

TWO HUNDRED AND SEVENTY-FOURTH PLENARY MEETING

Held at Flushing Meadow, New York, on Friday, 9 December 1949, at 9.30 a.m.

President: General Carlos P. RÓMULO (Philippines).

Second report of the Credentials Committee

1. Mr. BLANCO (Cuba) read the following report of the Credentials Committee:

"The Credentials Committee, which was set up by the General Assembly at its fourth session at the plenary meeting held on 20 September 1949 at Flushing Meadow for the purpose of preparing a report on the credentials of representatives, met on Wednesday, 7 December 1949, under the chairmanship of Mr. Blanco. At its second meeting, the Committee examined the documents which had been transmitted to the Secretariat since its first meeting. The Committee found that the credentials for the representatives of the following Member States fulfilled the requirements of rule 23 of the rules of procedure of the General Assembly: Afghanistan, Bolivia, Colombia, Cuba, Ecuador, Guatemala, Israel, Lebanon, Paraguay, Philippines, Poland, Saudi Arabia, Syria, Turkey, Venezuela and Yemen.

"The Committee therefore noted that all the Governments of the Member States represented at the fourth session of the United Nations General Assembly have forwarded credentials which comply with the afore-mentioned rule."

2. The PRESIDENT put the second report of the Credentials Committee to the vote.

The report of the Credentials Committee was approved.

Supplementary estimates for the financial year 1949. Unforeseen and extraordinary expenses for 1949 and advances from the Working Capital Fund: report of the Fifth Committee (A/1230)

3. Miss WITTEVEEN (Netherlands), Rapporteur of the Fifth Committee, presented the report of that Committee (A/1230) on supplementary estimates for the financial year 1949 and unforeseen and extraordinary expenses for 1949 and advances from the Working Capital Fund, and the accompanying draft resolution.

4. The PRESIDENT put the draft resolution contained in document A/1230 to the vote.

The draft resolution was adopted.

Appointment of the members of the Administrative Tribunal: report of the Fifth Committee (A/1228)

5. Miss WITTEVEEN (Netherlands), Rapporteur of the Fifth Committee, presented the report of that Committee on the appointment of the members of the Administrative Tribunal (A/1228), and the accompanying draft resolution.

6. The PRESIDENT put the draft resolution contained in document A/1228 to the vote.

The draft resolution was adopted.

Reports of the Advisory Committee on Administrative and Budgetary Questions: report of the Fifth Committee (A/1229)

7. Miss WITTEVEEN (Netherlands), Rapporteur of the Fifth Committee, presented the report of that Committee on the reports of the Advisory Committee on Administrative and Budgetary Questions (A/1228), and the accompanying resolution.

8. The PRESIDENT put the draft resolution contained in document A/1229 to the vote.

The draft resolution was adopted.

Constitution of the Special Committee on information transmitted under Article 73 e of the Charter: report of the Fourth Committee (A/1214)

9. The PRESIDENT explained that the report before the General Assembly would inform members of the elections which had taken place pursuant to the resolution adopted by the General Assembly, on 2 December 1949, establishing the Special Committee (A/1186).

10. Mr. de MARCHENA (Dominican Republic), Rapporteur of the Fourth Committee, presented the report of the Committee (A/1214) on the constitution of the Special Committee on Information Transmitted under Article 73 e of the Charter, and the accompanying draft resolution.

11. The PRESIDENT stated that the report had been submitted merely for the information of the Assembly and that no decision was required of the Assembly, which would duly take note of the report.

Palestine: (continued)

PROPOSALS FOR A PERMANENT INTERNATIONAL RÉGIME FOR THE JERUSALEM AREA, AND FOR THE PROTECTION OF THE HOLY PLACES: REPORT OF THE *Ad Hoc* POLITICAL COMMITTEE (A/1222 AND A/1222, ADD.1); REPORT OF THE FIFTH COMMITTEE (A/1234).

12. The PRESIDENT recalled that part II of the report (A/1222) of the *Ad Hoc* Political Committee, together with the second of the two draft resolutions proposed by the Committee, had already been dealt with. He opened the discussion on part I of the report.

13. Mr. CASTRO (El Salvador) said that the draft resolution adopted in the *Ad Hoc* Political Committee on the effective internationalization of Jerusalem (A/1222) met the sentiments of the majority of the peoples of the world and the fact that it was real internationalization and not a mere pretence had just been confirmed by the General Assembly as a reply to the demand of those peoples. For that reason, ambiguous resolutions which pretended to ensure the protection of and free access to the Holy Places could not be accepted when, in fact, they tended only to sanc-

tion a régime of force in territories conquered in the Jerusalem area, currently divided into two military zones and occupied by two rival armies, animated by the deepest hostility towards each other.

14. The aim of the efforts made by his delegation to confirm the legal situation of the Jerusalem area as a *corpus separatum* in relation to the rest of the territory of Palestine was to save Jerusalem from internal strife, and from international conflicts in which the States, which now held or might later hold the territory of Palestine, might become involved. It was essential to reject all draft resolutions which tended to establish two sovereignties in Jerusalem and which left the United Nations with only limited supervision of the Holy Places, as otherwise the real internationalization of Jerusalem, as required by the General Assembly in resolution 181 (II) of 29 November 1947, would be an illusion which could be destroyed by the mere exercise of territorial sovereignty. What was necessary was to save Jerusalem from any conflict between Israel and Jordan, or between any other nations which might in the future dominate the territory of Palestine. The effective internationalization of Jerusalem under the supervision of the Trusteeship Council, as called for in the General Assembly resolution 181 (II) of 29 November 1947 and later confirmed by the resolution 191 (III) of 11 December 1948, was therefore necessary.

15. All kinds of arguments were being used against the effective internationalization of Jerusalem. He would refer only to some of them. It was said that the undertaking would be very costly and that the United Nations would be unable to finance it. Those objections had been put forward in particular by the delegations of the United Kingdom and the United States. Nevertheless, the United Kingdom had exercised the Mandate over the whole of Palestine for many years, and it had not been for financial reasons that it had decided to renounce it. Furthermore, that delegation had proposed that Cyrenaica should be placed under the Trusteeship System,¹ when the question of the disposal of the former Italian colonies had been discussed in April and May. Those facts proved that the administration of trusteeship over a territory was not in itself a very costly operation, above all when the control was to be exercised over a single city, as was the case with Jerusalem. And if the United Kingdom had been able to administer Palestine, there was all the more reason to believe that the United Nations could do so, for it was an organization composed of fifty-nine States. As to the delegation of the United States, it had presented some time previously a proposal that the United Nations should exercise total control over Palestine, with the obligation of providing material means if necessary.²

16. It was also alleged against internationalization that Jerusalem was occupied by the forces of Israel and Jordan, which were not prepared to carry out the General Assembly's resolution 181 (II) prescribing internationalization. That argument cut both ways, for the representatives of those two States also rejected the supervision advocated in the resolutions proposed by the Con-

ciliation Commission and the compromise plan proposed by the delegations of Sweden and the Netherlands. Mr. Castro felt that if the demands of the military forces occupying Palestine were accepted, the United Nations would have embarked upon a programme of defeatism and appeasement which could not but threaten its very existence. What was happening in Palestine was an obvious consequence of the resolution 181 (II) on partition enacted by the General Assembly on 29 November 1947 and it would indeed be lamentable if the General Assembly were to fail to implement what was in fact the noble part of that resolution.

17. It was interesting to note that three of the permanent members of the Security Council, China, France and the USSR, had voted in favour of the reaffirmation of the resolution 181 (II). It could be said with reason that if the United States and the United Kingdom were to co-operate in the plan for internationalization, there would not be any opposition in the Security Council because there would be no veto in all cases where effective action by the United Nations was required in order to ensure that the legal position of Jerusalem as a *corpus separatum*, under the supervision of the United Nations, was respected.

18. In conclusion, the representative of El Salvador said that for the reasons stated his delegation would vote in favour of the draft resolution approved by the *Ad Hoc* Political Committee, and against the other draft resolutions which opposed the effective internationalization of Jerusalem.

19. Sir Alexander CADOGAN (United Kingdom) recalled that a year previously the General Assembly had entrusted in resolution 194 (III) to the Conciliation Commission for Palestine the task of finding a solution of the problem of Jerusalem. The members of the Conciliation Commission had spent months in an investigation of the situation and finally, basing themselves on their local studies and experience, had produced a scheme (A/973, A/973/Add.1). That scheme had appeared to provide adequately for the safeguarding of the Holy Places and the rights appertaining thereto, to which the United Kingdom Government, in common with so many others, attached the highest importance. It provided for the presence in Jerusalem of a representative of the United Nations endowed with certain other powers and rights which might be expected to conduce to the proper administration of the city as a whole.

20. The scheme had at once been subjected to attack. That, of course, was the common fate of all schemes in the initial stage; the opposing sides invariably took their extreme positions at the outset but that did not mean that they could not, with patient effort, be brought together. After careful consideration, the United Kingdom Government had come to the conclusion that the scheme of the Conciliation Commission might form the basis of a solution which might be acceptable to both sides. He had therefore indicated to the *Ad Hoc* Political Committee at the 44th meeting that his Government approved in principle of the proposals of the Conciliation Commission.

¹ See *Official Records of the Third Session of the General Assembly, Part II, Annex to the First Committee, document A/C.1/446.*

² See *Official Records of the Second Special Session of the General Assembly, Annex to Volumes I and II, document A/C.1/277.*

21. It had seemed to him that scant consideration had been given in the *Ad Hoc* Political Committee to the proposals of the Conciliation Commission, and still less consideration had apparently been given to them in the Sub-Committee which the *Ad Hoc* Political Committee had appointed—though as to that he could not speak from direct experience, his delegation not having been represented in the Sub-Committee.

