

functions of a committee of the whole, as the United Kingdom representative saw them.

105. Sir Alan BURNS (United Kingdom) appreciated the Chinese delegation's difficulties. The consideration of a text by the Council, however, the adoption of an amendment here or there, the deletion of a word or a phrase, was a vastly different matter from what he was speaking of—namely, the setting of the whole tone and bias.

106. Mr. AQUINO (Philippines) felt that the practical difficulties referred to by the Chinese representative were a matter of common knowledge to the Council. If the committees set up to draft the sections on annual reports were composed of four representatives, two drawn from Administering Powers and two from non-administering Powers, the balance would be held, and the likelihood of bias would largely disappear. Moreover, such procedure would certainly be more expeditious than that envisaged by the United Kingdom representative. He therefore supported the view of the Chinese representative.

107. Mr. LAURENTIE (France) fully understood the objections of the Chinese representative, but wondered whether delegations should not make a slight effort to find the best working methods for the Council. The first time the Council had had to deal with such a question it had used the system of small committees; the second time, the system had been that of a committee of the whole; the third time it had first set up a committee of the whole, which had afterwards been split up into three small committees.

108. It should be noted that on the second occasion—namely, at the fourth session, the results achieved had been far more uniform, which was a point worth considering.

109. In view of the valuable results obtained during that session the Council had wished to adopt the same system during the fifth session. The fact that it had been unable to do so was due to the attitude, within the committee of the whole, of one delegation, which had prevented the committee from functioning. That was a historical fact which he felt there was no harm in recalling. The committee of the whole would obviously have achieved equally good results as at the fourth session had it not been faced with that obstacle.

110. That being so, experience had shown that if the Council really wished to achieve uniform results it should resort to a committee of the whole. Apart from such considerations an additional difficulty had been encountered by certain delegations; in that connexion, the Chinese representative was quite justified in expressing his objections.

111. The PRESIDENT explained that the Council might so arrange the working hours of the committee of the whole and of the sub-committees that they would not sit simultaneously. The Chinese representative's difficulty would thus be surmounted.

The meeting rose at 1.15 p.m.

218th meeting

SIXTEENTH MEETING

*Held at the Palais des Nations, Geneva,
on Monday, 6 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.

33. Question of an international regime for the Jerusalem area and protection of the Holy Places (General Assembly resolution 303 (IV) (T/423 and T/457) (resumed from the 9th meeting)

1. The PRESIDENT reminded the Trusteeship Council that in its resolution 303 (IV) of 9 December 1949 the General Assembly had requested the Council to complete the preparation of a Statute for Jerusalem, and to ensure its implementation.

2. Copies of the suggestions he had made at the ninth meeting had been circulated, together with correspondence he had received from governments and organizations, as document T/457. The Secretariat had also circulated a working-paper on the discussions in the General Assembly and its *Ad Hoc* Political Committee during the fourth session (Conference Room Paper No. 7).

3. Mr. JAMALI (Iraq), having recalled the terms of General Assembly resolution 303 (IV), emphasized that its text made it abundantly clear that the Assembly desired the Trusteeship Council to accomplish its task with the greatest possible speed. That was the reason which had moved the Mexican representative, at the second special session of the Trusteeship Council in December 1949, informally to suggest that the President be entrusted with the task of preparing a working-paper on the basis of the Assembly resolution. The Council had endorsed that suggestion in its resolution 113 (S-2) of 19 December 1949¹ with the consequence that at the ninth meeting of the current session on 30 January 1950 the President had submitted to the Council a new plan for the City of Jerusalem.

4. In conveying his delegation's views on that plan, he would direct his comments to the three following points: the basic assumptions underlying the President's proposals; whether those proposals constituted a new solution, different from that adopted by the General Assembly; and their consequences and repercussions.

