

of gratitude to the President for the masterly way in which he had directed the Council's work. The frankness and serenity with which that work had proceeded provided manifest proof of international comprehension and goodwill, which was particularly satisfying to Italy, a country undertaking a task in the service of humanity and peace, and which would increase the confidence and the prestige already enjoyed by the United Nations.

The Council would each year have the pleasure of hearing the representative of the Italian administration of the Territory reporting on the progress achieved, progress which he hoped would be extremely rapid. Italy, which had the honour of inheriting one of the most ancient and glorious civilizations, would—the Council was convinced—do an admirable job in Africa.

The meeting rose at 8.30 p.m.

211th meeting

NINTH MEETING

*Held at the Palais des Nations, Geneva,
on Monday, 30 January 1950, at 10.30 a.m.*

President : Mr. Roger GARREAU.

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

Observers from the following countries : Egypt, Lebanon, Syria.

19. Question of an international regime for the Jerusalem area and protection of the Holy Places (General Assembly resolution 303 (IV) of 4 December 1949) — (T/423)

1. The PRESIDENT invited the Council to consider the question of an international regime for the Jerusalem area and protection of the Holy Places.

2. He recalled that, in fulfilment of resolution 303 (IV), adopted by the General Assembly on 9 December 1949, the Trusteeship Council had, by its resolution of 19 December 1949, entrusted him with the task of submitting to it at the opening of its sixth session, a working paper to assist it in drawing up a draft statute for the City of Jerusalem. To that end, the Council had invited all its Members and the delegations which had participated without vote in the discussions on the question of Jerusalem, to send him written suggestions or observations, and had further authorized him to ascertain the views of any other interested Governments, institutions or organizations.

3. Within the brief period available to him, he had endeavoured to assemble all the information likely to be of help to the Council in its search for a solution to the Jerusalem problem which might prove capable of gaining the approval of the parties most directly concerned, and which could therefore be put into effect by the Council with the willing co-operation of the Governments at present exercising authority in the Jerusalem area.

4. The opposition to the implementation of General Assembly resolution 303 (IV) already displayed by those Governments did not appear to have lessened. Among the delegations which had not voted for that resolution, the prevailing opinion had been that it could not be implemented under such conditions.

37. The Italian people was profoundly aware of the responsibility entailed by the fulfilment of the task entrusted to it, and intended to carry out its international duties scrupulously, so as to bring into existence, at the expiration of the trusteeship period, a State which, in harmony with its neighbours, would, in work, order, progress and justice, have a sure basis for its independence. The Italian people would be the executors of the will of the United Nations in the Territory, and the United Nations would render it aid through the Advisory Council, the great importance of which his Government already appreciated.

38. The United Nations had wished to make clear to the population of the Territory and to the world as a whole the essentially international character of the trusteeship administration. In its reports of its trusteeship activities the Italian people would be conscious of the fact that it represented the civilized world in a land which desired and deserved to raise itself to a higher standard of civilized life. He would ask the whole world always to regard Italy in that light, serving the interests of the people of the Territory and of the United Nations. The United Nations would see its decisions carried out punctually and meticulously. The task of his Government would certainly be facilitated by the presence on the frontier of the Territory which it was to administer of two States Members of the United Nations, with whom it wished faithfully and sincerely to co-operate.

39. A spirit of cordial understanding had informed the work at Geneva. He was sure that spirit would continue to prevail in Africa. It would greatly gratify the Italian Government if it was able to state in its first report that both in and around the Territory the decision taken by the United Nations had created an atmosphere of peace and concord. He welcomed the presence in the Advisory Council of the representatives of Colombia, Egypt and the Philippines, who were to aid his Government in its task.

40. The PRESIDENT said that the Council had concluded its task very satisfactorily, and had produced a most important document which was to serve as the basis for the development of a people towards independence. The Council thanked the representative of Italy for his observations, and for the splendid way in which he had set forth the purpose and aims of his country in its task of leading the people of the Territory to the independence which they would acquire in ten years' time. The Council would be especially happy shortly to see the representative of Italy taking part in its deliberations as the representative of his country.

Meanwhile, the Trusteeship Council, which in that case had been acting as the executive organ of the General Assembly, had received from the latter imperative instructions to adopt a Statute for Jerusalem on the basis of the provisions of General Assembly resolution 181 (II) and to take forthwith the necessary measures for putting it into effect, without allowing any action by any interested Government or Governments to deter it from carrying out that duty.

5. Moreover, it appeared from the communications received that :

First, a large number of the inhabitants of Jerusalem, of all races and religions, desired the establishment in that city of an international regime which would safeguard them against a recurrence of the hardships inflicted on their city ;

Secondly, the Christian churches were praying for an international regime that would somehow ensure the safety of the Holy Places and free access to them ;

Thirdly, there was no measure of agreement between the Government of Israel and the Governments of the Arab States on the question of how the Holy City could be protected in future against any danger of an outbreak between hostile neighbours.

6. The Governments of Israel and the Hashemite Kingdom of the Jordan were reputed to have begun discussions with a view to concluding a treaty which would delimit their respective zones of authority in the City of Jerusalem. Each would undertake the responsibility of guaranteeing the safety of the Holy Places within its own zone and free access for pilgrims. But it was, beyond question, for the United Nations to determine the fate of a territory for which it had decided to establish a system of international administration, taking due account of the aspirations of the Jews and the Moslems and of the wishes of the Christian world.

7. The Trusteeship Council, for its part, had to abide by the instructions contained in General Assembly resolution 303 (IV), which nevertheless left the Council considerable latitude of interpretation, and permitted it to seek, within the framework of that resolution, a basis for reconciling opposing views and interests. The Trusteeship Council had been instructed not only to prepare a Statute which, if drafted in either abstract or absolute form without any regard for live realities, would certainly be fated to remain a dead letter, but had also been entrusted with the much more onerous task of ensuring that that instrument was put into effect ; and it could not ignore the fact that, in order to bring to a successful conclusion a task bristling with so many difficulties, it would not neglect any means of securing the willing and loyal co-operation of the Governments of Israel and the Hashemite Kingdom of the Jordan. A liberal and reasonable interpretation of the resolution would help it to achieve that aim.

