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M. J. R.

COMMITTEE ON JERUSALEM

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SUMMARY RECORD OF THE THIRTY-SEVENTH MEETING

held in Lausanne on Thursday,
7 July 1949, at 10.30 a.m.

Present: Mr. Barco (U.S.A.) - Chairman
Mr. de la Tour du Pin (France)
Mr. Eralp (Turkey)
Dr. Serup - Secretary of the
Committee

Consideration of draft report on the activities of the
Committee on Jerusalem since its First Progress Report
to the Conciliation Commission.

The CHAIRMAN wished, before entering on a paragraph by paragraph discussion of the draft report, to point out to the Committee that it was proposed to incorporate the report submitted for their consideration as the second part of the Committee's final report to the Commission. The first part would contain the report on the Committee's work until 19 March 1949 (First Progress Report, document Com.Jer./3), whereas the third part would be devoted to the conclusions of the Committee and to the elaboration of the Draft Proposal for the international regime for Jerusalem.

Commenting on paragraph 2, he thought it would be preferable to add to the first sentence "and at the same time acceptable to the parties concerned".

Mr. de la TOUR DU PIN suggested that a drafting alteration should be made in the first sentence of paragraph 2 and some less emphatic wording substituted for "little hope".

Mr. ERALP did not think it was necessary in the report to lay undue stress on the difference of opinion with regard to paragraph 2 which had arisen between his delegation and the representatives of France and the United States. He proposed therefore that "two members of the Committee" should

be substituted for "the representatives of France and the United States".

The CHAIRMAN suggested that the last sentence should refer to the Committee rather than to "members of the Committee".

Mr. de la TOUR DU PIN thought that paragraph 4 seemed a little vague and he suggested that a statement to the effect that, as a result of those instructions, informal discussions did take place with the American, French and Turkish consuls should be added.

In his opinion too, the reference in paragraph 5 to the exchange of letters which took place should be expanded either by an annex to the report or by a brief summary of the subject matter of the letters in the body of the paragraph.

The CHAIRMAN suggested that more specific detail as to the religious authorities concerned should be included in paragraph 6. He considered also that some indication of the general stand taken by the various religious dignitaries mentioned in paragraph 7 should be given.

With regard to paragraph 8, he thought it should be made quite clear in the text that the Holy Places protected and respected should be taken to mean all the Holy Places throughout Galilee.

Mr. ERALP wondered whether any useful purpose would be served by including the text of paragraph 9 at that juncture of the report.

The CHAIRMAN suggested that it might be preferable to take the views expressed in paragraph 9 as background information to be used in the general gauging of the views of both parties which would form part of the final report.

In connection with paragraph 10, he suggested that the reference to the questionnaires should be expanded, and agreed with Mr. Eralp that some mention should be made as to the reason for which they had been sent. He also supported Mr. de la Tour du Pin's proposal that the question of the "tentative list of Holy Places" should be more specifically explained.

He considered that paragraph 11 should include a summary of the letter sent by Dr. Eytan to the Committee on that occasion and that paragraphs 11 and 12, which were of great importance, should be made more explicit, in parti-

cular with regard to the representative of Lebanon's statement on a guarantee by United Nations forces. He agreed with Mr. de la Tour du Pin's suggestion that paragraph 12 would be improved by being divided into various subparagraphs, thus clearly separating the respective views of the Arab States.

With regard to paragraph 13, he thought that a reference to the article published in the London "Times" could be dispensed with and that the entire paragraph might be eliminated.

The statement made by the representative of Israel and mentioned in paragraph 14 might well be expanded considerably. He also thought it would be desirable that it be pointed out that the Committee had requested more detailed information.

He agreed with the remarks made by the representatives of France and Turkey to the effect that it would be advisable even though the general conclusions and the draft proposal would appear in the final part of the report, to include, at the end of the second part a statement giving some indications of the Committee's own views and saying that it was continuing in its endeavours to find a practical solution acceptable to all parties and within the spirit of the General Assembly's resolution. He asked the Committee to bear in mind however, in drafting that part of the report, that it would eventually form part of the final report which would be submitted as a whole to the Commission for its approval. It had, however, been thought desirable to prepare as much of the report as the state of the Committee's investigations permitted during the period when the Commission itself was in recess.

Consideration of question of formal guarantees with respect to Holy Places outside Jerusalem. (document Com.Jer./W.21).

The CHAIRMAN recalled that Mr. Hirsch had asked the Committee to put forward proposals for the formal guarantees with respect to the Holy Places, and the Secretariat had provided a working paper on that question (document Com.Jer./W.21). He suggested to the Committee that a preliminary draft should be submitted to the Israeli delegation who would be asked to give their views on it. On the basis of

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the Israeli delegation's reply, a redraft, in the form of a formal document, could be submitted to the Commission with the recommendation that it should be transmitted to the Governments concerned and included in the Commission's report to the General Assembly with regard to paragraph 7 of the General Assembly's resolution. He assured the Committee that it had been quite clearly understood that such guarantees would refer to the Holy Places outside the Jerusalem area since the Holy Places inside Jerusalem would be protected as a part of the special regime for Jerusalem.

The SECRETARY raised the point that it would have to be decided whether the authority appointed by the United Nations in Jerusalem would also have the duty of protecting Holy Places outside the Jerusalem area.

Mr. de la TOUR DU PIN wished to draw the Committee's attention to the seizure by the Soviet authorities of property belonging to the Orthodox Palestine Society and the Russian Ecclesiastical Mission. He thought it would be highly desirable for the Commission's legal adviser to study the question of the extent to which the Israeli authorities had the right to modify the status quo of such institutions. He referred the Committee to the fifth clause regarding Holy Places in the Partition Plan quoted in the fourth paragraph of the working paper prepared by the Secretariat. He thought useful information could be obtained by studying precedents of trials in connection with religious property. He would be willing to give the Secretariat all possible assistance in securing such information.

The SECRETARY said that two laws would have to be particularly studied in such investigations: the Administration of Russian Properties Ordinance of 1926 and a law passed in 1948 towards the end of the Mandate. He pointed out that it would be very difficult, in view of Mr. Hirsch's attitude when the matter was raised in a meeting between the Committee and the Israeli delegation, to obtain further information on the subject.

The CHAIRMAN thought, notwithstanding Mr. Hirsch's opinion that such an inquiry did not come within the Committee's terms of reference, that investigations should be made, and he agreed to a suggestion made by Mr. Erulp that a letter

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requesting further information from the Israeli delegation on the legal rights existing in such cases should be sent, but only after Dr. Serup had made a study of the question and that the Committee had discussed the matter with the Commission.

He informed the Committee that, although no definite information had been received in that connection, it was presumed that the Committee would meet the Greek Metropolitan in London on the afternoon of 13 July.