

main shrines. As to the function of supervision in the area controlled by Israel, his delegation believed that the best way to ensure its effective discharge was through an agreement solemnly to be concluded, by virtue of a special resolution of the General Assembly, between the United Nations and the Government of Israel, providing for the obligations of that Government and for the prerogatives of the United Nations in that regard.

73. The conclusion of the agreement would represent no derogation from the authority of the General Assembly, which remained supreme. Mr. Sharett was happy to be able to assure the representative of France that the apprehensions he had expressed on that score were unfounded. The idea of an agreement was based on the assumption that an obligation was morally more binding if contracted by virtue of an agreement freely entered into, rather than if formally imposed by a superior authority. His delegation was convinced that a more effective responsibility would thus be shouldered by the Government of Israel and that the long-term interests of the Holy Places and religious associations would thereby be better served.

74. To avoid any misunderstanding, Mr. Sharett recalled that the concept of a functional international régime was clearly set forth before the *Ad Hoc* Political Committee on 5 May 1949¹ by the representative of Israel, prior to Israel's admission to membership in the United Nations; Mr. Sharett quoted an extract from the statement made then by Mr. Eban.

75. The importance of the distinction between the Old City and the New City could not be over-emphasized; the Old City, which contained the chief sanctuaries of the three faiths, all the Christian patriarchates, a number of monasteries, the Moslem ecclesiastical foundations and a Jewish quarter, with all the ancient synagogues, covered only 6.5 per cent of the municipal territory of Jerusalem and only 2 per cent of its town plan-

ning area; it was for the most part a maze of narrow, winding, vaulted alleys flanked by old and insanitary buildings.

76. The Walled City was in Arab hands. Its Jewish synagogues, which had been damaged during the fighting, had been practically razed to the ground since the fighting had ended. The Arab authorities had refused the Jews access to the Wailing Wall, which was the remnant of the Temple.

77. Outside the walls, the Arabs held 38 per cent of Jerusalem's town planning area, as delimited by the British Mandatory Administration to provide scope for the city's growth and development. If the Arab inhabitants of the Walled City could be induced, by the offer of better housing facilities, to move of their own free will out of the congested quarters and settle in the free space outside the walls, then the Walled City could be converted into a site containing only Holy Places and religious foundations, consecrated to religious worship and pilgrimage by members of all faiths, under the aegis of the United Nations. Such a transformation would be a worthy object of United Nations initiative and care.

78. Pending any such far-reaching reform, the unique character of the Walled City should be kept in mind as a subject calling for special treatment. In any case, the Jewish claim with regard to access to the Wailing Wall and the restoration of the synagogues would have to be reserved.

79. The Government of Israel made no condition that a settlement of the status of the Holy Places in the Jewish part of Jerusalem should await a parallel settlement concerning those in Arab hands. For its own part, and as far as the Jewish part of Jerusalem was concerned, his delegation was submitting to the Committee a draft resolution (A/AC.31/L.42) referring to a draft agreement which would shortly be circulated.

The meeting rose at 1.15 p.m.

FORTY-FIFTH MEETING

Held at Lake Success, New York, on Friday, 25 November 1949, at 3 p.m.

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Palestine (continued)

PROPOSALS FOR A PERMANENT INTERNATIONAL RÉGIME FOR THE JERUSALEM AREA AND FOR PROTECTION OF THE HOLY PLACES: REPORT OF THE UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE (A/973 AND A/973 ADD. 1) (continued)

1. Mr. CASTRO (El Salvador) noted that the various progress reports submitted by the Conciliation Commission (A/819, A/838, A/927 and A/992) taken together represented a complete report on the general problem of Palestine. They dealt specifically with the three outstanding issues: an international régime for Jerusalem, protection of the Holy Places and assistance to refugees, of whom the great majority were Arabs. In con-

nexion with the third issue, the delegation of El Salvador was prepared to vote in favour of all proposals for the effective implementation of the General Assembly's resolutions 194 (III) and 212 (III) to alleviate the deplorable conditions of those refugees and to permit their return to the areas in Palestine from which they had fled as a result of the war.

2. There had been a great deal of confusion concerning the establishment of an international régime for Jerusalem. The Assembly's resolutions on the subject had reflected that confusion by omissions and defects which had given rise to erroneous and unjustified interpretations. Yet both resolution 181 (II) of 29 November 1947 and resolution 194 (III) of 11 December 1948 were quite clear.

