

## TWENTIETH MEETING

*Held at the Palais des Nations, Geneva,  
on Friday, 10 February 1950, at 2.30 p.m.*

*President : Mr. Roger GARREAU.*

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

Observers from the following countries: Egypt, Syria.

### 39. Statement by the President relating to the trusteeship agreement for Italian Somaliland

1. The PRESIDENT read out a telegram from Count Sforza, the Italian Minister for Foreign Affairs, addressed to the President of the Trusteeship Council (T/468), informing him that the Italian Parliament had just authorized the Government to assume the trusteeship of that Territory provisionally in accordance with the decision taken by the United Nations.

### 40. Question of an international régime for the Jerusalem Area and protection of the Holy Places (General Assembly resolution 303 (IV) of 9 December 1949) (T/423, T/457, T/457/Add.1 and Add.2 and T/L.15) (resumed from the 18th meeting).

2. The PRESIDENT reminded the Council that they were to hear statements at that meeting by Monsignor Tiran, representing the Armenian Patriarchate of Jerusalem, and by Mr. Nolde, representing the Commission of the Churches on International Affairs.

*At the invitation of the President, Monsignor Tiran, representative of the Armenian Patriarchate of Jerusalem, took a seat at the Council table.*

3. Monsignor TIRAN (representative of the Armenian Patriarchate of Jerusalem) expressed his appreciation of and gratitude for the privilege of stating before the Trusteeship Council the views of the Armenian Patriarchate on the status of Jerusalem.

4. He recalled that the Armenian people had been established in Palestine and Jerusalem for over thirteen hundred years. The Armenian Church had endured great suffering during the First World War, when all monasteries, schools and religious establishments in its native land had been destroyed and the surviving members of the race scattered through the world. The Armenian people, which had not yet fully recovered from that terrible blow, looked to the Armenian Patriarchate in Jerusalem for spiritual leadership, and expected their monasteries and religious establishments in that city to play a preponderant role in their religious life. Thus, the fate of Jerusalem concerned not only the Patriarchate in Jerusalem, but the Armenian Church throughout the world; that Church numbered over 150,000 souls in the United States of America alone.

5. Before making his statement, he would point out that it had been prepared on the assumption that the Council would base its consideration on the draft Statute for Jerusalem (T/118/Rev.2). Perceiving, however, that the Council had not yet taken a decision on that point, he would ask whether, in the event of the Council's adopting another working-paper as a basis for its discussion, he would be permitted to make comments on that working-paper at a later stage.

6. The PRESIDENT thought that Monsignor Tiran might be allowed to make an additional statement once the Council had agreed on the lines on which its discussion would be conducted.

7. Mr. RYCKMANS (Belgium) disputed the right of the representative of the Armenian Patriarchate to question the Council on its intentions. He suggested that the President invite Monsignor Tiran to make his statement, with an assurance that he would be permitted to make an additional statement later if he so desired.

8. Mr. INGLÉS (Philippines) recalled that at the ninth meeting, the first meeting devoted by the Council at its present session to the consideration of the problem, his delegation had asked whether the draft Statute of 1948 or the proposals submitted on 30 January 1950 by the President (T/457) were to serve as the basic working-paper. On that occasion, the President had replied that the draft Statute must form the Council's basic working paper, but that the Council could take into consideration and express its views on any formal amendments to it which might be submitted. He assumed that the position remained unchanged.

9. Mr. RYCKMANS (Belgium), intervening on a point of order, observed that the question raised by the Philippines representative was not on the agenda for the present meeting, and therefore proposed that Monsignor Tiran's statement be heard.

10. The PRESIDENT reminded the Philippines representative that the Council had not been called upon to choose between two basic documents. As he had repeatedly stated, the Council had before it only one basic document—the draft Statute prepared in 1948. There could be no misunderstanding; General Assembly resolution 303 (IV) was quite specific in that respect.

11. Mr. JAMALI (Iraq) said that the Council had before it two documents, General Assembly Resolution 303 (IV) and the draft Statute prepared by the Council in 1948. In his opinion, any suggestions subsequently put forward could not alter the fact that the General Assembly had given the Council instructions which were definite and explicitly related to the draft Statute.

12. Monsignor TIRAN (representative of the Armenian Patriarchate of Jerusalem), resuming his statement, said that he had heard with profound gratitude the speeches made at the Council's sixteenth meeting, when certain members, and in particular the representative of Iraq, had stressed the sacred nature of the City of Jerusalem for the three great monotheistic reli-

gions. The resolution adopted by a majority of the States Members of the United Nations in December 1949 was indeed clearly inspired by a common vision of the Holy City as a religious focal point for men throughout the world.

13. He would not presume to pass judgment on the complex political problem, but would emphasize that the views of the Armenian Patriarchate were based on the assumption that the City of Jerusalem would in due course be placed under international administration, as provided for in resolution 303 (IV). Arguments regarding the practicability of that resolution were consequently superfluous, and he would confine himself to commenting on the provisions of the draft Statute in so far as they affected the Holy Places and religious institutions, and the existing rights of the Armenian Patriarchate in Jerusalem.

14. On that point, the latter associated itself with the views of the Greek Patriarchate of Jerusalem as set forth by Monsignor Germanos at the eighteenth meeting.

15. The Armenian Church was one of the ancient churches of the Near East and had established numerous monasteries and religious institutions in Palestine since the seventh century A.D. From that time, the Armenian Patriarchate had shared equally with the Greek and Latin Patriarchates the rights and responsibilities in connexion with the Holy Places. In 1720, the three Churches had shared equally in the restoration of the Church of the Holy Sepulchre. The equality of the Armenian Patriarchate in relation to the Greek and Latin Churches had been confirmed by the *status quo* of 1757, and re-stated in 1852.