5. In his opening statement, the President had stated that he had collected all the relevant data to assist the Council "in its search for a solution which . . . might

¹ See *Official Records of the Trusteeship Council*, second special session, supplement No. 1.

prove capable of gaining the approval of the parties most directly concerned . . .". But it was not the duty of the Trusteeship Council to look for a solution when one had already been suggested by the *Ad Hoc* Political Committee and adopted by the General Assembly in plenary meeting,² Nor was the assumption that the solution must be acceptable to all interested parties valid, since a number of Member States which had voted against General Assembly resolution 303 (IV) had indicated that they had done so because they considered that it would be impossible to give it effect. In drawing up his new plan, the President had concentrated his attention on the wishes of the Powers at present in control of Palestine. Moreover, the President had assumed that the Trusteeship Council must await the outcome of the discussions which, it was reported, were taking place between those Powers, irrespective of what it might be. All that was in fact required of the Council in that connexion, was that it should bear in mind that such discussions were in progress. The President had sought a formula capable of reconciling the conflicting views and opposing interests which had already been amply explained in and discussed by other United Nations bodies concerned with the problem. Thus, the Trusteeship Council was being led to ignore the terms of the General Assembly resolution, and to consider a new formula of conciliation.

6. His delegation's view that the President had submitted a new plan and not a suggestion for interpreting the General Assembly's plan was shared by the world Press, the leading newspapers in the United States of America, the United Kingdom and Switzerland having described it as such, and having emphasized that it did not tally with General Assembly resolution 303 (IV). Referring to the *corpus separatum*, the *Journal de Genève* had stated that in the President's plan it had been reduced to a demilitarized and neutral zone with no internal economic barriers. The same newspaper had spoken of the "plan which the President had drawn up himself", while the *Gazette de Lausanne* had mentioned the division of the City into three separate zones, only one of which would be under the sovereignty of the United Nations. The *New York Times* had reported that the international city would consist of a small central area and a few small scattered areas, the Holy Places remaining under the *status quo* of 1757. There was thus general acknowledgment of the fact that the Trusteeship Council was called upon by the President to deal, not with the plan set out in General Assembly resolution 303 (IV), but with a totally different one.

7. The President, in giving his own interpretation of that resolution, had relied on a misinterpretation of the terms "*corpus separatum*" and "democratization". With regard to the first, he (Mr. Jamali) would submit that a *corpus separatum* could not be divided into three zones, since it must by definition form a single whole. As for the term "democratization", he failed to see how it could be construed as meaning partition. The

² See *Official Records of the fourth session of the General Assembly*, 275th plenary meeting.

General Assembly resolution had only one meaning, with which those who had taken part in the discussions in the *Ad Hoc* Political Committee³ and in the Assembly itself were perfectly conversant. Its purpose was to create in Palestine a zone surrounding the Holy Places, and to make of that zone a spiritual home for all mankind. Jerusalem could not belong to the Arabs or to the Jews, to the British or to the Americans; its streets must not be divided nor its buildings split. The General Assembly's plan was founded on a spiritual and non-political concept, the aim of which was to ensure that at least one place in the world would remain free from the strife of conflicting political interests.

8. The Trusteeship Council should not and could not reject that noble concept. Its clearly defined duty was to complete the Statute for Jerusalem, which was already drafted. If it wished to look for new solutions, it must so inform the General Assembly, since it was not a political committee before which rival claims could be heard. Cognate proposals involving partial internationalization and partition had already been examined and rejected by the *Ad Hoc* Political Committee.

9. His delegation was convinced that, should the Council adopt the President's plan, it would not only fail in its fundamental duty, but would endanger the peace of mankind for a long time to come. The partition of Jerusalem would inevitably lead to strife and destruction. Those warnings of the tragic consequences of partition in Palestine which his delegation had uttered in the General Assembly at the appropriate time⁴ had been borne out. It was therefore the more essential that Jerusalem be preserved intact as one whole, despite the fact that propaganda in favour of its partition was being sedulously disseminated all over the world. Occupation by armed forces was not equivalent to ownership, and it was not for the Trusteeship Council to bow to aggression and to accept the *fait accompli* engineered by armed intervention. Such acceptance would encourage aggressors to defy the authority of the United Nations, and thus vitiate its authority as a guarantor of peace and stability.

