

A/AC.25/2

2 September 1949

ORIGINAL: ENGLISH

LETTER DATED 2 SEPTEMBER 1949  
ADDRESSED BY THE CONCILIATION COMMISSION  
TO THE HEADS OF THE ARAB DELEGATIONS

AND

TO THE HEAD OF THE DELEGATION OF ISRAEL  
TRANSMITTING THE TEXT OF A DRAFT DECLARATION  
CONCERNING THE HOLY PLACES, RELIGIOUS BUILDINGS AND SITES  
IN PALESTINE OUTSIDE THE AREA OF JERUSALEM

The United Nations Conciliation Commission for Palestine has the honour to transmit to the Delegation of..... a Draft Declaration concerning the Holy Places, religious buildings and sites in Palestine outside the Jerusalem area.

By paragraph 7 of the resolution of 11 December 1948, the General Assembly resolved that the Holy Places - including Nazareth - religious buildings and sites in Palestine should be protected and free access to them assured, in accordance with existing rights and historical practice. The Assembly further resolved that arrangements to this end should be under effective United Nations supervision and that the Conciliation Commission, with respect to the Holy Places outside the Jerusalem area, should call upon the political authorities of the areas concerned to give formal guarantees as to the protection of the Holy Places and access to them, which undertakings should be presented to the General Assembly for approval.

In accordance with the terms of this provision, the Conciliation Commission has the honour, in transmitting the Draft Declaration, to request that by this Declaration formal guarantees be given to the Conciliation Commission as soon as possible by the Government of..... with respect to the protection of and free access to any Holy Places, religious buildings and sites of Palestine situated in the territory which may be placed under its authority by the final settlement of the Palestine problem or, pending that settlement, in the territory at present occupied by it under armistice agreements.

The Commission wishes to point out that this communication

is not to be interpreted as prejudging in any way the final settlement of the territorial question in Palestine.

The Commission wishes finally to inform the Delegation of..... that a copy of this letter and the Draft Declaration have been transmitted to the Secretary-General of the United Nations for his information.

Sgd/ Claude de Boisanger

A/AC.25/2  
27 August 1949  
Original: English

DRAFT DECLARATION CONCERNING THE  
HOLY PLACES, RELIGIOUS BUILDINGS AND SITES  
IN PALESTINE OUTSIDE THE AREA OF JERUSALEM.

The Government of . . . . .

CONSCIOUS of its responsibilities concerning the preservation of the special character of Palestine, whose soil has been consecrated by the prayers and pilgrimages of the adherents of the three great religions;

DESIROUS of implementing the provisions of paragraph 7 of the resolution of the General Assembly of the United Nations of 11 December 1948 concerning the protection of and free access to the Holy Places, religious buildings and sites in Palestine outside the area of Jerusalem as this area is defined in paragraph 8 of the resolution of 11 December 1948;

SOLEMNLY UNDERTAKES by the provisions of the present declaration to guarantee the protection of and free access to the Holy Places, religious buildings and sites of Palestine situated in the territory placed under its authority by the final settlement of the Palestine problem or, pending that settlement, in the territory at present occupied by it under Armistice Agreements:

Article 1.

The free exercise of all forms of worship shall be guaranteed by the Constitution and effectively ensured by administrative practice in accordance with the Declaration of Human Rights of 10 December 1948.

Article 2.

The Holy Places, religious buildings and sites which were regarded as Holy Places, religious buildings and sites on 14 May 1948 shall be preserved and their sacred character protected. No act of a nature to profane that sacred character shall be permitted.

.... /

Article 3.

The rights in force on 14 May 1948 with regard to the Holy Places, religious buildings and sites shall remain in force.

The Government of ..... undertakes in particular to assure the safety of ministers of religion, those officiating in religious services and the members of religious orders and institutions; to allow them to exercise their ministries without hindrance; and to facilitate their communications both inside and outside the country in connection with the performance of their religious duties and functions.

Article 4.

The Government of ..... undertakes to guarantee freedom of access to the Holy Places, religious buildings and sites situated in the territory placed under its authority by the final settlement of the Palestine problem, or, pending that settlement, in the territory at present occupied by it under Armistice Agreements; and, pursuant to this undertaking, will guarantee rights of entry and of transit to ministers of religion, pilgrims and visitors without distinction as to nationality or faith, subject only to considerations of national security.

The Government of ..... undertakes to give special consideration to such recommendations as may be made by the United Nations Commissioner in Jerusalem, or, pending his appointment, by the Representative of the United Nations in Jerusalem, dealing either with the elaboration or application of administrative regulations, police measures, or with the examination of individual requests for access to the Holy Places.

Article 5.

No form of taxation shall be levied in respect of any Holy Place, religious building or site which was exempt from such taxation on 14 May 1948.

No change in the incidence of any form of taxation shall be made which would either discriminate between the owners and occupiers of Holy Places, religious buildings

...../

and sites, or would place such owners and occupiers in a position less favourable in relation to the general incidence of that form of taxation than existed on 14 May 1948.

Article 6.

The Government of ..... undertakes to establish a permanent Council composed of qualified persons chosen from among its own nationals and on which the United Nations Commissioner or, pending his appointment, the Representative of the United Nations in Jerusalem, shall be represented. This Council shall be charged with a study of measures to ensure the preservation of Holy Places, religious buildings and sites and to safeguard their sacred character, in accordance with Article 2 of the present Declaration.

Article 7.

The implementation of the above provisions shall be under the effective supervision of the United Nations Commissioner or, pending his appointment, of the Representative of the United Nations in Jerusalem.

The Government of ..... undertakes to cooperate fully with the United Nations Commissioner or Representative in Jerusalem, to give him all necessary assistance, and to grant him the immunities and privileges necessary for the free and full performance of his functions.

Article 8.

Disputes regarding the interpretation and the implementation of the present Declaration may be submitted either by the Government of ..... or by the United Nations Commissioner in Jerusalem to the International Tribunal provided under the Instrument establishing a permanent international regime for the Jerusalem area. The decisions of the International Tribunal shall be binding on the parties.

Pending the establishment of the International Tribunal in Jerusalem, such disputes may be reported either by the Government of ..... or by the United Nations Representative in Jerusalem to the Secretary-General of the United Nations for reference to the appropriate organ of the United Nations.