16. The Armenians occupied the greater part of the south-western sector of the Old City and Mount Sion, where their churches, schools, libraries, printing presses and other institutions covered an area of some 150,000 square metres. They were the third largest racial group, both in Palestine as a whole and in the City of Jerusalem. Before the termination of the British mandate there had been approximately 12,000 Armenians in Palestine, of whom 6,000 had been living in Jerusalem, partly in the Old City and partly in the Christian quarters of the New City. There were still 3,000 Armenians in the Old City, most of whom were crowded into the Armenian monastery on Mount Sion. The remaining 3,000 were refugees in neighbouring countries.

17. Turning to the proposed statute for Jerusalem, he would state that the underlying principle of the international administration of Jerusalem must be the indivisibility of the city, since the existence of a large Christian population rendered any partition of the City between Israelis and Arabs highly inequitable. It should be borne in mind that the proposal to internationalize Jerusalem was based not on that City's racial features, but on the fact that the followers of the three great religious creeds had equal interests in the City as a whole. To the faithful, Jerusalem was holy in its entirety, and belonged to Christians, Moslems and

Jews the world over. The value of General Assembly resolution 303 (IV) lay in its recognition of the universal character of the City.

18. It was not, however, the civilian population, but the religious institutions as representatives of the three faiths, which preserved the Holy Places. Those institutions, therefore, were not groups of individual citizens but separate entities recognized in accordance with existing rights and prevailing custom and usage.

19. In the view of the Armenian Patriarchate, the statute for Jerusalem should set up two representative legislative bodies. The first, or lower house, as it might appropriately be described, should be elected by popular suffrage on the basis of proportional representation. The second, or upper house, should consist of equal numbers of representatives of the three religions, appointed from the various religious bodies in each religion on the basis of those bodies' existing rights and interests, or of such rights and interests as they might in future acquire in the City. With regard to the composition of the lower house, the Council should keep in mind the fact that the religious differentiation among the population was much more pronounced than the racial, since the people of Jerusalem had retained the Eastern conception of religion as the central factor in life. Consequently, the lower house should be composed of equal numbers of Christians, Moslems and Jews resident in the City. Equality of membership for representatives of the three principal religions would inflict no injustice on the numerically larger elements, since the latter would acquire ample local autonomy and full freedom through the democratization of the international administration. Thus, a fair deal would be assured to all.

20. The protection of the Holy Places was of major importance, avowedly indeed the main purpose of the proposed international administration. But the concept required amplification and elucidation. It had at no time been suggested that the Holy Places would be destroyed or desecrated if they were left under the sole control of one or other of the opposing parties in Palestine. Indeed, history bore witness to the fact that, with one exception, non-Christian authorities in Palestine had respected the religious feelings of the faithful whose convictions differed from their own, and had kept the Holy Places and religious buildings intact. Moreover, the pilgrims visiting Jerusalem had provided an indispensable source of revenue to successive governments, and would continue to do so in the future. For those reasons, the Armenian Patriarchate considered that the phrase "protection of the Holy Places" should be interpreted as implying also the protection of those institutions which had come into being as a result of the existence of the Holy Places in Jerusalem. Not only should the rights and the religious establishments of the three faiths be safeguarded, but their educational and other institutions should be protected and granted full freedom and adequate facilities to enable them to perform their appointed tasks, not only for the pilgrims visiting Jerusalem, but also on behalf of their own followers the world over.

21. The proper functioning of the many religious institutions in Jerusalem could only be ensured by safeguarding the financial resources which their owners derived from real estate in the city. Such institutions should not be placed at a disadvantage in relation to other institutions which derived their income from outside sources. The statute should therefore include a clear and well-thought-out taxation policy which would take into account the special conditions obtaining in Jerusalem.

22. Under the British mandate, when a uniform system of taxation had been applied to the whole of Palestine, no special provision had been made for Jerusalem. Now that the whole administrative structure of the City was to be based on the concept that it was, so to speak, the centre of the three great universal religions, the manner in which its international administration would be conducted should be consistent with that concept. He would recall that, in a memorandum written in 1929 and dealing with matters concerning the Holy Places, the District Officer for Jerusalem had referred to the complexities arising out of the multiple ownership of the Holy Places and the consequent frequent disputes, and had indicated that the experience of the mandatory Power had in that respect in no way differed from the experience of the Moslem rulers of Palestine. It would consequently be desirable to set up special judiciary machinery to deal with disputes. In order to ensure the peaceful relationship of the various religious institutions in accordance with the *status quo*, he would suggest that such machinery should take the form of an international tribunal set up either by the General Assembly of the United Nations or by another competent United Nations authority. That tribunal should be independent of the City's civil judiciary, its judges being neither Palestinian Arabs, nor Jews, nor members of any of the three religions enjoying rights of ownership in the Holy Places. The setting-up of such a tribunal to hold office for a fixed period would make it unnecessary for the governor of the City to be assisted by a committee of enquiry as suggested in the draft Statute.<sup>1</sup> The governor should properly be relieved of the heavy burden of taking decisions on issues, for the thorough study of which he would have neither the time nor, perhaps, the qualifications, and judges appointed solely for that one specific purpose would ensure an equitable settlement of such disputes. Such a tribunal would base its decisions on the various legal documents establishing the rights and privileges of the various communities in respect of the Holy Places. Even though the tribunal would have to evolve a new procedure suited to what was a special problem, the effort would undoubtedly prove worth while.