22. Ignoring, apparently, the proposals of the Conciliation Commission appointed by the General Assembly and unimpressed, it would seem, by the Commission's local knowledge and experience, the Sub-Committee had proposed to the *Ad Hoc* Political Committee the draft resolution which was before the General Assembly (A/1222, Annex I). He had said frankly in the *Ad Hoc* Political Committee that to his delegation that resolution seemed to be a retrograde step. If the proposals of the Conciliation Commission had not at that stage commanded the assent of the parties, there was clearly even less chance of the Sub-Committee's proposals doing so. The latter, indeed, seemed likely to cause so much difficulty that the chances of a satisfactory régime for the Holy Places might be gravely reduced.

23. The United Kingdom delegation would have thought there might have been some chance of bringing both parties to accept the principles of the Conciliation Commission's proposals, from which an adequate system of international control might have emerged, whereas the imposition of a ready-made, rigid and detailed system did not appear to have very favourable prospects.

24. Sir Alexander turned next to the consideration of what was commonly called "implementation", about which some delegations had expressed doubts. In the *Ad Hoc* Political Committee those who had supported the draft resolution had challenged the doubters to prove that implementation would be impossible. It seemed to him that that was hardly the way to put the question and that the question had been put to the wrong parties. He himself would ask all those delegations who had voted for the draft resolution to explain how they proposed to implement it. They would obviously not have cast their votes without reflecting upon that matter. They could not have been ignorant of the resistance to be expected, although some of them seemed to have ignored it. They must have made up their minds how that resistance could be overcome, if necessary by force, and they must, of course, one and all have weighed carefully in their own minds what contribution they would each be prepared to make. If they would take the General Assembly into their confidence and explain their plan for meeting all eventualities, the United Kingdom might then have to, and be glad to, revise its opinion concerning the difficulties of implementation.

25. The attitude of the United Kingdom had remained quite consistent throughout; no secret had ever been made of it. In 1947, when the Palestine question had first been brought before the United Nations, the United Kingdom delegation had made it perfectly clear that its Government would take no part in enforcing a settlement that was not acceptable to both parties. That had been stated so often by representatives of the United Kingdom Government that he had not

repeated it in the *Ad Hoc* Political Committee; a remark made during the last stages of the Committee's discussion, however, had made him decide to repeat it once again before the Assembly.

26. Those delegations, among them his own, which had preferred the Conciliation Commission's proposals to those contained in the draft resolution before the General Assembly had been reproached for allowing themselves to be guided by the light of expediency, and had been accused of wanting to compromise and even of being guilty of surrender. They had been told that, by taking the course that they advocated, they would be undermining the authority and prestige of the United Nations. He would ask, however, what was more calculated to undermine the authority and prestige of the United Nations: the search for agreement by consent, or the handing down of ready-made judgments and decrees by the General Assembly without regard for the likelihood of their producing agreement or commanding assent and without, apparently, any plans for their imposition on recalcitrant parties.

27. It was surely the function of the General Assembly to exhaust every effort to achieve agreement rather than to legislate for the world. Article 33, the first Article of Chapter VI of the Charter entitled "Pacific Settlement of Disputes", stated that "The parties to any dispute, the continuance of which was likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice."

28. Apparently, then, the authors of the Charter had not been free from the reproach of expediency or compromise. When they had stressed the need to seek to use such methods, surely they had not been guilty of cowardice or surrender. He wondered how, when and why it had been decided that the time for all those efforts was now past.

29. Bearing in mind the wording of Article 33 of the Charter, he could not help feeling that the authors of the Charter might look with some surprise on the text of the draft resolution, according to which the General Assembly would decide to confirm specifically the provisions of the General Assembly resolution 181 (II) that the city of Jerusalem was to be established as a *corpus separatum* under a special international régime and to be administered by the United Nations, and that the Trusteeship Council was to be designated to discharge the responsibilities of the Administering Authority. Later in the draft resolution the Trusteeship Council was instructed to complete, along certain lines, the preparation of the Statute of Jerusalem, approve the Statute, and proceed immediately with its implementation. Finally, the Trusteeship Council was not to allow any action taken by any interested Government or Governments to divert it from adopting and implementing the Statute of Jerusalem.

30. It might, indeed, be a wonderful thing if there were an international organization entitled to issue orders of that kind, with behind it, of course, the pool of resources of the Members of the United Nations, all ready to enforce them

and all ready to make their contribution to the pool. That, however, was not the case. It would be idle at that juncture to query why it was not so, but at least the Assembly should not proceed blindly as if it were.

31. In the consideration of the refractory problem before the Assembly, there were two issues at stake. In the first place, the Assembly could not afford to ignore any possibility, even at that late hour, of finding something to which both parties might be brought to agree. In the second place, due regard must be paid to the authority and prestige of the United Nations itself. He urged Members to consider whether the authority and prestige of the United Nations would be better upheld by the passing of a resolution which, viewed as a theoretical exercise, might be impeccable, but which was rather too far removed from reality and might therefore risk failure, or by continuing to search for agreement as provided in the Charter. It might be said that the search had gone on long enough and the way had certainly been long and stony, but Sir Alexander did not see why the General Assembly should decide at that moment that the time had come to abandon that road and commit itself to another, and he would continue to have misgivings until he was informed how the Trusteeship Council would, in the words of the draft resolution, proceed immediately with the implementation of the Statute.

32. He therefore appealed to those who had supported the draft resolution in the *Ad Hoc* Committee to reflect carefully on the considerations which he had ventured, in all humility, to submit, and he appealed to all those who had not hitherto taken a definite position to consider what was at stake. It was imperative to keep within the limits of the Charter and to do everything possible to uphold the authority and the prestige of the United Nations. No less important was it to spare no efforts to bring about an agreed settlement which might bring to an end the disputes which had distracted the world for so long, and which would bring peace to the Holy Land. He had grave doubts whether the course that was now urged upon the Assembly would serve either of those ends, and he dared to hope that even at that juncture it might not be too late to persevere along the humbler path of seeking agreement and compromise.

33. Mr. ICHASO (Cuba) stated that the Cuban delegation had clearly indicated its position regarding the fate of Jerusalem in the *Ad Hoc* Political Committee and in the Sub-Committee which had been set up to consider the draft resolutions.

34. As the representative of a predominantly Catholic country, he understood the deep concern of Christians in connexion with that problem and considered it essential to establish an international régime which would safeguard the Holy City from all quarrels and ambitions which might lead to war and thus endanger the Holy Places and prevent free access thereto by the faithful of all religions.

35. The Cuban delegation had particularly emphasized the spiritual nature of the problem. Although the importance of political factors in the world must be recognized, Jerusalem presented a special case because it contained relics

preserved throughout the centuries which to Christians represented the symbol of Him who had shed his blood to save humanity.

36. Jerusalem could not be considered in a political light; its essentially spiritual character required that it should be open to all the world which saw in that city a solace for spiritual anxieties. Moreover, there was a juridical reality which could not be ignored. By virtue of resolution 181 (II) of the General Assembly, the United Nations had partitioned Palestine by creating a Jewish State which already was a member of the Assembly and an Arab State which had not been set up *de jure* through circumstances which failed to correspond to the will of the Assembly. Reference to that resolution revealed that the creation of those two States was conditioned on the segregation of Jerusalem as a *corpus separatum* so that the city would not be under either one of the two sovereignties concerned, but under an international régime directed by the United Nations.

37. In the opinion of the Cuban delegation, that juridical reality could not be subordinated to any other consideration whatsoever. On 11 December 1948, the intention of the United Nations to establish a permanent international régime in Jerusalem had been reaffirmed in resolution 194 (III) and although later a Conciliation Commission had been set up to draft a special statute for the Holy City, the will of the Assembly was unquestionable especially since irrefutable juridical arguments had been added to the historical, religious and spiritual arguments. The competence of the Assembly to enact a statute for that territory was undeniable nor could its jurisdiction over Jerusalem be rejected when its jurisdiction over all of Palestine had been recognized.

38. The Cuban delegation had always defended the internationalization of Jerusalem from the religious as well as the juridical point of view since it was concerned equally with the principle involved and with the manner of its application.

39. Good intentions on the part of the General Assembly were not sufficient to establish *de jure* and *de facto* a permanent international régime in the city of Jerusalem. Those intentions had been manifested two years previously, yet the régime had not yet been established. In the face of political realities, and more especially military realities, mere statements were not enough. The Cuban delegation had therefore sought to ensure that the Assembly itself should both prepare and approve the international Statute of Jerusalem, for it was convinced that such an instrument, endorsed by the United Nations, was preferable to any instrument which any other organ might draft.

40. With that object in mind the Cuban delegation had submitted various documents to strengthen the theory of internationalization, stressing particularly that the measure should be decided by the General Assembly without being referred to any of the United Nations organs. Faithful to that criterion, although it found the draft only partially satisfactory, his delegation had voted for the text adopted by the Sub-Committee of the *Ad Hoc* Political Committee because it realized that a majority of the delegations favoured the dilatory procedure of asking the Trusteeship Council to prepare a new statute.

41. In that draft the principle remained intact, which was sufficient to gain for it the support of his delegation although, since it occupied a secondary position, there was the risk it might be thwarted, judging by past experience.

42. Furthermore, the Cuban delegation did not consider that the internationalization of Jerusalem should be a specific function of the Trusteeship Council, which had been set up for other purposes. It had already pointed out, in the *Ad Hoc* Political Committee, the danger of setting up an international régime, while at the same time postponing its implementation. In repeating that reservation, it disclaimed all further responsibility in the matter.

43. The Cuban delegation would vote in favour of the draft resolution of the *Ad Hoc* Political Committee, since it was in full agreement with the principle of internationalization although it did not approve of the vague formula for its application.

44. In conclusion, the Cuban delegation hoped that the Trusteeship Council would act with the necessary speed and efficiency to prepare an appropriate statute and that it would employ the necessary energy and resources to put into practice the effective internationalization of the city of Jerusalem to ensure that peace would prevail in that city and that the Holy Places would not be profaned.

45. Mr. BOHEMAN (Sweden) said that his delegation viewed the draft resolution submitted by the *Ad Hoc* Political Committee with concern. In his opinion, the implementation of the solution that had been recommended by a large majority would over-tax the strength of the United Nations.

