

GENERAL
ASSEMBLYASSEMBLEE
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22 January 1948
ENGLISH ONLYSUMMARY RECORD OF THE EIGHTEENTH MEETING
OF THE UNITED NATIONS PALESTINE
COMMISSION

Lake Success, New York

Thursday, 22 January 1948, at 3.00 p.m.

Present:

Chairman:	Mr. LISICKY	(Czechoslovakia)
Members:	Mr. Medina	(Bolivia)
	Mr. Federspiel	(Denmark)
	Mr. Morgan	(Panama)
Secretariat:	Mr. Bunche	(Secretary)
	Mr. Mohn	

CONSIDERATION OF WORKING PAPER ON "THE CITY OF JERUSALEM" (document
A/AC.21/W.17)

With regard to Section I of the working paper (International Regime of the City of Jerusalem) the CHAIRMAN drew the attention of members to the provision that the City of Jerusalem would come into existence two months after the evacuation of the armed forces of the Mandatory Power had been completed, but in any case not later than 1 October 1948. The assumption was that the creation of a special international regime for the City of Jerusalem would take place only after the evacuation of United Kingdom forces from the whole of Palestine. Interim arrangements might have to be made for the transitional period.

With reference to Section 2 (Draft Statute) the SECRETARY informed the Commission that the Trusteeship Council's Working Group on the City of Jerusalem hoped to complete its work within the next few days and that the Trusteeship Council would examine the Draft Statute for the City of Jerusalem at the second part of its second session which was to convene either on 9 February or on 16 February.

With regard to Section 4 (Duration of the transitional period) the CHAIRMAN pointed out that the Commission would be responsible for the transfer of powers to the Governor.

/The SECRETARY

The SECRETARY wondered whether the Statute of the City of Jerusalem might not be enforced before the Arab and Jewish states were set up. He suggested that perhaps less opposition would be exerted by the Arabs to an international regime in Jerusalem than to the setting up of the Jewish state, so that it might develop that the Statute of the City of Jerusalem could be applied first.

The CHAIRMAN believed that the regime of the City as envisaged in the recommendations made by the General Assembly was inseparable from the setting up of separate Jewish and Arab states, and doubted that the international regime envisaged could be enforced before partition. His own information on the attitude of Arab leaders convinced him that they were equally opposed to an international Statute for the City of Jerusalem and to a separate Jewish state. Indeed, they took the view that the international regime was unnecessary since they were ready in any case to guarantee the freedoms it was meant to safeguard.

After some discussion, it was concluded that with the help of an international force it might prove easier to establish the new regime for Jerusalem than for the rest of Palestine.

It was thought that the duration of the transitional period, under which the Commission would be responsible for the City of Jerusalem, would depend mainly upon the general situation in Palestine.

With regard to Section 5 (Boundaries) the Commission agreed that the delimitation of the boundaries of the City of Jerusalem was within its competence and that the Trusteeship Council could only make suggestions. The boundaries of the City of Jerusalem would result from the delimitation of the boundary of the Arab state.

The SECRETARY observed that the French representative in the Trusteeship Council had given some indication that he might initiate a proposal to send to Palestine a Commission of the Trusteeship Council. The Secretary pointed out that it might be useful to have the views of the members of the Commission on the subject, so as to be aware of the way in which the Commission would react, should the Trusteeship Council entertain a proposal of this nature.

With reference to Section 6 (Government and Administration of the City) the Commission took note of the necessity of protecting the water supply lines.

With regard to the special body envisaged for the administration of the City during the transitional period, it was pointed out that the Governor would be appointed at an early date and there might be no need for a special body if the Commission came to an agreement with the Governor,
/whereupon

whereupon he could assume his functions.

With regard to Section 7 (Municipality of Jerusalem) it was felt that the possible resignation of the officials now in charge of the Municipality might mean that the City would remain without any government. The Commission would, therefore, wish to ascertain whether the present officials would remain, and in the case of British officials, whether under the new status such officials would be seconded by the United Kingdom Government to their new employment. It would require information on the number of British officials in the municipality and on the possibilities for their continued employment.

With reference to Section 8 (Control of Immigration) the CHAIRMAN observed that the wise course would be not to provide for any immigration during the short period of transition.

With reference to Section 10 (Security Measures) the Commission agreed that it would be desirable to retain the services of as many trained police as might wish to continue the discharge of their functions under the new Statute. The force now employed consisted of British, Arab and Jewish elements. No particular difficulty was to be foreseen for the employment of the Jewish elements under the new Statute, and possibly some of the Arabs. The United Kingdom Government, however, had indicated an unwillingness to second British constables under the new Statute. With regard to their terms of employment, the SECRETARY stated that they were recruited in England for the Palestine Government by Crown agents for the Colonies.

In view of the need for a police force, the Commission required information on the strength of the police force now in Jerusalem.

The desirability of retaining experienced elements was emphasized by Mr. Mohn (Secretariat), who stated that often several religious ceremonies were held simultaneously by various communities at the Holy Places, and that the Palestinian police had established a special calendar for these which comprised 457 different ceremonies in 365 days. He thought that there was no set figure for the standing strength of the police force.

With regard to Section 11 (Economic Union) the CHAIRMAN drew attention to the last paragraph of the section.

No specific provisions had been made for the City of Jerusalem in the financial provisions in paragraph 3, Chapter 3, Section C of Part I of the Assembly resolution (document A/516).

It was thought that the provisions made for the Jewish and Arab States should apply by analogy to the City of Jerusalem, and it was pointed out that the Assembly resolution contained clauses which would warrant this interpretation. The Commission would have to decide what proportion of the

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general financial obligations in Palestine would be allotted to the City of Jerusalem. It was noted however, that in the case of the City, there was no clause corresponding to sub-paragraph b of paragraph 2, Chapter 3, Section 3 of Part I of the Assembly resolution, concerning appeals to the International Court of Justice. This was presumed to be an oversight.

Doubts were expressed whether the City of Jerusalem could be considered a State, as it was set up for historical and religious reasons as a separate entity. It was suggested that because of its special status it might not be able to enter into financial commitments in the same way as a State. In this connection the CHAIRMAN stated that the City of Jerusalem could in no way be considered as a Trust Territory, and that its status was clearly defined by the Assembly resolution as a corpus separatum under a Special International Regime.

After a brief discussion, the Commission decided to request the Legal Adviser to prepare a paper indicating whether the financial provisions applicable to the Arab and Jewish states could be considered as applicable also to the City of Jerusalem.

With regard to Section 12 (Holy Places) the SECRETARY pointed out that laws enacted by the Ottoman Empire for the Holy Places had remained in force under the regime of the Mandate. They would remain in force after the change of regime, unless specifically repealed.

With reference to Section 13 (Religious Courts) the Commission envisaged the possibility of maintaining the present system, and would wish to know who was responsible at present for the financial maintenance of these Courts. The CHAIRMAN thought that, in view of partition, the Courts might be removed from Jerusalem, and set up respectively in the Arab and Jewish states. In answer to objections raised to such a solution, he voiced a warning against an unconscious tendency to "implement union through partition".

The CHAIRMAN asked members of the Commission to give individual consideration to the problem and to present their conclusions at a later meeting.

RELATIONS WITH THE PRESS

The Commission decided to meet the press on the following day at 2.30 p.m. in order to accede to the wish of the press to have direct contact with the Commission.

The meeting rose at 5.00 p.m.