10. In emphasizing the necessity for the Trusteeship Council to treat the General Assembly resolution with the utmost respect, he would ask the President what groups or parties he expected to satisfy with his plan. It would prove unacceptable to the Arab world, which, as represented by several States Members of the United Nations, had already rejected a solution on the same lines as those of the President's plan. The vast majority of the religious organizations in the world were opposed to any modification of the General Assembly's decision. The adoption of the President's plan could serve only the Zionists, by leaving them in control of a section of Jerusalem. He could not but hope that the Trusteeship Council would neither lower the prestige of the

³ See *Official Records of the fourth session of the General Assembly*, *Ad Hoc* Political Committee, 45th to 50th and 57th to 61st meetings.

⁴ See *Official Records of the second session of the General Assembly*, Volume II, 126th plenary meeting.

General Assembly, nor endanger peace by condoning armed aggression.

11. In the General Assembly, his delegation had stated⁵ its view that Jerusalem was an Arab city, which should be included in an Arab State, as had indeed been suggested in the first plan proposed by the late United Nations Mediator in Palestine. Consequently, it had been for the sake of preserving the unity of Jerusalem, and against its inclinations that his delegation had voted in favour of resolution 303 (IV).

12. The Trusteeship Council had now to choose between three procedures: it could decide that it was unable to deal with the problem, and refer it back to the General Assembly; it could complete the Statute for the City of Jerusalem, complying with the letter and the spirit of the General Assembly decision, and endeavour to implement it; lastly, it could complete the Statute and transmit it to the Security Council, with the request that the latter assume responsibility for giving it effect. If the Council decided to pursue the task entrusted to it by the General Assembly, it must devote its attention to uninterrupted work on the Statute. There was neither need nor time for procrastination and a search for new solutions.

13. The PRESIDENT replied that he had proposed no plan, but had merely made suggestions as to the interpretation which the Trusteeship Council might place on the General Assembly resolution 303 (IV).

14. The representative of Iraq had told the Council that the world Press had referred to a plan. That term was not correct. He was, moreover, of the opinion that it was not the function of the Trusteeship Council to draw up plans. The General Assembly had examined a large number of plans in succession, and in the light of that examination and with a full knowledge of the facts it had adopted, by a large majority, resolution 303 (IV).

15. The General Assembly, as an exceptional measure, had entrusted the Trusteeship Council with the adoption and implementation of a Statute for the City of Jerusalem. The Assembly had undoubtedly weighed the terms of its resolution. It was aware of the situation, and knew what prospects there were of giving effect to its recommendations. It had certainly not forgotten that the Trusteeship Council, while essentially an executive organ of the Assembly, was also one of the constitutional bodies of the United Nations with its own powers, which were, however, of a deliberative nature.

16. Its normal function was to ensure the implementation of Chapters XII and XIII of the Charter. In the case of the City of Jerusalem, the Council had as an exceptional measure been called upon to implement a resolution of the General Assembly.

17. The Council could draw up and finally adopt a statute at any time, but the General Assembly had

also made it responsible for the immediate implementation of such a statute, and it had to consider how that was to be done. The General Assembly had given the Council fairly rigid directives for the actual framing of the Statute, but had nevertheless, as was indeed essential, allowed it some freedom of interpretation.

18. The General Assembly had instructed the Council to establish the City of Jerusalem as a *corpus separatum*. What was to be understood by that term? If the Council were to take up the draft Statute for the City of Jerusalem (T/118/Rev.2) which it had prepared in 1948 at its second session,⁶ a discussion would start, with the very first article, on the interpretation to be given to *corpus separatum*. Neither dictionaries nor encyclopaedias would explain how that term was to be interpreted in practice.