46. The draft resolution established Jerusalem and the surrounding area as a *corpus separatum* under the direct government of the United Nations and instructed the Trusteeship Council to promulgate the Statute for Jerusalem, similar in all essentials to the one it had elaborated earlier in quite different circumstances. The Council was also instructed to take all the measures necessary to implement the draft resolution, regardless of the attitude of the countries which at that time exercised political and military control over Jerusalem.

47. It was very important that the United Nations should not adopt resolutions the implementation of which, if it were at all possible, might require measures which could not be properly estimated in advance. The situation in the Jerusalem area was, for the time being, governed by an armistice that had been concluded after delicate and difficult negotiations. It was his fervent hope that the armistice would develop into a peaceful settlement and that, through amicable negotiations between the parties, a political solution would emerge, which would ensure for both Arabs and Jews in the area a peaceful and secure existence, with confident collaboration between the two.

48. If the draft resolution submitted by the *Ad Hoc* Political Committee were adopted, the Trusteeship Council would elaborate the Statute and the United Nations would nominate a Governor, if anyone could be found to accept the task in existing circumstances. He wondered,

however, whether the Governor would be able to count on the positive collaboration of the authorities and the population in the area or even on their remaining passive. If not, he might have to revert to other measures and what would those measures be? Mr. Boheman also asked how the necessary funds would be found, and emphasized that, if the implementation did not work smoothly, the sums needed might amount to far more than the United Nations could possibly afford. No real answer had been given to any of those questions. He ventured to suggest that the prestige of the United Nations would not be enhanced by the mere adoption of a resolution, however desirable the proposed solution might be, if there were immeasurable difficulties in the way of its implementation.

49. Like all other countries, Sweden was deeply concerned with the protection of the Holy Places. He suggested, however, that the adoption of an ambitious resolution at that juncture would only serve to defeat the common aim. His delegation would therefore vote against the draft resolution.

50. The Netherlands and Swedish delegations had submitted a joint draft resolution (A/AC.31/L.53) to the *Ad Hoc* Political Committee, providing for internationalization of the Holy Places, without disturbing the existing political situation in the Jerusalem area. In view of the attitude of the majority in the Committee, that draft resolution had never been discussed in detail, neither had it been possible to ascertain the attitude of the Governments in control of Jerusalem, who were the most interested parties. He did not imagine that the proposal was perfect, and he would willingly have considered any amendment in line with its basic purpose, which was to ensure the protection of the Holy Places with the collaboration of the parties most concerned. Some amendments had been submitted in the Committee and others would doubtless have been suggested, had the proposal been given serious consideration.

51. The Netherlands and Swedish delegations had re-introduced their proposal in the General Assembly (A/1227). His delegation had done so simply because it considered that the Assembly should have an alternative proposal before it, in case the draft resolution submitted by the *Ad Hoc* Political Committee did not receive the necessary two-thirds majority.

52. It had been said in the Committee that the joint Netherlands and Swedish proposal would be as difficult to implement as the draft resolution eventually adopted by the Committee. That allegation had never been put to the test during the discussion. Moreover, he did not think that the attitude of the parties at that juncture necessarily excluded the possibility of an agreement.

53. His delegation had tried, probably in vain, to make its modest contribution to the solution of the problem of the protection of the Holy Places in Palestine. In so doing it had been convinced that no one could possibly doubt its sincerity and objectivity with regard to such a question. Its sole motive had been to promote the interests of the United Nations and to encourage a peaceful development in the Holy Land, a purpose for which Sweden had already sacrificed the life of one of its most valuable and cherished citizens.

54. Mr. VAN HEUVEN GOEDHART (Netherlands) said that his delegation was not opposed in principle to the internationalization of the area of Jerusalem. Indeed, that was not the reason why it had decided to re-introduce the draft resolution which had been withdrawn during the proceedings in the *Ad Hoc* Political Committee. On the contrary, if the Netherlands delegation had been convinced of the practicability of internationalization, if it had believed that the establishment of a *corpus separatum* would really safeguard the Holy Places in Palestine and preserve existing rights, it would have followed the majority of the *Ad Hoc* Political Committee and voted in favour of the Australian draft resolution (A/AC.31/L.37).

55. His delegation, however, was not so convinced, and hence viewed with concern the decision taken by the *Ad Hoc* Political Committee. Its abstention in the vote on the Australian draft resolution had clearly indicated that it was not prompted by considerations of principle but that, for practical reasons, it could not support the establishment of Jerusalem as a separate State governed by the United Nations. Those practical reasons were of paramount importance. All would agree that the Holy Places in Palestine could not be safeguarded by a resolution which was not followed by implementation; yet in his opinion the draft resolution of the *Ad Hoc* Political Committee was not a workable proposition.

56. Two days had hardly elapsed since the adoption of that draft resolution and already the gravest doubts had arisen both in the Fifth Committee and in the Secretariat in connexion with its financial implications. Indeed, that draft resolution might well lead to an increase of some 25 to 30 per cent in the contributions of the Member States. It was significant that only 25 votes had been cast the previous day in favour of the financial implications of that draft resolution.

57. In order to be successful, any plan for the protection of the Holy Places should be to some extent supported by the Governments most concerned. Yet the plan for a *corpus separatum* had been rejected both by Israel and by Jordan. Jerusalem and its Holy Places, administered by the Trusteeship Council, would be a town surrounded by hostile feelings and inhabited by a population hostile to its international government. Hostility would entail the need of defence against threats from outside and inside. Defence meant soldiers, munitions, equipment. Who was to provide that? He wondered what Governments would be prepared to send troops to Jerusalem for implementing the Australian draft resolution. Nothing concrete had ever been said on the matter. In those circumstances, there was little chance of implementing the draft resolution. He could not refrain from warning the General Assembly of the manifold difficulties involved in the establishment of a State. Legislation, jurisdiction, administration, economic stability, social security—those were only a few of the many serious problems that would require attention and regulation.

58. His delegation was eager to contribute to an effective safeguard of the Holy Places and had thought it wise that the General Assembly should have an alternative proposal before it.

That was the reason why, together with Sweden, the Netherlands had re-introduced its proposal, so that all delegations which had supported the Australian draft resolution in the Committee could take a clear stand in the light of their heavy responsibilities in the matter. He believed that his delegation's proposal was both workable and acceptable to all parties concerned.

59. General McNAUGHTON (Canada) stated that during the discussion in the *Ad Hoc* Political Committee of the Australian proposal for a *corpus separatum* in the Jerusalem area, his delegation had indicated at the 50th meeting its misgivings with regard to the practicability of such a measure. The Canadian delegation had not seen then and still did not see how it was to be implemented. After a careful study of the statements of other delegations regarding the draft resolution, he would be less than frank if he did not state that the explanations of those who had supported the draft resolution in the Committee had not given him any reason to believe that the proposal offered a practicable solution. He was strengthened in that view by the comments which had been made by the representatives of the Netherlands, Sweden, and the United Kingdom in the Assembly, and by the United States in the Committee.

60. The Canadian delegation had emphasized that its first consideration was the effective protection of the Holy Places. It believed, as did the vast majority of delegations, that such protection could be ensured only by effective and adequate international authority. That did not mean, however, that the mere adoption by the General Assembly of a sweeping resolution for the most complete international administration of a city, irrespective of the wishes of the inhabitants, could give that protection.

61. There was, indeed, reason to fear that if the General Assembly disregarded the real needs and the genuine aspirations of the people who lived in the Jerusalem area, the result might be to endanger the Holy Places whose protection was its greatest interest and concern.

62. The wishes of the inhabitants of Jerusalem and of the population of the neighbouring areas could not, in the opinion of the Canadian delegation, be the sole or in any sense the overriding criterion in determining the appropriate measures for sites the sacred character of which made them a matter of deep and abiding concern for hundreds of millions of people throughout the world. It was, however, no less true that the legitimate interests and the attitudes and aspirations of the inhabitants could not be ignored if the Assembly was to arrive at a solution that would work and would endure.

63. For the General Assembly to adopt a solution that would not work would be a great disservice to the United Nations, and, more particularly would be an act of irresponsibility in regard to the Holy Places, the protection of which it must be the first duty of the General Assembly to ensure.

64. The Canadian delegation would therefore vote against the proposal initiated by Australia and amended by the delegations of El Salvador, Lebanon and the Union of Soviet Socialist Republics. The statement made by the Canadian Secretary of State for External Affairs, Mr. Pearson,

in the general debate at the opening of the current session of the General Assembly² illustrated the attitude of the Canadian Government on that and on many other matters affecting the United Nations. Mr. Pearson had said that the Canadian Government had tried to make practicability the touchstone of its attitude towards the United Nations. While it was prepared to support any proposed course of action which gave promise of contributing effectively to the solution of any particular problem, it was anxious to avoid giving the United Nations tasks which it was clearly unable to perform.

65. As far as the question of Jerusalem was concerned, it was essential to bear in mind the proper objective, which was the international protection of the Holy Places. Any undue emphasis on international interest beyond what was necessary for the purpose might well endanger the accomplishment of that objective. The Canadian delegation felt, therefore, that the essential requirement was an effective United Nations control with full safeguards for the protection of the Holy Places and sites and for free access to them, and for religious freedom. Subject to that, the maximum local autonomy should be allowed to the Arab and Jewish communities in Jerusalem. The solution of the problem should therefore be to establish that kind of United Nations control which was required to ensure effective protection of religious interests, while avoiding the assumption by the United Nations of responsibilities and controls which were unnecessary for that purpose. Such unnecessary responsibilities, if beyond the powers of the United Nations, would be inadequately discharged and such a situation would place the Holy Places and the interests of religious persons throughout the world in jeopardy.

66. The Canadian delegation would vote for the draft resolution submitted by the Netherlands and Swedish delegations (A/1227), which it considered to be in keeping with the principles of practicability, of effective protection for religious interests and of maximum local autonomy compatible with that effective protection. In doing so it did not claim that that proposal was perfect; it did, however, believe that it was the one promising solution suggested in the course of the deliberations in the General Assembly which gave evidence of practicability and which seemed likely to command the necessary international support to make it effective.