3. In the first resolution, the Assembly had explicitly decreed that the City of Jerusalem should come under a special international régime to be administered by the Trusteeship Council on behalf

¹ See *Official Records of the third session of the General Assembly, Part II, Ad Hoc Political Committee, 45th meeting.*

of the United Nations. It had further defined the boundaries of Jerusalem¹ and had indicated them on the map attached as annex B of the resolution.

4. In the second resolution, the Assembly had established the Conciliation Commission consisting of the representatives of the United States, France and Turkey, to assume the functions of the Mediator and whatever additional functions might be assigned to it by the Security Council or the Assembly itself. Paragraph 8 of that resolution expressly provided that the Jerusalem area should be accorded special and separate treatment and be placed under effective United Nations control; that it should be demilitarized; that the Commission should present proposals for a permanent international régime which would afford the maximum local autonomy for distinctive groups consistent with the special international status of the area and should appoint a United Nations representative to co-operate with the local authorities during the interim period of administration of the area.

5. In view of the explicit terms of the Assembly's resolutions, the delegation of El Salvador had been surprised by the conclusions and recommendations of the Conciliation Commission. It regretted particularly that the draft instrument establishing a permanent international régime for Jerusalem (A/973) tended to maintain the *status quo* in that area. The draft instrument laid down a demarcation line between the zones occupied by Arab and Israel troops, thus confirming a *de facto* situation established by the use of force. On the contrary, it should have proposed, instead of guarantees which lacked substance, effective control calculated to ensure the protection of the interests of both Arabs and Jews, as well as those of the entire Christian world.

6. Mr. Castro stressed that there was no contradiction between the provisions of the Assembly's resolution of 29 November 1947 and its resolution of 11 December 1948. They were in fact complementary and in complete harmony. The 1947 decision had called for the establishment of the City of Jerusalem as a *corpus separatum* under a special international régime. The 1948 decision had confirmed that stipulation by proclaiming that the Jerusalem area should be accorded special and separate treatment from the rest of Palestine and should be placed under effective United Nations control. The 1947 resolution had specified² that the existing local autonomous units in Jerusalem should enjoy wide powers of local government and administration. The 1948 resolution had clearly stated that the permanent international régime would provide for the maximum local autonomy consistent with the special international status of the Jerusalem area. That local autonomy would not conflict with the political régime. There were numerous examples in modern States of a large measure of local administrative autonomy which was subject to the authority of a central Government.

7. The delegation of El Salvador deplored the absence, in the draft instrument drawn up by the Conciliation Commission, of any reference to the Assembly's resolution of 29 November 1947, and hoped that the Commission's proposals would not

be approved by the Assembly. The fact that the Commission itself had been established by the later decision taken by the Assembly at its third session could not justify its disregard or derogation of the 1947 resolution. Nothing in the resolution of 11 December 1948 indicated that it had been intended as a substitute for the earlier Assembly action; both decisions remained in force. The United Nations was still prepared to assume the responsibilities and costs of their effective implementation. The delegation of El Salvador had been gratified by the statement of the French representative to that effect. Moreover, in order to reaffirm the specific terms of the Assembly's resolution of 29 November 1947, it was submitting amendments, (A/AC.31/L.40) to the draft resolution presented by Australia (A/AC.31/L.37). Those amendments were intended to strengthen the statement of basic principles contained in the latter and to give effect to the spiritual aspirations of the Christian world in respect of the future of Jerusalem. As a further step toward that end, the delegation of El Salvador had requested the inclusion of the historic city of Nazareth in the permanent international régime. Since they did not in any way contradict the essence of the Australian draft resolution, Mr. Castro was confident that his amendments would find general acceptance.

8. The question of the status of Jerusalem was not of a political nature; rather it was an extremely important spiritual and religious problem. The deliberations of the Assembly should therefore proceed on a high moral level. The representative of El Salvador had been dismayed by the tendency of some delegations, including those of the great Powers, to follow a line of least resistance in respect of the solution of the Jerusalem question. They must not be daunted by the obstacles and inconveniences of a practical nature which inevitably impeded progress. To give ground before those obstacles might compromise a solution which would obtain the greatest and most lasting benefits for all the parties concerned; such an attitude could not, in the long run, contribute to the maintenance of peace. Accordingly, the Assembly must not, in any circumstances, abandon the decision it had so firmly adopted on 29 November 1947.