19. Secondly, the General Assembly in passing resolution 303 (IV) had asked the Council to amend the provisions of the 1948 draft Statute in so far as it considered it necessary to do so in the light of subsequent events and the present situation, and in particular to amend or omit certain articles that had become inapplicable. The General Assembly had given a concrete example by referring to two articles including that relating to the economic union provided for by General Assembly resolution 181 (II). The use of the two words "for example" in General Assembly resolution 303 (IV) made it clear that the Council was empowered to decide which other articles of the draft Statute had likewise become inapplicable, or could only be applied after amendment.

20. Thirdly, the General Assembly, in resolution 303 (IV), had instructed the Council to amend the provisions of the 1948 draft Statute in such a way as to make them more democratic. There again, the Council had the right to interpret the wishes of the Assembly and decide to what extent and in what manner the 1948 draft Statute could be made more democratic. The draft Statute had been very severely criticized on the grounds that the United Nations Governor for whom it provided would be given very wide powers and that the population of the City of Jerusalem would not be given sufficient say in the administration. The Council had therefore been requested to provide for self-government in accordance with one of the fundamental principles of the United Nations.

21. He called attention to the fact that underlying General Assembly resolution 303 (IV) was the desire to provide Jerusalem with a special international status because it was a Holy City for three great religions. The General Assembly had been faced with an extremely difficult problem. It had to reconcile the necessity for ensuring the preservation of the very special character of the Holy City, with the desire to do nothing which might prejudice the right of the inhabitants to decide their own future. He might be wrong, but a detailed study of the terms of resolution 303 (IV) had led him to believe that the General Assembly had

⁵ See *Official Records of the fourth session of the General Assembly*, 275th plenary meeting.

⁶ See *Trusteeship Council, Official Records*, second session, third part, annex.

wished to leave it to the Council to interpret its resolution in a way that would ensure the safety of the Holy Places and at the same time allow the population of the City of Jerusalem the largest possible measure of self-government.

22. He had put forward some suggestions, but he had not proposed a plan; he had merely given the Council the opportunity of interpreting the General Assembly resolution in such a way as to make it possible for the parties directly concerned to accept the Statute which the Council was to draw up. He believed that in so doing he had been entirely impartial and sincere.

23. The Council was completely free to disregard his suggestions. He hoped they would at least have the effect of impressing on members the necessity for the Council's performing its functions as an executive organ of the General Assembly, that was, carrying out the provisions of resolution 303 (IV), while at the same time doing everything possible to see that the Statute drawn up should be really acceptable to all parties concerned.

24. The General Assembly had recommended that the Council should carry out its task regardless of any action that might be taken by any government during the course of its labours. It did not, however, forbid the Council to face facts. It did not insist on the Council's framing an agreement which everybody knew could not be put into effect owing to the formal refusal of the parties at present occupying parts of the City of Jerusalem to abide by its provisions. As the Council had been made responsible for the immediate implementation of the Statute it was to draw up, it could not disregard the consequences which would ensue from the adoption of that Statute.

25. The representative of Iraq had suggested three possible solutions, the first being that the Council should forthwith declare itself incompetent to deal with the matter. That would certainly be the course which would give the Council the least trouble.

26. The second course would be to adopt a statute strictly in accordance with the provisions of the General Assembly resolution. But in undertaking such a task, the Council would at once come up against the expression "*corpus separatum*". It would have to decide what it meant thereby, and how it would reconcile the requirements of a *corpus separatum* with the fundamental principles of the United Nations, while at the same time safeguarding the sacred character of the Holy City. The Council would encounter the same difficulties when it proceeded to deal with subsequent articles. It would have to decide, for example, to what extent and in what way the draft Statute should be made more democratic.

27. The representative of Iraq had finally said that there was a third course open to the Council—namely, that it should adopt the Statute and refer it to the Security Council, stating that the Trusteeship Council lacked the necessary powers to ensure its immediate implementation. But, in his (the President's) view, it was really too soon for the Council to state that it

was unable to perform the task entrusted to it by the General Assembly.

