

THIRD, FOURTH, FIFTH AND EIGHTH REPORTS OF THE  
AD HOC COMMITTEE ON PETITIONS (T/L.44, T/L.74,  
T/L.75 AND T/L.80)

30. The PRESIDENT suggested that each report should be adopted separately.

*It was so agreed.*

*The third report (T/L.44) of the Ad Hoc Committee on Petitions was adopted unanimously.*

*The fourth report (T/L.74) of the Ad Hoc Committee on Petitions was adopted unanimously.*

*The fifth report (T/L.75) of the Ad Hoc Committee on Petitions was adopted unanimously.*

*The eighth report (T/L.80) of the Ad Hoc Committee on Petitions was adopted unanimously.*

31. Mr. PEACHEY (Australia), speaking on behalf of the Ad Hoc Committee on Petitions, thanked the Council for its recognition of the long and arduous work the Committee had carried out. It was only due to the spirit of goodwill and co-operation that had prevailed at all its meetings that what had appeared at the time to be a formidable task had finally been accomplished.

32. He also expressed the appreciation of the other members of the Committee for the co-operation displayed by the representatives of the Dominican Republic and France in accepting the somewhat unusual arrangements for interpretation that had been devised. He commended the Secretariat for its excellent work and particularly for the able manner in which it had processed the very large number of petitions involved. In conclusion he thanked the Council for the confidence it had shown in the Committee by adopting its reports so speedily.

The meeting rose at 11.55 a.m.

283rd meeting

## EIGHTY-FIRST MEETING

*Held at the Palais des Nations, Geneva,  
on Tuesday, 4 April 1950, at 10.45 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, Israel.

**134. Question of an international regime for the Jerusalem area and Protection of the Holy Places (General Assembly resolution 303 (IV) of 9 December 1949) (T/L.78) (resumed from the 78th meeting)**

(a) STATEMENTS BY THE REPRESENTATIVES OF IRAQ AND CHINA

1. Mr. JAMALI (Iraq) informed the Council that he had been requested by the Syrian representative,

who had been unexpectedly recalled to Damascus, to express his regrets at having to leave before the termination of the present session, and to convey his gratitude for the courtesy and consideration shown him by the Council.

2. Mr. LIU (China) requested that a correction be made to the Press release concerning the seventy-eighth meeting, No. TRUST/128 which, on page 4, seriously misrepresented his attitude. It was therein stated that he had "repeated the objections which he had raised in the course of the second reading of the Statute as regards paragraph 7 of Article 38". The truth of the matter was the exact reverse since on reconsideration he had made clear his willingness to accept paragraph 7, and his intention to vote in its favour, as would be obvious to anyone reading the following paragraph in the same Press release, which reported the results of the voting and indicated that the Chinese delegation had voted in its favour. Such an unfortunate inaccuracy placed his delegation in an embarrassing position. It clearly could not have emanated from the provisional summary record of the meeting, since that had not yet appeared.

3. Mr. HOO (Assistant Secretary-General in charge of the Department of Trusteeship and Information for Non-Self-Governing Territories), pointed out that Press releases were not prepared by his Department; they were issued by the Information Centre of the European Office of the United Nations, which was part of the Department of Public Information. He would undertake, however, to see that the necessary correction was issued.

(b) ADOPTION OF THE DRAFT STATUTE FOR THE CITY OF JERUSALEM (T/L.78)

4. The PRESIDENT announced that the draft Statute for Jerusalem (T/L.78), which had been adopted article by article in the course of previous meetings, would be put to the vote as a whole.

5. Mr. SAYRE (United States of America) stated that in pursuance of the terms of General Assembly resolution 303 (IV) the Council had for more than two months been discussing the question of an international regime for the Jerusalem area and the protection of the Holy Places. Members would recall that, in passing that resolution, the General Assembly had charged the Council with three tasks: first, to "complete the preparation of the Statute" with certain omissions and additions; secondly, to "approve the Statute"; and thirdly to "proceed immediately with its implementation". There were thus three quite separate stages in the task, and the Council should take care not to confuse them. The Council, having completed the first stage, was about to embark on the second.

6. He had voted in favour of many articles in the article by article consideration of the draft Statute. On others he had abstained, on account of reservations made by his Government. Since those reservations were of major importance he would abstain from voting on the draft Statute as a whole. He wished

to make it clear, however, that his delegation considered that, if the draft Statute were approved forthwith, the Council should have a further opportunity of considering the attitudes of the Governments of the Hashemite Kingdom of the Jordan and of Israel towards the Statute. He therefore believed that after approval the Statute should be presented to those two Governments with a request for their co-operation in the matter, in accordance with paragraph II of General Assembly resolution 303 (IV). His delegation earnestly hoped that that co-operation would be forthcoming in generous measure. He proposed at a later stage to introduce, in collaboration with certain other representatives, a joint draft resolution in that sense.