67. The Netherlands-Swedish proposal, like any other proposal, was necessarily in the nature of an experiment. The interest of the United Nations in the protection of the Holy Places, and therefore in the situation in Jerusalem, must be a continuing interest, and for that reason a feature which appealed to the Canadian delegation in the proposal was the provision for review by the General Assembly at an early future session. The adoption of the Netherlands-Swedish resolution would in no sense prejudice the right, and indeed the duty, of the General Assembly to revise the form and scope of internationalization for Jerusalem should experience and future developments in the area make that desirable.

68. The United Nations must continue to have responsibility for Jerusalem and to exercise final authority over it. It must keep a constant watch on developments there, so as to ensure that the Holy Places, and access to them, and religious freedom in them, were duly protected. The Canadian delegation believed that the best step the General Assembly could take to discharge those responsibilities was the adoption of the joint draft resolution forwarded by the delegations of the Netherlands and of Sweden.

69. Mr. DE SOUZA GOMES (Brazil) said that his delegation would vote for the draft resolution submitted by the *Ad Hoc* Political Committee.

70. He would not stress the interest with which the Brazilian people had followed the discussions that had taken place on the internationalization of Jerusalem. The religious conscience of the world was becoming daily more alert. The events in Palestine that had resulted in the establishment of the State of Israel had inaugurated a period of great political activity in that area, causing all those who entertained religious sentiments the greatest anxiety concerning the fate of the Holy Places.

71. As early as 1947, the General Assembly had realized that anxiety and had to find a satisfactory formula which would ensure the protection of the Holy City, satisfy the just concern of the religious world and at the same time be acceptable to the two States in occupation of the city.

72. The Brazilian delegation had made every effort to promote an agreement. At the beginning of the discussion it had seemed that the proposal submitted by the Conciliation Commission offered the greatest possibilities of success. It had therefore signified its approval of certain aspects of that proposal, although it would have preferred a fully internationalized status.

73. As it happened, however, neither that proposal nor the plan advocated by the delegations of the Netherlands and Sweden had secured the necessary majority. He regretted he must state that situation was largely due to the attitude adopted by Israel and Jordan, both of which frequently had rejected the offers of conciliation and appeasement extended by the majority of the Member States in order to satisfy the religious conscience of the world.

74. Now that efforts to reach a compromise had failed, the Brazilian delegation would vote for the draft resolution submitted by Australia. That draft resolution established the principle of internationalization and gave the Trusteeship Council the task of applying it to the existing situation.

75. The Brazilian delegation hoped that in spite of the difficulties that certainly existed, Israel and Jordan would collaborate loyally to apply the Assembly's decision and would faithfully carry out the plan to be proposed to them by the Trusteeship Council. His delegation joined other delegations in appealing to the spirit of co-operation and good will of Israel and Jordan.

76. Mr. ROSS (United States of America) said that the position of the United States delegation on the resolution transmitted by the *Ad Hoc* Political Committee had been stated clearly in that Committee at its 43rd meeting.

² See *Official Records of the Fourth Session of the General Assembly*, 228th meeting.

77. The United States delegation considered that the adoption of the measures proposed would involve the United Nations in countless difficulties and responsibilities in order to achieve purposes not all of which were of genuine concern to the international community, such as the regulation of the continuing secular activities of the inhabitants of Jerusalem, both Arab and Jewish.

78. Furthermore, while seeking to establish in the Jerusalem area a new and entirely separate political entity which did not conform to the wishes of the local population, the United Nations would be delaying, and even endangering, the assurance of the rightful authority of the United Nations in the Jerusalem area and the control and protection of the Holy Places in the name of the United Nations. The moral and material responsibility of every Member of the United Nations in that connexion was grave. The enormous financial and administrative burden which would fall upon the Trusteeship Council and upon the United Nations in general as a result of an attempt to establish and administer a city-State in the circumstances prevailing in Palestine was obvious.

79. The Fifth Committee had estimated that the proposal with regard to Jerusalem would involve an expense of at least 8,000,000 dollars a year. That estimate had assumed the co-operation of the existing authorities and the presence of normal conditions of security. It had been stated in the Fifth Committee that the expenses of the city currently amounted to more than four times that estimate. In addition to the normal administration expenses for the city, the United Nations would be committed to meeting any deficits which might arise from the establishment of a separate political entity which would disrupt the normal trade and industry of the city. In brief, the United Nations would be committed to a financial burden which might easily exceed the entire budget of the United Nations and, furthermore, might entail expenses which could not yet be calculated.

80. The consideration of practical difficulties should not, of course, act as a deterrent to a course of action which appeared to be right. The United States Government reaffirmed its continued support of a permanent international régime for the Jerusalem area. The draft resolution of the *Ad Hoc* Political Committee would not, however, in his opinion, fulfil that purpose. The impractical and illogical course of action recommended by that Committee would not result in the establishment of an international régime; it would merely result in further debate and would delay, perhaps finally postpone, the assumption by the United Nations of its rightful position in Jerusalem.

81. Members who cherished the profound religious significance of Jerusalem, and had ably and eloquently expressed during the discussion, the importance which they accorded to the Holy City, must recognize that inescapable fact and meditate deeply before casting their vote.

82. The United States delegation had made every effort, both by its participation in the Conciliation Commission for Palestine and in the General Assembly to obtain approval for an effective international régime for the Jerusalem

area which would give genuine recognition to its international status as the centre of three great religions, provide for the necessary protection of the Holy Places and for access to them under United Nations supervision, contribute to the peace and stability of the area, and, finally, would take into account the interests of the principal communities in Jerusalem and the views of Israel and Jordan.

83. The United States delegation had, therefore, supported the proposal of the Conciliation Commission, which in its opinion would best serve those purposes. That Commission, paying due regard to all the factors involved, had offered a practical and conciliatory compromise between all the interests concerned. The *Ad Hoc* Political Committee had also had before it another proposal, submitted by the delegations of Sweden and the Netherlands in an attempt to provide a basis upon which delegations, though not agreeing in all respects, might find it possible to achieve a reasonable and practical area of agreement.

84. In contrast to the above proposals, the draft resolution submitted by the Committee disregarded the realization of any of the desired objectives. There was a wide gap between the means for genuine achievement of those objectives under the Conciliation Commission's plan, for example, and the pretence of their fulfilment in the Committee's draft resolution.

85. The Committee's draft resolution not only disregarded the interests of the inhabitants of Jerusalem, but jeopardized the achievement of the international rights in the Jerusalem area which the majority of delegations had so strongly advocated. The United States delegation would therefore vote against the draft resolution submitted by the *Ad Hoc* Political Committee.

86. Mr. DENDRAMIS (Greece) said that the problem of the Holy Places was of great importance. It concerned the international community and the world's great Churches. It would exert a decisive influence on the maintenance of peace in the Middle East. Its solution would require all the wisdom and common sense of the States Members of the United Nations.

87. It was in that spirit that the Greek delegation had followed the debates in the *Ad Hoc* Political Committee, its Sub-Committee, and the General Assembly. The Greek people cherished genuinely friendly feelings toward the Jewish, as well as the Arab peoples.

88. He had outlined on a previous occasion the complete solidarity which had always existed between the great Christian mass of the Greek people and their Jewish compatriots. During the war, Greece had suffered occupation by the nazis and their accomplices. The Jews had been persecuted with extreme severity. The fate of the whole Greek people had been most tragic, and the world had witnessed the magnificent gesture of the Greek men and women who, at the risk of being led before a firing squad, had not spared their efforts to wrest the victims of a criminal madness from the clutches of their persecutors.

89. Greece's sentiments towards the Arab peoples were equally cordial and fraternal. Arabs and Greeks had been united through the centuries by their civilization and their political and economic interests. Greece's relations with Jordan

bore the stamp of sincere friendship, supported by a community of interests.

90. Greece herself had interests in Jerusalem. The Greek Orthodox patriarchate was the direct descendant of the Emperor Constantine and his august mother Helen, who were honoured as saints in the Greek Church. It was they who had first restored to humanity the sacred relics of Christianity. Greece was not, however, referring to those facts in order to claim special benefits for itself. The Holy Places belonged to all mankind. They should be accessible to the pilgrims of the great religions concerned, who went to refresh their faith there with full freedom of conscience.

91. Thus no solution could be considered satisfactory that did not protect the Holy Places from any temporal power which at any moment, by a unilateral act, might invalidate the most solemn guarantees. It was its anxiety to find the most suitable régime for the character and nature of the Holy Places, which had led the Greek delegation to vote in favour of what had originally been the Australian draft resolution submitted to the *Ad Hoc* Political Committee.

92. As soon as it had been approved by the Sub-Committee set up for the purpose, that draft resolution had naturally become the subject of criticism. The Greek delegation, faithful to the statement it had made on 1 December, when¹ explaining its vote before the Sub-Committee, had considered with an open mind everything that had been suggested to replace the draft resolution that had finally been submitted to the Assembly.

93. The Greek delegation was always ready to welcome, even at the eleventh hour, any proposal in harmony with the views it had expressed² at the third session of the Assembly, namely, that no settlement could be considered satisfactory that did not confirm, in law and in fact, the legal status of the religious communities of the Holy Places as it had existed for many centuries.

94. The Greek delegation was obliged to say, however, that in the circumstances it was sceptical regarding the possibility of finding any proposal to replace the one it had supported and which it hoped would be unanimously adopted by the General Assembly.

95. The Greek delegation would perhaps have some observations to make when the time came to consider the provisions of the statute already drawn up by the Trusteeship Council;³ but it considered that, as a whole, the permanent international régime advocated would protect the great sanctuaries of the Holy City, that it would serve the interests of the local population, independently of race or religion, and that all its benefits, cutting across political frontiers, would be felt by all mankind.

96. At its current session, the General Assembly was facing one of its heaviest political and moral responsibilities. The whole world was awaiting a prompt and satisfactory solution of the question of the Holy Places from the United Nations. The Assembly would fail in its duty if it were to hesitate.

