

lowing countries: Iraq, Israel, Union of Soviet Socialist Republics, Saudi Arabia, Ukrainian Soviet Socialist Republic, Poland, Uruguay, Canada, Byelorussian Soviet Socialist Republic, Chile, Lebanon, Argentina, Guatemala, Yemen, Philippines and Afghanistan. In view of the number of speakers, he did not think it would be desirable to consider the question of the establishment of a sub-committee immediately; this was the case particularly because, in light of the

clear and strong views held, the creation of such a sub-committee might prove to be of little value. Therefore, if the representatives of India and Bolivia were agreeable, he would not put their proposal to the vote at that stage of the debate, but would study the development of the discussion at the next meeting, and would act accordingly.

The meeting rose at 1.20 p.m.

FORTY-SEVENTH MEETING

Held at Lake Success, New York on Monday, 28 November 1949, at 11 a.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. CHAUVEL (France) wished to correct an erroneous interpretation by the Press of certain of his earlier remarks. In reference to the Commission's draft instrument (A/973), he had stated that on the basic problem of the internationalization of Jerusalem, a simpler solution, though it might be more drastic, would be desirable. Regarding the Australian draft resolution (A/AC.31/L.37), if it were possible for the United Nations to assume full responsibility and costs, France would have cause for satisfaction. Internationalization of the Holy City and specific guarantees for the protection of the Holy Places must, however, be discussed in the light of actual possibilities. It was not sufficient to want such guarantees; there must first be absolute assurance that the United Nations was fully prepared to assume political, administrative and financial responsibility for the conduct of an internationalized régime in Jerusalem, and that it was feasible in practice for the Organization to discharge that responsibility. That was an essential pre-condition for the adoption of any solution concerning Jerusalem.

2. As stated earlier, the French delegation supported the proposals submitted by the Conciliation Commission (A/973).

3. Mr. AL-JAMALI (Iraq) emphasized that for historical, spiritual and security reasons, Jerusalem could not be separated from the whole of Palestine. The Holy City was no more sacred than many other places in Palestine; the entire country was traditionally the Holy Land to Christians, Jews and Moslems. Easy access to Jerusalem could not be secured unless there were conditions of peace and stability in the territories surrounding it. Accordingly, Jerusalem could not be dealt with as a separate entity; its fate was indissolubly linked with that of Palestine as a whole.

4. On those grounds, the delegation of Iraq considered that the United Nations decision to partition Palestine and to permit the emergence of an alien Jewish State in an historic Arab land had been the greatest blunder of the Organiza-

tion, a blunder affecting the Arabs and the spiritual life of all mankind. It had disrupted the unity and integrity of the Arab world and had resulted in massacres and cruel suffering by the Arabs, forcing hundreds of thousands of them into destitution and exile. Those who had voted in favour of partition had accepted responsibility without due deliberation and foresight. The delegation of Iraq had uttered a warning against the tragic results of the partitioning of Palestine, which had a direct bearing on the question of Jerusalem. One result had been the disturbance of peace and stability in Palestine.

5. Mr. al-Jamali stressed that, while hostilities had ceased in Palestine, peace was very far from being a reality. It could not be ensured so long as the refugees remained scattered in neighbouring countries without adequate food, clothing, shelter and medical attention, while their homes were occupied by alien immigrants financed by the Jews of the United States. It could not be ensured so long as Arab citizens continued to be expelled from their homes in order to satisfy the expansionist ambitions of the Zionists. A recent dispatch in *The New York Times* had reported a new mass expulsion of 500 Bedouin families under machine-gun fire from Israel troops. Such incidents gave further evidence that the Zionists could not be trusted to keep their word or to respect signed agreements. For that reason, the Government of Iraq had never entered into negotiations with them.