28. Having submitted to the Council the working document which he had been instructed to prepare, he considered that the special task given him at the second special session of the Council had been completed, and that his main function was now to direct the work of the Council in dealing with the item of its agenda at present under discussion.

29. Abdel MONEM MOSTAFA Bey (Egypt) said that he had carefully studied the principles which the President had suggested as a basis for the preparation of the future Statute for the City of Jerusalem.

30. With regard to the President's suggestion that the Jerusalem area should be divided into three sectors, he thought that the position should be clarified by recalling the circumstances in which General Assembly resolution 303 (IV) had been adopted.

31. The Plan of Partition with Economic Union for Palestine, adopted by the General Assembly on 29 November 1947 (resolution 181 (II)), provided for the establishment of the City of Jerusalem as a *corpus separatum*, and delimited its frontiers. The Jerusalem area was to be administered by the United Nations, and the Trusteeship Council was to discharge the responsibilities of the Administering Authority. Furthermore, the Trusteeship Council was directed by the resolution to elaborate a statute for the City containing the substance of its provisions. That was the basis on which the Council had prepared the draft Statute of 1948.

32. He considered that the expression "*corpus separatum*" could be defined in the light of the frontiers laid down in General Assembly resolution 181 (II), and of its provisions for the administration of the *corpus separatum*.

33. There would be no point in recalling the provisions adopted by the *Ad Hoc* Committee on the Palestinian Question which had prepared the partition plan in 1947 during the second session of the General Assembly. It would be sufficient to stress the basic idea underlying the planned, international regime.

34. In view of the bonds between Jerusalem and the three monotheistic religions of the world, the originators of the partition plan had found that the one and only solution capable of ensuring respect for the unique character of that city was to entrust it to the care of the whole human race, as represented by the United Nations. It was wrong to claim that the three monotheistic religions were interested solely in the Holy Places in Jerusalem, and that the believers would be satisfied if those Holy Places were protected and pilgrims assured free access to them. The whole of Jerusalem was a Holy City. To vest sovereignty over Jerusalem in any authority other than the United Nations would be to endanger and jeopardize the rights of believers in their spiritual capital, and would serve neither the cause of religious peace nor that of peace in general.

35. Such were the grounds on which the General Assembly had approved the internationalization of the City of Jerusalem in 1947⁷ and which explained the meaning of the *corpus separatum* in which the Holy City was to be incorporated.

36. For reasons that need not be recalled at the present moment, the partition plan had not been put into effect; but the partition plan submitted by the late United Nations Mediator in Palestine to the General Assembly in 1948,⁸ had provided that the City of Jerusalem should be included in the Arab State of Palestine, thus recognizing that under that State freedom of worship would be guaranteed, the Holy Places protected and freedom of access ensured.

37. On resuming examination of the Palestine problem, the General Assembly had decided (resolution 194 (III)), on 11 December 1948, to reaffirm its intention of placing the Jerusalem area under effective United Nations supervision, and instructed the Conciliation Commission for Palestine to present to the fourth regular session of the General Assembly detailed proposals for a permanent international regime for the Jerusalem area having the same frontiers as those laid down in General Assembly resolution 181 (II) of 29 November 1947.

38. The United Nations Conciliation Commission for Palestine had requested the representatives of the Arab States, which had co-operated with it, to submit their views with regard to the statute which it had been called upon to prepare. Those representatives had submitted, in accordance with General Assembly resolutions 181 (II) and 194 (III), detailed proposals for the maintenance of the city's unity and the protection of the Holy Places. The significant fact should be emphasized that the representative of the Hashemite Kingdom of the Jordan had been among the authors of those proposals, and that he had fully endorsed the suggestions made by the other Arab representatives.

39. The Conciliation Commission had disregarded the Arab delegations' proposals, and had submitted a plan of which the least that could be said was that it had run counter to the spirit and the letter of the General Assembly resolutions, and stultified the very idea of internationalization, since it proposed the partition of the Jerusalem area and merely provided for the protection of the Holy Places. The view of the Conciliation Commission had been that account should be taken of the *de facto* situation then existing, and that the co-operation of the authorities which had at that time been sharing the control of the city was indispensable.