97. Mr. GARCÍA BAUER (Guatemala) stated that his delegation could not support the draft resolution approved by the *Ad Hoc* Political Committee, for two main reasons.

98. In the first place, it considered that draft resolution to be impossible of application, and in the second place, that it would not give the Holy Places the effective protection which his delegation desired for them.

99. The resolution 181 (II) on the partition of Palestine, provided that the city of Jerusalem should be organized as a separate body under a special international régime, and it appointed the Trusteeship Council to carry out the functions of the Administering Authority in the name of the United Nations.

100. The circumstances which then prevailed were very different from the present ones. The Mandatory Power had announced its intention of evacuating Palestine on 1 August 1948, and the United Nations, in assuming responsibility and in view of possible events, had appointed a special commission to investigate the pertinent questions and had approved the plan contained in resolution 181 (II).

101. At that time everything had seemed to indicate that the plan was feasible. But, for reasons which were well known, it had not been possible to apply the resolution. Hardly had the Mandatory Power withdrawn from the territory when the Palestine war broke out. As frequently happened in periods of violence, the situation had changed completely, so much so that today, two years later, it was indeed difficult to contemplate giving full effect to the resolution of 1947.

102. As a result of the conflict, and by virtue of the armistice agreement of April last, the city of Jerusalem was in fact divided; the forces of Jordan occupied the old walled city, and the Israel forces the New City. The representatives of those two countries had stated in the *Ad Hoc* Political Committee their concern for the protection of the Holy Places and religious sites, as well as their willingness to co-operate with the United Nations in achieving appropriate and effective international protection.

103. Yet, those representatives had left no doubt regarding their opposition to the internationalization of the Jerusalem area as provided in the draft resolution (A/1222), and that was a fact which could not be ignored. Even if the Governments of Israel and Jordan were prepared to accept the measure in question, it was much to be feared that the population of Jerusalem would oppose it, and that the situation might become untenable. The proposed international protection should, among other things, be based on the acquiescence and good will of the local population. The Guatemalan delegation considered the resolution of the *Ad Hoc* Political Committee to be impracticable.

104. He believed that it had not been given sufficient thought. What was indeed a very serious problem was being dealt with in a limited time at the end of the General Assembly session, in what could hardly be considered to be favourable circumstances. The Guatemalan delegation would have supported a draft resolution capable of

¹ See document A/AC.31/11.

² See *Official Records of the Third Session of the General Assembly*, 208th meeting.

³ See *Official Records of the Second Special Session of the General Assembly*, Annex to Volumes I and II, document A/541.

ensuring effective protection of, and free access to, the Holy Places and religious sites and institutions throughout Palestine, thereby interpreting the Catholic sentiments of the great majority of the Guatemalan population. Believing, however, that the measure in question was impossible of practical implementation, it regretted that it could not support the resolution under consideration.

105. Abdul RAHIM Bey (Egypt) said that a question of supreme importance to the followers of the three great religions of the world was before the General Assembly, namely the internationalization of Jerusalem. The world was naturally deeply concerned about the preservation of its sanctuaries and the safety of its most sacred heritage.

106. The problem of Jerusalem and the Holy Places had arisen in consequence of General Assembly Resolution 181 (II) of 29 November 1947, which provided for the partition of the Holy Land. Had the Palestine problem been settled in conformity with the basic principles of justice and self-determination outlined in the Charter, that question would not be before the current session of the General Assembly. There would have been no need for special measures to be taken to protect the Holy Places if partition had not been agreed upon. If Palestine had remained an Arab country, as it had been for centuries, and if an alien rule had not been imposed upon it, neither Islam nor Christianity would have entertained any fears for the safety of the Holy Places.

107. Jerusalem had been an Arab city since time immemorial, and both in justice and equity it should remain so. It was situated in the centre of the area which General Assembly Resolution 181 (II) had left in the possession of the Arabs. According to the United Nations Special Commission on Palestine, the population of the Jerusalem sub-district in 1947, after thirty years of forced emigration, had still been 62 per cent Arab, and the Arabs had owned 98 per cent of the property in that sub-district. If Jerusalem had remained Arab, the Holy Places would have been safe and access to them assured.

108. It should be remembered that both in war and in peace the Arabs had always respected and protected the Holy Places, and that both the Christian and Jewish communities had been given complete freedom in religious and personal affairs. That tolerant Islamic attitude had not changed. The Arabs continued to believe in religious liberty and to respect the shrines of other religions. When the Conciliation Commission for Palestine had asked the Arabs and the Jews to give certain specific assurances regarding those matters, the Arabs had promptly responded and had given the required assurance. They had neither hesitated nor found it necessary to make reservations or exceptions. The Jews, on the other hand, had not given such assurances. It was their attitude, and not the attitude of the Arabs, which caused the religious world to feel such deep concern for the safety of its sanctuaries.

109. It was the occupation of many religious and cultural institutions and their use as military bases and places of entertainment, the desecration of many Christian and Moslem shrines, and the shelling of Christianity's most sacred shrine, the

Church of the Holy Sepulchre, that had made effective internationalization imperative in the eyes of Christians.

110. The General Assembly had decreed under resolution 181 (II) that Jerusalem and the surrounding area should be constituted a *corpus separatum* under a special international régime and that it should be administered by the United Nations. That provision had been confirmed a year later in General Assembly resolution 194 (III), which had also instructed the Conciliation Commission "to present detailed proposals for a permanent international régime for the Jerusalem area . . ." That solemn decision of the General Assembly had been supported wholeheartedly by hundreds of millions of people throughout the world. It was a decision which had not been rescinded, and hundreds of millions of people were clamouring for its implementation. Was there any good reason why it should not be implemented? Was there any good reason why the General Assembly should retract its decision?

111. One Member of the General Assembly had objected to the implementation of General Assembly resolution 194 (III). Ironically enough, that Member State owed its very existence to General Assembly resolution 181 (II), which had provided for the creation of a Jewish State and the establishment of Jerusalem as a *corpus separatum* under the United Nations. It had accepted the creation of its State and membership of the United Nations, but it refused to implement other parts of General Assembly resolution 181 (II) which did not suit its purposes. Not only that, but having repeatedly defied the United Nations and affronted its authority with impunity, it was trying to intimidate the General Assembly into retracting its solemn decision. Nor would matters end there, unless that Member was made to understand that it must abide by the decisions of the United Nations. The United Nations was strong enough to do that and indeed must do it in sheer self-defence. The United Nations could not continue to tolerate that attitude without losing what remained of its prestige and eventually suffering the fate of the defunct League of Nations.

112. The General Assembly must give the right answer by approving the *Ad Hoc* Political Committee's draft resolution. The League of Nations, weak as it had been and without the power and authority of the United Nations, seemed to have been more eager to compel respect for its decisions, as, for example, when it had invoked sanctions against Italy for the invasion of Ethiopia. The world's Holy City had been invaded, a city which the General Assembly had declared inviolable and which it had placed under its own rule, and yet no action had been taken by the United Nations.

113. The United Nations was not impotent. The statesmen of the world who had laid its foundation at San Francisco in 1945 had foreseen such a situation and had provided means to cope with it. Those means were outlined in Chapter VII of the Charter. The Egyptian delegation believed that once the United Nations made it clear that it intended to put into effect the internationalization plan, and the great Powers sincerely supported that action, no serious difficulties would be encountered.

114. The Tel Aviv authorities had repeatedly violated the resolutions of the United Nations and defied its authority. In addition to innumerable violations of both the truces, and of the arms embargo imposed by the Security Council, they had defied resolution 181 (II), with its provision for the demilitarization of Jerusalem, and the efforts of the Security Council and the Conciliation Commission to implement that decision, by fortifying themselves within the city and turning it into an armed camp. Furthermore, in contempt of the General Assembly resolution to internationalize Jerusalem and the efforts of the Conciliation Commission to implement that resolution, they had moved a number of their departments and central services into the city, where they were now challenging the United Nations authority.

115. That challenge must be taken up if the United Nations were to survive as an instrument of peace. If the Assembly did not answer it at the current session by adopting the draft resolution approved by the *Ad Hoc* Political Committee, it would be inviting further defiance of the General Assembly decisions. It would be signing the death warrant of the United Nations.

116. Some representatives had stated that the draft resolution before the Assembly was impractical and impossible to carry out, while at the same time conceding that it was in conformity with the General Assembly resolutions 181 (II) and 194 (III) and represented, moreover, both the will of the majority of the Members and the wishes of humanity at large.

117. He recalled that when, a short time previously, it had been proposed to place the whole of Palestine under United Nations trusteeship, one of the great Powers had stated that it was ready to assist in the implementation of that proposal. If it had then been possible to place the whole of Palestine under United Nations rule, it should now be possible to put Jerusalem alone under such rule and thus allay the fears of the world for the safety of its spiritual capital.

118. It might be asked what had happened to dampen that earlier enthusiasm and to make the General Assembly yield to feeble considerations of practicability and expediency, forgetting the lofty considerations of the authority of the United Nations. To yield to such considerations of temporary expediency at the expense of principles as some representatives advocated and to divide Jerusalem between the Arabs and the Jews, as the Conciliation Commission proposed, or as was outlined in the joint Netherlands-Swedish draft resolution, would not ensure the safety of the Holy Places; it would, on the contrary, endanger them.

119. Continuation of Jewish rule of the new Jerusalem, even if the area were to be demilitarized, constituted a threat to the Arabs and a grave danger to the Holy Places. The limited United Nations supervision proposed by the Conciliation Commission would be no more successful in preventing secret arming and sudden attacks by the Jews than had been the supervision of the truce by the United Nations.

120. The Egyptian delegation believed that as long as any part of the Jerusalem area remained under Jewish control, Jordan would be justified in maintaining its defences in order to guard

against sudden attacks and to protect the Holy Places. It considered that the only effective way of protecting those Holy Places would be to implement resolution 181 (II).