8. It was therefore for the Trusteeship Council to decide, as it considered most appropriate :

First, the machinery of the special international regime to be applied to the area constituted as a *corpus separatum* within the limits fixed by the General Assembly's resolutions 181 (II) and 303 (IV) ;

Secondly, which of the provisions of the draft Statute¹ prepared by the Trusteeship Council in April 1948 had become inapplicable as a result of events in Palestine since that date ;

Thirdly, what amendments must be made to the draft Statute of April 1948 in order to make it more democratic, in other words, to work out and adopt arrangements for the international regime which would meet the clearly expressed aspirations and interests of the majority of the population in any given sector of the *corpus separatum*.

9. The strongest objection raised both by the Government of the Hashemite Kingdom of the Jordan and by the Government of Israel to General Assembly resolution 303 (IV), was that it failed to take account of the wish of the majority of the population, either Jewish or Arab, not to be subjected to an international authority which would make them citizens of a neutral territory. In their view, safeguarding of the Holy Places did not require the formation of so large a *corpus separatum*, but could be ensured by other means, which they had declared themselves ready to seek in collaboration with the United Nations.

10. But while the opposition of the majority of the population might be real, it was none the less certain that in the Old City the majority of the population of Palestinian descent, whatever their race or religion, would welcome with relief a regime which would enable them to live in peace, intermingling with one another as they had done for centuries.

11. He had therefore become convinced that the Trusteeship Council could, and should, consider the possibility of preparing, within the framework and in accordance with the instructions of General Assembly resolution 303 (IV), a statute for Jerusalem, of which the main lines would be as follows :

(i) The territory of Jerusalem would be constituted as a *corpus separatum* within the boundaries indicated in General Assembly's resolution 181 (II) and 303 (IV), and placed under a permanent international regime ensuring the demilitarization and neutralization of that zone, free access to the Holy Places, full freedom of movement throughout the territory and the integrity of, and respect for, the Holy Places and religious buildings and sites.

(ii) The territory would also constitute an economic free zone and the authorities would have no power to collect any duty on goods or merchandise entering or leaving it, except, possibly, a charge on goods in transit.

¹ See *Official Records of the Trusteeship Council*, second session, third part, Annex (T/118/Rev.2).

(iii) The Territory of Jerusalem would be divided into three parts :

(a) The Israeli zone.

(b) The Jordanian zone.

(c) The "International City", which would be placed under the collective sovereignty of the United Nations and administered, under the supervision and responsibility of the Trusteeship Council, by a Governor of the Holy Places appointed by the Council.

Practically the whole of the New City, together with the station and the railway from Jerusalem to Tel-Aviv, would remain under the sovereignty of Israel. The Arab quarters of the Old City, together with the Haram-esh-Sherif, the Wadi-el-Joz and Bab-az-Zahira sections, the American colony, the whole of the Jericho road, the Nablus road to the north of Sheik Jarrah and the Hebron road to the south of Bethlehem would remain under the sovereignty of Jordan. The "International City" would include all the Holy Places covered by the *status quo* of 1757.

(iv) The Governor of the Holy Places would ensure that all the provisions of the statute enumerated above were duly observed by the State of Israel and the Hashemite Kingdom of the Jordan in their respective zones of administration.

(v) Until such time as the two States had established their common frontier across the territory of Jerusalem, where they were not separated by the boundaries of the International City, a provisional line of demarcation would be drawn by agreement between the two States and, if necessary, with the assistance of the Governor of the Holy Places. The Governor of the Holy Places would intervene, if necessary, to settle any dispute arising between the authorities of the two neighbouring States in the territory of Jerusalem.

(vi) The inhabitants of the International City could either retain their present nationality or opt for citizenship of the International City. They would elect, by universal suffrage, a municipal council, the composition of which would be determined in such a manner as to ensure equitable representation of the various religions, and which would administer the International City under the supervision of the Governor of the Holy Places. The Governor of the Holy Places would accredit representatives to the State of Israel and to the Hashemite Kingdom of the Jordan to ensure the protection of the interests of the International City and its citizens.

(vii) The Governor of the Holy Places would be assisted by a General Advisory Council whose main function would be to ensure good relations between the various religions, and by three commissions for the Holy Places, religious institutions and sites.

(viii) The Governor of the Holy Places would also exercise, on behalf of the United Nations, the right to protect the Holy Places, religious institutions and sites, situated outside the Holy City in any part of Palestine, in accordance with the provisions of article 37

of the draft Statute prepared by the Trusteeship Council in April 1948.

(ix) In the matter of the Holy Places, religious institutions and sites, the Governor would ensure, in the International City of Jerusalem, the integrity of, and respect for, existing rights, which could not be subject to either supervision or impairment. He would also ensure that such rights were similarly respected throughout the *corpus separatum*, under conditions to be fixed by agreement between the State of Israel and the Hashemite Kingdom of the Jordan.

(x) The Governor of the Holy Places would direct the external affairs of the International City.

(xi) He would have at his disposal an international police force recruited by him without distinction as to nationality.

(xii) Justice in the International City would be administered by a court of first instance and by a supreme court. The Chief Justice of the Supreme Court would be appointed by the Trusteeship Council and would in turn appoint the other officers of both courts by agreement with the Governor of the Holy Places.

(xiii) The International City would fly the flag of the United Nations.

(xiv) The statute would remain in force for a period of ten years, in the first instance, unless the Council thought fit to modify its provisions earlier. On the expiry of the ten-year period, the whole of the statute would be reviewed by the Trusteeship Council in the light of the experience acquired. The population of the International City would then be entitled to make known, by referendum, their views on possible changes in the regime of the City. The Trusteeship Council would in due course prescribe the procedure for carrying out the referendum.

