

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE
COMMITTEE ON JERUSALEMNOTE

of the question of the "Administrative Council"
for the area of Jerusalem
(Working paper prepared by the Secretariat)

1. In Article 5 of the preliminary draft for an international regime for the Jerusalem area ([Com.Jer/W.18](#)), it was proposed to establish an Administrative Council to be composed of *nine* members, three of whom should be appointed by the responsible authorities of the Jewish zone, three by the responsible authorities of the Arab zone and three by the Administrator who would endeavour to ensure the representation of the principal communities other than Arab and Jewish.
2. In Article 7 of the preliminary draft, it was laid down that the Administrator assisted by the Administrative Council, should ensure:
 - (1) the coordination of measures for the maintenance of public order;
 - (2) the operation of the main services of common interest to the area of Jerusalem;
 - (3) the equitable allocation of the contributions of each zone towards expenditure in the common interest.
3. For the revision and elaboration of Article 5 and Article 7 in the preliminary draft, it is essential to determine what the exact character of the organ in question is going to be.
4. The plan for Jerusalem, as proposed in the preliminary draft does entrust the Administrator or the Commissioner with specific responsibilities with regard to the protection of and access to the Holy Places but apart from this the plan rests on the principle of local autonomy within each of the two zones. It is submitted therefore that the proposed Council should neither be an executive nor a legislative body but a body which, in principle, should only fulfill the task of *co-ordinating* certain common interests of the two zones. For this reason it is suggested that the name "General Council" is better than "Administrative Council".
5. These common interests of the two zones will, as the protection of and access to the Holy Places is the sole responsibility of the Administrator or the Commissioner, to a very large extent, if not exclusively, be of a *secular* character (maintenance of public order, public utilities, transportation, etc.), and it is believed that there is no necessity for providing for a numerical representation in the proposed Council of all religious communities in Jerusalem. It would appear sufficient if an equality were established between on the one hand the two zones and on the other hand between Jews, Arabs and Christians.
6. On one particular point it might, however, appear desirable to make an exception from the general character of the Council and give it certain powers of a legislative character, namely for the purpose of the preservation and protection of the unique character of the entire area of Jerusalem. Whereas it might not be feasible to give the Commissioner alone the power to prescribe rules in the matters relating to the protection of sites and antiquities and to town-planning, such matters might become a joint responsibility of the Council in cooperation with the Commissioner. This could be done by making the Commissioner a member and Chairman of the Council, and give the Council as such the necessary power. Judging, however, from past experience, it is believed that in order to break a most likely deadlock between the interested Parties, the Council should be so composed as would give the Commissioner the decisive power in case of a tie vote.
7. On the basis of these considerations, it is proposed that Article 5 and 7 of the preliminary draft be revised to read as follows:

Article 5.

"There shall be established for the area of Jerusalem a General Council, which shall be composed of eight members and the United Nations Commissioner who shall preside. Three members shall be appointed by the responsible authorities of the Jewish zone and three by the responsible authorities of the Arab zone. Two members being neither Arab nor Jewish, of whom one is resident of the Jewish zone and one of the Arab zone shall be appointed by the commissioner. The Council shall take decisions by absolute majority.

Article 7.

The General Council shall have the following functions and powers:

- (a) operation of the main public services of common interest to the area of Jerusalem and planning and execution, on an area-wide basis, of matters of Municipal Concern, such as the development of transport, communications and public utilities;
- (b) powers of prescribing rules in matters relating to the protection of sites and antiquities and town-planning;
- (c) coordination of measures for the maintenance of public order;
- (d) allocation of the contributions of each zone towards expenditure in common interest;
- (e) such further functions and powers as the responsible authorities of the two zones may agree to entrust to the Council.