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COMMITTEE ON JERUSALEM

17 DEC 1950  
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RESTRICTED  
Com. Jer./SR.34  
23 June 1949  
ORIGINAL: ENGLISH

SUMMARY RECORD OF THE THIRY-FOURTH MEETING

held in Lausanne on Thursday,  
23 June 1949, at 10 a.m.

Present:	Mr. Barco	(U.S.A.)	- Chairman
	Mr. Benoist	(France)	
	Mr. Eralp	(Turkey)	
	Dr. Serup		- Committee Secretary

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1. Replies of the Arab delegations to the Committee's questionnaire of 3 May (Com. Jer./SR.33) and questions to be put to the delegations of the Arab States and of Israel.

The CHAIRMAN drew the attention of the Committee to the replies of the delegations to the Committee's questionnaire of 3 May (Com. Jer./SR.33). With regard to the question of Holy Places, he noted that the Secretariat had drawn up a tentative list of questions to be put to the Israeli delegation.

Mr. BENOIST had certain objections to the Secretariat's list of questions. With regard to the first two points, he thought the Israeli delegation might well claim that the Committee already had the information or could obtain it through its own sources. As regards the third point, he thought the Committee could easily inform itself as to the status of negotiations between Israel and France, and it seemed probable that the Israeli delegation would not wish to discuss the negotiations with the Vatican. He had thought it preferable instead to prepare a draft agenda for a meeting with the Israeli delegation on which agenda he had listed a certain number of points which might usefully be discussed with that delegation. As regards questions to be put to the Arab delegations, it seemed to him that the replies given by those delegations had been definitive and that no clear purpose could be served by further questions.

The CHAIRMAN, while agreeing with Mr. Benoist's view concerning the replies of the Arab delegations, nevertheless

felt that the list of questions prepared by the Secretariat for submission to the Israeli delegation was of value. He thought the topics of discussion indicated on the draft agenda submitted by the French delegation might perhaps be combined with the list of the Secretariat. He saw no harm in requesting information concerning the negotiations with France and with the Vatican; if the Israeli delegation did not wish to discuss the matter, the request need not be pressed. The Committee should, however, make its questions as specific as possible if it wished to obtain full information.

The Committee adopted the agenda submitted by Mr. Benoist for a forthcoming meeting with the Israeli delegation, it being understood that the questions proposed by the Secretariat could be raised orally in connection with the different items on the agenda.

Mr. BENOIST drew the attention of the Committee to point 2 of the draft agenda and stressed the need for a satisfactory legal definition of "Holy Places, religious buildings and sites". It was desirable that the Committee reached an agreement on this point, before the matter was discussed with the Israeli delegation. With that in view, he had prepared a draft definition of the Holy Places which he submitted to the Committee and to Dr. Serup.

The CHAIRMAN then suggested to the Committee that the draft submitted by the French representative should be accepted as a basis for further study.

Mr. ERALP raised the point that, in order to avoid any misinterpretation, the word "traditional" should be included before "veneration of the faithful", and also that the use to which buildings were put by religious congregations should be more specifically mentioned.

Mr. BENOIST emphasized that he had indeed wished to make the terms as wide as possible. He also stressed the fact that there could be no conception of property when the Holy Places, such as the Holy Sepulchre, were considered. The Committee could make distinct provisions for the Holy Places within the Jerusalem zone and outside it, but, in the latter case, it could obviously not make provisions for fiscal exemptions which was, in any case, a practice not enforced in his own country. He suggested, moreover, that

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the definition of Holy Places should be inserted in the appropriate article of the draft statute.

The CHAIRMAN agreed that it would not be desirable to extend the concept of the Holy Places too widely, and that it would indeed be advisable to introduce the idea of date by emphasizing that the places referred to were those venerated by tradition. He thought that the whole question needed to be studied further.

The SECRETARY pointed out that the Secretariat had prepared some definitions which he distributed to the Committee.

Mr. BENOIST drew the Committee's attention to the fact that his delegation had already proposed that a complete list of the Holy Places should be drawn up, but that that proposal had been rejected by the representatives of the United States and Turkey on the grounds that the number of places to be listed was a very considerable one and that, moreover, such a procedure might exclude the building of new places of worship.

Mr. ERALP made it clear that he had objected to that proposal on the grounds that the procedure of consulting all the members of the United Nations would be most unwieldy.

The CHAIRMAN said that his delegation would be willing to consider the proposal further.

## 2. Consultation with Greek Orthodox Primate.

The CHAIRMAN explained that he had been asked by the Greek Minister in Berne whether the Committee would be prepared to receive a certain Primate of the Greek Orthodox Church who intended to come to Europe. The Chairman had said he would consult the Committee, but had made it clear that the Committee could not create a precedent by issuing an invitation for such a meeting; if the Primate were present in Lausanne and desired to make a statement to the Committee, the Committee would be glad to accede to his request.

Mr. BENOIST had no objection, although he did not feel there was much to be gained from such a meeting, since the Committee had already interviewed representatives of the Greek Orthodox Patriarch of Jerusalem.

It was agreed that the Committee would receive the Primate, as a matter of courtesy, in the circumstances men-

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tioned by the Chairman.

3. Article in "THE TIMES" of 20 June 1949 by the Jerusalem correspondent.

The CHAIRMAN felt that the article in question was of some concern to the Jerusalem Committee, since it outlined a plan for a Jerusalem regime which closely followed the Committee's provisional plan. He felt that such press statements could seriously prejudice the Committee's work and that action of some sort should be taken.

Mr. ERALP and Mr. BENOIST supported the Chairman's view, but did not see how any control could be exercised over such releases. The Commission had already been confronted by the same problem and it had been proven difficult, if not impossible, to trace the leakages of information. The only course of action open to the Committee would be the periodical release of fuller official statements through the Commission's Press Officer. Mr. Benoist pointed out, further, that an article such as the present one might well prejudice the relations of the Committee and also of the Commission with the Arab delegations, by giving the impression that the plan described had been officially adopted.

The CHAIRMAN suggested that the Principal Secretary should be requested to communicate with Mr. Barnes and Mr. Fisher in Jerusalem in an effort to trace the leakage to its source and prevent further occurrences of the same nature.

The Committee approved the Chairman's suggestion.

4. Report of the Committee to the Commission.

The CHAIRMAN requested the Secretariat to begin compiling a list of the matters which should be covered in the Committee's final report to the Commission.

5. Continued discussion of draft proposals for an international regime for the Jerusalem area (Com.Jer./W.18).

Mr. BENOIST suggested that it might be desirable to add a preamble to the draft proposals which would clarify the question of sovereignty. The French delegation at Lake Success considered that the position in that respect should be made perfectly clear. Other delegations would undoubtedly be of the same opinion. A formula should be found which

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would specify that Jerusalem was under a special regime and that no State had any claims of sovereignty on it.

The CHAIRMAN thought that such a point would require further study. He suggested therefore that it should be considered within the delegations and examined in the near future.

Mr. BENOIST was of the opinion that as soon as a formula for the preamble was found which would be satisfactory to all the delegations, it could be made public immediately, although that would mean its being published separately from the statute as a whole.

Mr. ERALP disagreed as he considered that the preamble was the keynote to the whole project. He thought it wiser for the preamble to be published only when the whole document was completed.

The CHAIRMAN supported Mr. Eralp's view, pointing out that the Committee's draft proposal would not be final until it had been approved by the Commission, and that the Committee could not release to the press a part of a provisional document.

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