12. If the Trusteeship Council thought it desirable to adopt in advance the main lines of a statute, as outlined above, it would then review that draft text prepared in April 1948, article by article.

13. But he thought that, before entering upon a general discussion, it would be advisable for the Council to invite the Governments of Israel and the Hashemite Kingdom of the Jordan to come to the Council table and take part in the debates. The Council would doubtless also like to hear such qualified representatives of the churches, institutions and organizations concerned in the fate of the Holy City as expressed a desire to state their views, as had already been done by His Beatitude the Greek Orthodox Patriarch of Jerusalem and His Beatitude the Patriarch of the Armenian Church.

14. He was fully aware that the proposals he had just presented were bound to meet with objections and perhaps even with criticism, but the contradictory nature of such objections and criticism could not fail to bring out the completely objective spirit in which he had conducted the inquiry which the Council

instructed him to carry out, and the desire for conciliation by which his proposals were prompted.

15. He thought that the Council would at least be in agreement with him on the principle that it was necessary to seek an interpretation, and practical solution, of the General Assembly resolution, capable of securing the acceptance of the Governments of Israel and of the Hashemite Kingdom of the Jordan.

16. Mr. JAMALI (Iraq) expressed his delegation's appreciation of the President's statement, which had clearly entailed much work and thought. It was impossible to pass judgment forthwith on a statement of such great import. Limiting himself to first impressions, therefore, he would point out that that statement was greatly at variance with General Assembly resolution 303 (IV). He (Mr. Jamali) had participated in the work of Sub-Committee 1 of the *Ad Hoc* Political Committee of the General Assembly and in the discussions of the Assembly itself. He was consequently familiar with all the proposals which had been submitted and rejected in connexion with the Draft Statute for Jerusalem. It would seem to him at first glance that the President's statement formed yet another plan, many points of which had already been discussed at length and voted upon in one or other of the bodies he had mentioned.

17. The statement would therefore call for thorough political discussion which, he feared, might transform the Council into yet another political committee of the General Assembly. Was it not rather for the Council to act as an executive body, with the duty of implementing the decisions taken by the General Assembly in the light of the discussions held in the *Ad Hoc* Political Committee? He presented that question as a formal point of order, in order to warn the Council against reviving the political aspects of the case, which had already been thoroughly thrashed out in the *Ad Hoc* Committee.

18. Moreover, he could not be sure whether the President's proposal to invite certain governments as well as certain churches, institutions and organizations to participate in the Council's debates was advisable at that stage. By General Assembly resolution 303 (IV), the Trusteeship Council had been instructed to "complete the preparation of the Statute of Jerusalem". It went without saying that certain governments and competent authorities could, and undoubtedly should, be approached when the Statute came to be implemented, but to extend an invitation to them forthwith would be tantamount to allowing them to re-state before the Trusteeship Council points of view which they had already and repeatedly stated elsewhere. There could be no degrees of interest in the problem before the Council. The question of an international regime for the Jerusalem area and the protection of the Holy Places was of equal significance for all States Members of the United Nations. He would submit therefore that, if the Council so desired, a general invitation should be extended to all States Members, especially in view of the fact that one of the States referred to in Section II

of the operative part of the General Assembly resolution 303 (IV) having been requested to co-operate with the United Nations and to accept the plan devised by the General Assembly, had responded by publicly flouting the decision taken by the United Nations.

19. In his opinion, it was for the interested parties to make a request to the Trusteeship Council for a hearing rather than for the Trusteeship Council to invite them to state their case. He feared that the procedure suggested by the President might involve the Council in loss of prestige, as the issue of an invitation to the interested parties might be interpreted by public opinion as condoning the regrettable behaviour he had just referred to. Last but not least, the Council had to consider the possibility that its invitation might be declined. It was far from his desire to prevent any State from coming to the Council table and presenting its views, but, in his concern for the Council's dignity, he would prefer a public announcement, to the effect that any interested party could attend the meetings of the Council, to a formal invitation.

20. He reserved the right to comment on the President's statement at greater length at a later meeting.

21. Mr. HOOD (Australia) associated himself with the tribute paid by the Iraqi representative to the President for his comprehensive statement, and, referring to the Council's resolution of 19 December 1949, authorizing the President to ascertain the views of any other interested Governments, institutions or organizations, asked whether the President had in fact received any such views, suggestions or observations. His question did not, of course, refer to any private or informal exchanges which could obviously not be communicated to the Council.

22. The PRESIDENT, replying to the Iraqi representative, stated that the plan he had just presented was not a new one. He agreed that, in the present instance, the Trusteeship Council was, as he had indeed emphasized in his statement, the executive organ of the General Assembly, but the Council had to interpret the terms of General Assembly resolution 303 (IV). It was undeniable that the terms in question were open to differing interpretations.

23. The General Assembly, in its resolution 303 (IV), had laid upon the Council the task of defining the *corpus separatum*. It had further requested the Council to modify those parts of the 1948 draft Statute which were inapplicable in the present state of affairs. Finally, it had instructed the Council to make the draft Statute more democratic. The last request was in keeping with one of the basic principles of the Charter.

24. It was those three essential points of that resolution that the Council as an executive body of the General Assembly was called upon to interpret. It would perhaps, unfortunately, be unable to avoid a political discussion. Governments or organizations wanting a hearing would undoubtedly use political arguments. All the Council could hope to do was to limit discussion of a purely political character, and to concentrate as

much as possible on the strictly technical side of the question.

25. The General Assembly had in section I, paragraph 2, of its resolution 303 (IV) directed the Council to adopt a statute; it was no longer a matter of preparing a draft, and the Council had been granted exceptional powers to enable it to adopt a statute in its final form and to implement it.

26. An initial difficulty of a practical character arose. If the statute prepared and adopted were not accepted by the two Governments exercising authority in the Jerusalem area, the Council would have no alternative but to refer the matter back to the General Assembly.