7. Mr. JAMALI (Iraq) declared that his delegation would only vote for the draft Statute on three conditions: that the Council ensured that the integrity of the *corpus separatum* would always be respected and maintained; that measures were taken to facilitate the return to their homes and rehabilitation of refugees from the Jerusalem area as soon as possible after the appointment of the Governor; and that the Council proceeded as effectively and vigorously as possible to implement the Statute. If any of those three conditions were passed over or compromised his Government would feel itself free to withdraw its support from the principle of the internationalization of the Holy City. The principle had been accepted only at considerable sacrifice, and his Government could not continue to support it unless its integral enforcement were assured.

8. The PRESIDENT put to the vote the final text of the draft Statute as amended at the third reading (T/L.78).

*It was adopted by 9 votes to none, with 2 abstentions.*

(c) CONSIDERATION OF DRAFT RESOLUTIONS CONCERNING THE IMPLEMENTATION OF THE STATUTE FOR JERUSALEM AND RELATED MATTERS

9. The PRESIDENT reminded the Council that the representative of Iraq had proposed a draft resolution at the seventy-eighth meeting (paragraph 56) concerning the implementation of the Statute. The delegations of Australia, Belgium, the Philippines and the United States of America had just submitted in writing the following joint draft resolution:

*"The Trusteeship Council, having approved the Statute for the City of Jerusalem at its eighty-first meeting of its sixth session on 4 April 1950, requests the President of the Trusteeship Council:*

*"(a) To transmit the text of the Statute for the City of Jerusalem to the Governments of the two States at present occupying the area and City of Jerusalem;*

*"(b) To request from the two Governments their full co-operation in view of paragraph II of the General Assembly resolution 303 (IV) of 9 December 1949;*

*"(c) To report on these matters to the Trusteeship Council in the course of its seventh regular session."*

10. Mr. SAYRE (United States of America) said that he and the co-sponsors of the joint draft resolution

considered that, the Council having accomplished the first two tasks laid upon it by General Assembly resolution 303 (IV)—namely, the completion of the preparation and the approval of the draft Statute for Jerusalem—the time had come for the Council to take the next practical steps towards completing the third task, namely the implementation of the Statute, and that that step should be to transmit the Statute to the two Governments at present occupying the area and City of Jerusalem. He accordingly moved on behalf of his delegation and those of Australia, Belgium and the Philippines the adoption of the joint draft resolution.

11. Mr. JAMALI (Iraq) explained that the purpose of his draft resolution was to ensure that the Council should proceed immediately to take effective steps towards the internationalization of the Holy City, and that he welcomed the evidence of good faith in that respect provided by the joint draft resolution. He accordingly withdrew his own draft resolution in its favour, on the understanding that the terms of article 41 of the Statute (entry-into-force of the Statute) were not interpreted by world public opinion to mean that the Council would in any sense relax its efforts, or minimize the importance of implementing the Statute expeditiously.

12. He had, however, another draft resolution which he wished to submit to the Council as a supplement to the joint draft resolution; under its terms preparatory steps would be taken for the consideration of candidates for the governorship and judicature of the Supreme Court. The text read as follows:

*"The Trusteeship Council,*

*"Having approved the Statute for Jerusalem and guided by the General Assembly's resolution of 9 December 1949 to proceed immediately with its implementation,*

*"Decides to appoint a Committee presided over by the President of the Trusteeship Council with Australia and the Philippines as members to study, investigate and report to the Trusteeship Council at its next session candidatures for the posts of Governor and Members of the Supreme Court."*

13. The PRESIDENT invited members of the Council to comment on the two draft resolutions before it.

14. Mr. DE LEUSSE (France) said that his delegation was prepared to vote for the joint draft resolution, and expressed the hope that the President would succeed in convincing the two States at present occupying Jerusalem of the importance that the United Nations attached to the question.

15. Mr. LAKING (New Zealand) associated himself with the remarks of the French representative, and expressed his support for the joint draft resolution.

16. The PRESIDENT put to the vote the joint draft resolution submitted by the delegations of Australia, Belgium, Philippines and the United States of America.

*It was adopted by 10 votes to none, with 1 abstention.*

17. The PRESIDENT thanked Council members for the confidence they had shown him in entrusting to him

so difficult a mission. He would endeavour faithfully to interpret the wishes previously expressed by Council members, and would do all in his power to secure the co-operation of the Israeli Government and that of the Hashemite Kingdom of the Jordan in the implementation of the Statute which had just been adopted by so large a majority. It was his opinion that the Statute, which had been the subject of lengthy study by the Council, interpreted as faithfully as possible the intentions expressed by the General Assembly in its resolution 303 (IV) of 9 December 1949.

18. Mr. LABBANE (Egypt) pointed out that the Council had been entrusted by General Assembly resolution 303 (IV) with a twofold mission. The General Assembly, after having declared that the principles underlying its previous resolutions concerning the internationalization of Jerusalem, and in particular its resolution 181 (II) of 29 November 1947, represented a just and equitable settlement of the question, had restated its intention that Jerusalem should be placed under a permanent international regime. It had then invited the Council to complete the preparation of the Statute of Jerusalem, to render it more democratic, and to approve it. Those tasks, which constituted the first part of the Council's mission, had been completed by the adoption of the Statute.