9. The delegation of El Salvador had been deeply concerned by Israel's opposition to an international régime for Jerusalem as provided in the Assembly's resolutions. It had been alarmed by reports of the transfer to Jerusalem of important offices of the Government of Israel and by the avowed intention of the latter to make Jerusalem its capital. Mr. Castro recalled that Israel had been among the States which had accepted the establishment of a United Nations trusteeship over Italian Somaliland³. Why should such a trusteeship as that provided in the 1947 Assembly decision to be impracticable for Jerusalem? It was to be hoped that the State which owed its existence in part to that decision would modify its position.

10. The delegation of El Salvador considered that the Australian draft resolution should be given priority by the Committee in its consideration of the reports of the Conciliation Commission.

¹ See *Official Records of the second session of the General Assembly, Resolutions*, page 146.

² *Ibid*, page 147, paragraph 3.

³ See *Official Records of the fourth session of the General Assembly, First Committee*, 321st meeting.

11. Mr. DE BRUYNE (Belgium) noted with satisfaction that in the course of the general discussion several delegations had shown a realistic approach based on respect for human values and a sincere desire for a fair solution of the problem before the Committee. His delegation maintained the positions advanced by the representatives of Australia and France.

12. In that spirit, the Belgian delegation had evaluated the proposals of the Israel delegation (A/AC.31/L.34) and the legal arguments it had offered to support them. Those arguments had been based on the *de facto* situation prevailing in Jerusalem. In short, Israel was asking for maximum sovereignty in Jerusalem, which it claimed as its own territory, all guarantees regarding the protection of the Holy Places to be specified by agreement between Israel and the United Nations. Nevertheless, Israel had not contested the competence of the General Assembly to deal with the Palestine question and had introduced no new factor which would alter the relationship between Israel and the United Nations since 11 May 1949. For its part, the United Nations had assumed responsibility for the protection of the Holy Places and the maintenance of peace in the Holy Land. In order to discharge that responsibility effectively, it had adopted two resolutions calling for an international régime in Jerusalem, which had been unreservedly supported by the Member States. In the circumstances, the delegation of Belgium was unable to approve any action incompatible with the terms of those decisions.

13. The Belgian delegation viewed the problem with complete objectivity; many Belgian citizens had sacrificed their lives to shelter Jewish children and to save Jews from persecution. It had every hope for the peaceful progress of Israel on the basis of understanding with its neighbours and constructive international co-operation. Belgium had always been concerned about the protection of the Holy Places, and earnestly hoped that Israel would not maintain its opposition to a special international status for Jerusalem with adequate guarantees to peoples of all faiths, which would ensure friendly relations between the Jewish and Arab States in Palestine.

14. The Australian draft resolution, as amended by El Salvador, took the opposite view from the Israel proposals. It had apparently been based not only on the 1947 General Assembly resolution, but also on the draft statute for Jerusalem adopted by the Trusteeship Council¹. While the former placed special emphasis on the *corpus separatum* status of the Holy City under the sole administration of the Trusteeship Council, the latter contained important provisions regarding citizenship and a single legislative assembly for the Jerusalem area as a whole. The Australian text actually was a redraft of the Conciliation Commission's proposals in the light of the principles laid down in the Assembly's resolution of November 1947 as applied in the Trusteeship Council's draft statute.

15. The Belgian delegation could not accept the Australian plan to defer until the fifth session the submission of detailed proposals on Jerusalem. It maintained that the Conciliation Commission's

proposals should be amended during the present session so as to define the essential principles of a solution and to give final effective guarantees. In that way, no action would be taken on the status of Jerusalem, during the interim period, which might conflict with the Assembly's decisions. Belgium associated itself with the desire expressed by the representative of France for a simpler solution, albeit more radical, in which the United Nations would undertake an even greater measure of responsibility for the internationalization of Jerusalem.