23. With regard to social and educational policy, in the view of the Armenian Patriarchate the population of the city of Jerusalem should be allowed to retain its heterogeneous character. There should be no discrimination between the schools of the Jewish and Arab communities and the schools of other national

communities. The schools of all national and religious elements in the City should be subject to the same law, and should enjoy the same economic conditions. Numerically, all communities except the Arab and the Jewish would be minorities, but they should not be treated as minorities in the political sense of the term. Only if the representatives of all races and religions enjoyed equal rights of citizenship and equal facilities in education and in all other social and economic fields, would Jerusalem become a microcosm of the whole world.

24. In conclusion, he would urge on the Council the necessity of working out a speedy solution to the problem. The population of the divided city was now living under intolerable conditions of hardship, being for the greater part destitute and homeless. Sickness was rife and child mortality was increasing. The everyday life of the people had been utterly dislocated, and much bitterness had been created. The suffering population should be enabled as quickly as possible to return to the ways of peace which it desired.

25. Mr. JAMALI (Iraq), referring to Monsignor Tiran's statement that 3,000 Armenians who were normally resident in Jerusalem were at that time refugees in neighbouring lands, expressed the hope that the Council would take measures to ensure that all refugees from Jerusalem might return home as soon as possible. It was surely within the Council's functions, and also its urgent and immediate duty, to deal with that problem.

26. The PRESIDENT thanked Monsignor Tiran for his statement and assured him once again that the Council would grant him a further hearing should he or any other representative of the Armenian Patriarchate wish, in the light of the subsequent discussion, to submit any additional comments.

*Monsignor Tiran withdrew.*

*At the invitation of the President, Mr. Nolde, representative of the Commission of the Churches on International Affairs, took a seat at the Council table.*

27. Mr. NOLDE (representative of the Commission of the Churches on International Affairs) said he was grateful for the opportunity of speaking before the Trusteeship Council on behalf of the Commission of the Churches on International Affairs, which had been formally constituted as the joint agency of the World Council of Churches and the International Missionary Council. The former had a membership of 155 churches from 44 different countries. The latter was composed of 52 organizations, conferences and committees from 68 countries and territories.

28. In presenting the Commission's views on the internationalization of Jerusalem, he was bound to begin by saying that opinion within the churches and religious organizations was by no means unanimous on the best political methods for safeguarding the interests of the religious faiths in Palestine. The churches and councils which had formally expressed their views (reference to which was made in part III, section 5, of document T/457) were agreed on the necessity of some form of

<sup>1</sup> Article 36, paragraph 3.

internationalization. The opinion of groups of Christians acting in their individual capacity varied from advocacy of complete international jurisdiction to that of a very small degree of international responsibility.

29. As a result, the Commission of the Churches had laid down minimum conditions for the control of Jerusalem and, wherever appropriate, other parts of Palestine. Those minimum conditions had been formally endorsed by the Commission's Executive Committee, the Near and Middle East Committee of the Conference of British Missionary Societies, the Federal Council of the Churches of Christ in the United States of America and other church bodies. He pointed out that all the material submitted by the Commission, including those minimum conditions, was included under part III, section 5, of the President's working paper (T/457); he also pointed out that there was no relationship between it and the material submitted to the Council by the unofficial fact-finding mission of the American Christian Palestine Committee.

30. At the fourth session of the General Assembly, the Commission of the Churches had supported no single one of the draft plans submitted to and considered by the *Ad Hoc* Political Committee, but had endeavoured to ensure that each proposal be so modified as to make the plan ultimately adopted by the Assembly tally with its minimum conditions.

31. Those minimum conditions had been framed with the purpose of safeguarding, not only the religious buildings and sites generally understood by the term "Holy Places", but also and more particularly the contemporary, present-day interests and activities of the various religious faiths. There existed in Palestine churches, schools, hospitals and orphanages which, while not "Holy Places", afforded tangible evidence of the interest and support of Christians the world over.

32. It was therefore essential that the political régime be such as to make of Jerusalem and Palestine a harmonious entity wherein men of all faiths could give free expression to their convictions by word and deed and maintain friendly relations with those who professed a different faith.

33. It followed from that premise that three minimum conditions must be fulfilled in Jerusalem: human rights and fundamental freedoms, full religious freedom included, should be ensured to all; the protection of the Holy Places, religious buildings and sites in Palestine and free access thereto should be recognized as a matter for international responsibility; and finally, all church-owned and mission-owned property in Palestine occupied by Arabs or Jews should be returned to the rightful owners.

34. In the view of the Commission, the international protection of human rights must be fully ensured with a possibility of appeal to the appropriate organ of the United Nations in the event of any restriction or violation of those rights. The presence in Palestine of adherents of three faiths required the safeguarding of the traditional right of religious freedom, which must

include the right and freedom to proselytise. Full protection of human rights could not be ensured merely through the acceptance by international and national agencies of the moral obligations of the Universal Declaration of Human Rights. Commitments should take the form of a legally binding covenant. It went without saying that the other human rights must also be safeguarded, and in accordance with the wishes expressed by the body of opinion which he represented, he must emphasize the necessity for full restitution of property to those individuals and families who had suffered loss during the war in Palestine.

35. With regard to the second minimum condition, the necessity of ensuring full protection of and access to the Holy Places was too widely recognized to need further emphasis. On that point he endorsed the views expressed by Monsignor Germanos on behalf of the Greek Orthodox Patriarchate of Jerusalem (18th meeting). The Commission of the Churches on International Affairs considered that the historic religious sites should not be artificially separated from the community in which they were situated. The international plan should take full account of the daily life of the population of Palestine. That would necessitate the institution of political arrangements whereby measures for the protection and world-wide use of the Holy Places would be integrated with the guarantee of human rights and freedoms for the inhabitants of the whole country.