19. In addition, the Council had been requested to proceed immediately with the implementation of the Statute. To adopt the Statute without immediately taking the necessary measures for such implementation, would therefore conflict with the manifest intention of the General Assembly. Although the measures to implement the Statute would clearly be carried out in successive stages, the Council should take the first steps as early as possible. The most important of those steps was the appointment of the Governor, without whose co-operation the bodies provided for in the Statute could not be set up. He regretted that the Council had not been able to take those steps during the session in progress. He accordingly wished to submit a formal draft resolution, inviting the President to draw up a list of candidates for the post of Governor, in the following terms :

"Whereas the United Nations General Assembly, in its resolution 303 (IV) of 9 December 1949, invited the Trusteeship Council to proceed immediately and in the course of the present session to take the necessary measures for the implementation of the Statute of the international area of Jerusalem, and

"Whereas the Council was not in a position to appoint a Governor,

*"The Trusteeship Council*

*"Entrusts the President with the task of taking the necessary measures and conducting the necessary consultations, with a view to submitting to the Council at its next session a list of candidates for the post of Governor of the Jerusalem area, and of revising for submission to the Council at its next session, the Instructions to the Governor."*<sup>1</sup>

That was a compromise solution and one which would save time, since, when the Council met again, it would only have to select a candidate from the names submitted.

20. He intended to press the adoption of a second supplementary draft resolution, should the first be adopted. Clearly, since the Council was responsible for the international area of Jerusalem, it must be immediately represented in the area during the interim period between the closure of the session in progress and the beginning of the next one, during which the Governor would be appointed. The Council would recall that paragraph 8 of General Assembly resolution 194 (III) of 11 December 1948, authorized the United Nations Conciliation Commission for Palestine to appoint a United Nations representative to co-operate with the local authorities with respect to the interim administration of the Jerusalem area. It was in pursuance of that resolution that on 9 December 1949 the Commission had nominated Mr. Gonzalez Fernández, who had, however, declined the post for reasons of health. The question of Jerusalem having ceased to be the concern of the Conciliation Commission, it was the duty of the Council itself to take the necessary steps in that connexion. He wished, therefore, to urge that the Council appoint a representative of the United Nations in Jerusalem, and to submit the following draft resolution to that end :

"Since the Trusteeship Council, after adopting the Statute for the International Zone of Jerusalem, has been unable, forthwith and during the present session, in accordance with the General Assembly resolution 303 (IV) of 9 December 1949, to take the necessary steps to put the said Statute into effect, the first of these steps being the appointment of the Governor ;

"Since it is expedient to avoid any vacuum in the International Zone, for which the Trusteeship Council is henceforward responsible, during the interval which will elapse before the appointment of the Governor ;

"Since it emerges clearly from paragraph 8 of the General Assembly Resolution 194 (III) of 11 December 1948 that the United Nations desire the appointment of a representative who will co-operate with the local authorities in the provisional administration of the Jerusalem area ;

"Since, furthermore, the demilitarization of the said area at the earliest possible moment is a prerequisite for the implementation of the Statute adopted by the Trusteeship Council, with due regard to the provisions of article 7 of the said Statute and of paragraph 8 of the above-mentioned General Assembly resolution of 11 December 1948 ;

*"The Trusteeship Council :*

*"(1) Shall appoint, before the closure of the present session, a United Nations representative who shall co-operate with the occupying authorities in the administration of the Jerusalem area. The said representative shall have the functions defined in the Annex hereto.*

*"(2) Shall immediately, and in conjunction with the Security Council, take the necessary steps to ensure*

<sup>1</sup> See document T/144.

the demilitarization of the Jerusalem area at the earliest possible moment.

*" Annex*

*" Functions of the United Nations Representative at Jerusalem*

"(1) To inform the Trusteeship Council immediately of any fact calculated to endanger the implementation of the Statute for the International Zone of Jerusalem.

"(2) To participate on the provisional administration of the Jerusalem area.

"(3) To ensure, until such time as the United Nations Governor enters upon his functions at Jerusalem, the protection of and free access to the Holy Places, and the religious sites and buildings of the Jerusalem area.

"The functions of the United Nations representative shall cease on the day on which the United Nations Governor is appointed."

In paragraph 8 of its resolution 194 (III) of 11 December 1948, the General Assembly had invited the Security Council to take further steps to ensure the demilitarization of Jerusalem at the earliest possible date. No step to implement that provision had been taken so far, but article 7 of the Statute just adopted by the Council provided for such demilitarization. That being so, the necessary steps should be taken forthwith and the Council could either invite the Security Council to take those steps or do so itself.

21. The President pointed out that the suggestions of the Egyptian representative would need to be sponsored by a member of the Council before they could be put to the vote.

22. Mr. JAMALI (Iraq), observing that some of the points raised by the Egyptian representative were already covered by his own draft resolution, declared his readiness to sponsor the Egyptian suggestions and formally to move them.

23. The PRESIDENT asked the Egyptian representative whether it was his intention that the United Nations representative in question should be a representative of the Council acting under the authority of the President of the Council.