6. Mr. al-Jamali affirmed that there could be no settlement of the Jerusalem question until there was peace in Palestine based on humanity and justice. Peace could not be achieved by a policy of expediency dictated by the *fait accompli*. The present position of the Jews in Palestine had been won, not through respect of United Nations decisions, but by force and the pressure of power politics. The Jewish representative had openly flouted the very decision to which the Jewish State owed its existence. Backed by the great Powers, the Jews were arrogantly defying another United Nations decision scarcely a year after their admission to membership in the Organization. It was to be regretted that the representative of the United States had gone so far as to state his intention to recognize the developments which had taken place in Palestine in the past two years as the *de facto* situation, instead of evaluating them in the light of international justice and moral principles. That policy could only perpetuate instability in the Middle East and might lead

to war. It must be drastically revised before any approach could be made to a settlement of the question of Jerusalem, which was only one phase of the Palestine problem.

7. The expansionist appetite of the Zionists was insatiable and constituted the most serious threat to peace in the Middle East. In defiance of General Assembly resolution 181 (II) of 29 November 1947 and of various Security Council resolutions, Israel had occupied Arab territory illegally, it had obtained arms and money while the Arabs had been denied all means of self-defence, and it had avowed its intention of occupying the whole of Palestine, including Jerusalem, and of crossing the Jordan. It had already transferred three entire ministries and several other government departments to Jerusalem, as well as 20,000 new immigrants. Should the expressed intentions of the Israel Government be carried out, there would certainly be a resumption of hostilities in the Middle East.

8. He appealed to the Committee in the name of the peace-loving Arab people to respect the spiritual values symbolized in Jerusalem and to help restore the Arab refugees to their rightful homes before discussing Jerusalem. In order to remedy the harm done to the Arabs of Palestine, and in the spirit of the Charter, the United Nations must recognize the Arab character of Jerusalem within an Arab country. Jerusalem must remain geographically in an Arab setting, and must retain its spiritual and traditional character.

9. The great majority of the population of the Jerusalem area were Arabs; in accordance with the principle of self-determination, their political links with the Arab world must not be severed. The late Count Bernadotte himself had acknowledged that, in any partition, Jerusalem must inevitably be surrounded by Arab territory and that any attempt to isolate it, politically or otherwise, would present enormous difficulties. Culturally, Jerusalem was an Arab city and it was natural and just that it should remain so.

10. Religious freedom and tolerance were the corner-stones of the Moslem faith; the Arabs could therefore be trusted with the custodianship of the Holy Places. That fact had been confirmed by the Secretary to the Roman Catholic Custodian of the Holy Places. He had, moreover, placed the responsibility for the defamation and destruction of many Holy Places in Jerusalem upon the Israeli forces.

11. Internationalization of Jerusalem was a means, not an end in itself. The Arabs had proved that they were qualified to ensure the proper maintenance and protection of the Holy Places and free access to them by worshippers of all faiths under an Arab political régime. An Arab Jerusalem could achieve the desired objectives and avoid the difficulties of internationalization, and would result in a considerable saving to the United Nations. Finally, the status of the Jews in Jerusalem could be dealt with equitably in a just settlement of the entire Palestine question.

12. In conclusion, Mr. al-Jamali reaffirmed that the question of Jerusalem could not be separated from the question of the whole of Palestine, that right and justice must form the basis of any Palestine settlement, and that in any just settle-

ment Jerusalem could only be an Arab city with freedom of access and worship for all.

13. Mr. LOURIE (Israel), speaking on a point of order, took exception to the fact that Mr. al-Jamali had referred to the representative of Israel as the "Jewish representative". He pointed out that the State of Israel was neither exclusively nor entirely composed of Jews, and that other States had Jews among their representatives in the United Nations.

14. The CHAIRMAN agreed that the term "representatives of Israel" should be used in referring to that State's representatives.