36. Turning to the third and last minimum condition, he would recall that much property owned by churches and missions, valued at millions of dollars, had been seized for government or military purposes. Some had been returned to the owners; but in a number of instances it had been impossible to proceed with the establishment of title claims. The readiness of the governments concerned to make restitution without distinction of race, religion or nationality, would be generally interpreted as an indication of the extent to which full religious freedom would be assured to all religious communities in the future.

37. Finally, he would draw the Council's attention to the memorandum submitted by the Archbishop of Canterbury and included in part III, section 5, of the President's working-paper (T/457). It had the support of leaders of the Church of England, and had been made available to a number of delegations at the fourth session of the General Assembly. Although there were certain striking similarities between the fundamental principles set forth in that memorandum and the plan proposed by the President of the Trusteeship Council, there were also important variations in detail. He would add that, after the adoption of resolution 303 (IV) by the General Assembly, the Archbishop of Canterbury had published a letter in which he had urged acceptance of the United Nations decision. It was for the Council itself to determine how far that memorandum was pertinent to its discussions.

38. Mr. JAMALI (Iraq) asked how much ecclesiastical property was in Jewish or Arab hands at the present time.

39. Mr. NOLDE (representative of the Commission of the Churches on International Affairs) replied that in the case of the Lutheran World Federation, property which had been valued in 1948 at 38 million dollars, had been seized; 60 per cent of that property was in Jewish hands. The total value of church property which should be restored to its rightful owners could be estimated as between two to three times that figure.

40. The PRESIDENT thanked the representative of the Commission of the Churches on International Affairs for his statement.

*Mr. Nolde withdrew.*

41. The PRESIDENT drew attention to the following draft resolution (T/L.15) submitted by the Chinese delegation:

*"The Trusteeship Council*

*"Decides to proceed immediately with the completion of the preparation of the statute for Jerusalem in accordance with the terms of paragraph 1 (2) of the resolution of the General Assembly dated 9 December 1949."*

42. Mr. LIU (China) stated that the purpose of his proposal was to assist the Council to proceed immediately with its business. In his view, since the Trusteeship Council was seized of General Assembly resolution 303 (IV), it should refrain from further discussion of the manifold political aspects of the problem, and begin forthwith the completion of the preparation of the statute for Jerusalem.

43. He did not consider that there was any conflict between his proposal and the Philippines representative's point of order, since both proceeded from the fundamental assumption that the Council must take as a basis for its work the draft Statute for Jerusalem prepared in 1948.

44. Mr. RYCKMANS (Belgium) thought that in substance all members of the Council would agree with the Chinese representative that the Council should continue its work, and should in consequence proceed to the consideration of the Statute for Jerusalem drawn up in 1948 and see how far that Statute could be adapted to current circumstances.

45. However, to return to an idea which he had expressed at the sixteenth meeting, an idea which it seemed was shared by many other representatives, he wished to stress the fact that it was the Council's task to carry out a work, not of enmity, but of peace.

46. The question had just been raised once more, whether the Council should take as the basis for its discussion the draft Statute drawn up in 1948 or the suggestions made by the President in his opening statement on the subject at the ninth meeting. The President had denied presenting a new plan to the Council, but certain delegations had been in favour of specifically excluding the President's suggestions from consideration. He recalled that he had begged the Council not to do so. If it was to act in the spirit of the United Nations, that was, in a spirit of peace and conciliation,

the Council could not exclude in advance any suggestion offering a possibility of conciliation. Both the President's suggestions and the 1948 draft Statute encountered the opposition of the two contending parties. But as he had already pointed out, a new factor had emerged since the Council had prepared that Statute—namely, the General Assembly's adoption of resolution 303 (IV).

47. The General Assembly had adopted a resolution concerning the *corpus separatum* and its extent. As he had already stressed, anyone who refused to bow before that resolution, or who refused to accept the implementation of the Statute, would bear before the world and before history a responsibility which could only be described as overwhelming. For that reason, it was not an impossible supposition that, in the face of the emergence of that new factor, a new spirit, a spirit of conciliation, might reveal itself. It might indeed be hoped that the peaceful elements in both parties would prevail. The Council must not despair of reaching a conciliatory solution.

48. Consequently, he was afraid that the resolution proposed by the Chinese representative might be misinterpreted as expressing the Council's decision to reject in advance any conciliatory solution and as signifying that the Council considered that its sole duty was to implement General Assembly resolution 303 (IV) in its entirety, and nothing but that resolution. If the Council could submit to the Assembly a solution which gave satisfaction to the Christian world, the Moslem world and the Jewish world, and was at the same time acceptable to the State of Israel and the Hashemite Kingdom of the Jordan, could it really be supposed that the Assembly would blame the Council for having excluded from the *corpus separatum*, the boundaries of which it had itself so hastily fixed, a few streets or a few areas mainly inhabited by new Jewish immigrants?

49. For that reason he asked the Chinese representative to accept a minor amendment to his proposal—namely, the omission of the words "completion of the". That simple modification would be sufficient to show that the Council was animated by a spirit of conciliation.

50. Mr. JAMALI (Iraq) was unable to agree with several points raised by the Belgian representative. The latter's arguments would appear to have been based on the assumption that the Council was dealing with the problem of Jerusalem for the first time, and that it must find a solution for it. The history of the problem during the years 1947-1949 was, however, well-known, and included the signature by the occupying Powers on 12 May 1949 of a protocol—the so-called Lausanne Protocol (annexes to A/927), recognizing the validity of General Assembly resolution 181 (II) of 29 November 1947. Subsequent negotiations between the occupying Powers had been based on that resolution. All possible methods of compromise and conciliation had already been discussed in the General Assembly and the Conciliation Commission for Palestine. At the present stage, the role of the Trusteeship Council was not to undertake work of conciliation, but to complete the drafting of the Statute for Jerusalem. The Trusteeship

ship Council had not been asked either to keep the peace between the contending parties, or to negotiate with them.