24. Mr. LABBANE (Egypt) said that such was his intention.

25. The PRESIDENT, referring to the Egyptian suggestion that he (the President) should, in the interval before the next session, endeavour to find candidates for the post of Governor, recalled that the Iraqi representative had previously suggested setting up a Committee for that purpose under his (the President's) chairmanship. The Council should decide which of the two courses it preferred. He personally would prefer to be assisted in that very delicate task by at least two members of the Council.

26. Mr. JAMALI (Iraq) considered that the question of what type of body should assist the President in

considering candidatures for the governorship was one for the Council; he was prepared to adjust his draft resolution in accordance with its wishes.

27. Mr. RYCKMANS (Belgium) considered that the suggestions of the Egyptian representative, sponsored by the Iraqi representative, were somewhat out of season. Before drawing up a list of candidates for the post of Governor, it would first be necessary to know whether the two Powers at present occupying Jerusalem, —namely, Israel and the Hashemite Kingdom of the Jordan—were prepared to co-operate with the Trusteeship Council in the implementation of the Statute as the resolution just adopted by the Council invited them to do. Since the choice of Governor would be determined by the conditions under which he would be called upon to exercise his functions, it would be premature at the present stage to seek a candidate.

28. He considered, furthermore, that the resolution just adopted by the Council did not go so far as to invite the President, with or without assistance, to ensure the interim administration of Jerusalem. The administration of Jerusalem was in fact being ensured at present, and it was not an interim administration that should be provided for, but rather a permanent administration to which the occupying Powers should hand over when the Statute came into force. The existing administration would continue until the regular transfer of power to the permanent administration of the City. That being so, to nominate a representative of the Council acting under the authority of the President would be tantamount to assigning to the President a function for which the resolution just adopted by the Council made no provision. The resolution, in fact, went no further than inviting the President to inform the occupying Powers that the Statute had been adopted, and to request, in accordance with the General Assembly resolution, their full co-operation with the Council in the implementation of the Statute.

29. He accordingly felt it desirable to await the replies of the occupying Powers before taking any further steps.

30. Mr. HOOD (Australia) stated that his Government would be unable to accept nomination to the Committee proposed by the Iraqi representative. So far as the draft resolution as a whole was concerned, he had nothing to add to the observations already made by the Belgian representative. The action taken by the Council in adopting the joint draft resolution was entirely adequate so far as immediate requirements were concerned. It had been recognized that implementation of the Statute would inevitably be gradual. He therefore considered that nothing would be gained by attempting to take the next step simultaneously with the first, as was envisaged by the Iraqi representative. He would consequently not vote for it, but his decision should not in any sense be interpreted as a retreat from the firm and honest intention of his delegation to carry through the internationalization of Jerusalem.

31. Mr. SAYRE (United States of America) stated that

he had been impressed by the arguments adduced by the Australian and Belgian representatives, and agreed that the Iraqi draft resolution was premature in view of the decision taken to transmit the Statute to the two Governments most directly concerned. Until that had been done, no useful action could be taken on the appointment of the Governor or members of the Supreme Court. It was essential for the Council to proceed with a due sense of what was practicable. He would therefore vote against the Iraqi draft resolution, which was both untimely and unnecessary.

32. Mr. JAMALI (Iraq) appreciated the assurance given by the Australian representative that his attitude did not signify any withdrawal from the firm intention to implement the Statute. Indeed, the opposition voiced to the Iraqi draft resolution did not appear to him (the Iraqi representative) to be of a serious character. If the Council were to be practical and realistic in its approach, it should be prepared to make steady progress, one stage being followed by another in the implementation of the Statute. Much time had been spent in the earlier weeks of the current session in unnecessary procrastination, and in the interests of future efficiency and speed there was surely every reason for the Council to make provisions at once for the consideration of possible candidates for the governorship and for the judicature of the Supreme Court. Such action would not in itself constitute the next stage in implementation, as had been argued by previous speakers, but merely preparation for it. It would inevitably be a lengthy process, and if a start were made immediately the Council would be in a position to proceed more rapidly at its next session.

33. The view had been put forward that nothing further could be done towards giving effect to the Statute until the attitude of the Powers occupying Jerusalem had been ascertained. He, however, was unable to subscribe to that view, since their attitude was already well known. On the other hand, the task of the Council would become considerably easier if it were in a position to nominate the Governor at its next session, since it would thereby be absolved from some of the heavy responsibilities it bore at present.

34. Mr. RYCKMANS (Belgium) stated that his delegation would vote against the Iraqi draft resolution, since it considered that the action proposed was absolutely uncalled for and that it involved the setting-up, not of machinery for the selection of candidates for the post of Governor, but of a mere façade. Furthermore, he thought that in view of the importance of the functions of Governor of the City and of the President and judges of the Supreme Court all States, whether members of the Trusteeship Council or not—and he would even add the Press of the entire world, since the universal interest of the question was beyond dispute—should co-operate in the search for the candidates best qualified to undertake those exalted functions. If the names of a certain number of potential candidates had already been collected, a committee of the type suggested in the Iraqi draft resolution would be justified, in the sense that it could be made respon-

sible for ensuring that one or other possible candidate would submit his candidature.