121. The General Assembly had been told that much had happened since 1947 which made it difficult to carry out the internationalization of Jerusalem. But implementation of the General Assembly decision was not an attempt to turn back the clock; only failure to implement it would do that.

122. What, moreover, had really happened since 1947 to invalidate the General Assembly resolution or to make its implementation impossible? The only argument brought forward was that the Jewish authorities had barricaded themselves in Jerusalem and had installed some of their ministries and central services there—in other words, had adopted the policy of the *fait accompli*. The occupation of the city by Jewish forces and the transfer of the ministries were in themselves violations of the resolutions. Such breeches, however, should not be allowed to invalidate the resolutions, any more than the laws against larceny should be repealed when a theft was committed.

123. To yield to considerations of practicability and expediency would not only endanger Jerusalem, but would also undermine the authority of the United Nations. Nothing could do more to undermine that Organization than such a defeatist attitude. If the United Nations could not enforce its decision to internationalize Jerusalem, a decision which had the support of millions of mankind, there should be no more talk of upholding the Charter and the authority of the United Nations. Thorough consideration should, therefore, be given to the question before the Assembly, since the decision taken would have far-reaching consequences throughout the world for generations to come. Not only the eyes of the Arabs and the Jews, but the eyes of the world and of history were upon the General Assembly.

124. Mr. BELAÜNDE (Peru) said that three fundamental principles had guided the Peruvian delegation in the very important discussion on the city of Jerusalem. The first was that the Holy Places and the city of Jerusalem constituted the religious capital of the whole world. The second was the principle of peace, doubly sacred in the case in point since it was a place of meditation and prayer that was being discussed. The third principle was the authority of the United Nations.

125. The last two of those three principles were closely connected, for any curtailment of the authority of the United Nations would seriously compromise the peace of the world.

126. It could be said that Jerusalem was the religious capital of the world, because in spite of the differences of dogma and worship between the Christian, Jewish and Moslem religions, and in spite of the tragic and sometimes sanguinary antagonisms caused by those differences, there was a profound, mystic and deep-lying unity between those manifestations of the religious spirit of the world.

127. He thought it might be said that Jerusalem was venerated in all parts of the world, and he supported that observation by historical and literary references. Despite all political discussions and differences engendered by racial an-

tagonisms, the whole of humanity was agreed that Jerusalem was sacred and inviolable.

128. It was therefore difficult to deal with the problem from an angle of politics or diplomatic compromise, for its very majesty compelled mere man to approach it with a profound feeling of veneration.

129. In connexion with the second of the principles stated above, Mr. Belaúnde pointed out that an effective peace, which was not of a temporary nature or based on opportunist principles, required an international régime for the Jerusalem area.

130. In considering the problem of Jerusalem, it was essential to take into account the historical antecedents of the question and its implications for the future. Peace in the Far East was necessary; and that peace could never be based on an uneasy balance of power between States that had fought there, nor could it be guaranteed by the coincidence at a given moment of the political and diplomatic interests of those States.

131. Such a peace would be ephemeral and not what humanity required in the Far East. What was required was a profound peace bearing the seal and authority of the great international institution which represented the sacred interests of all mankind. Such a peace required complete demilitarization of the Jerusalem area under United Nations guarantee, so organized as to allow only municipal autonomy or the usual type of municipal organization in the area; in no case should there be any political organization which concealed plans for political jurisdiction. In other words, what was needed was the "depoliticization of Jerusalem" to which the distinguished representative of Lebanon had referred.

132. Peace required that there should be only one autonomous municipal authority for all the inhabitants of Jerusalem regardless of their creed or religion, without any domination by one political group over another. To achieve that aim, there must be an absolute régime of effective international control. That was a fundamental point; it was no longer a question of a *corpus separatum* or of the effectiveness of demilitarization.

133. The aim sought was not purely contractual demilitarization which could never be true demilitarization. To repair the damage caused by historic struggles, what was needed was peace which accorded with future interests and made it possible subsequently to reaffirm the full, absolute and definite authority of the United Nations in the Jerusalem area.

134. Mr. Belaúnde explained that he was not considering the matter from a theoretical point of view, but from a practical angle which had been recommended by the distinguished representative of the United Kingdom. The time had come to consider the manner in which the discussion had taken place. The Committee had before it a solution which advocated full internationalization, as a *corpus separatum*; that solution had been adopted by the Assembly in 1947 and confirmed in 1948, and that fact should not be overlooked because it must be realized that in 1948 the General Assembly had not modified its position but rather had altered its procedure. Instead of referring the question to the Trusteeship Council, the Assembly had set up a Conciliation Commission. That Com-

mission, however, was not supposed to establish a contract between the parties but rather to report on a statute which would embody the necessary authority.

135. He was glad to note that members had noticed the distinction which his delegation had drawn from the beginning between a statutory and a contractual régime. The Members of the United Nations had two functions. The first was to consolidate contractual régimes whereas the second, which they had received from the Charter, from the principles of international law and from the powers inherited from the League of Nations—was the right to establish statutes or laws. That latter prerogative could be called the function of setting up legislative machinery which the parties affected would be under moral, legal and political obligation to respect. And that function was especially applicable in the case of Jerusalem.

136. It could not be said that the United Nations should countersign an agreement between the parties in the Jerusalem dispute. While an agreement was desirable as a means of implementation, it should not be forgotten that the legal point of view went beyond that of the contract. In partitioning Jerusalem the United Nations had assumed extensive legislative power in 1947, and by approving, in 1948, the resolution which set up two States and granted a mandate to the Palestine Commission, the United Nations had fully affirmed its statutory authority by stating that that Commission should report to the General Assembly. The régime in Jerusalem was definitely statutory and there could be no yielding on that point.

137. He agreed with those who thought that, in spite of the undeniable authority of the General Assembly, prudence required that the sphere of action to which the law would be applied should be known and that there should then be a synthesis brought about by the union of the statutory principle with reality. But such a synthesis presupposed that the essential form of the statute, the soul of the law, would be preserved. The Peruvian delegation shared the opinion of those who referred simultaneously to compromises and a feeling of reality, as it was a Latin tradition to be idealistic and realistic at the same time, and to maintain that general juridical life as well as individual life were living syntheses of body and soul, of ideal principles and economic and political reality. He agreed that in accepting a compromise the essential part of the principle should not be sacrificed, because if that were done there would not be a compromise but a surrender to reality. His attitude towards life was to adapt reality to principles and not to abandon principles in order to separate them from independent, autonomous and sacred reality. That was not the Latin position.

138. The Peruvian delegation, which respected all ideas of compromise which approached reality and did not endanger principles, had tried from the beginning to find a common denominator for the solutions which had been submitted. It had been careful to ensure, in the first place, that the immunity, extraterritoriality and absolute inviolability of the Holy Places were respected, and, in the second place, that there was free access to those Places, and that they were placed under the indispensable legal authority of the United

Nations, which should seek the co-operation of the parties concerned but should not confer on those parties the power of decision and thus reduce the role of the United Nations to one of a simple task of co-ordination. It had also tried to see whether it would be possible to assimilate complete demilitarization, which was necessary for peace in the Middle East, with local autonomy and municipal life.

139. He was forced to say, however, in all sincerity, that he had been unable to find that common denominator. In fact, no sooner were the principles left behind, than there appeared the so-called functional formula of internationalization, or the so-called contractual formula with the presence of an international authority. That contractual formula had to be rejected, not as a compromise but because it would have meant renouncing the principles, and it was then necessary to consider the different aspects of the so-called functional international régime.

140. The Peruvian delegation paid homage to the noble sentiments and high intentions of the delegations of the Netherlands and Sweden, which had endeavoured to find a common denominator and a real compromise. But the concept of an international régime wavered between a statute and a contract; and did not establish the absolute authority of the United Nations, or the extra-territoriality of the Holy Places, or the irrevocability of the General Assembly's decisions concerning access to the Holy Places.

141. In the course of the debate in the Committee, Mr. Belaúnde had said that the functional international régime was an ambiguous idea. But he had said so objectively, without attributing any hidden motives to anyone, for anyone who had submitted a proposal might have been ambiguous, but all had acted with honest intentions and in accordance with their own points of view.

142. It had not been possible to find an alternative formula for the complete and absolute internationalization laid down in the resolutions 181 (II) and 187 (S-2). The international régime was erroneous and essentially dangerous, since it did not determine the predominating principle, whether it was the statute or the contract. It was essential for the Peruvian delegation that the principle of the statute should predominate. The régime did not make it clear whether, when it dealt with the demilitarization or any other measures, the will of the parties or the authority of the United Nations should predominate.

143. A compromise was a good thing if it came at the right moment and when the necessary intellectual elements to make it concrete existed. After a careful and painstaking mental process, taking into account the points of view of others and the inconveniences of postponing a resolution, Mr. Belaúnde had arrived at the conclusion that at the moment there was a risk that an erroneous solution which did not respect the principles might be accepted as a compromise; and that an attempt to eliminate the elements that made it dangerous might lead to the result that that solution might have the same practical disadvantages and would encounter the same resistance as the original solution. If there were no alternative to facing harsh reality and adopting a compromise solution, which abandoned the adopted position, or opposing the same harsh reality, with a radical and final solu-

tion based on principle, Mr. Belaúnde would prefer to adhere to his position, in the hope that time would lead public opinion to the conclusion that the dictates of universal conscience, which demanded an effective international régime for Jerusalem, should prevail, a fact that became every day more evident among the different sectors of mankind, whether Catholic, Moslem or Protestant.

144. Mr. Belaúnde hoped that the two States concerned understood that their sovereignty represented a great responsibility and that it would be a great honour for them to decline it or limit it, for it was obvious that when such a sacred matter as the city of Jerusalem was involved, it was more honourable to be the guardian, to receive the Mandate of the United Nations, the universal conscience and, it might even be said, the divine mandate, than to exercise that human power, that human sovereignty which often belittled things instead of making them greater.

145. He thought, therefore, that the Assembly should return to the idea of Jerusalem as the religious capital of mankind, respected by Moslems and by Turks. Every Christian spirit was against Jerusalem falling under the rule of one race or under the exclusive sovereignty of one nation, for in that case it might seem that the end of the world had begun.