51. He must therefore oppose the Belgian representative's views by the arguments which he had advanced at the sixteenth meeting, when he had defined the General Assembly's conception of Jerusalem as a spiritual centre and had put to the Council the three possible courses of action open to it.

52. Mr. RYCKMANS (Belgium) also shared the opinion that the General Assembly had not asked the Council to embark on efforts at conciliation. That was why he agreed with the representative of China that the Council should without further delay take up the task with which it had in fact been entrusted by the General Assembly.

53. He would ask the representative of Iraq whether, in his opinion, the Assembly had forbidden the Council even to listen to proposals of conciliation. He agreed, of course, that it was not for the Council itself to put forward such proposals. But was the representative of Iraq prepared to take the responsibility of maintaining that the Council must reject any solution by conciliation which might be put before it? That was a responsibility he himself was certainly not prepared to accept, and the precise purpose of his amendment was to prevent so heavy a responsibility being placed on the Council.

54. Mr. JAMALI (Iraq) said that neither the United Nations as a whole nor the Government of any Arab State was opposed to conciliation; those who were, were the people who either made use of the United Nations, or who defied its resolutions, as might happen to suit them in any given case. It was one of the primary functions of the United Nations to endeavour to bring about conciliation, but it was not the function of the Trusteeship Council to seek conciliation over the Jerusalem problem. The Conciliation Commission for Palestine was still in existence, and those who wished to seek conciliation in the spirit of the resolutions passed by the General Assembly could do so through the good offices of that Commission. He had not been instructed by his Government to act as a member of a body to achieve conciliation over the Jerusalem problem.

55. The PRESIDENT intervened to point out that the French text of the Chinese draft resolution was not an accurate rendering of the English text, which took up the wording of that part of General Assembly resolution 303 (IV) which read as follows: "To request for this purpose that the Trusteeship Council at its next session, whether special or regular, complete the preparation of the Statute of Jerusalem...". The French text of the Chinese draft resolution should correctly read:

*"Le Conseil de tutelle*

*"Décide de poursuivre immédiatement la mise au point du statut de Jérusalem..."*

56. Mr. JAMALI (Iraq) said that he always objected on principle to the Council using words other than those of a General Assembly resolution, when it could logically use the latter.

57. Mr. LIU (China) confirmed that he had taken the words "completion of the preparation of the Statute of Jerusalem" from General Assembly resolution 303 (IV); he did not believe that anyone would think that they would mean what the representative of Belgium had suggested, if they were retained; if they were omitted, it might be thought that the Trusteeship Council had taken a course different from that indicated by the General Assembly resolution. Therefore, he could not agree to the Belgian amendment.

58. Mr. SAYRE (United States of America) suggested that the Council was arguing about a matter which need not have been raised, and asked the representative of Belgium whether he would not be willing to withdraw his amendment, if the President stated, as the representative of China, the author of the draft resolution, had in effect already done, that the adoption of the Chinese draft resolution would not preclude consideration by the Council of suggestions such as those made by the President in connexion with the draft Statute.

59. The PRESIDENT said it was not for him to interpret the intentions of the Chinese representative, who had already done so very clearly himself. He agreed with the Chinese representative that the Trusteeship Council did not have to choose between two documents. Furthermore, he had explained in his opening statement at the ninth meeting, and had repeated several times since, that, when the 1948 draft Statute came to be considered by the Council, certain parts of it would have to be amended to bring it into line with the provisions of General Assembly resolution 303 (IV). He thought the Trusteeship Council, in performing that task, should enjoy wide powers of interpretation.

60. If he had properly understood the Chinese representative's intentions, the aim of his proposal was simply to request the Trusteeship Council to proceed as rapidly as possible with the technical task entrusted to it by the General Assembly. When the draft Statute was being considered, members of the Council could of course submit practical proposals to assist in adapting it to the existing situation. He could see no difference between the points of view of the Belgian and the Chinese representatives.

61. Mr. RYCKMANS (Belgium) repeated the grounds on which he had submitted his amendment to the draft resolution proposed by the Chinese representative, and said that, in view of the United States representative's remarks, if he were assured that the majority of the members of the Council did not regard the draft resolution submitted by the Chinese representative as categorical, he would be ready to withdraw his amendment and to accept the draft resolution as it stood.

62. Replying to the PRESIDENT, Mr. LIU (China) said that he agreed entirely with the President's interpretation of the Chinese draft resolution.



63. Mr. INGLÉS (Philippines) agreed with the representative of China that the adoption of the draft resolution would not preclude the consideration by the Council of suggestions relating to the Statute for Jerusalem. The Council would be free, therefore, to consider all such suggestions which were in accordance with General Assembly resolution 303 (IV), but would not be free to consider any suggestion which lay outside the Council's terms of reference as defined by that resolution.

64. Mr. JAMALI (Iraq) said that his views coincided with those of the representative of the Philippines. He hoped that acquiescence in the opinion expressed by the President would not be construed as agreement to consider suggestions that were not in accordance with resolution 303 (IV). If the Council did consider such suggestions, it would be defeating its own purpose, since the task at present confronting it was a technical, not a political one. Any difficulties which might arise in the way of implementing the statute drafted by the Council should be dealt with by the General Assembly, the Security Council or, perhaps, other bodies, but not by the Trusteeship Council itself.