35. So long as the two States concerned had not assured the Trusteeship Council of their full co-operation in the implementation of the Statute, it was impossible to gauge the type of personality which would be required to discharge the functions of Governor of the City. The candidate selected would have to be either a man prepared to implement the Statute in a peaceful atmosphere, or an energetic man ready to bring pressure to bear on the occupying Powers to implement the Statute, according to whether the Governor was assured of the co-operation of the States concerned or whether they refused to consider the internationalization of Jerusalem.

36. By adopting the Statute, the Trusteeship Council had completed the first phase of its work. By agreeing to notify the Powers most directly concerned of the adoption of the Statute and by requesting them to co-operate, it had entered on the second phase. The Council could do no more at the present juncture. It must await replies from the Governments of the Hashemite Kingdom of the Jordan and Israel. The nature of those replies would enable the Council, in full knowledge of the situation, to approach personalities who might be prepared to act as Governor of Jerusalem, or as President or Judges of the Supreme Court.

37. On those grounds he would vote against the draft resolution, which he considered inopportune.

38. The PRESIDENT asked the representative of Iraq whether he wished to maintain his draft resolution after hearing the remarks of the Belgian representative.

39. He would point out, as President, that an important task to be accomplished in the seven weeks which would elapse between the end of the sixth session and the beginning of the seventh session was the winning of the full support of the two Governments concerned for the implementation of the Statute.

40. The Egyptian representative had suggested that the President of the Trusteeship Council should be represented on the spot by a person who would be appointed by the President, and who would be responsible for liaison between the President and the two Governments. He (the President) would probably request the Secretariat to suggest some person specially qualified for such a mission.

41. The Egyptian representative had also suggested further study of the draft instructions to the Governor, which the Trusteeship Council had had no time to examine at the current session. The study might be carried out by himself (the President) in conjunction with the Secretariat, and the results be submitted to the Council at its next session, when the instructions could probably be adopted after a brief discussion. Thus two preliminary steps towards the implementation of the Statute would be taken.

42. He recognized the validity of the Belgian representative's objections to the proposal of the representative of Iraq regarding the appointment of the Governor

and of the President and Judges of the Supreme Court. In the circumstances, it was clear that the committee proposed by the representative of Iraq would have a very difficult task. The personalities approached to perform, in the City of Jerusalem, functions which were at once of a spiritual and temporal character, would have to enjoy undisputed prestige on the international plane, and it was certain that personalities of such eminence would refuse to accept such functions unless assured that the two Governments concerned would extend to them the co-operation essential to the implementation of the Statute.

43. He considered that there should be exchanges of views and consultations between Governments, perhaps through diplomatic channels, regarding the choice of Governor, as well as of the President and Judges of the Supreme Court. Negotiations between Governments, rather than the proposed committee, would enable a better choice of candidates to be made and, in due course, that was, when the Trusteeship Council knew whether the two Governments were ready to co-operate fully in implementing the Statute, it would be possible to approach the persons selected by Governments. Failing the co-operation of the Governments concerned, the Council would be faced with a problem which it would probably be unable to solve, but which it might examine at its next session, with a view to reporting thereon to the General Assembly.

44. In conclusion, he asked the representative of Iraq once more whether he wished to maintain his draft resolution.

45. Mr. JAMALI (Iraq) wished his draft resolution, which was the aim of to show that the Council intended to go ahead with its work, to be put to the vote.

46. Since Australia did not wish to be a member of the Committee, he could reword his resolution to provide that the President could consult with Governments members of the Council. That would meet the point made by the Belgian representative.

47. Mr. DE LEUSSE (France) found the alternative to the Iraqi representative's proposal just suggested by the latter to meet the objections of the Belgian representative an acceptable one.

48. Mr. FLETCHER-COOKE (United Kingdom) recalled that at an earlier stage in the meeting the representative of Iraq had sponsored certain suggestions in texts put forward by the Egyptian representative. Were those suggestions to be presented in the form of new draft resolutions, or as amendments to the one which was at present the centre of the discussion ?

49. Mr. JAMALI (Iraq) replied that the Egyptian draft resolution which did not clash with his own draft resolution, namely, the one relating to the nomination of a representative of the President in Jerusalem and to the demilitarization of the Jerusalem area, was before the Council as a separate draft resolution, sponsored by himself. The part of the other Egyptian draft resolution, which did not clash with his own, namely, the part relating to the Council's instructions to the Govern-

nor would also form a new separate draft resolution. A new version of his own draft resolution was being prepared to take the place of the rest of the first Egyptian draft resolution and his own.

50. In reply to the PRESIDENT, Mr. LABBANE (Egypt) observed that the question of the instructions to the Governor seemed to be implied in the draft resolution submitted by the representative of Iraq. But since the representative of Iraq had indicated that he did not share that view, he would ask him whether he would accept the addition to his draft resolution of a sentence requesting the President to prepare and submit to the Council at its next session a revised draft of the instructions to the Governor.

