

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

COMMITTEE ON JERUSALEM

RESTRICTED  
Com. Jer./SR.31  
10 May 1949  
ORIGINAL: ENGLISH

SUMMARY RECORD OF THE THIRTY-FIRST MEETING

held in Lausanne on Saturday,  
7 May 1949, at 10 a.m.

Present: Mr. Yenisey (Turkey) - Chairman  
Mr. Benoist (France)  
Mr. Barco (U.S.A.)

Dr. Serup - Secretary of the Committee

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At its thirty-first meeting the Committee continued its consideration of the "Draft Proposal for an International Regime for the Jerusalem Area", drafted by the Secretariat (Com.Jer/W.16).

Article 7  
Mr. BARCO submitted a suggested text for addition to Article 7, comprising an extension of paragraph (2) and a new paragraph (3). It was decided to postpone discussion of this text until a French translation was available.

In the first paragraph of the article, the Committee agreed to add, as a qualification of the three judges, the same formula that had been used to describe the Administrator; namely, that they should not be citizens of Israel nor of any of the Arab States, nor residents of Jerusalem.

Article 8

The Committee agreed provisionally to add the same qualification as regards the third judge, and also a provision that he should be the President of the Mixed Tribunal. Mr. BARCO was of the opinion that it might be an advantage if the third judge were a resident of Jerusalem; he also felt, regarding the presidency, that from a psychological point of view it would be preferable for a court of this type to decide its own procedure including the choice of President.

It was decided that the second paragraph of the article was not sufficiently broad in scope, and that certain elements of article 34 of the French draft (Com.Jer/W.15) should be

incorporated in it, particularly with reference to cases involving foreigners. It would also be necessary to specify that the court would handle both civil and criminal cases.

#### Article 9

The Committee decided to redraft the article to make it clear that the guards would be recruited on an international basis, and to include a provision for guards to protect such other places than those already mentioned which are to be under the supervision of the Administrator. The phrase "a small number of guards" was changed to read "the number of guards necessary". It was agreed that the question of the guards' salaries should be covered in an additional article which would deal with the whole question of budget and expenditures.

#### Articles 10 and 11

There was considerable discussion regarding the form of presentation of these articles, and the manner of listing the Holy Places; there was some question whether or not they should be listed by order of importance, or whether no distinction should be made, and what treatment should be given to the Holy Places to which the status quo applied. The Committee agreed to study the question further and defer a decision for the time being.

#### Article 12

The article was approved in general. It was decided that the Secretariat would draft an article incorporating the idea that the responsible authorities of the two zones must declare their acceptance of the principle of free access to the Holy Places.

#### Article 13

The Committee agreed to revise the third sentence to read ".... the community or communities concerned..."

#### Article 14

It was agreed to delete the word "unreasonably" in the second paragraph, and to add, before the phrase "if necessary", the clause "submit the case to the tribunal as provided in Part II, article 7, sub-paragraph 3, or..."

After some discussion concerning the possible deletion of

the article, it was agreed that it should be retained and placed at the end of the document.

Article 15

The Committee provisionally adopted an amendment by Mr. Barco consisting of four sub-paragraphs under the first paragraph, and with the addition of a further sentence regulating the number of police in each zone.

Article 16

It was agreed that this article should be considerably developed and that it should be entitled "economic and financial provisions".

The Committee agreed that a further article should be drafted to cover the following points: (1) that authorisations for residence of longer than one month should be granted by the Administrator; (2) that the sale of landed property between the zones should take place only if approved by the Administrator; (3) that Jerusalem should not be declared the capital of either neighbouring State.