40. When the General Assembly had resumed examination of the question in 1949, representatives of the Governments of Israel and the Hashemite Kingdom of the Jordan had vehemently protested against the internationalization of Jerusalem, and had demanded recognition of the *de facto* situation. The General Assembly

had nevertheless decided (resolution 303 (IV)) at its 275th meeting on 9 December 1949 to adhere to the principle of internationalization, had confirmed the decisions it had taken in regard to Jerusalem in adopting resolution 181 (II) at its second session and resolution 194 (III) at its third session, and had stated that the principles laid down in those resolutions represented a just and equitable settlement. The General Assembly had expressly confirmed the following provisions of resolution 181 (II):

(a) The City of Jerusalem shall be established as a *corpus separatum* under a special international regime and shall be administered by the United Nations;

(b) The Trusteeship Council shall be designated to discharge the responsibilities of the Administering Authority . . . ; and

(c) The City of Jerusalem shall include the present municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which shall be Abu Dis, the most southern, Bethlehem; the most western, Ein Karim . . . and the most northern, Shu'Fat . . .

41. The General Assembly also requested the Trusteeship Council to complete the preparation of the Statute of Jerusalem "without prejudice to the fundamental principles of the international regime for Jerusalem set forth in" resolution 181 (II), which implied territorial integrity without partition, to amend the statute "in the direction of its greater democratization", which certainly meant giving the city a greater measure of control over municipal affairs, to "approve the Statute, and proceed immediately with its implementation".

42. No actions taken by any interested Government or Governments were to be allowed to divert the Trusteeship Council from adopting and implementing the Statute for Jerusalem. The General Assembly had wisely called upon the States concerned to approach those matters with goodwill, and to be guided by the terms of the General Assembly resolution.

43. The Trusteeship Council had adopted two resolutions in implementation of the General Assembly resolution. The first (resolution 113 (S-2)),⁹ dated 19 December 1949, had entrusted the President of the Council with the task "of preparing a working paper on the Statute for Jerusalem". The second (resolution 114 (S-2)),⁹ dated 20 December 1949, had been adopted as a result of the removal to Jerusalem of certain ministries and central departments of the Government of Israel. The Council had considered that the measures taken by the Government of Israel were likely to render more difficult the implementation of the Statute for Jerusalem, with which the Council had been entrusted. In the same resolution, the Council had asked its President to invite the Government of Israel to submit a written statement on the matters covered by General Assembly resolution 303 (IV), to revoke those measures and to abstain from any

⁷ See *Official Records of the second session of the General Assembly*, Volume II, 124th to 128th plenary meetings.

⁸ See *Official Records of the General Assembly*, third session, supplement No. 11, part. one, section VIII.

⁹ See *Official Records of the Trusteeship Council*, second special session, supplement No. 1.

action liable to hinder implementation of the General Assembly resolution.

44. The instructions given to the Trusteeship Council by the General Assembly were mandatory, and highly limitative. If the Council exceeded those instructions the validity of its action would certainly be questionable.

45. The General Assembly in adopting resolution 303 (IV) had recognized the unity of the Jerusalem area and eliminated any suggestion of divided or competing sovereignties. To seek to partition the Jerusalem area into three sectors, as seemed to be implicit in the suggestions submitted by the President of the Trusteeship Council, was to run counter to the will of the United Nations. That invalidated those suggestions from the outset, and made it impossible for the Council to consider them without acting improperly, despite the fact that they contained some excellent ideas, such as, for example, the demilitarization and neutralization of the area, which were in accordance with the letter and spirit of the General Assembly resolutions.

46. Mr. RYCKMANS (Belgium) considered that in their statements the representatives of Iraq and Egypt had made a number of excellent points, with which his delegation was in partial agreement. It was true that the General Assembly had given the Trusteeship Council categorical instructions. However, it was also true that it was desirable that the General Assembly resolution should be given effect by unanimous agreement. In that connexion, while not wishing to start any political discussion in the Trusteeship Council, he would point out that General Assembly resolution 181 (II) had not been unanimously accepted; that was a basic factor in the situation with which the Council was confronted.