51. Mr. JAMALI (Iraq) indicated his agreement.

52. Mr. ALEKSANDER (Secretary to the Council) then read out the revised version of the Iraqi draft resolution :

*" The Trusteeship Council,*

*" Having approved the Statute for Jerusalem and guided by the invitation in the General Assembly resolution of 9 December 1949 to proceed immediately with its implementation,*

*" Invites the President of the Trusteeship Council :*

*" (1) To study and to investigate in consultation with States Members of the Trusteeship Council, candidatures for the posts of Governor and Members of the Supreme Court, and to report thereon to the Council at its next session,*

*" (2) To prepare and to submit to the Council at its next session the instructions of the Trusteeship Council to be given to the Governor. "*

53. Mr. RYCKMANS (Belgium) said he would vote against paragraph (1) of the draft resolution, since he considered it premature. He would abstain from voting on the remainder of the draft resolution since, in his view, it was for the Trusteeship Council to discuss and prepare the instructions to be given to the Governor of the City, on the basis of the documents prepared by the Secretariat.

54. Mr. JAMALI (Iraq) replying to a point raised earlier by the Belgian representative, submitted that as selection of and consultation concerning the Governor and Members of the Supreme Court were vested in the Council, there was no reason why all States Members of the United Nations should take part in the selection of candidates for the posts in question. The President could consult with Governments, and so have a panel of nominees ready for the next session of the Council.

55. Mr. RYCKMANS (Belgium) said that it must be fully understood that Governments which were not represented in the Trusteeship Council would also have the right to seek candidates and that a list of candidates drawn up by the President in consultation only with States which were members of the Trusteeship Council would not prejudice the Council's right to select the persons whom it regarded as best qualified to undertake the functions of the Governor, and of the President and judges of the Supreme Court.

56. Mr. JAMALI (Iraq) remarked that the Council could receive suggestions from any quarter, even from the Press. However, unless a nomination was accepted by the Council, it would have no value whatsoever. Any nomination accepted by the Council would have to be sponsored by at least one of its members. Only in that way should the President assemble a list of names.

57. The PRESIDENT put the Iraqi draft resolution to the vote.

*The result of the vote was a tie, 4 votes being cast in favour of the draft resolution and 4 against, with 3 abstentions.*

58. The PRESIDENT stated that in accordance with rule 38 of the Council's rules of procedure a second vote would be taken on the Iraqi proposal after a brief interval. Written copies of the second Egyptian draft resolution, sponsored by the representative of Iraq had just been distributed to members of the Council and could be voted on later.

59. Mr. DE LEUSSE (France) pointed out that the Egyptian suggestion had something in common with the informally declared intention of the President to send a personal representative to Jerusalem to ensure liaison between the Powers occupying the Jerusalem area and himself. He thought it would be difficult to appoint a United Nations representative before the end of the session in progress, as suggested by the Egyptian delegation. In the circumstances he wondered whether the Egyptian representative would agree to withdraw his draft resolution.

60. Mr. LABBANE (Egypt) agreed to withdraw the first operative paragraph of his draft resolution which related to the appointment of a United Nations representative, but wished to maintain the second part, relating to demilitarization.

61. The PRESIDENT said that, in view of the withdrawal by the Egyptian representative of the first operative paragraph, the Egyptian draft resolution would read :

" Since the demilitarization of the Jerusalem area at the earliest possible moment is a prerequisite for the implementation of the Statute for the City of Jerusalem adopted by the Trusteeship Council, having due regard for the provisions of article 7 of the said Statute and for paragraph 8 of the General Assembly resolution of 11 December 1948 :

*" The Trusteeship Council shall immediately, and in conjunction with the Security Council, take the necessary steps to ensure the demilitarization of the Jerusalem area at the earliest possible moment. "*

The annex to the draft resolution would no longer be necessary.

62. Mr. RYCKMANS (Belgium) considered that the Egyptian draft resolution had been neither sufficiently studied by the Council nor adequately explained by its author. In fact, it raised questions to which no answer was given. By what Article of the Charter

was the Trusteeship Council authorized to approach the Security Council? What procedure would be followed in establishing collaboration between the two Councils? Should the Trusteeship Council continue to sit until the question was settled, or should the matter be taken up again at the next session?

63. Mr. LABBANE (Egypt) replied that the part of his draft resolution still before the Council had been inspired by General Assembly resolution 194 (III) of 11 December 1948 and was also in accordance with article 7 of the Statute. The question of the procedure to be followed in establishing collaboration between the two Councils should be put to the Security Council.

64. Mr. DE LEUSSE (France) thanked the Egyptian representative for having withdrawn the first part of his suggestion. Although he would not venture again to request the withdrawal of the second part, he could not see much justification for it either, in view of the fact that it would be difficult for the Council at the very end of the session to take the steps envisaged therein.

65. Mr. SAYRE (United States of America) associated himself strongly with the remarks of the Belgian and French representatives. As it stood, the draft resolution was entirely impracticable, and he would vote against it.