16. The Assembly must first resolve the difficulties impeding the implementation of its earlier resolutions which arose from the opposition of Israel. It would have to ask great sacrifices of the new State; but any solution would require sacrifices, even, as the representative of Israel had conceded, that offered by the Israel delegation. Unfortunately, the course of history could not be reversed. Jerusalem had become the home of an Arab as well as a Jewish population, and the material and spiritual interests of the surrounding Christian communities were inseparably linked with the Holy Land. The establishment of an international régime would require a sacrifice from the Hashemite Kingdom of Jordan as well. All those sacrifices would be justified in order to ensure the peaceful development of the two independent States of Israel and the Hashemite Kingdom of Jordan around an internationalized Jerusalem, freely accessible to Jews, Arabs and Christians.

17. Good will, rather than acceptance of the *de facto* situation, was the key to a fair solution. Failing a settlement satisfactory to all parties, the proposals of the Conciliation Commission would serve as a practical basis for negotiation. Their basic weakness lay, however, in the division of Jerusalem into two zones. Divided citizenship and maximum local autonomy must not become a source of perpetual conflict between the Jewish and Arab populations or between the inhabitants of Jerusalem and the United Nations.

18. The Belgian delegation reserved the right to make its position known on the specific texts, when the Committee undertook its detailed examination of those texts.

19. Regardless of the reservations they might have on the substance of the Commission's proposals, the Member States were unanimous in their appreciation of its remarkable work. The Belgian delegation also wished to congratulate the members of the Commission on their work.

20. Mr. DE FREITAS VALLE (Brazil) recalled that, since the time the General Assembly had last debated the question of Palestine, truce agreements had been concluded between Israel and the Arab States. The suspension of war operations should spur all parties to strive towards an equitable permanent settlement. While primary responsibility in the matter undoubtedly rested with the Jews and Arabs themselves, a large share had to be borne by the United Nations.

21. From the time the problem of Palestine had first come before the Organization, the Brazilian delegation had been guided by the wish to co-operate impartially with all interested groups. In that spirit, it had favoured those proposals which,

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

by their moral content and the degree of support they commanded, had appeared to be the most practicable. After stressing that his delegation would continue to pursue that policy, Mr. de Freitas Valle remarked that the question of the internationalization of Jerusalem represented, for Brazil, the principal issue in the entire problem.

22. The Brazilian delegation had always maintained that the City of Jerusalem, because of its great importance to the spiritual life of almost all the civilized peoples of the world, should receive a separate treatment from the rest of Palestine. Few of the matters dealt with by the United Nations were of such universal interest; it seemed clear, therefore, that its solution could not be entrusted solely to the Governments of Israel and its Arab neighbours. Any decision taken with regard to Jerusalem should satisfy all those who desired to see the Holy City and the Holy Places in Palestine protected against risks which, so far, had proved unavoidable. Mr. de Freitas Valle said that that view was widespread in his country, and drew attention to statements on that subject made recently in the Committee on Foreign Relations of the Brazilian Chamber of Deputies. Indeed, no other attitude could have been adopted by a country inhabited by 45 million Catholics, whose high ideals of human brotherhood and total lack of racial prejudice had made Brazil a living example of the peaceful co-existence of peoples and races. It would be regrettable if the United Nations proved unable to draw inspiration from that and similar examples.

23. It was true that internationalization might be endowed with a variety of characteristics. The plan offered by the Conciliation Commission, even though possibly requiring improvement in one aspect or another, nevertheless was based on general principles dictated by prudence and by consideration for the local populations.

24. It had been argued that the withdrawal of troops still occupying the new and old sections of Jerusalem might place one of the parties concerned at a military disadvantage. The fear underlying that argument would seem to make permanent demilitarization and the neutralization of the Jerusalem area still more urgent and necessary.

25. The establishment of an administration under the United Nations should, by virtue of the authority and universal nature of the Organization, ensure a considerable degree of stability in the region. The organs to be created would have to take into consideration the large number of different and in some cases hostile local religious and ethnic groups, and should endeavour to guarantee to each section of the population the freedom and security indispensable to a normal life. Under the Conciliation Commission's plan, the Jewish and Arab authorities, respectively, would deal with all matters not reserved for the competence of the Commissioner and the appropriate organs of the United Nations. In other words, the local populations were to enjoy the highest possible degree of autonomy.

26. The flexibility of the plan would permit its immediate application independently of the final adjustment of territorial problems. The basic provisions of the plan did not prejudice any future decision with regards to those problems, and in no

way infringed the legitimate interests of Israel or the Arab States.

