

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE
COMMITTEE ON JERUSALEM

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26 July 1949
ORIGINAL: ENGLISH

SUMMARY RECORD OF THE FORTY-FIRST MEETING

held in Lausanne on Tuesday,
26 July 1949, at 10:30 a.m.

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

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Guarantees with respect to Holy Places, religious buildings and sites outside the area of Jerusalem: Draft Declaration to be made to the United Nations.

After discussion, the Committee agreed on the following drafting amendments to the Draft Declaration concerning the Holy Places, religious buildings and sites in Palestine outside the Jerusalem area:

It was agreed that the Draft Declaration should henceforth be referred to as the Preliminary Draft Declaration, and that the preamble should not at this stage make specific mention of either Israel or the Arab States.

Paragraph 1: It was decided to delete "in conformity with existing rights", as well as the words "and decorum".

Paragraph 2: The CHAIRMAN suggested that a space be left following the words "The Holy Places, religious buildings and sites" in the first sentence of the paragraph in order that some further definition of Holy Places might be included at a later stage.

Following a suggestion by Mr. ERALP, the second part of paragraph 2 was deleted and the following sentence substituted: "No act of a nature to profane that sacred character, such as the construction of buildings in an unsuitable proximity, shall be permitted."

Paragraph 3: Paragraph 3 was approved as it stood, since the Committee considered that the rights of ministers of religion and others connected in a religious capacity with Holy Places were sufficiently protected in such an undertaking.

Paragraph 4: As in the preamble and paragraph 1, it was decided not to specify the name of the Government concerned for the present, and to delete "in conformity with existing practices" and the words "and decorum". It was also decided to substitute "pilgrims" for "congregations".

Paragraph 5: It was decided to redraft paragraph 5 to correspond with the terminology used in paragraph 6, article 36, of the draft statute for Jerusalem drawn up by the Trusteeship Council, substituting the date of 15 May 1948.

Paragraph 6: Mr. BAECO wished to point out to the Committee that it would be desirable that some mention should be made at that juncture of the judiciary organ which would have jurisdiction to ascertain whether the provisions contained in the draft declaration were being adhered to.

The Committee decided to redraft paragraph 6 as follows:

"The provisions of paragraphs 1 - 5 above shall be under the effective supervision of the administrative and judicial authorities of the United Nations in Jerusalem in conformity with the relevant provisions of the Instrument establishing a permanent international regime for Jerusalem. The Government of undertakes to cooperate actively with the United Nations (representative) in this task and to take special account, in regard to the granting of entry and exit visas and residence permits in its territory to ministers of religion and pilgrims of the Christian, Jewish and Moslem religions, of the recommendations addressed to it by the United Nations (representative). The Government of furthermore undertakes to grant the latter the privileges and facilities necessary for the performance of his functions".

Request from the General Committee to the Jerusalem Committee for information and views concerning the question of the control of religious property (Com.Jer./W.28).

The Committee agreed to defer action in this matter until further study had been given to the working paper prepared by the Secretariat.

The Committee decided to hold its next meeting on Monday, 1st August.