65. Mr. HOOD (Australia) said that the Council would be well advised to handle the matter which had arisen as a procedural question; he supposed that the representative of China, in submitting his draft resolution, had borne in mind the fact that the Council had already done considerable work on the completion of the statute, and that it had agreed by its resolution 113 (S.2) of 19 December 1949 (T/426) that the statute should be completed as soon as possible. The adoption of the Chinese draft resolution would simply be tantamount to a decision to continue and complete the task which the Council had taken up in December 1949. He believed that the majority of the Council had accepted the President's interpretation of the draft resolution; the Council should not try at the present meeting to anticipate any suggestions which might be made about the statute, or to prejudge their admissibility before they were even made. When they came to be made, the Council obviously would not wish to spend time discussing any suggestion which was neither in accordance with its terms of reference nor acceptable to all the parties concerned.

66. Mr. LIU (China) said that his draft resolution did not relate to the question of whether such suggestions should be accepted. Its adoption would not prevent the Council, when considering the Statute, from taking *ad hoc* decisions as to whether or not suggestions and proposals relating thereto should be considered.

67. Mr. RYCKMANS (Belgium) having withdrawn his amendment, the PRESIDENT put to the vote the draft resolution submitted by the Chinese delegation (T/L.15).

*The draft resolution was unanimously adopted.*

*The meeting was adjourned at 4.40 p.m. and was resumed at 5.15 p.m.*

68. The PRESIDENT announced that the French delegation had just submitted the following draft resolution: <sup>2</sup>

<sup>2</sup> Reproduced with the oral amendments subsequently accepted, as document T/L.16.

#### *"The Trusteeship Council"*

*"Having decided to embark forthwith, in accordance with General Assembly resolution 303 (IV) of 9 December 1949 on the revision of the draft Statute of Jerusalem prepared by it in 1948,*

*"Considering that the two States at present occupying the area and City of Jerusalem have not so far officially acquainted the Council with their views on the task assigned to it by the General Assembly,*

*"Decides to invite the State of Israel and the Hashemite Kingdom of the Jordan to depute qualified representatives to attend the Council in order to state the point of view of their respective Governments on the question of Jerusalem."*

69. Mr. DE LEUSSE (France) pointed out that, during the general discussion, the Council had heard the views of a number of persons representing religious institutions, and of representatives of States which were not members of the Trusteeship Council, but which were adjacent to Palestine. In his opinion, it was a matter for regret that the Council had not similarly heard representatives of the State of Israel and the Hashemite Kingdom of the Jordan. He thought that if the Council desired to measure up to its responsibilities and to take decisions in full knowledge of all the issues involved, it was essential that it should learn the views of the two States which were most directly concerned in the matter. Since the Council had unanimously decided to proceed forthwith with the completion of the preparation of the Statute for Jerusalem, in accordance with the terms of reference given it by the General Assembly, his delegation proposed that formal invitations be extended to the State of Israel and to the Hashemite Kingdom of the Jordan to send qualified representatives to state their points of view before the Council.

70. Mr. SAYRE (United States of America) said that he would vote for the French proposal. The Hashemite Kingdom of the Jordan and Israel were admittedly not the only States interested in the Jerusalem problem, and the interests of other States should clearly be protected; however, those two Governments were entitled to be heard by the Council, since their forces were now occupying parts of Jerusalem. The Council moreover had a right to request their help and co-operation.

71. Mr. JAMALI (Iraq) opposed the French draft resolution, not because he did not wish representatives of Israel and the Hashemite Kingdom of the Jordan to make statements at a meeting of the Council, but because a special invitation should not be confined to those two States alone. He was in favour of sending the invitation to all governments which had entered into relations with the United Nations. Moreover, the Council had not yet heard the views of the Vatican. The Council should also secure the views of the people of Jerusalem, including those who had fled the city. The Council was supposed to be preparing a Statute for Jerusalem, not one for Israel or the Hashemite Kingdom of the Jordan. If the Governments of those two States were asked to send representatives to the Council, the Arab States not now represented should be

asked to do likewise. It was beneath the dignity of the Council to send a special invitation for political reasons to a Government which had openly and actively defied the United Nations. The despatch of an invitation to Israel and the Hashemite Kingdom of the Jordan alone would be tantamount to a decision to procrastinate, and to delay the preparation of the Statute for Jerusalem, since both those Governments had declared themselves opposed to the internationalization of the city.

72. The PRESIDENT explained that no special invitation had been addressed to those two Governments since the original invitations, based on the proposal made by the Argentine representative at the ninth meeting, had been addressed to all governments and to all institutions and associations who might wish to be heard. He recalled that they had taken the shape of a special Press release (Press release No. TRUST/41).

73. He wished also to draw the attention of the Council to a question of procedure. The invitation now proposed by the French delegation would be addressed to two States, of which only one was a Member of the United Nations. By virtue of that fact, its scope would differ from that of the general invitation, which had been addressed not only to governments, but also to qualified institutions and organizations without distinction.

74. The representatives of the bodies whom the Council had already heard had simply made known their points of view and then withdrawn. The result of the French proposal now before the Council, if adopted, would be to admit representatives of the two States in question to meetings of the Council in an advisory capacity, on the same footing as the three representatives, already present, of States adjacent to Palestine—namely, the representatives of Egypt, Lebanon and Syria.

75. Mr. HENRÍQUEZ UREÑA (Dominican Republic) agreed with the views expressed by the French representative, and felt that the despatch of an invitation to the representatives of the two States most directly concerned, in accordance with the normal custom in both the General Assembly and the Security Council, would in no way preclude the possibility of subsequently inviting other governments or qualified organizations. Since the Council had been given the task of making the 1948 draft Statute more democratic, it would clearly be of advantage to hear the views of the representatives of the populations to whom that Statute would eventually be applied.