27. The Council should honestly seek by all possible means to find a solution reasonable enough to command the support of those two Governments. It was in that spirit that he had submitted, not a new plan, but an interpretation of former ones.

28. The Trusteeship Council, which was the executive organ in the present instance, was normally an organ responsible for administrative supervision. He was extremely anxious that the Trusteeship Council should successfully and honourably acquit itself of the exceptional duty which the General Assembly had laid upon it.

29. Replying to the Australian representative, he said he had approached a certain number of Governments unofficially and had received from them memoranda which would be communicated to the Council within two or three days. One of those memoranda had been received from the Egyptian delegation.

30. Those consultations had showed that there was a general desire for the achievement of a reasonable solution by the Trusteeship Council. Of course, the methods proposed differed. Generally speaking, it was considered that the area as defined in the General Assembly Resolution was too extensive to be administered by the United Nations. It was stressed in many communications that the aims to be achieved were the protection of the Holy Places and freedom of movement for pilgrims. Extra-territoriality should be limited to the area absolutely essential to the achievement of those aims.

31. He had had difficulty in approaching the Government of the Hashemite Kingdom of the Jordan which had no representative at Lake Success, but had had several inconclusive meetings with various representatives of the Government of Israel. Neither of those Governments had as yet submitted concrete proposals. He had reason to believe, however, that proposals were under consideration, and that the results would be communicated to the Council fairly soon.

32. Mr. HOOD (Australia) expressed satisfaction with the President's reply.

33. Mr. RYCKMANS (Belgium) thought the Trusteeship Council would be unanimous in paying tribute to the

President's work and to his efforts to maintain impartiality.

34. The proposals submitted required careful study, and he was not in a position to state his Government's viewpoint before transmitting them to it.

35. He expressed a wish for a map showing the boundaries to which the President had referred, together with the populations of the three sectors envisaged.

36. The PRESIDENT explained that he had merely indicated the broad lines of a proposal. He had stated what would be excluded from the International City, rather than what the International City would actually comprise. Almost the whole of the New City was excluded. The Moslem district in the Old City and the Omar mosque would be excluded, since that area was already administered by a Moslem State. The Amman-Nablus highway which passed beneath the walls of the Old City would remain under the authority of Jordan, since it was the only road from Amman to Northern Palestine in reasonably good condition at the present moment.

37. Accordingly, the Armenian, Christian and Jewish districts of the Old City would be included in the International City, the boundaries of which within the Old City could, however, only be established on the spot. A map had been prepared which would enlighten the Council as to the possible boundaries of the International City.

38. As the Belgian representative had pointed out, he considered that the Council was not in a position at the present stage to go very fully into that question.

39. Mr. INGLÉS (Philippines), associating his delegation with the appreciation which had already been expressed of a statement which was characterized by its objectiveness and its earnest attempt to fulfil the task entrusted to the President, wished to make certain preliminary observations pending a detailed study of the document.

40. Whatever doubts might have been entertained about the wisdom of General Assembly resolution 303 (IV) before it had been voted upon, whatever misgivings had been felt as to the result of the vote itself, in the view of the Philippines delegation once a resolution had been adopted by the Assembly by the required majority it should command the respect and observance of all States Members of the United Nations. The Trusteeship Council had to face a special responsibility, since it had been requested by the General Assembly to proceed immediately to the implementation of a Statute for Jerusalem. His delegation was fully aware of the fact that the President's statement was an interpretation of the terms of the General Assembly resolution, and not a new plan based on that resolution. But in its view every care must be exercised to avoid the circumvention or evasion of the task as defined in the resolution—namely, the completion of the preparation of a statute for Jerusalem, and its implementation. The Trusteeship Council should not dwell again on political questions which had already been thrashed

out in the General Assembly. That would only aggravate the situation. The Council had the choice either of fulfilling its terms of reference or of taking to itself powers and functions which were contrary to the nature of the trusteeship system and to the Charter of the United Nations. That choice must be made before the President's statement could be considered at all.

41. Referring more particularly to the conception of the *corpus separatum*, which, in the view of his delegation, could mean either a great deal or very little, he would submit that it had to be interpreted in accordance with the provisions of section I, paragraph 1, of the operative part of the General Assembly resolution, which fixed the boundaries of the future *corpus separatum* and laid down that it should be established under a special international regime administered by the United Nations. According, however, to the delimitation given in the President's statement, it would seem that the area to be directly administered by the United Nations was much more limited in size than that defined in General Assembly resolution 303 (IV). His delegation had some difficulty in subscribing to the interpretation that the Trusteeship Council, in establishing the *corpus separatum*, was entitled to restrict the area to be administered by it on behalf of the United Nations.

42. Further, the President's statement contained an interpretation of the term "democratization" used in section I, paragraph 2, of resolution 303 (IV). In his delegation's view, "democratization" was only one condition laid down by that resolution for the purpose of achieving the internationalization of the City of Jerusalem. It was therefore merely a means to an end, and should not be allowed to defeat the ultimate purpose of the Council's work. Indeed, the general outline of the plan put forward by the President varied from, if it did not wholly conflict with, the draft Statute for Jerusalem as adopted in its second reading by the Council, and which it had now been called upon to amend "in the direction of its greater democratization".

43. He was fully aware of the serious opposition to the General Assembly resolution which existed in certain quarters, but felt constrained to recall that the General Assembly itself had been fully conscious of the existence of such opposition and of the difficulties involved. Nevertheless, in section II of the operative part it had instructed the Trusteeship Council not to "allow any actions taken by any interested Government or Governments to divert it from adopting and implementing the Statute of Jerusalem".

44. Finally, referring to the point of order raised by the Iraqi representative, with which he was in general agreement, he thought the issue could be stated in the following terms: should the Trusteeship Council, in complying with General Assembly resolution 303 (IV), take as a basis for discussion the statement prepared by the President, or the 1948 draft Statute prepared and already given two readings by the Council?

