraq were adopted, the Israel delegation would be unable to accept the report because one of the major points in the Council's study of the Jerusalem question would have been omitted therefrom.

27. Mr. RYCKMANS (Belgium) felt that the deletion of the words "which includes certain new proposals" in the last paragraph of the draft resolution should on no account lead to the deletion of any reference to the new proposals in the report. The report was an objective statement of facts; Mr. Garreau had transmitted the Israel Government's proposals to the Trusteeship Council and the Council was not competent to consider them; if no reference were made in the report to those proposals, a most important item would be withheld from the General Assembly.

28. On the other hand, the proposals should not be mentioned in the draft resolution since, as the representative of New Zealand had quite rightly stated, the Council was not competent to examine them.

29. The only fact of which the Council should take cognizance in the Israel Government's reply was that that Government had stated that it could not participate in implementing the Statute in the form in which it had been adopted by the Council.

30. Mr. GARREAU (France) read the penultimate paragraph of the draft resolution; he pointed out that although one of the two Governments concerned had stated that it was opposed to any form of internationalization, that did not apply to the other Government, namely, the Government of Israel, which had merely indicated in its reply that it felt it could not collaborate in the implementation of the Statute in the form in which it had been approved by the Council; that Government did not, however, refuse to collaborate in the implementation of any statute or of the statute envisaged by the General Assembly in its resolution 303(IV) of 9 December 1949.

31. The Trusteeship Council had adopted a particular interpretation of that resolution. The Council would have been fully entitled to reconsider its work in the light of the comments which it had received from the two Governments concerned. But it considered it more advisable to refer the whole problem to the General Assembly with a statement to the effect that it had adopted a Statute but that it did not have the means to ensure its implementation without the co-operation of the two Governments concerned. Mr. Garreau therefore proposed that the French text of the last part of the penultimate paragraph of the draft resolution should be amended to read: *ni l'un ni l'autre n'est disposé à collaborer à la mise en œuvre du Statut tel qu'il a été approuvé par le Conseil de tutelle.*

32. He reminded the Council that, for the sake of compromise, he had agreed to the deletion of the words "which includes certain new proposals" in the last paragraph. He had done so because the report stated that the Government of Israel had submitted new proposals in its memorandum. The representative of Iraq was now proposing that all reference to those proposals should be deleted from the report. Mr. Garreau was quite unable to agree to that suggestion. The General Assembly would obviously have to consider the counter-proposals put forward by the Government of Israel; there was consequently no reason why the Council should not inform the General Assembly that one of the two Governments consulted had submitted counter-proposals.

33. He thought the Council should follow the suggestion made by the representative of New Zealand; it should explain clearly to the General Assembly why the whole problem was being referred to it, and explain that the Council had been unable to pursue its work because it was unable to ensure the implementation of the Statute it had adopted.

34. Mr. RYCKMANS (Belgium) pointed out that the text of the amendment proposed by Mr. Garreau for the penultimate paragraph corresponded to the English text.

35. The PRESIDENT agreed that the terms were correct in the English text and that consequently all that had to be done was to bring the French text into line with the English. The Secretariat would attend to that matter.

36. Mr. KHALIDY (Iraq) said that the General Assembly would have all the necessary documents when the time came to take a decision on the question. Consequently it would not be influenced by a phrase added to the report or the resolution.

37. He recalled that under resolution 303 (IV) of 9 December 1949 the Council had been requested to draw up a statute and to implement it, but not to receive new proposals. The Council could not therefore mention those proposals in the draft resolution. The proposals had been annexed to Mr. Garreau's report. Since it appeared that a number of members of the Council wished to maintain the text of the draft resolution as it stood, Mr. Khalidy proposed the addition of the words "and which the Council did not discuss". Thus the report transmitted by the Council to the General Assembly would be perfectly objective.

38. In reply to a question from Mr. RYCKMANS (Belgium), the PRESIDENT said that the representative of Iraq maintained his proposal for the deletion both from the resolution and from the report of the words "which includes certain new proposals".

39. Mr. RYCKMANS (Belgium) said he accepted the amendment to the draft resolution proposed by the representative of Iraq.

40. Mr. KHALIDY (Iraq) proposed that, in paragraph 13 of the report, that phrase should also be deleted or that the words "and which the Council did not discuss" should be added.

41. Mr. MUNOZ (Argentina) supported the proposal of the representative of Iraq for the addition to the report of the words "and which the Council did not discuss". He thought that the Council could not pass over in silence the fact that the proposals had been submitted to it; by adding those words it would give greater precision to the statement contained in the report.

