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44

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

Exchange of correspondence between the President of the Trusteeship Council  
and the Government of Israel.

1. Letter from the President of the Trusteeship Council to the Minister of  
Foreign Affairs of Israel, dated 21 December 1949.

I have the honour to communicate herewith a copy of the resolution adopted  
by the Trusteeship Council on 20 December 1949 concerning the removal to  
Jerusalem of certain ministries and central departments of the Government of Israel.

Your Excellency will note that under paragraph 2 (a) of this resolution I  
am requested by the Trusteeship Council, as its President, to invite the Government  
of Israel to:

1. submit a written statement to the Council on the matters covered by  
this resolution;
2. revoke the measures referred to in the first paragraph of the resolution  
and to abstain from any action liable to hinder the implementation of the  
General Assembly resolution of 9 December 1949.

(signed) Roger GARREAU

President of the Trusteeship Council

2. Letter dated 30 December 1949 from the Permanent Representative of Israel to the United Nations to the President of the Trusteeship Council

1. I have the honor to submit the reply of the Government of Israel to your Excellency's letter dated 21 December 1949 addressed to the Minister for Foreign Affairs of Israel and including a copy of the resolution adopted by the Trusteeship Council on the 20th of December 1949.

2. The Government of Israel has observed that the question of the powers and competence of the Trusteeship Council was raised in the course of the Trusteeship Council's debates on 20 December 1949, and that only a minority of the Council (5 members out of 12) associated themselves with the resolution). In the view of the Government of Israel, the powers of the Trusteeship Council, as fully defined in the Charter of the United Nations, do not include a capacity to call for the revocation of administrative acts by the Governments of Member States in territories for whose administration and security they are responsible. In this connexion, the Government of Israel has noted the doubts expressed in the debates of the Trusteeship Council on December 20, 1949 "whether the Council was entitled to make a direct appeal to the Government of Israel" or in particular "whether the Council has authority, under the General Assembly resolution, to pass a condemnatory resolution addressed to any particular Government".

3. My Government believes that it had full and complete authority for deciding upon the measures announced in the Knesset on the 17th of December 1949. These measures mark the continuation of a process begun long ago as part of an effort to restore Jerusalem to its traditional place in the life of the country. It will be recalled that the highest organs of the State of Israel, the Presidency and the Knesset, were founded and instituted in Jerusalem early in 1949, even before Israel's admission to membership in the United Nations. The Supreme Court of Israel has always sat in Jerusalem, and several Ministries have been working in the city for months past. My Government, therefore, fails to understand the grounds for the opinion expressed in the Trusteeship Council's resolution that the "removal of certain ministries and central departments to Jerusalem... is likely to render more difficult the implementation of the statute of Jerusalem" referred to in the General Assembly Resolution of the 9th of December 1949.

The summary records of the Trusteeship Council's debates do not include any indication of how the working of a number of additional ministries in Jerusalem

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can affect the difficulties of implementing the Statute - difficulties which, in any event, the Government of Israel believes to be insuperable.

4. In response to Para. 2 (a) of the Trusteeship Council's resolution inviting my Government to submit a written statement on the matters covered by the resolution, I herewith have the honor to transmit, in addition to this letter, a copy of the statement made by the Prime Minister of Israel in the Knesset on 13 December 1949. It will be seen that this statement reaffirms my Government's position in favor of the exercise by the United Nations of its responsibilities for the effective safeguarding of the Holy Places, which are the source of international concern. This information is submitted voluntarily, without prejudice to my Governments' view, that it is not under duty in terms of the Charter to submit information on the proceedings of its parliamentary institutions or on its administration of Jerusalem. Such duty as defined in the Charter, does not apply in this case, as Jerusalem is neither a trust territory nor a non-self-governing territory.

5. The Government of Israel, as a Member of the United Nations, strongly supports the effective exercise by the Trusteeship Council of its constitutional responsibilities as defined in the Charter. In common with many other Governments, Israel, therefore, regretted the imposition on the Council of extra-Charter responsibilities diverting it from its high mission for the advancement of backward territories and peoples towards self-government and independence towards a needless attempt to cancel the liberty already achieved by the population of Jerusalem. My Government remains convinced that the people of that area are inferior to none in their right and capacity for political independence, and the normal democratic right to choose their own form of government.

(Signed) A. S. EBAN

ANNEX

STATEMENT BY BEN-GURION  
PRIME MINISTER OF ISRAEL  
BEFORE THE KNESSET

December 13, 1949

One week ago this day, in the name of the Government of Israel, I made a statement on Jerusalem before the Knesset. I need hardly say to you that this statement retains its full force, and that no change in our attitude has occurred or can possibly occur.

As you know, the General Assembly of the United Nations has in the meantime, by a large majority, decided to place Jerusalem under an international regime as a separate entity. This decision is utterly incapable of implementation - if only for the determined unalterable opposition of the inhabitants of Jerusalem themselves. It is to be hoped that the General Assembly will in the course of time correct this mistake which its majority has made, and will make no attempt whatsoever to impose a regime on the Holy City against the will of its people.

We respect and shall continue to respect the wishes of all those States which are concerned for freedom of worship and free access to the Holy Places, and which seek to safeguard existing rights in the Holy Places and religious buildings in Jerusalem. Our undertaking to preserve these rights remains in force, and we shall gladly and willingly carry it out, even though we cannot lend ourselves to take part in the enforced separation of Jerusalem, which violates without need or reason the historic and natural right of the people which dwells in Zion.

From the very first days of the Provisional Government we made the peace, the security and the economic consolidation of Jerusalem our principal care. In the stress of war, when Jerusalem was under siege, we were compelled to establish the seat of Government in Hakiryia by Tel Aviv. But for the State of Israel there has always been and always will be one capital only - Jerusalem the eternal. So it was three thousand years ago - and so it will be, we believe, until the end of time.

As soon as the fighting stopped, we began transferring government offices to Jerusalem and creating the conditions the capital needed - effective

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48

communications, economic and technical arrangements. We are continuing with the transfer of the Government to Jerusalem and hope to complete it as soon as possible.

When the first Knesset was opened in Jerusalem on the 14th February 1949, there were no adequate facilities for its normal functioning in the capital, and it was necessary to transfer its sessions temporarily to Tel Aviv. The required arrangements in Jerusalem are on the verge of completion, and there is nothing now to prevent the Knesset from returning to Jerusalem. We propose that you take a decision to this effect.

In all these arrangements there is, of course, nothing that alters in the slightest degree any of the existing rights in the Holy Places, which the Government of Israel will respect in full, or our consent to effective supervision of these Holy Places by the United Nations, as our delegation to the General Assembly declared.

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