45. Mr. REMORINO (Argentina) congratulated the President on his proposals, which constituted a valuable

step towards a solution of the difficult problems connected with the final preparation of a statute for Jerusalem. As the President had just observed, only by hearing the views of governments, religious organizations and institutions interested in the question could a solution be reached which would enable the Council to take the decision required of it. It was equally true, as the Iraqi representative had pointed out, that the Council's dignity should be safeguarded. He therefore wished to make a formal proposal, which he thought might reconcile the two viewpoints—namely, that the Council should not issue invitations to any of the interested Governments, religious organizations or institutions, but should merely state that any request by them for a hearing before the Council took a final decision would be very favourably received.

46. The PRESIDENT observed that some members of the Council, notably the representatives of Iraq and the Philippines, were concerned to determine whether the Council should take the 1948 draft Statute as a basis for its work or whether it should act on suggestions which he himself had made when indicating in general terms the interpretation which in his view should be placed on General Assembly resolution 303 (IV). For his part he considered it to be clear from the terms of that resolution that the Council should adopt the former course and amend the 1948 draft Statute in accordance with the instructions contained in resolution 303 (IV). It could then determine the extent to which his proposals could be acted upon. Indeed, they were designed to give effect to those instructions. He could therefore not agree that the Council was called upon to make a choice between two alternative courses of action. He suggested that it might adhere to his broad interpretation of resolution 303 (IV) though there was nothing to preclude other equally tenable interpretations from being put forward in the course of debate. He therefore did not think that there was any substantial divergence of view between the Philippines representative and himself.

47. Referring to the Argentine representative's proposal, he pointed out that it in no way conflicted with what he himself had already said. The Council would be glad to receive the views of any interested governments or organizations.

48. Mr. INGLÉS (Philippines) said that, in view of the statement just made by the President, with which he agreed, he did not wish to submit a formal proposal concerning the choice of document to be taken by the Council as a basis for its discussion.

49. Mr. HOOD (Australia) said that the statement just made by the President did not appear to be entirely in accordance with his earlier suggestion, that if the Trusteeship Council thought it desirable to adopt the main lines of the statute he had outlined in his statement, it might then review the 1948 draft Statute article by article.

50. Mr. RYCKMANS (Belgium) urged the Council not to take an immediate decision on whether an invitation should be sent to the two Governments actually

occupying the Jerusalem area, or whether the Council should confine itself to a general intimation that it would grant a hearing to governments, churches or institutions interested in the problem.

51. That question might in fact have a considerable bearing on the future course of the discussion. It might be the intention of certain governments not to make a statement before the Council unless they were invited to do so. Before deciding to send out no invitations, the Council should agree as to the interpretation to be placed on resolution 303 (IV), which provided in section I, paragraph 2, that the Council should "approve the Statute, and proceed immediately with its implementation"; and that the Council should "not allow any actions taken by any interested government . . . to divert it from . . . implementing the Statute of Jerusalem".

52. Had the General Assembly directed the Council to prepare a statute which could be applied, or merely to draft a statute in accordance with the terms of its own resolution? By "implementation", did the Assembly mean, not practical measures, but the theoretical measures necessary for the implementation of the statute, on the, at present unreal, assumption that there would be no opposition?

53. It was important to ascertain whether the President's proposal, or any similar proposal, would be likely to secure unanimous support. If it was not acceptable to all the parties concerned, the Council could only revert to the Assembly resolution, and restrict itself to an attempt to draw up a statute, leaving aside the "necessary measures" for its implementation, since there could be no question of compulsory measures of implementation. The Council might possibly suggest those necessary measures to the Assembly, or even refrain from making any suggestion on the subject, confining itself to setting up the organs provided for in the draft Statute for Jerusalem, and leaving it to the General Assembly itself to face up to its responsibilities.

4.5 He himself could express no opinion on the question without more time for reflection.

55. The PRESIDENT did not think the General Assembly had ever intended to shirk its responsibilities by referring what it considered to be an insoluble question to the Trusteeship Council. He was convinced that the Assembly had adopted its resolution in the hope that the Trusteeship Council might not only prepare a statute, but also arrange for its implementation. Accordingly, the General Assembly, as in 1947, had delegated special powers to the Trusteeship Council to enable it to perform a task not provided for in Chapters XII and XIII of the Charter, on which the ordinary functions of the Council were based. It was not a question of preparing a draft in the abstract. Such a draft could not win the approval of the parties concerned, without whose support the Council could not implement the statute. The Council was therefore

justified in wishing to ascertain the views of the two Governments most directly concerned in the question. That was why he had suggested that they should be heard by the Council, whose members already included three other Governments indirectly concerned.

56. As the Belgian representative had observed, he thought it would be wise to allow the members of the Council time for reflection.

57. Replying to the Australian representative, he wished to point out that when making his statement he had said that, if the Trusteeship Council thought it desirable to adopt the main lines of that Statute in advance, it would then review the 1948 draft Statute, article by article. But he had added that, according to the General Assembly's instructions, the Council should take that draft as a basis for discussion. It would perhaps be premature to begin to study the draft article by article without a preliminary and serious general discussion. The Council must be quite clear as to what it could do within the framework of the General Assembly resolution to find a practical solution likely to win the support of the parties directly concerned.

58. He would once more repeat that his own interpretation must be regarded as one possible interpretation which in no way excluded others, but which might perhaps suggest useful comments and permit a discussion that would help progress towards a solution.

59. As the representative of Belgium had rightly stated, the Council could not really do any useful work unless it actually obtained the co-operation, in implementing the statute, of the two parties most directly concerned. If a statute of a purely theoretical character was prepared, the General Assembly would once again be faced with the same difficulties. That was precisely what had to be avoided, and the Council should be wise enough, and show sufficient imagination, to find a solution enabling the fate of Jerusalem to be properly settled.