42. His delegation would support the draft resolution submitted by Belgium and France with the amendment of Iraq which those two delegations had accepted; it was obvious that the Council had not found it possible to implement the Statute as adopted at the previous session.

43. In supporting that draft resolution, his delegation assumed that the Council was in no way prejudging the decision of the General Assembly; his delegation would not comment on the resolution of the General Assembly and it fully reserved the position it would adopt at the following session of the Assembly on the procedure to be followed and the best solution to be adopted.

44. Mr. GARREAU (France) willingly accepted the proposal of the representative of Iraq that the words "and which the Council did not discuss" should be added.

45. Mr. LIU (China) associated himself with Mr. Muñoz and Mr. Garreau in supporting the phrase proposed by the representative of Iraq. In the text of the report as it stood, the Council did not inform the General Assembly that it considered any discussion of the new Israel proposals as being outside its competence; hence, by including those words, it would indicate that those proposals were not among the matters it had been instructed to discuss.

46. Mr. EBAN (Israel) supported the proposal of the representative of Iraq. He thought the report should state that the Trusteeship Council had not examined the proposals submitted by Israel. The addition of the suggested phrase might induce the General Assembly to proceed to a discussion of proposals which had not yet been studied by any United Nations organ.

47. The PRESIDENT noted that there were no objections to the addition of the words "and which the Council did not discuss" at the end of the penultimate sentence in paragraph 13 of the report. He would therefore consider that amendment adopted.

48. Mr. KHALIDY (Iraq) thought that since part of resolution 303 (IV) of 9 December 1949 was quoted in paragraph 1 of the report, the sentence the New Zealand representative had read earlier should also be quoted. If it were deemed preferable to make no quotation, he would be content with a mere reference to the number and date of the resolution. In any case, it would be illogical to quote one part of the resolution while omitting the other.

49. The PRESIDENT said that a short summary of resolution 303 (IV) should be given as an introduction to the report. If some passages in that summary which seemed superfluous could be deleted, that should be done.

50. Mr. SAYRE (United States of America) opposed the deletion of the last sentence of paragraph 1 of the draft report. The paragraph summarized the duties entrusted to the Trusteeship Council by the General Assembly, namely, to complete the preparation of the Statute of Jerusalem, to approve the Statute and to proceed immediately with its implementation. By omitting the last sentence all mention of the latter two duties would be omitted.

51. Mr. MUNOZ (Argentina) emphasized that paragraph 1 of the draft report, dealing with implementation, corresponded to the draft resolution to be adopted by the Council, which stated that the Council had been unable to secure the collaboration of the parties concerned and had therefore not been in a position to implement the resolution of the General Assembly. It was therefore logical that the report should refer not only to the preparation of the Statute, but also to its implementation. The Council had been unable to carry out the latter task, and the General Assembly would have to take up the question again at its following session. Mr. Muñoz therefore asked the representative of Iraq to withdraw his proposal.

52. Sir Carl BERENDSEN (New Zealand) suggested the deletion of the words "and to proceed immediately with its implementation" at the end of paragraph 1 of the report and the addition of the words "and instructed the Council not to allow itself to be diverted from its implementation". The sentence would then read as follows: "It requested the Council also to approve the Statute and instructed the Council not to allow itself to be diverted from its implementation". Sir Carl wished, however, to say that he was not making a formal proposal.

53. Mr. KHALIDY (Iraq) accepted Sir Carl Berendsen's suggestion.

54. Mr. MUNOZ (Argentina) said he could not accept the suggestion. The Council was not in a position to implement the resolution of the General Assembly and the Statute of Jerusalem and it wished to inform the General Assembly accordingly. That was solely a question of procedure and the Council could not prejudice the substance of the question. He could not therefore accept any addition which might be interpreted as being a criticism of the Assembly's resolution.

55. Mr. KHALIDY (Iraq) thereupon withdrew his proposal.

56. The PRESIDENT put the draft report as a whole (T/L.84), as amended, to the vote.

The report, as amended, was adopted by 10 votes to none, with one abstention.

57. The PRESIDENT then put to the vote the draft resolution (T/L.85) with the amendment accepted by its sponsors, namely, the deletion of the words "which includes certain new proposals, and all other pertinent documents". The word "and" would have to be inserted before the words "the reply of the Government of Israel", as suggested by the representative of Argentina.

The draft resolution, as amended, was adopted by 9 votes to none, with one abstention.

