

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

COMMITTEE ON JERUSALEM

RESTRICTED
Com.Jer./SR.44
4 August 1949
ORIGINAL: ENGLISH

INDEX UNIT
13 DEC 1950

M. | SUMMARY RECORD OF THE FORTY-FOURTH MEETING

held in Lausanne, on Thursday,
4 August 1949, at 10:30 a.m.

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

Consideration of amendments proposed by the French and United States delegations to the preliminary draft for an international regime for the Jerusalem area (Com.Jer./W.18).

(Continued)

Article 6:

Article 6, as amended by the United States delegation, was adopted, with a further amendment to the first sentence of Article 6A to read as follows: "Similarly on behalf of the United Nations, the Commissioner shall supervise and report to the appropriate organ on ..."

Article 7:

Mr. BENOIST wished to point out in connection with articles 7 and 8 that, although the United States representative had assured the Committee that he would not submit any changes of substance and that his suggestions were merely in the nature of drafting amendments, he had nevertheless suggested the deletion of Article 8.

The French delegation had always held the view that, if the idea of a corpus separatum were abandoned, some provisions regarding transfers of land and control of immigration must be kept. His delegation had, in a spirit of conciliation, agreed to the United States proposal to delete Article 8, but that was only on condition that some mention was made of town planning in the previous article, such as provided for in sub-paragraph (c) of Article 7 of

the suggestions of the French delegation. If that were not agreed to, it would be impossible for him to accept deletion of Article 8 and he would be obliged to consult his Government further on the subject.

Mr. BARCO wished to make it clear to the Committee that when he had stated that he would propose no fundamental changes, he was referring to the draft proposal as it stood before he went to Jerusalem. Articles 8 and 18 were inserted during his absence and he had not had the opportunity of discussing them.

With regard to the question of investing the United Nations Commissioner with authority in matters of construction and real estate, he considered that not only was such a suggestion out of keeping with the basic idea behind the draft proposal which sought to retain maximum local autonomy, but that it was moreover an impossible task for the Commissioner to perform. He had agreed to amendments to Article 3 which raised the question of maximum local autonomy in both zones, but he thought that it was essential that the question of principle be agreed upon clearly between members of the Committee in order to avoid any future divergencies.

Mr. BENOIST emphasised the fact that he was in no way opposed to the principle of maximum local autonomy, but that the suggestion put forward by his delegation had been made with a view to the preservation of the site itself of Jerusalem, of which specific mention had been made in the General Assembly's resolution of 11 December 1948. He furthermore called the Committee's attention to the fact that sub-paragraph (c) of Article 7 of the French delegation's amendment referred to town-planning in a much broader sense than the more detailed provisions of the original Article 8 and implied that the Commissioner would take into account the vote of the General Council. It was obviously not intended to stop small-scale individual construction; the aim was to prevent a large-scale plan for the building of new residential quarters, the construction of so-called "low-cost" dwellings, prefabricated houses, tenements, or temporary or permanent hutments. The powers which the French

delegation proposed to give to the Commissioner in this field would moreover have the advantage of allowing him in practice to counteract large-scale and systematic immigration in the area of Jerusalem.

In reply to Mr. Barco, who had said that he himself had not agreed to the original Articles 8 and 18, Mr. Benoist wished to recall that these Articles had been approved by Mr. Ethridge before his departure.

The CHAIRMAN stressed the fact that Article 7 of the draft proposal was one of the few articles in which some vestiges of the "effective United Nations control" provided for by the General Assembly remained, and he thought therefore that it would be desirable that the United Nations Commissioner be invested with real authority in the matter. Since moreover his decisions would be taken after voting by the representative body, he could not see that such a procedure was indeed incompatible with the maximum local autonomy envisaged.

Mr. BARCO said that he raised no objection with regard to the principle of the preservation of the site but to the wide authority implied in control of town-planning, which he thought it would be impossible for the Commissioner to enforce in point of fact. Should the Committee decide that it would be desirable to extend the powers of the Council, further provisions to that effect would have to be included in the draft, although, in his opinion, a definite legislative body would be unacceptable to both parties concerned. The proposals which had been made were a fundamental departure from the stand he had hitherto taken. He would, however, give the matter his fullest consideration and consult his delegation on the subject.

The Committee agreed, on a suggestion by the Chairman, to postpone further consideration of Article 7 until a subsequent meeting, and to request the Committee Secretary to prepare in the meantime a working paper suggesting the form, the constitution and functions of such a Council might take and the powers and the duties of the Commissioner and the Council with regard to each other. It was further decided that the number of

members of the Council might be increased from nine as that would prove insufficient for a legislative body with wide powers.

The Committee agreed also to a suggestion made by the French representative to postpone consideration of Article 8 until Article 7 had been discussed since he considered the powers of the International Tribunal would vary according to the extent of the authority attributed to the Council provided for in Article 7. Moreover, the Committee Secretary informed the Committee that he would then be in a position to supply further information regarding court procedure in Palestine.