60. Mr. JAMALI (Iraq) suggested that the Council might request the Secretariat to circulate to all members the draft resolutions submitted to the *Ad Hoc* Political Committee of the General Assembly, and a summary of that Committee's discussions, in order to help them in their interpretation of resolution 303 (IV) of the General Assembly, especially since many of those now present had not attended the meetings of the Committee. The proposals made at the present meeting by the President lay between the draft resolution submitted by the Israeli delegation² and the draft resolution submitted jointly by the delegations of the Netherlands and Sweden;³ both those draft resolutions had been

² See *Official Records of the Fourth Session of the General Assembly, Ad Hoc Political Committee, 44th meeting (A/AC.31/L.42)*.

³ See *Official Records of the Fourth Session of the General Assembly, Ad Hoc Political Committee, 57th meeting (A/AC.31/L.53)*.

rejected. Moreover, many of the suggestions made by the President went beyond resolution 303 (IV). The Committee had discussed at length the questions of the democratization of Jerusalem, of sovereignty and of dividing the city into zones; it had listened to long statements by representatives of the powers occupying the various parts of Jerusalem, and was well aware of the difficulties in the way of the formation of an International City, but the General Assembly had none the less adopted resolution 303 (IV). The Council should not, simply because one of the powers occupying one part of Jerusalem had defied the United Nations, sponsor a plan which was not in complete accordance with that resolution.

61. The PRESIDENT hoped that the Secretariat would be able to prepare the documentation requested by the Iraqi representative, which should prove most useful.

62. The SECRETARY TO THE COUNCIL said that the draft resolutions submitted to the *Ad Hoc* Political Committee of the General Assembly and summary records of that Committee's discussions had already been circulated as official documents. However, the Secretariat could collate them and issue them as a single document if instructed to do so. Did the representative of Iraq wish the Secretariat to circulate all the official records of the *Ad Hoc* Political Committee, or merely a summary of them?

63. The PRESIDENT, having consulted the representative of Iraq, requested the Secretariat to select from the official records the chief passages relating to the discussions of the *Ad Hoc* Political Committee prior to the adoption by the General Assembly of resolution 303 (IV).⁴

64. He went on to say that the preliminary exchange of views which had just taken place had clearly served a useful purpose. In order, however, to give the Council time to reflect on the questions raised in the course of the morning's discussions, he proposed that study of the Statute for Jerusalem be deferred until 2 February. He considered that the proposal of the Philippines representative, too, might be examined at a later stage.

65. Mr. MUÑOZ (Argentina) suggested that the whole question be deferred until 6 February 1950, in order to allow representatives sufficient time, not only to consult their Governments, but also to study properly the background documents.

66. Mr. JAMALI (Iraq) hoped that the Council would adopt the President's suggestion, although he would not press the point.

67. After a short discussion, during which the SECRETARY TO THE COUNCIL said that there was a possibility that the draft resolutions submitted to the *Ad Hoc*

Political Committee and the Official Records of its discussions could not be circulated before 2 February,

The Council decided to defer discussion until 6 February, 1950.

68. The PRESIDENT suggested that, despite the decision just taken, a further decision was required on the formal proposal of the Argentine representative that the Council should announce that any request for a hearing submitted by any government, religious institution or organization concerned in the question of Jerusalem would be welcome.

69. He recalled his own suggestion, supported by the representative of Belgium, that an invitation should be addressed to the two States directly concerned, without whose collaboration the Council would be unable to accomplish the second part of its task—namely, the implementation of the statute it had adopted.

70. He considered that such a step would in no way detract from the dignity of the Council.

71. Mr. JAMALI (Iraq) said that the adoption by the Council of the suggestion made by the Argentine representative could give rise to no uncertainty. If any Government asked the Council to grant its representative a hearing, the Council would do so. If neither the Government of Israel nor that of the Hashemite Kingdom of the Jordan asked the Council to hear its representative, the dignity of the Council would not be impaired.

72. Mr. REMORINO (Argentina), replying to the PRESIDENT, pointed out that his proposal was a general one, and that the invitation to be heard at the Council table was not confined to the two Governments directly concerned.

73. Mr. HOOD (Australia) could agree to the adoption of the suggestion made by the Argentine representative, if it was generally agreed that such action would not later prevent the Council from inviting the Governments of Israel and the Hashemite Kingdom of the Jordan to send representatives to its meetings.

74. The PRESIDENT considered that such a general invitation would not prevent the Council, in the course of its work, from directly inviting a government, a religious body or institution to explain its point of view before the Council. As the Australian representative had pointed out, that was a right which the Council reserved to itself.

75. He was also of the opinion that the Council did not require formally to notify governments, religious bodies or institutions of its decision, since the invitation was a general one. The Council might do so through a Press release, announcing that "the Trusteeship Council would be prepared to hear the statements of any government, church, religious body or qualified institution desirous of bringing to the attention of the Council its views on the question under study".

The Council unanimously adopted the President's suggestion for the issue of such a Press release.

⁴ Subsequently circulated as conference room paper No. 7 (not printed).

20. **Arrangements for the Visiting Mission to Trust Territories in the Pacific (T/366 and T/451)**
(resumed from the 7th meeting)

76. The PRESIDENT drew the attention of the Council to the draft terms of reference for the United Nations Visiting Mission to Trust Territories in the Pacific (T/451), and pointed out that the names of Mr. T. K. Chang and Mr. J. Tallec, the candidates designated by the Governments of China and France respectively and subsequently approved by the Council, should be inserted in the blank spaces left for that purpose in the draft. A reference to the fact that Sir Alan Burns had been appointed Chairman of the Mission also needed to be added to the text.