15. Mr. KOZIAKOV (Byelorussian Soviet Socialist Republic) stressed that, since the General Assembly resolution of 29 November 1947 was still in force, the Committee should be guided by the relevant provisions of that resolution in discussing the future of Jerusalem. He had not been convinced by the United Kingdom representative's argument to the effect that an entirely new approach was necessary because the situation in Palestine had changed in the past two years and because the General Assembly's decision on the creation of two States in Palestine had not been implemented. It was common knowledge that it was the United Kingdom itself, actively supported by the United States and other countries, which had done everything possible to prevent the implementation of the General Assembly's resolution of 29 November 1947. The United Kingdom was continuing its intrigues in the Near East, hoping to induce the Arab States to maintain the struggle on behalf of British imperialism. That being so, it was surely illogical of the United Kingdom delegation to support the Conciliation Commission's proposals on the grounds that the resolution of 29 November 1947 had not been put into effect.

16. A similar position had been adopted by the representatives of a number of other countries including the United States, France and Turkey, the States represented on the Conciliation Commission and therefore responsible for the proposals before the Committee.

17. The Conciliation Commission's draft was entitled "Proposals for a permanent international régime for the Jerusalem area". The content of the proposals, however, contradicted that title. The proposals by no means provided for an international régime as contemplated in the resolution of 29 November 1947. Mr. Koziakov pointed out that one of the three members of the Commission, the representative of Turkey, had announced as early as 18 February 1949 that the Commission would not be bound by decisions adopted previously by the United Nations. As a result of such an attitude, the Commission's proposals not only did not reflect, but actually violated, the provisions of the resolution of 29 November 1947.

18. The proposals had nothing in common with the draft statute for Jerusalem elaborated by the Trusteeship Council¹, the United Nations organ which had the chief responsibility in the matter. Consequently, the Assembly was faced with two widely differing proposals, one of which, the Trusteeship Council's draft, was based strictly on the resolution of 29 November 1947 and provided for an international régime of the

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

City of Jerusalem as a *corpus separatum* under United Nations administration, while the other, submitted by the Conciliation Commission, proposed the division of Jerusalem into two zones and the virtual handing over of administrative powers to the Arab and Jewish authorities respectively.

19. Moreover, the proposed procedure for the establishment of a General Council was entirely undemocratic and violated the rudimentary civil rights of the citizens of Jerusalem. Under the Commission's plan, all the fourteen members of the General Council would be appointed by the Commissioner himself or by the responsible authorities of each zone, none being elected by the citizens of Jerusalem. The delegation of the Byelorussian SSR strongly objected to such proposals.

20. By favouring the division of Jerusalem, the United Kingdom, the United States and other delegations wished to legalize the existing abnormal situation in that city. No permanent solution could be achieved on such a basis. Those who had elaborated the Commission's plan, as well as those who supported it, obviously disregarded the requirements of peace and security in the Jerusalem area. The plan bore the familiar stamp of Anglo-American policy, which from the outset had been directed towards the maintenance of troubled and hostile relations between the Arab States, on the one hand, and Israel on the other.

21. The delegation of the Byelorussian SSR supported the Soviet Union's amendments (A/AC.31/L.41) to the Australian draft resolution (A/AC.31/L.37). Referring in particular to paragraph 4 of the amendments, Mr. Koziakov remarked that the Conciliation Commission's draft absolutely ignored the provisions of the resolution of 29 November 1947 regarding direct participation of the Trusteeship Council in the preparation of a statute for Jerusalem and the administration of that city, although the Council, by virtue of its limited membership and greater number of sessions, was better suited to deal with those matters than the General Assembly itself. Under the Commission's plan, a United Nations Commissioner would be responsible directly to the General Assembly. In view of the wide scope of its agenda and the fact that it held only one session a year, the General Assembly would be unable to exercise effective control over the Commissioner's activities.

22. With regard to the USSR amendment proposing that the Conciliation Commission should be dissolved, Mr. Koziakov stressed that the Commission, dominated as it was by United States interests, had shown by its work that it was not only incapable of conciliating the positions of the interested parties but, on the contrary, represented a serious obstacle to agreement. It was surely significant that the Commission's plan had received the unreserved support of the United States and the United Kingdom, while the majority of delegations had opposed it and had insisted on effective implementation of the resolution of 29 November 1947.