76. His delegation would therefore vote for the French draft resolution.

77. Mr. DE LEUSSE (France), replying to the representative of Iraq, explained that, in submitting its proposal, the French delegation had been prompted by no political motives. The representative of Iraq had stated that the Governments of Israel and Jordan were opposed to the solution approved by the General Assembly. That, in his (Mr. de Leusse's) opinion, was yet another reason for hearing their representatives,

who would be able to explain the motives underlying the refusal of those States to accept the draft Statute prepared by the Council in 1948. To grant such a hearing could not but clarify the position. He pointed out that, on a number of occasions in the past, United Nations bodies had invited to take part in their discussions governments which had taken up a position opposed to that of the majority of States Members of the United Nations. Thus the French proposal in no way departed from established United Nations procedure.

78. Mr. HOOD (Australia) said that, whatever other similar invitations the Council might issue, it was both necessary and desirable to invite the Governments of Israel and the Hashemite Kingdom of the Jordan to send representatives to Geneva. But the Council was already aware of their views on the problem of Jerusalem, since their representatives had already made formal statements thereon. The Council should therefore decide at what stage their representatives should submit their views and what aspects of the problem their statements should cover. His own opinion was that the Council should seek their opinion of the General Assembly's request that the Council should "complete the preparation of the Statute of Jerusalem". He consequently proposed that the words "in order to state the point of view of their respective Governments on the question of Jerusalem" in the French draft resolution be replaced by the words "for the purpose of expounding the views of their respective Governments on the revision of the draft Statute for Jerusalem". If that amendment were adopted he would vote in favour of the draft resolution.

79. Mr. JAMALI (Iraq) said that he would never object to the principle laid down by the General Assembly that the draft Statute should be democratized. But the Council should invite the people of Jerusalem, not the Governments of Israel and Jordan, to help it in that work. The Council should therefore ask the local population of the area to which the Statute would apply, that was, the people of the City of Jerusalem, including Arab refugees who had fled from it, to express their views on the Statute; it should simultaneously invite all governments, not the Governments of Israel and Jordan alone, to submit their views on the preparation of the Statute. It should, of course, later invite the two Governments, as States in occupation of the City, to send representatives to discuss the implementation of the Statute, the methods of withdrawing their troops, and similar matters. He could not however agree to the adoption in its present form of the draft resolution submitted by the French delegation, nor could he agree that there were no political motives behind its submission.

80. Mr. DE LEUSSE (France) was in complete agreement with the Australian representative, whose amendment he accepted.

81. Mr. JAMALI (Iraq) suggested that the draft resolution be further amended by inserting the words "the Vatican", and the names of the Arab States not represented at the present meeting, in the third



paragraph ; and that the words " in the light of General Assembly resolution 303 (IV) of 9 December 1949 and the implementation thereof " be added at the end of that paragraph.

82. Mr. DE LEUSSE (France) pointed out to the representative of Iraq that the second paragraph of the French proposal made it clear that the reason why Israel and Jordan were being invited to give their views before the Council was because they were at present in possession of the City of Jerusalem ; however, he had nothing against the despatch of invitations to other governments and organizations.

83. Mr. JAMALI (Iraq) suggested that the second paragraph of the draft resolution might be deleted.

84. Mr. HENRÍQUEZ UREÑA (Dominican Republic) suggested that a separate invitation be sent to the Holy See ; that would be easier than inserting a special paragraph in the French draft resolution.

85. Mr. JAMALI (Iraq) agreed to the suggestion of the representative of the Dominican Republic, but wished to suggest that proper respect would be paid to the Vatican if the invitation were made the subject of one paragraph, and the invitation to other States the subject of a subsequent paragraph in the same resolution.

86. Mr. RYCKMANS (Belgium) wished to draw the attention of the Council to a difference between the proposed invitations to be sent to Israel and Jordan on the one hand, and that to be sent to the Vatican on the other. In sending invitations to Israel and Jordan, the Council was justified in expecting that those two States would co-operate with it. That was not so in the case of the Vatican.

87. After some discussion, Mr. HENRÍQUEZ UREÑA (Dominican Republic) undertook to prepare a draft resolution embodying an invitation to the Vatican.

88. Mr. INGLÉS (Philippines) said that, in view of the fact recorded in the second paragraph of the French draft resolution that " the two States . . . at present occupying the area and City of Jerusalem " had " not so far officially acquainted the Council with their views on the task assigned to it by the General Assembly ", he was in favour of the addition of the words " and the implementation thereof " at the end of the last paragraph, as amended by the representative of Australia.

89. Mr. DE LEUSSE (France) felt that the second paragraph of the proposal submitted by his delegation was of use, in that it set out the reasons for which the invitation was being issued. The Iraqi representative's suggestion that the words " in the light of General Assembly resolution 303 (IV) of 9 December 1949 and the implementation thereof " be added to the last paragraph seemed to him mainly pointless, since most of the phrase added would simply repeat the first paragraph of the French proposal. He agreed, however, with him and with the representative of the Philippines that the words " and its implementation " should be added at the end of the last paragraph.

90. Mr. JAMALI (Iraq) suggested that if the Council agreed that the invitation to the Vatican should form the subject of a separate resolution, the words " and also States members of the Arab League " should be added at the end of the third paragraph of the French draft resolution.

91. Mr. DE LEUSSE (France) said he would have no objections to invitations being addressed to other States, if the Council thought that desirable, but in that case it would be necessary to delete the second paragraph from his proposal, which, it seemed to him, would be regrettable. He wondered, too, why the invitation should be limited to States members of the Arab League. He thought that it would be preferable to keep to the terms of the French proposal as amended by the representatives of Australia and of the Philippines ; the invitation addressed to other countries, like that to be addressed to the Vatican, might form the subject of a separate resolution.