77. Sir Alan BURNS (United Kingdom) said that he and Mr. Carpio, the only members of the Visiting Mission to Trust Territories in the Pacific at present in Geneva, had discussed with representatives of France, China and the Administering Authorities concerned, the arrangements suggested in the Secretariat's Memorandum (T/366). They had provisionally agreed to the following schedule for the Mission's journey, subject to alterations which might be made to adapt the dates to timetables and to the answers of the Administering Authorities concerned to the inquiries which had been sent as to whether the arrangements were convenient to them :

5 April 1950	Leave New York by rail
9 April 1950	Leave San Francisco
12 April-4 May	Visit to the Marianas, Caroline and Marshall Islands
5 May-10 May	Visit to Nauru
12 May-18 June	Visit to New Guinea
6 days	In Australia
2-3 days	In New Zealand
4-14 July	Visit to Western Samoa
19 July	Return to New York

78. They had requested that one of the members of the Secretariat accompanying the Mission should be a male stenographer. He attached much importance to that request.

79. He suggested that the blank in the second paragraph of the draft terms of reference be filled by the words "not later than 10 April", so as to allow some room for modification.

80. Mr. CARPIO (Philippines) requested that he be designated in the first paragraph of the terms of reference as "Mr. Victorio D. Carpio", instead of "Mr. Victor Carpio", as Victor Carpio was a not uncommon name in his country.

81. He said that the draft terms of reference differed from the terms of reference of the United Nations Visiting Missions to East Africa and to the Trust Territories in West Africa in certain unimportant respects. He proposed the insertion of the words "investigate and" in the third paragraph before the words "report fully", in order to ensure that the

Mission's terms of reference were adequate. He also proposed the deletion of the words "in the Trusteeship Council" from the fourth paragraph, and the substitution of the words "by the Trusteeship Council and the General Assembly" for the words "by the Trusteeship Council" in the same paragraph. With those changes the draft terms of reference would be satisfactory to him.

82. Mr. RYCKMANS (Belgium) felt that the words "to report fully" ("présenter un rapport précis") in paragraph 3 of the draft suggested that the Mission would first carry out a thorough inquiry. He would prefer the opposite to be suggested, and proposed that the words "to report as fully as possible" ("de présenter un rapport aussi précis que possible") be substituted. It would indeed be difficult for the Visiting Mission, in the time at its disposal in the Trust Territories in the Pacific, to carry out the thorough inquiries required if it was to submit a full report.

The Council unanimously adopted the amendments proposed by the Philippine and Belgian representatives to the draft terms of reference.

83. Sir Alan BURNS (United Kingdom) said he could agree to the adoption of the draft terms of reference, except for the words "in particular" before the words "on the steps taken towards self-government or independence", which laid undesirable and unwarranted stress on what was only one of the several objectives of the mission. He was aware that the words had been taken from resolution 321 (IV) of the General Assembly, but maintained that they represented a suggestion which was not binding on the Council. The terms of reference both of the United Nations Visiting Missions to East Africa and of that to the Trust Territories in West Africa were far closer to Article 76 b of the Charter, and laid equal stress on the observation of advancement in all fields. Trust Territories should be developed with due regard to the inter-dependence of social, educational, economic and political progress. Progress in one of those fields could not advance more quickly than that in any other of them. He urged the Council to follow the precedent set by the terms of reference of the above-mentioned Visiting Missions, and to use in the terms of reference of the Visiting Mission to Trust Territories in the Pacific the wording of Article 76 b of the Charter—namely: "to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence..."

84. The PRESIDENT invited the Council to pass to the examination paragraph by paragraph of the draft terms of reference of the Visiting Mission. He questioned the need for stating the nationality of the members of the Mission in the first paragraph. Once the candidates had been approved as members of the Visiting Mission by the Trusteeship Council they were irresponsible to the Council alone.

85. Mr. HOOD (Australia) said that in the first paragraph the words "as requested by the Visiting Mission"

would be more appropriate than the words "as the Mission may determine necessary", after the words "assisted by members of the Secretariat and by such members of the local administration . . .".

86. Sir Alan BURNS (United Kingdom) hoped the reference to assistance from local administrations in the first paragraph would not be omitted. He suggested that the last part of the paragraph be amended to read: ". . . by such members of the local administrations as may be available and as the Mission may determine necessary".

87. Mr. LAKING (New Zealand) considered such reference unnecessary, since the Administering Authorities had, by making trusteeship agreements with the Council, undertaken that the local administrations would co-operate with any mission that might be sent by the Council to the Trust Territories administered by them.

88. Sir Alan BURNS (United Kingdom) replied that the Trusteeship Council should not instruct the local administrations to assist the Mission, but still hoped that the Council would not omit the reference, since the Mission could not hope to do much useful work without assistance from the local administrations.

89. Mr. JAMALI (Iraq) urged the Council not to alter the wording of that part of the paragraph which related to assistance from local administrations, since such assistance should include not only hearing the views of the mission, but also accompanying the mission in its travels. The services of officials of the local administrations were essential for the proper execution of the task of the mission.

90. Mr. CARPIO (Philippines) was opposed to the deletion of the nationalities of the members of the Mission; to omit them would be a departure from the precedent established by the terms of reference for the United Nations Visiting Missions to East Africa and to the Trust Territories in West Africa.

91. The PRESIDENT explained that his suggestion that the nationality of each member of the Visiting Mission should not be indicated was based on the practice generally adopted by the Visiting Mission.

92. Mr. LAKING (New Zealand) said that regardless of whether the reference to assistance from local administrations was included in the terms of reference or not, the New Zealand Government and the local administration in Western Samoa would assist the Mission to the best of their ability.

93. Mr. SAYRE (United States of America) doubted the necessity of including a reference to assistance from local administrations.

94. Sir Alan BURNS (United Kingdom) said that many of the instructions which the Council gave to its subsidiary body were unnecessary. The inclusion of a reference to assistance from local administrations might be unnecessary; but it would do no harm. The main reason why he wished it to be included was to

ensure, not that the local administration would give assistance to the Mission upon request, but, on the contrary, that the Mission would not ignore offers of assistance from the local administrations.

95. He was inclined to agree with the representative of the Philippines that the first paragraph should indicate the nationalities of members of the Mission, in order to facilitate replacement of any member prevented from accompanying the Mission, for example, by illness.