47. When the General Assembly, at its fourth session, had tried to find for the question of Jerusalem a solution which would be acceptable to all parties concerned, it had endeavoured to take into account all the interests involved, the political interests of the two powers directly concerned, the State of Israel and the Hashemite Kingdom of the Jordan, and the interests of their respective peoples, while not overlooking the interests of humanity and the special position occupied by the Holy City of Jerusalem, dear to the three great monotheistic religions of the world. Faced with the interests of the Moslem world, the Jewish world and the Christian world, of the State of Israel and of the Hashemite Kingdom of the Jordan, all of which it had striven to reconcile, the General Assembly had finally decided, in resolution 303 (IV), to abide by its resolution 181 (II) of 29 November 1947, and to create a *corpus separatum* in Jerusalem. That had been the solution which it had felt would give most satisfaction to the major religious interests. With regard to national interests, the General Assembly had endeavoured to respect them, and had requested the Council to take up again and complete the draft Statute it had drawn up in 1948 and to make it more democratic. Its instructions to that effect, as had very rightly been pointed out, were categorical.

48. The representatives of Iraq and Egypt had apparently assumed that the Council was bound to carry out those instructions at once, setting aside the suggestions made a few days previously by the President of the Council, which world opinion regarded as a new plan.

49. There was, however, one point on which the Belgian delegation could not agree with what the representative of Iraq had said concerning the three possible procedures open to the Council. None of the three courses mentioned by the representative of Iraq provided for consideration of the suggestions put forward by the President of the Trusteeship Council.

50. The representative of Iraq had argued on the assumption that no new factor had come into play since the General Assembly had last discussed the question of Jerusalem. He could not agree. He would ask all the members of the Council and, in particular, the representatives of Iraq and of Egypt whether, in view of the Council's heavy responsibility before the world and before history, they would not be well advised to show great objectivity in approaching that question, and to ask themselves whether it was true that no new factor had emerged. In his view, there was a new factor, and one of extreme importance, and that was that resolution 303 (IV) had in fact been adopted. The General Assembly had attempted to reconcile all points of view, and had therefore considered a certain number of plans which it had been found necessary to discard; it was only as a last resort that it had adopted resolution 303 (IV). Whatever the circumstances in which it had been voted, the fact nevertheless remained that it had been adopted. As the representative of Iraq had very rightly pointed out, refusal to comply with the General Assembly resolution would carry with it a heavy responsibility. Indeed, in his (the Belgian representative's) view, the import of the adoption of that resolution was such as to give cause for reflection to persons who might, perhaps, refuse to accept a plan, but who, faced by the General Assembly's resolution, might be prepared to show a greater measure of goodwill.

51. Naturally, the Council had to comply with the instructions it had received from the General Assembly. Supposing, however, that as a result of the adoption of resolution 303 (IV) and the possible hesitation of certain parties to oppose it with force, the Council found evidence of a new spirit, particularly among the Powers occupying Jerusalem; supposing that, on the basis of the President's suggestions—which, as they stood, could certainly satisfy nobody—the Council were to devise a new formula which satisfied the principal religious interests mentioned by the representatives of Iraq and Egypt, and which was accepted by the State of Israel and the Hashemite Kingdom of the Jordan; supposing that, under that formula, a small part of the present Jewish districts of the City of Jerusalem were excluded from the *corpus separatum* whereas the Holy Places, with which humanity as a whole was concerned, were left within the internationalized area—in that event, was it to be believed that the General Assembly would blame the Council for having exceeded its com-

petence? For those reasons he thought it would be premature to state that the Trusteeship Council must reject the suggestions made by the President, and that it should rebuff in advance any formula of conciliation. The Council would be wise to pursue the task entrusted to it by the General Assembly, but without stating that it refused out of hand to consider any formula of conciliation which new factors, in particular the General Assembly's adoption of resolution 303 (IV), might make possible by fostering a new attitude on the part of those who had previously refused to respond to any attempt at conciliation. It went without saying that any formula of that kind would not be acceptable unless it safeguarded the sacred interests which the General Assembly had had in view when it had decided that the City of Jerusalem should be internationalized.