23. The delegation of the Byelorussian SSR objected to the Commission's proposals, which represented an attempt by the United Kingdom and United States to circumvent the General

Assembly's previous decision and to impose a solution which would serve the Anglo-American interests in the Near East. It would vote in favour of the USSR amendments to the Australian draft resolution.

24. Mr. GALAGAN (Ukrainian Soviet Socialist Republic) remarked that, although two years had elapsed since the adoption of the General Assembly resolution of 29 November 1947, many of its basic provisions had not yet been implemented. No Arab State had been created in Palestine; the question of the statute of the City of Jerusalem was still under discussion, and the preceding debate had shown the existence of serious obstacles to its rapid solution. Furthermore, military operations between the Jews and the Arabs, provoked by certain States having interests in Palestine, had given rise to the new and important problem of Arab refugees.

25. All those facts were due to the selfish attitude of States such as the United Kingdom and the United States, which, pursuing their narrow economic and military interests in the Near and Middle East, entirely disregarded the requirements of peace and security in that part of the world. Those States had resorted to every possible method in order to circumvent the General Assembly's decision on partition. As a first step, they had brought about the dissolution of the United Nations Palestine Commission; later, when the Jewish State in Palestine had been created despite their opposition, they had tried to divide the Arab part of Palestine between the neighbouring Arab States, and thus to prevent the creation of a new Arab State. They had also done everything in their power to prevent the implementation of the provisions of the resolution of 29 November 1947 dealing with the statute of the City of Jerusalem.

26. Those provisions took into consideration the interests of both the Jewish and the Arab communities in Jerusalem and guaranteed the protection of the Holy Places and religious monuments in Palestine. On the basis of those provisions, the Trusteeship Council had elaborated a draft statute for Jerusalem which, with some amendments in the direction of its greater democratization, could have been approved by all members of the Council. The United States, however, had suddenly reversed its position and had demanded the convening of a special session of the General Assembly,¹ with the result that the draft statute drawn up by the Trusteeship Council had not been approved at that time.

27. After the failure of United States attempts to revoke the resolution of 29 November 1947 at the second special session, the USSR delegation in the Trusteeship Council had proposed² that the draft statute prepared by the Council should be considered and approved. That proposal had, however, been rejected by the majority under the leadership of the United States, the United Kingdom and Belgium, and the question had been deferred for an indefinite period.

28. At the third session of the General Assembly, the United Kingdom delegation had proposed the creation of a United Nations conciliation commission for Palestine which, among other things, was to elaborate and submit to the fourth

¹ See *Official Records of the Trusteeship Council*, third session, 35th meeting.

² See document S/705.

session of the Assembly detailed proposals for a permanent international régime for the Jerusalem area. That proposal had been adopted in resolution 194 (III) despite the fact that such proposals had already been elaborated by the Trusteeship Council and had been found satisfactory by the majority of members of the Council, including the United States representative. In that connexion, Mr. Galagan quoted the Trusteeship Council's resolution 32 (II) of 10 March 1948.

29. The reason for the abandonment of the Trusteeship Council's draft was that the United States and United Kingdom Governments had, on the basis of the Mediator's plan, reached a separate agreement on the Palestine question, including the question of Jerusalem. That fact alone made it clear that in the matter of Jerusalem those Governments were guided by considerations entirely unconnected with religion.

30. The Conciliation Commission's proposals submitted in application of the General Assembly's resolution of 11 December 1948 had been criticized by a large number of delegations, including some of those which approved its basic provisions in principle. In the first place, those proposals entirely ignored the resolution of 29 November 1947, despite the fact that that resolution retained its full legal value and had never been revoked by the General Assembly. Considering the composition of the Conciliation Commission, that was hardly surprising.