66. Mr. JAMALI (Iraq) observed that the General Assembly in passing resolution 194 (III) of 11 December 1948 had requested the Security Council to take measures necessary for the implementation of Assembly resolution 181 (II) of 29 November 1947. As the Trusteeship Council was at present endeavouring to give effect to that resolution, it could, if necessary, have recourse to the help of the Security Council.

67. Mr. LABBANE (Egypt), replying to an enquiry by Mr. RYCKMANS (Belgium), said that the question of whether the Security Council was prepared to share with the Council the responsibilities for Jerusalem bestowed upon it by the General Assembly should be raised with the Security Council itself.

68. Mr. DE LEUSSE (France) enquired whether it was possible for the Council to seize the Security Council of a question of that nature.

69. The PRESIDENT reminded the Council that the resolution it had adopted earlier in the meeting invited him to transmit the text of the Statute to the Governments of the two States at present occupying the area and City of Jerusalem, and to request from those Governments their full co-operation in the implementation of the Statute. One condition of its implementation would clearly be the demilitarization of the Jerusalem area. It might therefore be advisable to await the replies of the two Governments concerned, and for that reason he thought the Egyptian draft resolution sponsored by the Iraqi representative was a little premature.

70. Mr. LABBANE (Egypt) said that, after hearing the observations of the French representative and the President, he thought that consideration of his draft

resolution might be deferred until the seventh session, provided the Iraqi representative had no objection.

71. Mr. JAMALI (Iraq) agreed that consideration of the Egyptian proposal might be deferred until the next session.

*The Council therefore decided to defer consideration of the Egyptian draft resolution until its seventh session.*

72. The PRESIDENT again put the Iraqi draft resolution to the vote.

*The result of the second vote on the Iraqi draft resolution was also a tie, 4 votes being cast for the resolution and 4 against, with 3 abstentions. In accordance with rule 38 of the rules of procedure, the Iraqi draft resolution was lost.*

73. The PRESIDENT announced that the Israeli representative wished to make a statement to the Council.

74. Mr. EBAN (Israel) said that his Government valued the opportunity it had been given of taking part during the current session in the deliberations of the Council on the future of Jerusalem. His delegation's participation had been necessarily limited by the position of principle to which it still adhered; it had been animated throughout by the conviction of its solemn and sacred duty towards the peace, stability, harmony and dignity which had been restored to Jerusalem by the energy and sacrifices of its population. The picture of living in Jerusalem had always been in its mind; how far it had been in the minds of others was a question which only a study of the Statute could answer.

75. With all due respect to the responsibilities of other governments, the responsibility of his Government for Jerusalem could not be compared with that of any other: 104,000 people in Jerusalem were citizens of Israel, with an unchallengeable right to remain so. Their legislative, judicial and political institutions were bound up with Israel in the manner which he had amply described at earlier meetings. His Government sustained the City's economic life. When to those considerations of established life were added the most venerable links of history and tradition, it would be seen that the future welfare of the City of Jerusalem was a matter from which the responsibility of the Government of Israel could not be dissociated.

76. The President had rightly assessed as very great the dependence of the solution of the problem on the consent of the population of the Jerusalem area. The degree to which any solution could hope to enjoy that indispensable consent, in turn depended on the measures of the solution's respect for the aspirations, the security and the deepest sentiment of that population. He wished at the present stage to recall that the concept of self-determination lay at the foundation of the Charter. The right of mature populations to determine the organization of their lives was the basic principle of the Trusteeship Council's work. The Council had therefore felt at all times that it was upon the people of Jerusalem that the future of the City must depend. Any solution, and, therefore, the Statute

just adopted, must face the test of objective fact and historic compulsion. It would presumably have to be set side by side with the spiritual and actual realities obtaining in the City, of which the will of the population was the paramount element. His Government awaited the result of that juxtaposition with confidence and tranquility.

77. In conveying its view to the Trusteeship Council through the President, his Government would make a special effort to interpret and convey the views of the Jewish population in Jerusalem, the welfare of which lay in its charge.

78. It might well be that the United Nations was not yet as far advance as possible in the process of effectively solving the international aspects of the Jerusalem problem and that a great deal of discussion and deliberation was still to come. His Government would lend its efforts and its experience to those processes when they came about.

79. The Council would recall that, in view of his Government's inability to associate itself with measures not accepted by the population of Jerusalem, it had devoted special attention to the question of the Holy Places and the unique religious interests which were the object of special international concern in the area. The representative of the Hashemite Kingdom of the Jordan, at the seventy-fifth meeting had suggested periodic inspection of the Holy Places by the United Nations. That suggestion should not be confused in the public mind with the offer made by the Israeli Government and repeated by the Israeli delegation at the twenty-eighth meeting, which envisaged the permanent and statutory exercise by the United Nations of its responsibility for the safety of the Holy Places and the preservation of existing rights therein, a responsibility to be exercised by virtue of the accredited representation of the United Nations for that purpose. That proposal differed from that put forward on behalf of the Hashemite Kingdom of Jordan, and his delegation still maintained it, in the hope and confidence that its inherent logic would commend it to the other parties concerned.