27. Critics of the plan had described it as both impracticable and illegal. In that connexion, Mr. de Freitas Valle deprecated the fact that the General Assembly which, only two years previously, had been called upon to determine the future of the whole territory of Palestine, should now be told that it lacked authority to carry out an integral part of the recommendations it had adopted at that time, and which had been warmly welcomed by those who now questioned the Assembly's powers.

28. As regards the question of practicability, it was no doubt true that the plan was not entirely flawless; however, constructive discussion and genuine co-operation would certainly help to remove any defects.

29. The main argument against the plan was that those who had won Jerusalem at the cost of heavy sacrifice could not, or would not, renounce their rights to that city. By condoning such an attitude, the General Assembly would merely add yet another chapter to the ancient and sorrowful history of the Holy City.

30. If the ethno-political groups inhabiting Palestine and the adjoining territories were really willing to regulate among themselves the problem of Jerusalem, and if they were really in a position to ensure a peaceful future to that city, they could have no reason to oppose a minimum plan such as that submitted by the Conciliation Commission, or any other that might fulfill the requirements set forth in previous resolutions.

31. In conclusion, Mr. de Freitas Valle recalled that the Assembly had twice affirmed the principle of the internationalization of Jerusalem. The countries which had voted in favour of the Assembly's resolutions on Palestine had done so on the understanding that the internationalization of Jerusalem would soon become a reality. Any postponement of a solution would entail the consolidation of situations entirely alien to the original United Nations partition plan and might thus make eventual settlement impossible.

32. The Brazilian delegation hoped that, in endeavouring to conciliate the divergent views, the Committee would constantly bear in mind the basic principles the General Assembly itself had adopted. The United Nations could not, without serious grounds, reverse a fundamental decision it had twice taken and which had not proved impracticable.

33. Mr. ICHASO (Cuba) stated that, although the problem of the internationalization of Jerusalem was admittedly complex and difficult, a solution could be found if reason and good will prevailed. The question of Jerusalem could not be considered as merely a political or juridical issue because of the City's unique and fundamental spiritual importance. No satisfactory solution could be reached unless due consideration were given to the supreme spiritual values represented by the Holy City.

34. The Cuban delegation, representing a predominantly Catholic nation which guaranteed religious freedom to all, wished to point out that while Israelis and Arabs sought political control of Jerusalem, Christians sought only to make

Jerusalem completely neutral and to protect it from any further conflict.

35. The representative of Cuba recalled that the position of his delegation had been consistent throughout the various stages of consideration of the Palestine question by the United Nations. He recalled that Cuba had voted for the admission of Israel to membership in the United Nations in the hope that peaceful relations between Israel and its Arab neighbours would develop and particularly that a satisfactory international solution of the question of the Holy Places would be found. In the final vote on the admission of Israel, the representative of Cuba had said¹ to the General Assembly that the admission of that State would in no way alter the previous resolutions of the General Assembly in the matter, since the establishment of a Jewish State and the internationalization of Jerusalem were both provided for by the same resolution. If the provisions of the resolution of 29 November 1947 had been rejected, there would have been no legal basis for the existence of the State of Israel and its admission to membership in the United Nations would have been impossible.

36. Mr. Ichaso referred to provisions of the resolution of 29 November 1947 calling for independent Arab and Jewish States and a special international régime for the City of Jerusalem. That resolution could not be accepted in part by States which had come into existence as a result of its provisions, while those States rejected other sections which they considered as unfavourable to them. If it was within the power of the United Nations to partition Palestine, it was inconceivable that the Organization could not set up an international régime in Jerusalem.

37. Reference to resolution 194 (III) which the General Assembly had subsequently adopted with regard to Palestine proved that the Assembly had continued to maintain its desire for internationalization of Jerusalem. That resolution specified that Jerusalem must have special treatment and must be placed under effective United Nations control. To that end, a Conciliation Commission was set up and instructed to present detailed proposals regarding a permanent international régime for the Jerusalem area.

38. The fact that the United Nations had been unable to implement its resolution of 29 November 1947 on the internationalization of Jerusalem, principally because of the armed conflict between the State of Israel and the Arab States, could not therefore be interpreted to mean that the Organization had abandoned its intention to internationalize the area. The provisions for internationalization still remained in force and the United Nations was now engaged in implementing those decisions. The United Nations could not be held responsible for the fact that the Arab States envisaged in its earlier resolution had not come into being, or that other parts of the resolution had not been implemented.