31. The United States, one of the three members of the Commission, was concerned solely with the maintenance of its economic and strategic interests in Palestine, and had from the outset played a double game in the Palestine issue. The United States and the United Kingdom had manoeuvred in the interests of the oil companies; they were not interested in implementing the 1947 resolution, but in undermining it. Turkey, the second member of the Conciliation Commission, had voted against the resolution of 29 November 1947 and could not, by virtue of historical factors and of its relations with the United States, be considered impartial. France, the third member, had voted for the 1947 resolution only after great hesitation; moreover, it had been ousted from its position in the Near and Middle East and was trying to get back on any pretext.

32. Instead of the internationalization of Jerusalem, the Commission was proposing the division of the Jerusalem area between Israel and the Hashemite Kingdom of Jordan. The proposed system of internationalization was purely fictitious, and represented a crude attempt to induce the maximum number of members to vote for the Commission's plan.

33. Furthermore, in disregard of paragraph 5 of section C of the third part of the plan of partition of 29 November 1947,¹ the Commission's draft made no provision for the creation of elected legislative organs in Jerusalem, replacing such organs by a powerless general council whose members were to serve by appointment. Other proposals of the Commission were also entirely inconsistent with the resolution of 29 November 1947.

34. The delegation of the Ukrainian SSR, which had consistently upheld the principles of that resolution in all organs of the United Nations, was unable to accept the Commission's proposals and considered that they should be rejected in their entirety.

35. The delegation of the Ukrainian SSR believed that the steps proposed in the Soviet Union's amendments to the Australian draft resolution offered the only acceptable solution. Any other decision with regard to the future of Jerusalem would deal a serious blow to the prestige of the General Assembly and the United Nations.

36. The delegation of the Ukrainian SSR therefore wholeheartedly supported the USSR amendments, which were strictly based on the General Assembly resolution of 29 November 1947, and would vote in favour of those amendments.

37. Mr. RODRÍGUEZ FABREGAT (Uruguay) indicated that the Uruguayan delegation would have preferred that discussion of the urgent humanitarian question of assistance to Palestine refugees should have preceded consideration of proposals for an international régime in the Jerusalem area and protection of the Holy Places.

38. He proceeded to refer to the various concrete proposals regarding Jerusalem and to the various resolutions of the General Assembly and the Security Council on the subject, pointing out that other important elements of the background of the question made the subject very complex. Careful study was therefore essential. Yet in the final stages of the current session of the General Assembly, it might be difficult and time might be insufficient to study the various proposals adequately and to arrive at the final solution of a question which was of vital importance not only to the inhabitants of Jerusalem and to the nations involved, but also to the international community as a whole.

39. Recalling the basic position of his delegation with regard to the Palestine question in 1947, he noted that it had favoured a territorial solution of the Jewish problem, a partition scheme, special status for the Old City of Jerusalem and special status for the Holy Places throughout Palestine.

40. It must further be remembered at that juncture, as had already been pointed out, that new developments had occurred in the interval since 1947, that internationalization would be costly, and that any decision establishing an international régime would require practical implementation and corresponding responsibilities.

41. He expressed whole-hearted support of the very useful suggestion of the Chairman that a sub-committee should be appointed to make a thorough study of the various aspects of the question and the various proposals presented, and to seek the best possible solution.

42. It must also be borne in mind constantly that partition was a reality and that permanent peace must be sought to replace the prevailing truce. Moreover, no difficulty which might lead to a further outbreak of hostilities must be allowed to arise.