96. Mr. KHALIDY (Iraq) suggested that all the words in the first paragraph after the words "Northern Ireland" might be deleted as redundant; however, if that was not done he would suggest the substitution of the word "serviced" for the word "assisted".

97. The question of whether the nationalities of members of the Mission should be indicated in the terms of reference was of little importance, but there should be no uncertainty in the mind of any member of the Mission as to his duty to report facts objectively and, while on mission, to refrain from serving interests peculiar to the Government of his own country.

98. Mr. LIU (China) considered reference to assistance from local administrations unnecessary; the spirit of the terms of reference was more important than the letter. The nationalities of members of the Mission should be indicated.

99. Mr. Hoo (Assistant Secretary-General in charge of the Department of Trusteeship and Information from Non-Self-Governing Territories) said that the words "as the Mission may determine necessary" related to members of the local administrations but not to members of the Secretariat. The present formula had been included in the terms of reference of other missions and had not, so far as he was aware, given rise to any difficulty.

100. Sir Alan BURNS (United Kingdom) could not agree that the use of the words "as the Mission may determine necessary" should be so restrictive as not to apply to assistance by members of the Secretariat. Rule 25 of the Council's rules of procedure made it clear that the decision as to how many members of the Secretariat should accompany the Mission, and what their qualifications should be, rested with the Mission, and not with the Secretary-General. Was it suggested that the Secretary-General was free to dictate to the Mission the size and qualifications of its staff?

101. Mr. KHALIDY (Iraq) agreed with the opinion expressed by the representative of the United Kingdom.

102. Mr. MUÑOZ (Argentina) also agreed with that opinion. In any event, the Secretary-General should take no decisions about the Mission's staff without consulting its members.

103. Mr. SAYRE (United States of America) said that since the Mission was appointed by the Trusteeship Council and was responsible to it, the members of the Mission should have the right to take the final decision as to its itinerary, method of travel, the size of its staff

and the kind of services which that staff would be required to provide. The members of the Mission should then ask the Secretary-General to choose appropriate persons from the Secretariat to form the staff, since he was more competent than the members of the Mission to assess their personal characteristics and merits. He therefore agreed with the representatives of Argentina and of the United Kingdom.

104. Mr. Hoo (Assistant Secretary-General in charge of the Department of Trusteeship and Information from Non-Self-Governing Territories) agreed with the United States representative, but pointed out that the latter had elaborated the remarks made by the representative of the United Kingdom. The statement made by the representative of the United Kingdom might be taken to mean that the Secretary-General should not be free to choose the personnel of the Mission staff; consequently, he had been glad to hear the United States representative express views on that point which coincided with those of the Secretary-General. The latter was responsible for selecting the personnel to accompany missions, but paid due attention to the latter's needs, and he was also responsible for seeing that the budgetary provision for each mission was not exceeded. That responsibility was not always compatible with the desires of individual members of a mission in relation to staffing. The only satisfactory procedure in such cases was provided by consultations of the kind suggested by the Argentine representative.

105. He would not object to the replacement of the word "assisted" by the word "serviced", but would the representative of Iraq explain why he had suggested that change?

106. Mr. MONOD (France) suggested that the first paragraph of the draft terms of reference should be amended so as to reconcile the different points of view expressed. The words "assisted by such Secretariat services as the members of the Visiting Mission may determine necessary after consultation with the Secretary-General, and by representatives of the local administrations nominated by those bodies" might perhaps be substituted for the existing wording of the last clause.

107. Mr. RYCKMANS (Belgium) agreed that all reference to the Secretariat should be omitted from the first paragraph and cited rule 25 of the Council's rules of procedure in this connexion.

108. It was also superfluous to mention the assistance of members of local administrations, since the Trusteeship Agreements themselves already made ample provision in that matter.

109. After prolonged discussion on the question of the desirability of making mention in the first paragraph of the assistance of members of the Secretariat and of representatives of local administrations, and in view of the Council's failure to reach agreement on the point, the PRESIDENT requested members who had put forward relevant suggestions to submit them in writing for consideration at the next meeting of the Council.

The meeting rose at 1.35 p.m.

212th meeting

TENTH MEETING

*Held at the Palais des Nations, Geneva,
on Tuesday, 31 January 1950, at 10.30 a.m.*

President : Mr. Roger GARREAU.

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

21. Arrangements for the Visiting Mission to Trust Territories in the Pacific (T/366 and T/451) (continued)

1. The PRESIDENT invited the Council to continue its consideration of the draft terms of reference for the United Nations Visiting Mission to Trust Territories in the Pacific (T/451).

2. Mr. LAURENTIE (France) said that, after the discussion at the previous meeting, he felt that the general consensus of opinion on the first paragraph was in favour of stating that the Visiting Mission would be "assisted by such services of the Secretariat as the Visiting Mission may deem necessary after consultation with the Secretary-General and also such members of the local administrations as may be appointed by the latter".

3. In French, the word "services" would mean the various categories of Secretariat personnel from which the appropriate staff would be selected to assist the Mission. He did not think it necessary to propose amendment formally but felt that the replacement of the original wording by the text he had just suggested would provide members of the Mission with the authority and material assistance necessary for the accomplishment of their task.

4. Mr. MUÑOZ (Argentina) said he was in favour of adopting the text suggested by the representative of France, which was completely in accordance with the opinion he (Mr. Muñoz) had expressed at the previous meeting.

5. Mr. INGLÉS (Philippines) said that the representative of France had suggested one way of reconciling the two extreme opinions put forward at the preceding meeting. Another way would be to lay down that the Secretary-General, after consulting members of the Mission, might decide which members of the Secretariat should assist the Mission. He wished to suggest a middle way, which could be indicated by using the formula "serviced by members of the Secretariat after consultation between the Visiting Mission and the Secretary-General". If that suggestion were adopted, the Council would not place undue emphasis either on the rights of the Secretary-General or on those of the Mission in the matter of its staff.

6. The PRESIDENT saw no appreciable difference between the suggestions of the Philippines and French representatives. Would the French representative