58. At the request of Mr. SAYRE (United States of America) and Mr. KHALIDY (Iraq), the PRESIDENT requested the Secretariat to draft, before the end of the meeting, an additional paragraph 14 of the report on the adoption of the resolution.

59. Mr. KHALIDY (Iraq) stated that his delegation was still in favour of the complete internationalization of Jerusalem. It considered that efforts could still be made to implement General Assembly resolution 303 (IV) of 9 December 1949; that resolution should remain in force and the Council should continue its work on the implementation of the Statute it had drafted at its sixth session in Geneva. In existing circumstances, an international regime was the only solution which would preserve the Holy Places and safeguard the interests of the three great religions. Hence the Iraqi delegation had been obliged to vote against the resolution to the effect that the Council should abandon its efforts to implement the Statute.

60. Mr. ASHA (Syria) and Mr. ROUCHDY (Egypt) associated themselves with the statement made by the representative of Iraq.

61. In reply to Mr. MUNOZ (Argentina), the PRESIDENT said that the question of the Statute of Jerusalem would be dealt with in a special report to the General Assembly. He announced further that the Council's following meeting would be devoted to the report on Western Samoa.

62. Mr. KHALIDY (Iraq) recalled that he had not received the text of the report the Council had just adopted until the beginning of the meeting. He also pointed out that document T/700, containing a letter from the Coptic Orthodox Archbishop of Jerusalem and the Near East to the President of the Trusteeship Council was dated 13 June 1950 and had been distributed on the following day, whereas the letter itself was dated 20 May. He wished to have some explanation of that delay.

63. Mr. GARREAU (France) explained that the letter had been sent from Jerusalem to Geneva and had had to be forwarded to him to New York. The Secretariat was therefore not to blame for the delay.

64. Mr. ALEKSANDER (Secretary of the Council) read out the additional paragraph for inclusion in the report (T/L.84), the text of which was as follows:

"At the tenth meeting, on 14 June 1950, the Council adopted a resolution in which it decided to submit to the General Assembly the present report, together with copies of the Statute as approved by the Council, the reports of President Garreau to the Council, and the reply of the Government of Israel dated 26 May 1950".

The text of the paragraph was adopted unanimously.

65. Before closing the debate on the question of the Statute of Jerusalem, the PRESIDENT gave a brief summary of the existing situation.

66. He emphasized that the Council's decision to refer the problem of the internationalization of the City of Jerusalem to the General Assembly was both logical and wise. The Council had been instructed to

draft a Statute and had successfully carried out that exceptionally difficult task. It had also been called upon to implement the Statute and could have done so only with the collaboration of the two States which were in occupation of the City. It was clear from the declarations made by those two States that, for the time being at least, they were not prepared to co-operate fully in implementing the Statute as approved by the Council.

67. In those circumstances the Council could have resumed its consideration of the Statute only if the situation had been altered by new events. That, however, was not the case.

68. The Council could not call for the implementation of the Statute by force, as it did not possess any means of enforcement. It could not make use of its moral authority which, though considerable, was not sufficient to serve as a means of coercion. The Council had therefore been obliged to turn to the General Assembly and inform it of the situation. In drafting the Statute, it had accomplished a great part of the task assigned to it. It could not go further without the co-operation of the States in occupation of Jerusalem.

69. Although the Council must take cognizance of the facts, that did not mean that it was abandoning the question. It was now for the General Assembly to decide what further steps should be taken.

The representatives of Egypt, Israel and Syria withdrew.

Programme of work

70. In reply to Mr. STIRLING (Australia), the PRESIDENT proposed that the date of 10 July should be selected for the examination of the report on Nauru.

71. Mr. FLETCHER-COOKE (United Kingdom) proposed that since the examination of petitions, which was due to begin on 3 July, might not be completed by 10 July, the Council should meet twice a day from 10 July onwards, reserving the morning meetings for the question of Nauru.

72. The PRESIDENT accepted that proposal.

73. Mr. MUNOZ (Argentina) proposed that the Council should begin its examination of the Nauru question on 6 July and should meet twice a day from that date. It would then be able to finish its work on 15 July.

74. Mr. STIRLING (Australia) accepted that proposal in principle, provided that the special representative, who was ill, could be at Lake Success on 6 July.

75. Mr. MUNOZ (Argentina) asked the President to consult with the Secretariat regarding the place of the Council's following session or following two sessions, and in particular to ascertain whether the Council could meet at Lake Success or New York in 1951, or whether it would have to consider meeting elsewhere.

76. The PRESIDENT said he would ask the Secretariat to report on the matter at a future meeting.

The meeting rose at 4 p.m.