52. The PRESIDENT stated that as a result of the invitation which the Council had issued through the Press to interested governments, religious institutions and organizations, the representatives of two churches, Monsignor Germanos, representing His Beatitude the Patriarch of the Greek Orthodox Church of Jerusalem, and Monsignor Tiran, representing the Armenian Church, had expressed a wish to present observations to the Council on the subject of the Statute for Jerusalem. He suggested that they might be heard by the Council on 8 February 1950.

It was so decided.

53. The PRESIDENT stated that, in addition to the communications which had already been distributed to members of the Council, he had received a large number of private letters, which he had not considered it necessary to have distributed, since they were not from organizations or associations. In general, those letters showed the existence of wide divergences of view among the various sections of the population of Jerusalem, which was, however, almost unanimous in condemning the suggestions which he, as President of the Trusteeship Council, had put forward in a spirit of conciliation. Naturally, members of the Council could, if they wished, consult the file containing those private letters; if they did so, they would realize the difficulty of the Council's task.

54. Mr. JAMALI (Iraq) expressed the hope that nothing he had said would be taken as indicating lack of appreciation of the efforts made by the President of the Council to solve the Jerusalem problem. He had not said that plans for solving the problem other than that adopted by the General Assembly should not be discussed, but he did maintain that they should not be discussed by the Trusteeship Council. If a plan likely to command the approval of all interested parties were put forward, it should certainly be considered, but by the General Assembly itself.

55. One feature of the Jerusalem problem on which, following efforts made by the United Nations Conciliation Commission for Palestine, agreement amongst the interested parties had been obtained on 12 May 1949 was the question of the boundaries of the *corpus sepa-*

ratum, which the President recently suggested should be divided up into zones. The fact that there were only three courses open to the Council did not exclude the discussion of a plan by the General Assembly. The functions of the Trusteeship Council were clearly defined; so far as the Jerusalem problem was concerned, its function was to complete a statute and to act in accordance with General Assembly resolution 303 (IV), with which the suggestions made by the President did not accord. Since the General Assembly had been well aware that there would probably be objections to the resolution, it had included the words: "Calls upon the States concerned to make formal undertakings, at an early date and in the light of their obligations as Members of the United Nations, that they will approach these matters with goodwill, and be guided by the terms of the present resolution". He was certain that the representative of Australia, a country whose representative had voted in favour of the adoption of the General Assembly resolution, would agree with him when he said that the resolution did not permit the division of the *corpus separatum* into zones under different authorities. The General Assembly had also been aware of the agreement reached by the parties concerned on 12 May 1949; he regretted that it had apparently been forgotten by certain other persons. If one single concession not in accordance with that agreement were granted, there would be no end to the demands for other concessions, and trouble and conflict would break out over every street and building in Jerusalem.

56. The PRESIDENT read out a telegram¹⁰ which he had just received from a number of Catholic organizations meeting in Luxembourg, asking for the full implementation of the General Assembly resolution.

The meeting rose at 4.35 p.m.

219th meeting

SEVENTEENTH MEETING

*Held at the Palais des Nations, Geneva,
on Tuesday, 7 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.

34. Examination of annual reports on the administration of Trust Territories (resumed from the 15th meeting)

TANGANYIKA, 1948 (T/218, T/333, T/356, T/356/Add.1, T/356/Add.2, T/L.10 and T/L.12) (Continued)

At the invitation of the President, Mr. Lamb, special representative of the Administering Authority for the Trust Territory of Tanganyika, took his place at the Council table.

¹⁰ Subsequently circulated as document T/457/Add.1.