

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

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COMMITTEE ON JERUSALEM

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SUMMARY RECORD OF THE FIFTY-FIRST MEETING

held in Lausanne, on Wednesday, 24 August 1949
at 6:15 p.m.

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

Examination of Introduction and Part B of the Third
Progress Report (Comments on Articles of Instrument).

The Committee agreed first of all to rearrange the order of the first three paragraphs of the Introduction, paragraph 2 becoming paragraph 1, paragraph 3 becoming paragraph 2 and paragraph 1 becoming paragraph 3. Certain minor drafting amendments were made and it was decided that the new paragraph 1 should read as follows: "The General Assembly of the United Nations, under paragraph 8 of the resolution of 11 December 1948, decided that the Jerusalem area should be accorded "special and separate treatment from the rest of Palestine" and should furthermore be placed "under effective United Nations control". "

In paragraph 4, it was decided to make certain minor drafting changes, and to delete the sentence: "The remainder of the Committee's work was devoted to examining, amending and elaborating this draft proposal", as well as the footnote, and to substitute the following passage: "At its thirty-first meeting, held on 10 May 1949, the Committee finished its detailed examination of the working paper prepared by the Secretariat (Com.Jer./W.16), and drew up a revised text entitled "Preliminary Draft: International Regime for the Jerusalem Area" (Com.Jer./W.18). The Committee has subsequently examined, amended and elaborated this draft proposal (Com.Jer./W.31.Rev.1)". The reference number Com.Jer./W.31.Rev.2 would correspondingly be added

in the reference to the final text.

In paragraph 5, it was decided to amend the first sentence to read: "In drawing up the Instrument establishing an International Regime for the Jerusalem Area, the Committee, anxious to elaborate a scheme which could be applied at the earliest date, has based itself on the situation in the Jerusalem area as it exists at present". The end of paragraph 5 was redrafted as follows: "...to make it possible for the Instrument, with minor modifications, to be applied to any territorial situation that might emerge from the final settlement of the Palestine problem".

The Committee therefore approved the Introduction as amended.

The CHAIRMAN invited the Committee to comment, article by article, on Part B of the Third Progress Report.

Article 1:

The Committee agreed that Article 1 should be amplified by a reference to the Mixed Boundary Commission, explaining why such a Commission should be set up.

Article 2:

The Committee agreed to delete the final sentence and to substitute the following: "The view was expressed that the parties concerned, if possible, should reach agreement on the demarcation line. If they failed to reach agreement on such a demarcation line prior to the time that the Commission submitted its proposals on Jerusalem to the General Assembly, the Committee might then itself propose a demarcation line".

Mr. BENOIST thought it would be preferable that a statement be included in that article to the effect that a demarcation line had been suggested, the boundary lines proposed by the French delegation then being described. It could then be said that the Committee had however, with the consent of the French delegation, agreed to postpone examination of that question to some future date. The French delegation of course would not be mentioned by name.

The CHAIRMAN, supported by Mr. Eralp, thought it would be unfortunate to include such a statement since it would seem to imply that disagreement on that subject had existed

within the Committee, whereas, in point of fact, the matter had not even come up for ^{full} consideration. If it had done so, such a line might have had the support of other members of the Committee. It would not be relevant therefore to such a statement in Article 2.

Mr. BENOIST agreed, in view of these considerations, to withdraw his suggestion.

Article 3:

As well as making certain minor drafting amendments, the Committee agreed to delete sub-paragraph (b) and to amend the words "the territorial integrity and political independence of the area" in sub-paragraph (c) to read "the territorial integrity and political character and independence of the area and public order therein".

On a suggestion from Mr. Eralp, it was agreed to add the following sentence at the end of Article 3: "In so doing, the Committee has envisaged that this question will be interpreted in the light of the political and territorial dispositions of the final settlement of the Palestine problem".

Article 4:

On a suggestion from the CHAIRMAN, the Committee agreed to amend the first paragraph as follows: "The purpose of this Article is to maintain the existing character of the area of Jerusalem and in particular to prevent either of the two zones from becoming the capital of the adjacent States which, in the opinion of the Committee, would be inconsistent with the special international status to be accorded to the Jerusalem area". It was furthermore agreed to replace the last sentence of the article by the following: "The Committee finally agreed on an expression of these views by providing that only such agents and officials, administrative organs and public services as are normally necessary for the administration of municipal affairs may be maintained in the respective zones".

Article 5:

The Committee approved Article 5 with slight drafting changes, substituting "feasibility of this provision" for "necessity of this provision". The second paragraph would necessarily have to be adapted to correspond with the redraft

of the provision in the Instrument itself.

Article 6:

The Committee agreed to delete comment on Article 6.

Article 9:

The Committee agreed to delete the final sentence in the first paragraph and the third paragraph. In addition to certain minor drafting changes, it was also decided to substitute, in the second paragraph, "the various Christian, communities of the Jerusalem area" for "the Catholic, Orthodox and Protestant communities" and to amend the last sentence of that paragraph to read: "The Committee agreed, after further deliberation, to raise the membership from nine to fifteen, of whom five, including the Commissioner, would be neither Moslem nor Jewish".

Article 10:

The Committee agreed that, since Article 10 in the Instrument had been revised since the commentary had first been drafted, the Secretary should be requested to prepare a new commentary on that article. The new commentary should state that the Committee had first of all based itself on the assumption that the Commissioner would be responsible for the various functions discussed in that commentary, but had subsequently decided that the General Council, as a representative body, should be responsible for them.

Article 13:

The Committee agreed to delete the comment on Article 13.