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## QUESTION OF AN INTERNATIONAL REGIME FOR THE JERUSALEM AREA AND PROTECTION OF THE HOLY PLACES

Note by the Secretariat: At the request of the Council, the following statement made on 7 March 1950 concerning some of the Articles of the Proposed Statute of Jerusalem, presented to the Trusteeship Council of the United Nations, by His Grace, Archbishop Germanos of Thyateira, Representative of His Beatitude the Patriarch of Jerusalem, Mgr. Timotheos, is hereby circulated to the members of the Council.

We wish to express our hearty thanks for the opportunity you are giving us to explain once more before the esteemed Council the views of the Greek Orthodox Patriarch of Jerusalem, on some of the articles of the proposed Statute of Jerusalem. Having previously put these views in a general way before the Council, we would now like to make some additional remarks on certain specific points, to which we wish to invite the attention of the Council, when it is considering amendments to the draft Statute in a second reading.

We wish to state first of all that we have studied the statement made before the Council on the first of this month of March by our brother the Right Rev. Bishop Tiran, the representative of the Armenian Patriarchate of Jerusalem, and we find ourselves in agreement with the views expressed by him.

1. With regard to the composition of the Legislative Council of the City of Jerusalem, as provided in Article 20 of the draft statute, we are also of the opinion that it should consist of Christians, Moslems and Jews in equal numbers. We consider this to be necessary in view of the fact that the Holy City is equally sacred to the three religions and they have interests

in the peace and prosperity thereof. We further consider it to be strongly advisable that the principal religious institutions established in the City should appoint their representatives to sit as members in the Legislative Council, in view of the fact that these institutions represent the three faiths throughout the world. Representation by these religious institutions in the Legislative Council by an adequate number of members, will give to the Legislative Council a universal character and thereby the interests of the three faiths will find expression in the legislation for the City. For it should not be forgotten that these institutions are the agencies which have made and will always make the Holy City to function as such. Through these institutions the Holy City is what it is today - a religious center for the whole world.

2. In article 36 and elsewhere in the Statute mention is made of the existing right of the various religious institutions. These existing rights principally refer to the existing rights under the Status quo, the maintenance of which is vitally important. In our view it is advisable that this phrase "existing rights" should be defined and specified more clearly. For this purpose we think that an additional sub-paragraph could be added to the paragraph 7 of Article 36, defining the existing rights as established by the Status quo of 1852-53.

3. Also in the same article we think another provision should be made to the effect that the rights of the religious institutions with respects to their own internal administration should be respected and maintained and no lay interference should be allowed in the affairs of the monastic foundations which are administered in accordance with the canons and rules established for the internal governance of these institutions.

4. In our previous presentation of the views of the Patriarchate of Jerusalem we have already stated that the linguistic and cultural difference between the various communities in Jerusalem should be recognized and all communities, large or small, should receive equal treatment. The national character of religious foundations and of the various communities therefore should be safeguarded and provision should be made in the Statute, perhaps under Article 31, to this effect.

5. Under Article 27 provision is made for the judiciary of the City. It is our view that an international court should be established in the City to decide on matters pertaining to the Holy Places and rights therein. This court should be established in the same way as the Supreme Court of Jerusalem. It should consist of three judges and an alternate, appointed by the General Assembly and the Security Council, as is the case with the Judges of the International Court of Justice.

In this connection we would like to voice once more the opinion of the Orthodox Patriarch of Jerusalem to the effect that these judges should not be selected from among the members of the religious bodies, which have been entrusted since ancient times with the guardianship of the Holy Places.

6. With respect to the status of the patriarchates and religious bodies of various communities in the City, we would like to state that these bodies should be recognized as legal persons having the right to institute legal actions in court as any natural person. We are mentioning this point because there have been instances in the past in which uncertainty has existed. We would therefore suggest that under Article 27 provision should be made for the recognition of religious bodies as legal persons.

7. In the draft statute provision has already been made concerning the form of taxation of religious properties. We submit that provision should also be made that these properties should be protected against expropriation. We would therefore suggest that under article 36, paragraph 7, a provision should be made that religious properties are not subject to expropriation.

Expressing once more my thanks for having given me this opportunity to express the views of our patriarchate before the Council, I wish to assure you, Mr. President, that we appreciate very highly the efforts which the Council is making to prepare a Statute for the Holy City, which will safeguard the peace and prosperity and the good government of the City, to which the peoples of the world are anxiously turned praying for the end of its afflictions.