39. The best means for both Israelis and Arabs to prove their good faith in the matter was to respect the repeated wishes of the United Nations. The situation of Jerusalem could not be compared with that of Danzig or Trieste because those cities had no religious significance and had been inter-

nationalized for ethnical and political reasons. Jerusalem presented a special case because its Jewish and Arab inhabitants were not the only parties concerned: the interests of many millions of Christians all over the world must also be taken into account.

40. The representative of Cuba stressed the fact that internationalization of the City of Jerusalem was not sought in order to deny political sovereignty or temporal authority to any State. Internationalization was sought in order permanently to ensure protection of the Holy Places and free access thereto, regardless of any future changes in government or of officials, and in order to avoid any possibility of future armed conflict within Jerusalem itself.

41. The Cuban delegation commended the efforts of the Conciliation Commission for Palestine and in principle supported the draft instrument which it had submitted. The Cuban delegation would, however, present amendments to that draft in order to carry out the proposal of the United Nations originally contained in resolution 181 (II) and reaffirmed in resolution 194 (III). The representative of Cuba appealed to Israel and the Arab States to give further proof of their co-operation with the United Nations by respecting the wishes of the United Nations and by avoiding unilateral interpretation of its resolutions. It would seem that the majority of the Member States supported in principle the draft instrument submitted by the Conciliation Commission and therefore it was to be hoped that the parties which were directly concerned in the political question of Palestine would join in honouring the democratic majority decision and thereby avoid future friction and ensure peace in Jerusalem.

42. RAHIM Bey (Egypt) said that as the three monotheistic religions of the world had strong spiritual ties with Jerusalem and its Holy Places, the question of the fate of that city was of concern to the entire world, rather than to Arabs and Jews alone.

43. As Moslems believed in the founder of Christianity as well as in the Old Testament prophets, Moslems had for centuries been regarded as the logical custodians of the Holy Places. Since the Arabs had conquered Jerusalem in 637 A.D., their pledge to protect the Christian Holy Places had been scrupulously honoured. Under the tolerant policy of Islam, both the Christian and Jewish communities had enjoyed complete autonomy in religious and personal matters. Jerusalem had been an Arab city for centuries and should therefore remain in the hands of the Arabs. In that way, there need be no apprehension regarding the Holy Places.

44. The ancient Arab tradition had remained unchanged throughout the centuries and, in times of war and of peace, the Arabs had continued to respect Christian and Jewish shrines and to believe in freedom of worship for all. In response to a request by the Conciliation Commission for specific assurances regarding freedom of worship, protection of Holy Places and free access thereto, the representatives of Egypt, Syria, Lebanon and the Hashemite Kingdom of Jordan had signed a declaration on 15 November 1949, guaranteeing freedom of worship and the security of the Holy Places within their respective territories.

¹ See *Official Records of the third session of the General Assembly, Part II*, 207th plenary meeting.

45. The Islamic tradition of tolerance had been followed not only by the Arabs but also by the Ottoman Turks who, at the end of the Crimean War and the Russo-Turkish War, had recognized the sacred character of the Holy Places. More recently the British Mandate for Palestine had provided similar guarantees.

46. Accordingly, prior to 1947, religious peace had reigned in Palestine. The representative of Egypt pointed out that if the Palestine problem had been solved in accordance with the principles of the Charter, and if a single democratic State had been established in the Holy Land, the problems of the internationalization of Jerusalem, the protection of the Holy Places and the return of Arab refugees would never have arisen. If a unitary or federal State had been established, the religious peace and freedom which had prevailed for centuries would have continued.

47. The events following the resolution of 29 November 1947 which provided for partition of Palestine had given the religious world legitimate grounds for apprehension concerning the fate of its spiritual capital. All of the resolutions of the General Assembly for the solution of the Palestine question provided for the establishment of a special régime for Jerusalem and its Holy Places. No action had, however, been taken by the General Assembly in implementation of its solemn decisions. Moreover, the United Nations had been confronted with a series of acts designed to prevent internationalization, and thus to thwart its expressed will. The Jewish Constituent Assembly had been holding its sessions in Jerusalem and many Jewish governmental departments and public services had been transferred from Tel-Aviv to Jerusalem, as could be seen from the third progress report of the Conciliation Commission (A/927). Moreover, Jewish sources had publicly stated their intention to make Jerusalem the capital of the Jewish State.