80. Mr. JAMALI (Iraq) said that certain statements made by Mr. Eban constrained him to ask for the floor again. He demanded proof of the latter's assertion that peace, dignity and harmony had been restored to Jerusalem, in view of the fact that a large part of the people of Jerusalem were no longer in the City, and nearly one hundred thousand Arabs of the Jerusalem area were homeless. Any respite which there might be at present following the destruction by the Jews in that area could never be called peace; it was simply the fruit of aggression.

81. Why should self-determination be necessary for a small percentage of a certain sect, to the exclusion of one and a-half million Arabs? If the United Nations desires to apply the principle of self-determination, let it do so to all alike.

82. There was, moreover, no proof that in exercising its right to self-determination, the population of Jeru-



salem would not demand the internationalization of the City. The issue his delegation wished to bring to the notice of the entire world was whether Jerusalem was to continue to be the prey of national political friction, or whether it was to be delivered out of the hands of the conflicting parties and its spiritual values be saved for mankind.

83. He hoped that the spirit which inspired the United Nations would prevail, and that the States at present occupying Jerusalem would yield to the will of the majority, and co-operate with it. Only in that way could peace be secured. Economic peace could be restored to the City only on the basis of justice, which had so far been denied to the peoples of Palestine and Jerusalem in particular. Only the United Nations could make good that lack.

84. The PRESIDENT said he wished, before declaring the Council's discussion on the Statute of Jerusalem closed, to make an urgent and ardent appeal to the Government of Israel and to the Government of the Hashemite Kingdom of the Jordan to lend their full and generous co-operation to the Council in the task allotted to it by the vast majority of the General Assembly, and to himself, as President of that Council, in the delicate mission entrusted to him.

### **135. Examination of annual reports on the administration of Trust Territories (resumed from the 79th meeting)**

#### **USE OF THE METRIC SYSTEM (resumed from the 68th meeting)**

85. The PRESIDENT said that the Argentine delegation, which during the examination of the annual report on the Administration of the Trust Territory of the Cameroons under British administration for the year 1948 at the forty-sixth (paragraph 100) meeting had urged the use of the metric system for weights and measures in future annual reports on Trust Territories under British administration, had submitted the following draft resolution (issued as document T/594), in accordance with his statement at the sixty-eighth (paragraph 104) meeting to the effect that he agreed the subject was one for a general recommendation to Administering Authorities. The draft resolution did not call for the conversion into metric units of all the data given in the annual reports of the Administering Authorities, but only asked for metric equivalents of the more important statistics, so as to lighten the task of the majority of the Council members which was accustomed to use the metric system.

#### *" The Trusteeship Council*

*" Requests the Administering Authorities concerned to consider supplying the metric equivalents of units and measures appearing in the annual reports concerning the Trust Territories under their respective administrations."*

*The Argentine draft resolution was adopted by 8 votes to 0, with 3 abstentions.*

### **136. Revision of the provisional questionnaire**

86. The PRESIDENT suggested that consideration of any revision of the Provisional Questionnaire (T/232) be deferred until the seventh session.

*It was so agreed.*

### **137. Programme of work for the seventh session of the Council**

87. The PRESIDENT pointed out that, in view of decision taken by the Council at its fifty-third meeting to defer the examination of the annual reports on the Trust Territories of Togoland under British administration and Togoland under French administration for 1948, the Council should also decide the order in which it would take the main items on its agenda for the seventh session.

88. Mr. HOO (Assistant Secretary-General in charge of the Department of Trusteeship and Information from Non-Self-Governing Territories) referred the Council to the provisional agenda (T/637) for its seventh session, which had just been circulated to the meeting. It covered six annual reports of Administering Authorities. It was estimated that, commencing on 1 June, that session would terminate about the end of July 1950. As it was desirable that consideration of the annual reports of the Administering Authorities on the Trust Territories of Togoland under British administration and Togoland under French administration should be left to the end of the session because of the need for processing a large number of petitions, the Secretariat wished to suggest that the annual reports be taken in the following order: Western Samoa, New Guinea, Nauru, the Pacific Islands, Togoland under British administration and Togoland under French administration. The Council would also probably wish at the beginning of the session to take a decision with regard to the consideration of the Jerusalem question.

89. There followed an exchange of views, in the course of which Mr. SAYRE (United States of America), Mr. LAKING (New Zealand) and Mr. FLETCHER-COOKE (United Kingdom) stated that they would ensure that the special representatives of the Administering Authorities they represented were instructed to be present on the dates indicated during the exchange of views for the examination of the various annual reports of the Administering Authorities, (5 June for the Trust Territory of Western Samoa, 19 June for the Trust Territory of the Pacific Islands, 26 June for the Trust Territory of Togoland under British administration).

90. The PRESIDENT, summing up the discussion, said that the first three days and perhaps the first whole week of the Council's seventh session would be devoted to the question of Jerusalem, and the second week and perhaps part of the first week to examination of the annual reports of the Administering Authorities of the Trust Territories of Western Samoa and Nauru. The third week, beginning on 19 June 1950, would be allotted to examination of the annual report on the Trust Territory of the Pacific Islands, and the fourth week to examination of the annual reports on the Trust

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