

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

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COMMITTEE ON JERUSALEM

1 DEC 1950

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RESTRICTED
Com.Jer./SR.46
12 August 1949
ORIGINAL: ENGLISH

SUMMARY RECORD OF THE FORTY-SIXTH MEETING

held in Lausanne, on Friday, 12 August
1949, at 10.30 a.m.

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

Mr. BENOIST informed the Committee that his delegation wished to receive some clarification from the Israeli representatives on the report that sections of new Israeli ministries were being established in Jerusalem, a procedure which was contrary to the principle of the internationalisation of the city and would greatly hamper the Committee's work in drawing up its proposals, and also on the speech made by Mr. Ben Gurion at the reopening of the railway between Tel Aviv and Jerusalem. As representative of France, he reserved the right to speak on the subject. He also wished that the Committee should take note of the tenor of speeches which would obviously be made on the occasion of the transfer of Theodore Herzl's ashes to Jerusalem.

The Committee agreed accordingly to hold a meeting with the Israeli delegation the following day, Saturday, 13 August at 10.30 a.m.

Consideration of the draft prepared by the Secretariat of the Instrument establishing an international regime for the Jerusalem area (Com.Jer./W.31).

The CHAIRMAN wished to express his appreciation to the Committee Secretary for drawing up the draft which was a reconciliation of the original preliminary draft and the amendments proposed by the French and United States delegations. He suggested that the most satisfactory procedure to follow before submission of the draft to the Commission would be to consider the draft article by article.

It was so agreed.

The SECRETARY, commenting on the working paper he had prepared, explained that, with regard to the Preamble, he had phrased it in a form suitable for presentation by the Commission to the General Assembly. The General Assembly could then alter it in any way it thought fit. Since Articles 1 to 5 had already been adopted by the Committee, he had made only one or two small changes in these articles. and in the rest of the draft, he had tried, whenever possible, to balance the plan as a whole, viewing it as a general proposal which should not be burdened by unnecessary details. If the proposal was adopted by the General Assembly, more detailed provisions would doubtless have to be made, but at the present time the draft should, in his opinion, be a general indication of the Committee's views.

Mr. BENOIST, whilst agreeing with the Secretary, pointed out that a certain amount of detail was in his view desirable. For instance, where disputes between Catholic and Orthodox communities were involved, the Commissioner should intervene but only with the assistance of a special committee. Two or three of these special committees should be set up to deal with the various religious sects. He would however raise that point again when the corresponding article in the new draft (Article 19) was considered by the Committee.

The Committee approved the Preamble and Articles 1 and 2 of the new draft. Article 3 was also approved as amended by the United States representative, who proposed that the words "United Nations Commissioner and" should be inserted before the word "organs".

Article 4. After some discussion, the Committee decided to replace Article 4 by Article 19 of the original draft.

Article 5.

Mr. BARCO stated that for the purpose of an agreed text to be submitted to the Commission, the present form of the Article was satisfactory to him. He would suggest, however, that the words "be allowed" should be deleted.

Mr. BENOIST pointed out that Article 5 would undoubtedly serve a useful purpose. It should be phrased, however, with the strongest possible emphasis, and he would therefore suggest that the word "essentially" be deleted.

The Committee approved provisionally Article 5 with the amendments proposed by the United States and French representatives.

Article 6.

The Committee approved Article 6 as amended by the United States representative who proposed the deletion of the words "with the consent of the General Assembly" in the second paragraph.

Article 7.

The SECRETARY wished to draw the Committee's attention to the Note prepared by the Secretariat on the question of the "Administrative Council" for the area of Jerusalem (Com.Jer./W.32). That Note had explained the reasons for drafting Article 7 as it now appeared in the draft. It was important, in the first place, that the zones should be accorded equal representation on the Council, and that at the same time there should be equality between Jews, Arabs and Christians on it. Secondly, the procedure of the Council should be so as to give the United Nations Commissioner powers of decision. Finally, it should be kept in mind that the Council was not a legislative or administrative body but primarily an organ which would have to coordinate the efforts of the two zones in matters of a municipal character.

Mr. BENOIST agreed with the principle of equality contained in the Secretary's draft. He thought however that the number of the members of the Council should be increased to include at least six Christian representatives who would represent the Catholic, Orthodox and Protestant communities. Although the body was an administrative one, it would have to deal with questions of considerable importance, such as town-planning for instance, and that, in his opinion, called for discussion by a more fully representative body.

Mr. BARCO maintained the view he had expressed in previous meetings to the effect that no difference of opinion as to the principle of the question existed between the United States and French delegations. His delegation was, however, preeminently concerned with the practicability of the proposals the Committee would put forward and he considered that too large a General Council would prove

unwieldy. Moreover, since it was an administrative body which would have to take decisions on such matters as public services, he did not think religious affiliations should make for any divergency of interests.

The CHAIRMAN pointed out that the principal consideration with regard to the General Council was its functions and powers, as set forth in Article 10. Once agreement had been reached on that, it should be possible to agree on the number of representatives such a body would have.

Accordingly, the Committee agreed to hold its next meeting the following morning, following the meeting with the delegation of Israel, thus giving members of the Committee an opportunity to give further consideration to the question of the General Council.