48. The representative of Egypt indicated that violations of the General Assembly resolutions had not been confined to Jerusalem alone. The recent incorporation by Israel of the Arab town of Jaffa, the historic port of Jerusalem, into the city of Tel-Aviv, constituted a flagrant violation of the General Assembly resolution and of the Protocol signed at Lausanne on 12 May 1949 (A/927) under the auspices of the United Nations Conciliation Commission.

49. If an international régime for the City of Jerusalem was to be established, violations of the Assembly resolutions must be stopped and the *status quo* which had originally prevailed must be restored.

50. The representative of Egypt pointed out that the provisions of resolution 194 (III) calling for the demilitarization of Jerusalem had been flouted. The Holy City had been transformed into an arsenal, which could explode at any minute and blow up the Holy Places. Similarly, the provision for a United Nations Commissioner in Jerusalem had not been implemented. Thus the decisions of the United Nations were systematically being thwarted and its prestige endangered by a series of *faits accomplis* which, if accepted, would only serve to encourage further violations. The Egyptian delegation hoped that the General Assembly would not approve any past action which might

result in continued insecurity and instability in Jerusalem.

51. Rahim Bey paid tribute to the efforts of the Conciliation Commission in attempting to devise a plan for the internationalization of the Holy City. Unfortunately, however, the draft instrument (A/973) submitted by the Conciliation Commission was disappointing, as the fundamental ideas of full and permanent United Nations authority over the Jerusalem area and a permanent international régime for Jerusalem were set aside in articles 2, 3, 4, 10 and 11 in which the United Nations surrendered most of its authority. Articles 2, 3 and 4 provided for what was, in effect, a permanent partition of the Jerusalem area. Article 10, which unrealistically attempted to compel political and administrative co-operation between Arabs and Jews in a partitioned Jerusalem by means of a General Council, failed to recognize that co-operation of that kind could not be achieved by compulsion. The provisions of article 12 for an international tribunal composed of non-Palestinians were reminiscent of out-moded extra-territorial courts which were symbolic of imperialism. Finally, article 13 provided a further example of an unrealistic attempt to ensure co-operation between Arabs and Jews by means of a mixed tribunal.

52. Actually the draft instrument made no provision for an international régime for the Jerusalem area, but simply divided the area into two separate Arab and Jewish zones with two separate political administrations, two legal systems and two judicial systems. It made one zone part of Israel and the other a part of the Hashemite Kingdom of Jordan.

53. The practical result of the Commission's proposal would be to create a second Berlin in the Near East. A repetition of the sad experience of that divided city was certainly undesirable, particularly in Jerusalem, which was the spiritual capital of the world. Armed conflict in Jerusalem as a result of divided responsibility and the presence of two opposing authorities might well lead to the destruction of the Holy Places which the United Nations sought to protect. The grave consequence of such a catastrophe could not be overlooked.

54. The endeavours of the Conciliation Commission to find a compromise between two opposing viewpoints had produced no result. The proposal provided for a régime which would be international in name only. It set up unworkable administrative bodies which would place a financial burden on Jerusalem and the United Nations and produce no satisfactory results. The plan of the Conciliation Commission merely acquiesced in a *fait accompli* and perpetuated the existing *status quo* in that area.

55. The representative of Egypt declared that the plan was objectionable because it recognized the existing military situation and therefore maintained the corridor connecting the portion of the city under Jewish control with Tel-Aviv. Further, it recognized the right of two authorities to legislate and establish public administrations in their respective zones, thereby dividing the Holy City in two and making the provisional régime of occupation permanent. A further defect of the plan was its failure to take into consideration the demographic situation and its failure to recognize

the right of Arab refugees to return to their homes in that area. In proposing the armistice line in that area as the permanent line of demarcation between the Arab and Jewish zones, the plan ignored the fact that many Arab quarters of the city, which were more important in area and value than the Jewish quarter, were still occupied by Jewish authorities. Above all, the draft instrument was subject to criticism because it made no effective provision for the protection of the Holy Places. Effective protection could not be achieved without true internationalization of the area.

56. Rahim Bey considered it was essential to dissipate certain doubts which had arisen under the influence of subversive propaganda. The followers of the three monotheistic religions of the world were interested in the protection of the Holy Places and wanted to be assured of free access to them. It was a grave error to think that the measures contemplated under the proposed plan would be adequate to meet either of those requirements.