43. In the interest of the international community, the universal right to worship freely, and consequently to have free access to the Holy Places, must be safeguarded. It was, however, important

¹ See *Official Records of the second session of the General Assembly, Resolutions*, page 148.

to note that the Holy Places were in many cases situated outside the Holy City of Jerusalem in various other parts of Palestine. Mr. Rodríguez Fabregat recalled that a somewhat parallel situation had existed in connexion with the Church of Saint John of Lateran, which was outside the Vatican. By the Treaty of Lateran of 1929, the sovereignty of the Vatican had been recognized and the Church of Saint John and various other churches in Rome had been given special status. At no time had it been suggested that those churches should become a territorial part of the areas in which they were located, neither had it ever been proposed that Rome should be internationalized in order to ensure freedom of worship within that city. He wondered why there had been no suggestion to internationalize only the actual territory of the Holy Places in Jerusalem.

44. During the preliminary stage of the discussion, the Uruguayan delegation wished emphatically to affirm the right of worship in the Holy Places for adherents of all religions. Uruguay, a Member State of the United Nations which had no official religion but which guaranteed freedom of worship to all, felt that that fundamental right would meet with universal acceptance.

45. He pointed out that the Holy Places of Palestine were situated both in Arab and Israel territory and that the representatives of both Israel and Jordan had solemnly pledged themselves to

respect those Holy Places and to grant free access thereto.

46. The Uruguayan delegation was mindful of the provisions of the General Assembly resolutions, was open-minded in considering proposals for solution, had carefully studied the various aspects of the question, and had adopted no final position at the current stage of the discussion.

47. It would, however, be advisable for the sub-committee which it was proposed to set up to keep certain basic considerations constantly in view, particularly the right of all to worship and to have access to Holy Places and the need for a special international régime for those Holy Places. A sub-committee could deal far more adequately than a full committee with the detailed study of the concrete proposals for settlement of the question.

48. The Uruguayan delegation reaffirmed its continued interest in the finding of a satisfactory solution which would contribute to lasting peace in the area and which would grant the necessary safeguards to the international community, in a spirit of co-operation and good will. Mr. Rodríguez Fabregat emphasized the fact that the views he had expressed represented the preliminary opinion of his delegation at the current stage of discussion, rather than a final position.

The meeting rose at 12.55 p.m.

FORTY-EIGHTH MEETING

Held at Lake Success, New York, on Monday, 28 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. AMBY (Denmark) stated that his delegation, which had voted for resolutions 181 (II) of 29 November 1947 and 194 (III) of 11 December 1948, was still of the opinion that the guiding principle for a solution should be effective United Nations control and a form of internationalization guaranteeing a special status for Jerusalem and the surrounding areas. The Danish delegation felt bound to appraise the proposals of the Conciliation Commission, to whose work it paid a tribute, in the light of the principle of effective United Nations control over the Jerusalem area. No real peace could prevail in that sacred area unless Jerusalem, as a unit, was placed under the control of the entire civilized world.

2. The Danish delegation felt that the proposals of the Conciliation Commission (A/973) were not such as to provide for real internationalization of the Jerusalem area under effective United Nations control. It would vote for any plan which seemed likely to fulfil that condition.

3. Although the representatives of Jordan and Israel had not expressed themselves favourably

on the Conciliation Commission's proposals as a whole, it would appear that certain parts might be acceptable to them, and that therefore the exact areas of agreement and disagreement should be ascertained.

4. With regard to the willingness of the United Nations to accept all the obligations arising from real internationalization and effective United Nations control, it was evident that, whatever the recommendations which might be adopted, the obligations would be of a substantial character, whether the United Nations committed itself to real international control or to control of the kind proposed by the Conciliation Commission.

5. The Danish delegation had no formal amendments to propose to the draft resolution of the Conciliation Commission, but hoped that a sub-committee would be set up to consider the various draft resolutions and any amendments which might be submitted; until then it reserved its final position.

6. Mr. AZOUNI (Yemen) said the debates in the United Nations had, to a great extent, been characterized by political pressure and had reflected conflicting interests. He wondered whether sober and dispassionate judgment would finally prevail.

7. The City of Jerusalem was of concern to the whole world; its future was in the hands of the United Nations. The problem of the status of Jerusalem and its environs was the only one of its kind. It was the duty of the United Nations