92. Mr. SAYRE (United States of America) considered the attitude taken by the representative of France entirely reasonable. The Council was particularly interested in the views of Israel and Jordan, since their forces were then in possession of parts of Jerusalem, and they were therefore more directly concerned than any other Government in the problem before the Council. If the draft resolution were amended to provide for special invitations to Arab States other than the Hashemite Kingdom of the Jordan, its meaning would be fundamentally changed.

93. Mr. HENRÍQUEZ UREÑA (Dominican Republic) submitted the following draft resolution :<sup>3</sup>

*" The Trusteeship Council*

*" Having decided to embark forthwith, in accordance with General Assembly resolution 303 (IV) of 9 December 1949, on the revision of the draft Statute of Jerusalem prepared by it in 1948,*

*" Considering that the views of the Holy See, which possesses such weighty spiritual authority, are of paramount importance for the accomplishment of this task,*

*" Decides to extend a respectful invitation to the Holy See to depute a qualified representative to attend the Council for the purpose of expounding its views on the revision of the draft Statute of Jerusalem and its implementation."*

94. Mr. JAMALI (Iraq) said that, if the resolutions, which might have important political repercussions, had been submitted twenty-four hours before they were discussed by the Council, he would have been able to submit well-drafted, not extemporaneous, amendments. He hoped that no decision would be taken on the draft resolutions at the meeting.

95. The PRESIDENT suggested that, in accordance with rule 57 of its rules of procedure, the Council defer until

<sup>3</sup> Subsequently circulated as document T/L.17.

the next meeting a decision on the draft resolutions submitted by the representatives of France and of the Dominican Republic and amendments thereto.

*It was so agreed.*

The meeting rose at 6.30 p.m.

223rd meeting

## TWENTY-FIRST MEETING

*Held at the Palais des Nations, Geneva,  
on Saturday, 11 February 1950, at 10.30 a.m.*

*President : Mr. Roger GARREAU.*

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

Observers from the following countries : Egypt, Syria.

### 41. Question of an international régime for the Jerusalem area and protection of the Holy Places (General Assembly resolution 303 (IV) of 9 December 1949) (T/423, T/457, T/L.16 and T/L.17) (*continued*)

1. The PRESIDENT recalled that it had been decided that the meeting should be devoted to consideration of the draft resolutions submitted by the representatives of France (T/L.16) and the Dominican Republic (T/L.17), in connexion with the despatch of invitations to Israel and Jordan and to the Vatican respectively, requesting them to send representatives to make statements before the Council. The French draft resolution incorporated the verbal amendments accepted at the previous meeting.

2. Mr. JAMALI (Iraq) said that, although not opposed to the despatch of invitations to other bodies to present their views before the Council, his delegation would abstain from voting on the French draft resolution, because it considered : first, that the draft resolution failed to recognize the principle of universality in the City of Jerusalem ; secondly, that not only the occupying, but other States also should be heard ; and finally, that in its failure to take into account the views of the inhabitants of the Jerusalem area, the draft resolution was undemocratic.

3. There being no other comment, the PRESIDENT put to the vote the draft resolution submitted by the French delegation (T/L.16) relating to the despatch of invitations to the States of Israel and the Hashemite Kingdom of the Jordan to send qualified representatives to state to the Council the views of their respective Governments on the revision of the draft Statute for Jerusalem and on its implementation.

*The draft resolution was adopted by 9 votes to none, with 2 abstentions.*

4. Mr. LIU (China) explained that while his delegation was not in principle opposed to the issue of invitations

to all parties concerned, it considered that since a general invitation had been issued at the ninth meeting, no special invitation was necessary. For that reason, his delegation had abstained from voting.

5. The PRESIDENT recalled that, pursuant to the general invitation issued by the Council, any interested groups or associations might ask to be heard. The Arab refugees from Jerusalem, for example, might so request if they had formed groups. The Council might at any stage of the discussion on the Statute for Jerusalem decide to send a special invitation to a given group, association or church to furnish further information on certain points. But the procedure was different so far as governments were concerned. If governments decided to express their views to the Council, they would take part in the Council's discussions in a consultative capacity, without the right to vote. Governments were therefore in a different position from associations or institutions, the representatives of which withdrew after expressing their views.

6. Mr. JAMALI (Iraq) pointed out that the word "revision" in the last paragraph of the resolution just adopted was contrary to the intention of General Assembly resolution 303 (IV) and should read "completion". He hoped there was no intention of departing from the letter and spirit of the Assembly resolution.

7. The PRESIDENT then opened discussion on the draft resolution submitted by the representative of the Dominican Republic (T/L.17).

8. Mr. HENRÍQUEZ UREÑA (Dominican Republic) recalled that at the twentieth meeting the representative of Iraq had urged that representatives of certain States, and also of the Holy See, should be invited to take part in the Council's discussions. On various grounds, it seemed inadvisable to include in one and the same resolution the Holy See and the various States to which the invitation was to be sent ; he had therefore expressed the view that the invitation to the Holy See should be embodied in a separate resolution, and, in response to the suggestion made by the representative of Iraq, had agreed to draft such a resolution himself. However, he had since pondered the matter further, and had reached the conclusion that it was neither expedient nor necessary to draw up the invitation to the Holy See for the time being. He therefore withdrew his proposal, while reserving the right to submit it again later if necessary.

9. Mr. HOOD (Australia) said he had been about to suggest himself that the issue of an invitation to the Holy See might involve treading on delicate ground. He suggested that it might be preferable to make an unofficial approach to the Vatican, to ascertain whether such an invitation would be acceptable.

10. Mr. JAMALI (Iraq) said he did not question the wisdom of the action taken by the representative of the Dominican Republic, but his own delegation reserved its right to present proposals relating to the issue of invitations to the Arab States, the Holy See and other religious bodies.