

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

INDEX UNIT

COMMITTEE ON JERUSALEM

17 DEC 1950

M

RESTRICTED
Com.Jer./SR.39
20 July 1949
Original: English

SUMMARY RECORD OF THE THIRTY-NINTH MEETING

held in Lausanne, on Wednesday,
20 July 1949, at 11:30 a.m.

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

Mr. BARCO asked the Committee whether it would agree to submitting a copy of the summary record of the Committee's thirty-eighth meeting, once members of the Committee had seen it, to the Greek Minister in Berne for transmission to His Eminence Archbishop Germanos.

He mentioned in that connection that some regular procedure might be established with respect to papers and documents submitted to the Committee. With regard to the two memoranda from the Russian Orthodox Societies in Jerusalem, he thought that, whilst the representative of France had been perfectly within his rights in giving copies of those memoranda to His Eminence, since that information had been supplied to his delegation, it would be preferable that in the future the Committee as such took a decision before such papers were given to any persons outside the Commission.

The CHAIRMAN agreed on the principle of the view expressed by the United States representative. He much regretted the fact that the Committee had not been entirely in agreement with him in transmitting the papers from the Russian Orthodox Societies to His Eminence Archbishop Germanos. He had not been under the impression that the papers had been confidential in nature and he had considered it desirable for His Eminence to be informed of the situation in view of the close relationship which naturally existed between the Greek and Russian Orthodox Churches.

Mr. ERALP agreed with the United States representative and pointed out that it was the regular procedure for summary records of meetings to be supplied to those who had been present.

Discussion of the draft report on the activities of the Committee on Jerusalem since its First Progress Report

Mr. BARCO wished to make a few minor drafting amendments which he proposed to discuss himself later with the Committee Secretary. There were however two points of substance which he wished to raise.

In the first place, he thought it would be desirable to expand paragraph 13 by including the representative of Israel's statement to the effect that with respect to Holy Places, his Government would accept the position as it had been under the British Mandate. In the second place it would also be desirable to add to the survey of the Lebanese representative's views, some reference to the fact that he seemed disposed to agree to an Arab and a Jewish zone in the Jerusalem area.

Mr. ERALP wished to suggest some drafting changes in paragraph 15, which would then read as follows: "In the light of this situation, and on the assumption that it would be of little practical value to draw up a scheme for internationalization which would have no prospect of acceptance by the parties most directly concerned, it is continuing its efforts to work out proposals for an international regime which, while constituting a genuine implementation of the terms of the resolution in their general sense, would also take into account so far as practicable the views of the interested parties and which would be workable in itself."

With regard to the concluding sentence of sub-paragraph 2 of paragraph 14, he did not think it entirely accurate to state that the Arab interpretation of paragraph 8 of the General Assembly's resolution of 11 December 1948 differed radically from the terms of the resolution.

Mr. BARCO thought that, essentially, the Arab interpretation did not allow for the maximum of local autonomy which the General Assembly's resolution had contemplated. Moreover, the Arab States insisted on large military forces to enforce an international regime which was an interpretation which the General Assembly had certainly not had in mind.

Although the most accurate method would be to point out the various points on which the two interpretations differed, he agreed to a suggestion by the Chairman that the most practical solution would be to delete the latter part of the sentence, i.e., "but also difficult to reconcile with the above-mentioned terms of paragraph 8 of the resolution, however wide they may be interpreted".

The COMMITTEE SECRETARY emphasized the fact that not only the position of Israel was difficult to reconcile with the terms of the General Assembly's resolution. This was also the case in regard to the Arab position as it had obviously not been the General Assembly's intention that the regime for Jerusalem should be that indicated in the Partition Plan. He pointed out also that, in his opinion, the opening sentences of paragraph 14 should necessarily lead to some conclusion as to the relationship of the attitude of both parties to the resolution itself as well as to each other.

The CHAIRMAN agreed with the Committee Secretary that the Arab view could not be taken to be in conformity with the General Assembly's resolution.

Mr. ERALP, however, supported by the representative of the United States, maintained the view that it would nevertheless be preferable to delete the latter part of the sentence and suggested that it should stand as follows: "It appears, however, to the Committee that the interpretation given by each Party of the concept of internationalization, as envisaged in the above-mentioned terms of the resolution, is radically different from that of the other Party".

He suggested also, in the third sentence of sub-paragraph 2 of the same paragraph, that "the terms of the resolution" should be substituted for "the terms thus applied by the resolution".

The CHAIRMAN also wished to propose several minor drafting amendments.

With regard to paragraph 7, he suggested that the Chief Ashkenazic and Sephardic Rabbies should be clearly specified in the list of religious dignitaries. In sub-paragraph 2, he thought it should be mentioned that the Committee had sought to make contact with representatives of the Syrian Jacobite Church as well as of the Syrian Catholic Church. In sub-paragraph 4, he suggested that the reference to the views of the representative of the Coptic Patriarchate should be placed in parentheses, and, in sub-paragraph 6, that the Chief Ashkenazic Rabbi should be specifically mentioned as such.

With regard to paragraph 8, in order to avoid any possible confusion, the word "Christian" should be added to the "following Holy Places". He suggested that sub-paragraph 2 of the same paragraph should be expanded further by the addition of such a phrase as "since circulation permits and facilities for buying and hiring vehicles were granted by the Israeli authorities only after long delay."

Referring to sub-paragraph 1 of paragraph 12, he considered, supported by the United States representative, that the Lebanese representative's statement should be expanded further to indicate that, in his view, such a corridor would not only be incompatible with such a regime but would also result in uncontrollable mass immigration from the sea towards Jerusalem, thereby transforming the character of Jerusalem from an international area to an integral part of the Jewish State.

With regard to sub-paragraph 6 of paragraph 12, he suggested that the words "with regard both to Jerusalem and to the Holy Places outside Jerusalem" should be added. He thought, moreover, that it would be desirable to introduce a new paragraph 13 after sub-paragraph 6, which would more specifically state the views of the various Arab States and in particular the remarks made by the representative of Egypt who had stressed that Jerusalem should not be the capital of the State of Israel and had strongly emphasized the fact that it had been a great sacrifice on the part of the Arab States to consent to the internationalization of Jerusalem which had been a Moslem responsibility for so many centuries.

The present sub-paragraph 7, explaining the stand of the Hashemite Jordan Kingdom, should remain as paragraph 14.

He proposed furthermore that the Committee should present the draft report as a Second Progress Report to the Commission.

Mr. BARCO wished, on behalf of the Committee, to express his appreciation to the Committee Secretary and to Mrs. Arakie for their work on the report.

Plan of Work of the Committee

The CHAIRMAN suggested that the Committee should start a detailed revision, paragraph by paragraph, of its preliminary draft for an international regime for the Jerusalem area, taking into account instructions which delegations had received from their respective Governments and information prepared by the Secretariat, particularly in connection with economic arrangements and customs duties. The draft could then be submitted to the Commission with the specific mention that it would only be valid on condition that a territorial link existed between Jerusalem and the State of Israel.

It would also be desirable for the Committee to discuss the draft declarations regarding the protection of and access to the Holy Places outside Jerusalem. The draft prepared by the Secretariat could be further broadened, and it was essential that mention should be made of the responsibility of the States concerned with regard to the issue of entry, transit and residence visas for ministers of religion and pilgrims on the recommendation of the United Nations Administrator for Jerusalem.