146. Mr. CHAUVET (Haiti) explained that his delegation had made its position clear in the *Ad Hoc* Political Committee when the discussion on the question of Jerusalem had opened at the 45th meeting. It had favoured internationalization of the city in accordance with the provisions of the General Assembly resolution 181 (II).

147. During the course of the discussion, however, the practical and financial difficulties indicated by other delegations had caused it to modify its views and to consider compromise resolutions. It had therefore decided to support the compromise proposals put forward by the delegations of Bolivia, Cuba, the Netherlands and Sweden which contemplated the functional internationalization of Jerusalem. That system appeared to be more practical than the Australian proposal, though the latter was, in fact, the ideal solution.

148. Now, however, the majority had spoken. If the complete internationalization of Jerusalem could be effected without difficulty, as the majority maintained and as the delegation of Haiti had originally advocated, Haiti would accept the decision with a satisfaction which was the greater in that the decision would be in keeping with the wishes of the Catholic countries. His country was the senior Catholic country in the continent of America, for it had been in its territory that Christopher Columbus had first planted the Cross of Christ in the New World.

149. Having previously voted apart from its friends of the Latin-American and Arab groups, the delegation of Haiti was glad to rejoin them in the exalted sphere of the basic principles which, side by side with those countries, it had always defended.

150. The delegation of Haiti would therefore vote for the draft resolution which had been adopted by the *Ad Hoc* Political Committee for the internationalization of Jerusalem.

151. Mr. JOOSTE (Union of South Africa) said that his delegation had not intervened in the debate on Jerusalem in the *Ad Hoc* Political Committee, because, although it had always been in favour of the internationalization of that City, it had awaited developments in the hope that discussion and negotiation in the United Nations would lead to some arrangement satisfactory to all concerned.

152. The policy of the Union of South Africa had been based consistently on three fundamental principles: the necessity to ensure the protection and maintenance of the Holy Places, the guaranteeing of the right of free access to the Holy Places for pilgrims of every nationality, and the necessity to create a régime for the future of Jerusalem which would be acceptable both to those living in the City and to those currently responsible for its control.

153. With regard to the protection of the Holy Places, his Government believed that could best be achieved by some form of international control. That control, however, should not be of such a nature as to disregard the legitimate rights and interests of those States in the territories of which the city was situated. On the other hand, Jerusalem, sheltering as it did the Holy Places, was something more than a possession of its inhabitants. That fact must be recognized by those who were seeking to exercise their national sovereignty over the city and who might be aggrieved on account of the action contemplated by the United Nations in the interests of the faithful of the three religions concerned. The Holy Places must be preserved for the future in a manner acceptable to the many millions who had so profound an interest in their preservation.

154. With regard to the question of free access to the Holy Places, the South African Government subscribed to the general view that, whatever arrangement was achieved, it should ensure in perpetuity the right of free access to the Holy Places by pilgrims of every nationality. That right was fundamental to all those who belonged to the religious faiths concerned. It should not be dependent exclusively on the will of the States at present exercising *de facto* control of Jerusalem, but should flow from a guarantee given by the international community, a guarantee which could be enforced and upheld under all circumstances.

155. The South African Government was anxious that the régime to be established for the future of Jerusalem should, if at all possible, enjoy the support of those who were at present responsible for the government of the City. It should also be acceptable to those living within the City. It was only thus that an arrangement could be achieved which would be completely satisfactory. The South African Government submitted that it would be unfortunate indeed if, in the attempts of the United Nations to achieve a solution, Jerusalem should become a source of further conflict and hatred rather than a source of good-will and peace. The United Nations should therefore endeavour to the best of its ability to achieve a just solution.

156. Those in *de facto* possession of the City should in turn realize that their resistance to efforts to achieve a reasonable solution should not

be unreasonable. If, however, the matter were approached in the appropriate spirit, any unreasonable resistance which might have previously existed could be allayed.

157. The South African delegation felt that the proposals contained in the resolution submitted by the *Ad Hoc* Political Committee might be too ambitious and unrealistic. It must be realized that those proposals might require action to enforce them which could lead to an extremely dangerous situation. The situation, therefore, might well be reconsidered with a view to seeking a more satisfactory solution. The South African delegation had therefore voted against that proposal in the *Ad Hoc* Political Committee and would be compelled to do so in the Assembly.

158. Eager as it was for the achievement of some definite plan which would be generally satisfactory, the South African delegation regarded the draft resolution put forward by the Conciliation Commission as constituting a reasonable and practical compromise. It suggested therefore that the wiser course would be not to adopt the resolution submitted by the *Ad Hoc* Political Committee, but to reconsider the matter exhaustively before any final and irrevocable decision was taken.

159. Mr. Finn MOE (Norway) said that his delegation was opposed to the solution of the Jerusalem problem contained in the draft resolution submitted by the *Ad Hoc* Political Committee. That draft resolution might endanger the truce which had been established in Palestine and in Jerusalem; its adoption might constitute a threat to, rather than the protection of, the Holy Places. Furthermore, it would be unwise for the United Nations to adopt a draft resolution which could be implemented, if at all, only with difficulty, because it ran counter to the interests and wishes of the parties directly concerned. Experience had shown that it was difficult for the United Nations to impose solutions of international disputes; it had to proceed by conciliation and mediation.

160. A further question could be raised which had not been answered in the *Ad Hoc* Political Committee: it might be asked whence any police force required to implement the resolution would be recruited and whence it would derive its funds. As the adoption of the resolution would entail the addition of at least 8 million dollars to the United Nations budget, it might well be wondered whether Member States were all prepared to bear that additional burden.

161. Such an additional burden would give rise to very serious problems. Not all Members had yet paid their contributions to the United Nations in full. If the United Nations assumed responsibility for the administration of Jerusalem, obviously the expenses thereby entailed must have priority, because the needs of a living community must be met immediately. That, however, might jeopardize the remainder of the budget, particularly the Working Capital Fund. The United Nations might be left without sufficient funds to carry on its regular functions. The General Assembly should pay due regard to the consideration that the adoption of the draft resolution would increase the financial responsibilities of every Member to such an extent that it would in future be

essential that the full contribution should be paid within the year in which it fell due.

162. The Norwegian Government would naturally accept and carry out any decision taken by the General Assembly, but it did not wish to assume any moral responsibility for the adoption of a draft resolution which might jeopardize the truce in Jerusalem, complicate the finances of the United Nations and be impossible to implement. The Norwegian delegation would therefore vote in favour of the draft resolution submitted jointly by the Swedish and Netherlands delegations.

163. Mr. HOOD (Australia) did not consider it necessary to repeat in any detail the reasons which had originally prompted his delegation to submit the draft resolution which was now before the General Assembly as a recommendation of the *Ad Hoc* Political Committee. His delegation had had the opportunity to explain its position on many occasions.

164. No real arguments against the need for effective internationalization of the Jerusalem area had been put forward during the course of the debate. Opponents of the recommendation of the *Ad Hoc* Political Committee had rather concentrated on what they described as the impossibility of applying that proposal—thereby, of course, and incidentally and regrettably, doing something to encourage non-compliance by the parties concerned with that potential decision of the United Nations.

165. In the first place, it was clear that the great majority of the General Assembly favoured effective internationalization as a principle. On the other hand, it seemed perfectly clear that the proposal presented to the General Assembly by the delegations of the Netherlands and of Sweden was not only ineffective internationalization, it was not internationalization at all. As the representative of the United States had stated, the scheme was one which complied with the wishes of the population. Mr. Hood would like to know, however, whether the delegation of Israel or the Government of Jordan had ever recognized explicitly that thesis of internationalization?

166. The proposed partition of the area, and a loose partition as it would be under the scheme proposed, would provoke exactly those circumstances which would make the ultimate aim of the General Assembly and of the great majority of the delegations, namely, the protection of the Holy Places, impossible.

167. The scheme would not be an international régime in the sense in which the General Assembly, as recently as in its resolution 194 (III), had intended it to be applied. It would merely be an administrative arrangement with the minimum of authority exercised or exercisable in the name of the United Nations.

168. In the second place, the concept of what had been called implementation had been distorted into a threat to the effectiveness of the proposed resolution. Those who used that argument should realize that their efforts, perhaps unwittingly, struck at the very root of respect for the authority of the decisions of the United Nations.

169. He did not by any means rule out the possibility of the parties concerned complying with the proposed decision of the General Assembly. For example, in the case of Israel he would find

it hard to imagine what course other than compliance that State, as a Member of the United Nation, would be able to take. With regard to the Arab population of the Jerusalem area, there was, as far as he knew, no evidence to hand that it was not actually and positively in favour of a real international régime. There were, he thought, good grounds for believing that that was the case. It was not, therefore, a real argument to suggest, without presenting any evidence, that the proposed decision was in fact against the ultimate will of the population of Jerusalem as a whole.

170. He asked the Assembly to consider what would be the effect of a half measure, admitted to be such by, for example, the representative of the United Kingdom. It would be a direct encouragement to those who did not wish to respect the decisions of the United Nations and whose motive was, in fact, expediency and opportunism. Surely the General Assembly would not wish to pass a bad compromise draft resolution, an encouragement to disrespect of its earlier decisions, especially in relation to unsettled questions in the very area of the world under discussion.

171. The decision of the Assembly should be to adopt a complete and comprehensive resolution which would show its unwavering support for the earlier decision taken by the United Nations and its realization of the inevitable historical development which the question must take. It must state forthwith that that opportunity was not abandoned, and that ultimate United Nations authority in the Jerusalem area was not a matter of extreme uncertainty and of unjustifiable delay.

172. The Australian delegation would continue its firm support of the draft resolution recommended by the *Ad Hoc* Political Committee.

173. The PRESIDENT announced that the list of speakers had just been closed, and was the following: Denmark, Pakistan, Chile, Iraq, Union of Soviet Socialist Republics, Yugoslavia, Uruguay, Syria, Ecuador, Lebanon, Israel, Iceland and Argentina.