57. If any authority other than the United Nations were permitted to exercise sovereignty over the Jerusalem area, both protection and freedom of access would become illusory. Protection of the Holy Places alone would not ensure religious freedom or bring peace and security to the area; recent events in Palestine and the Holy City itself gave ample evidence of that fact. Division of the city was bound to cause friction and even conflict between the two sovereign authorities concerned. Such conflict, in its turn, would bring about the ruin of the city and of its Holy Places. The division of Palestine, decided upon for the sake of peace and security, had led to strife, bloodshed and misery. It was essential not to repeat the mistake by dividing Jerusalem as well.

58. The United Nations and the world could not be content with a spurious solution which might eventually lead to another war in the Near East. The Egyptian delegation, determined to achieve a just and workable solution, would therefore vote against the draft instrument proposed by the Conciliation Commission.

59. Rahim Bey then recalled a remark made by the United States representative at an earlier meeting, to the effect that the General Assembly's previous resolutions on Palestine contemplated placing the Jerusalem area "under United Nations control in one way or another". In the Egyptian delegation's view, those resolutions had called for much more than that: they had called for full United Nations control of the area.

60. As regards the question of local autonomy for the various groups of inhabitants of the Jerusalem area, the Egyptian delegation considered that the Conciliation Commission's plan had failed to provide for any autonomy whatsoever: it had merely provided for partition and annexation. True autonomy could be attained only through the implementation of the appropriate provisions of the General Assembly resolution of 29 November 1947.

61. The United States representative had dwelt on the high cost of internationalization. Rahim Bey did not think that the price of 30 million dollars was too high to be paid by the Christians and Moslems of the world for the protection of the Holy Shrines and the spiritual capital of the world.

62. Mr. Ross had also remarked that the concept of *corpus separatum* did not take into account the profound historical and political significance of developments in Palestine between November 1947 and November 1949. Rahim Bey wondered whether that remark constituted an invitation to acquiesce in the *fait accompli*, to bow before the challenge to the authority of the United Nations, and to legitimize the violation of the Organization's decisions. Such action would deal a grave blow to the authority of the United Nations and threaten its very existence.

63. It was the considered opinion of the Egyptian delegation that effective internationalization could not be achieved without the following essential elements, all of which were contained in the General Assembly's resolutions of November 1947 and December 1948:

(1) The area of Jerusalem should be maintained as an integral unit;

(2) It must be constituted as a *corpus separatum* from the rest of Palestine; and

(3) It must be placed under the exclusive and complete control of the United Nations.

64. In conclusion, Mr. Rahim warmly applauded the statement made by the representative of Australia. The principles outlined in the Australian draft resolution (A/AC.31/L.37), with some minor amendments, fulfilled the objectives he had just enumerated, and enjoyed the wholehearted support of the Egyptian delegation.

65. Mr. CHAUVEY (Haiti) recalled that the vote of the delegation of Haiti had been decisive in the adoption of the resolution of 29 November 1947 on the partition of Palestine.¹ He noted that, in accordance with its traditional policy of championing the independence of peoples and defending the victims of suffering, Haiti had also voted in favour of the admission of Israel to membership in the United Nations.

66. Because of its unique character as a city which was sacred to three religions, Jerusalem belonged to the world rather than to any single nation. Accordingly free access to the various Holy Places in Jerusalem and the surrounding areas must be guaranteed so that the area could become a refuge for reflection, meditation and prayer. To that end, an international régime was essential, with minimum guarantees of demilitarization of the area and free access to the Holy Places. Furthermore, the city must be declared United Nations territory and a special statute must be enacted to make Jerusalem the City of Peace, and thereby to renew world confidence in the United Nations.

67. The delegation of Haiti was prepared to support all proposals designed to ensure the achievement of those aims.

68. The CHAIRMAN noted that very little time remained for the completion of the Committee's work. He indicated that at the close of the general debate on the question of the internationalization of Jerusalem, he would propose the establishment of a sub-committee to consider the various draft resolutions on the subject, and that pending the report of that sub-committee, the Committee could proceed to discuss the question of refugees.

The meeting rose at 5.20 p.m.

¹ See *Official Records of the second session of the General Assembly*, 128th plenary meeting.