174. Mr. KAUFFMANN (Denmark) recalled that the Danish delegation had supported the Australian draft resolution in the Committee, though not without serious hesitation. It had been aware of the fact that there might be serious difficulties when it came to the implementation of the draft resolution, but it had hoped that those difficulties might not prove to be too great. What had occurred since then, however, had somewhat changed the picture. The facts had been brought out in speeches made at the current meeting. One fact had materially affected the views of the Danish delegation. Representatives had before them a telegram (A/1231) from the Minister of Foreign Affairs of Jordan, in which the Jordan Government informed the General Assembly, before the final consideration of the draft resolution of the *Ad Hoc* Political Committee, that it would oppose the execution of any decision that was contrary to its rightful wishes.

175. Jordan, not being a Member of the United Nations, was not bound by its resolutions. The Danish delegation felt, therefore, that the implementation of the draft resolution would be fraught with greater difficulties than it had anticipated, and it was not afraid to say so. It had come to the conclusion that those difficulties might

be so great that they might jeopardize the very aim of the draft resolution, the protection of the Holy Places, and might also endanger the work of the United Nations.

176. For that reason, the Danish delegation felt that it could no longer support the draft resolution but would have to vote against it.

177. Sir M^uhammad ZAFRULLA KHAN (Pakistan) expressed the concern of his delegation, not only with regard to the existing state of affairs in Jerusalem and to its future, but also with regard to the whole situation in Palestine, which might even have a very serious and prejudicial effect on the preservation of peace in the whole of that area.

178. The matter had had a very unfortunate history. It was not necessary to go into all the details at that stage, but it would be permissible to recall that the very slight majority over the two-thirds required which General Assembly resolution 181 (II) of 29 November 1947 had been able to obtain had been considerably influenced by the fact that that resolution guaranteed the internationalization of Jerusalem as a *corpus separatum*.

179. Most, if not all, of the considerations that were now being presented against the carrying into effect of that resolution had been stressed in Committee, and the General Assembly had been invited, begged and earnestly entreated not to pledge the credit of the United Nations to a scheme which was impracticable and could not be implemented. Deliberately, to use no stronger expression, the General Assembly had undertaken the responsibility.

180. Yet the question today was, what were the wishes of the people and to what extent had the General Assembly at that time given effect to the wishes of the majority of the people of Palestine? The support of many delegations for that resolution had been obtained in the hope that Jerusalem, the sacred city of three great faiths, would be effectively internationalized. It was now alleged that that was impractical, because the State of Israel refused to have anything to do with internationalization as proposed by those who had then supported the resolution 181 (II), and because Jordan was equally opposed to such internationalization.

181. With regard to the opposition of the State of Israel, it was for those who had helped to bring that State into being and who had guaranteed that it would carry out the obligations which were being imposed upon it by the resolution, either to explain the attitude of that State or to make it do what, in all honesty and decency, it had undertaken to do, namely, accept the resolution and undertake to discharge its international obligations.

182. In fairness to the State of Israel, however, he would say, as he had said at the 46th meeting of the *Ad Hoc* Political Committee, that while the application of that State for membership had been pending, it had given fair notice that it would not consent to the internationalization of the city of Jerusalem. The Pakistani delegation had at the time urged that, in the face of that declaration, Israel was a State which, on its own confession, was not willing to discharge its obligations under the Charter. Let then those delega-

tions who, in spite of that clear declaration, had been confident that the State of Israel was able and willing to discharge its obligations under the Charter, explain the attitude of that State. They had voted on the specific question whether Israel was a State which, in their honest judgment, was able and willing to discharge its obligations under the Charter, and they had voted "Yes". Yet many of them now said that the draft resolution was not practicable because the State of Israel said "No".

183. He had ventured to draw attention to a letter which the late professor Judah Magnes, President of the Hebrew University of Jerusalem, had written to *The New York Times* when the question of partition had been under discussion. In that letter, he had begged the General Assembly not to proceed on the basis of partition, one of his most forcible arguments being that a State of Israel without Jerusalem as its capital was unthinkable. Another consideration he had presented was that whatever was given to the State of Israel by the General Assembly resolution would be taken by that State under the resolution; the rest it would take by force. That had been an honest, respected, highly intellectual Zionist leader giving a timely warning to the General Assembly.

184. The General Assembly had chosen to ignore that warning. It had passed a resolution and had therefore undertaken the responsibility of seeing that that resolution would be carried into effect. Whatever was in favour of the State of Israel in that resolution had been carried into effect and had even been exceeded. Again, in fairness to the State of Israel, he would admit that the State of Israel had been obliged to fight for whatever it today possessed, but it had won a great deal more than the resolution had given it. It flatly refused to carry out those portions of the resolution which ran counter to its original design that the city of Jerusalem must be the capital of its State.

185. With regard to the opposition of the State of Jordan, it was well known that the Arabs of the Arab States had been opposed to the whole of the resolution. The opposition of Jordan was not, therefore, a factor that had arisen only as a result of the telegram from the Jordan Foreign Minister.

186. When the proposal for the partition of Palestine had been under discussion, all sorts of explanations and interpretations had been put upon it and all sorts of expectations held out, which, of course, events had proved to be false. Now that the one crucial matter on the resolution was to be settled, the General Assembly was told that it must be realistic. The General Assembly had never been realistic with regard to Palestine, but if it had chosen a course that was not realistic, if it had undertaken the responsibility for something that was contrary to the wishes of the majority of the inhabitants, that lacked legal authority for implementation and with respect to which the United Nations lacked force, there were only two ways of dealing with the matter at the existing stage. If the General Assembly was convinced of the unwisdom of the course it had taken, it could not reverse it, but it could at least be honest enough to say that it had made a mistake. If it did not do even that, it could at least repeal

that portion of the resolution that it now found itself powerless to enforce.

187. The General Assembly was pretending to adhere to what, in its wisdom, it had done earlier. Yet it was, in fact, doing something quite different, alleging that it was necessary for the support of the authority and prestige of the United Nations. Apparently, the authority and prestige of the United Nations could be maintained only by continuing to do what the most recalcitrant Member concerned with any particular matter might be willing to do. If the challenge that had, from the very beginning and again and again, been flung at the authority of the United Nations was not taken up, then by its actions the Assembly would be confirming, not only with regard to Palestine and the question of Jerusalem, but with regard to every problem that might come before the United Nations, the fact that a State had only to be obdurate enough to say that it would not do what the General Assembly wanted it to do for that State to be allowed to go its own way.

188. If the Assembly did not at least record a decision that the General Assembly desired effective internationalization of Jerusalem, what, in fact, was the alternative? The General Assembly would pass some other resolution. But if it had already confessed, as an argument against one resolution, that the mere passage of a resolution really did not matter very much, how could it expect the other resolution to be maintained and to be implemented? Those who did not like the resolution would defy it.

189. The actual situation, which would continue, was the following: the State of Israel was in possession of the outer city and Jordan was in possession of the inner city. There they would remain, like two armed camps, glaring at each other, with all the possibilities of a conflict always there.

190. He personally was of the opinion that the problem of Palestine had been with mankind for two thousand years and would continue with mankind for another two thousand years. That was his personal feeling, because at the only time when the United Nations had had the chance to come to

a fair, just and equitable solution of that very difficult problem, it had, contrary to the warnings of sober-minded but far-seeing Zionists themselves, taken a course to which it had been impelled by considerations that had had nothing whatever to do with the merits of the case, nothing whatever to do with Palestine and nothing whatever to do with the Middle East. Impelled by those considerations, it had recorded a decision because at that time it had been necessary to adopt a decision on the lines of partition. After that major mistaken decision, it was useless to expect any minor decisions to be reasonable and balanced.

191. It might, however, be possible, even at the existing stage, to persist in the course which the General Assembly had adopted, if the necessary majority of the States were of the view that such was the course of wisdom, fairness and justice. If so, every effort must be put forward to see that that decision should be carried into effect. If there were to be defiance, either there must be means of overcoming it or, if there were no means to overcome it, whatever resolution was adopted would not be implemented.

192. That was the problem before the General Assembly, and he appealed to it to save the honour, the dignity and the pledged word of the United Nations by doing at least what it had proclaimed to the world only two years earlier that it would do.

193. For those reasons, the Pakistani delegation would continue on the course which it had clearly submitted to the General Assembly in the speech Sir Mohammad himself had made during the general debate at the opening of the current session.¹ He had said then that Pakistan was of the opinion that a régime for the effective internationalization of Jerusalem must be adopted and put into effect. The Pakistani delegation still adhered to that view and would therefore vote in favour of the resolution which had been recommended to the Assembly by the *Ad Hoc* Political Committee.

194. The PRESIDENT adjourned the discussion to the next meeting.

The meeting rose at 1.20 p.m.

TWO HUNDRED AND SEVENTY-FIFTH PLENARY MEETING

Held at Flushing Meadow, New York, on Friday, 9 December 1949, at 2.45 p.m.

President: General Carlos P. RÓMULO (Philippines).

Later: Sir Alexander CADOGAN (United Kingdom of Great Britain and Northern Ireland).

Palestine (concluded)

PROPOSALS FOR A PERMANENT INTERNATIONAL RÉGIME FOR THE JERUSALEM AREA, AND FOR PROTECTION OF THE HOLY PLACES: REPORT OF THE *Ad Hoc* POLITICAL COMMITTEE (A/1222 AND A/1222/Add.1); REPORT OF THE FIFTH COMMITTEE (A/1234) (concluded)

1. Mr. AL-JAMALI (Iraq) said his delegation had repeatedly opposed the partition resolution 181 (II) of 29 November 1947 which had been

a source of trouble and misery to nearly one million Arab people of Palestine and had disturbed peace and stability in Palestine and in the Middle East as a whole. As far as could be seen, that unstable and disturbed condition would continue until right and justice were restored to Palestine.

2. When resolution 181 (II) had been adopted in the face of bitter Arab opposition, those

¹ See *Official Records of the Fourth Session of the General Assembly*, 227th plenary meeting.