

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

COMMITTEE ON JERUSALEM

DC-1115
INDEX UNIT

17 DEC 1950

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RESTRICTED
Com.Jer./SR.52
25 August 1949
ORIGINAL: ENGLISH

SUMMARY RECORD OF THE FIFTY-SECOND MEETING

held in Lausanne, on Thursday, 25 August 1949
at 10 a.m.

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

Examination of Part B of Third Progress Report (Comments
on Articles of Instrument) (Continued)

Article 14:

The Committee agreed that several minor amendments should be made and that the Article should be redrafted to commence with the existing second paragraph, include some explanation to the effect that such a definition had been considered too broad in its scope and likely to lead to controversy and then state that the Committee had adopted the following definition as set forth in the existing ~~first~~ paragraph:

Article 16:

The Committee approved the comment on Article 16.

Article 18:

The Committee agreed, in addition to making several minor drafting amendments, to a suggestion by Mr. BENOIST to insert the following paragraph after paragraph 4:
"The view had been expressed that a Commission for Holy Places should be established similar to the one provided for under Article 14 of the Mandate for Palestine, this Commission to be composed of either consular representatives in Jerusalem of the States traditionally most concerned with the Holy Places, or of the heads of the various Christian, Jewish and Moslem religious groups. The Committee concluded that the difficulties of determining an acceptable composition of such a Commission made its establishment impracticable".

Article 19:

The Committee agreed to a suggestion from Mr. BENOIST to amplify the second sentence to include mention of the International Tribunal, by adding the words "and, when necessary, to submit cases under these undertakings to the International Tribunal for decision". Several minor drafting changes were also agreed to.

Article 20:

The Committee agreed to delete the comment on Article 20.

Consideration of amendments to Part C of Third Progress Report (Draft Declaration concerning Holy Places, religious buildings and sites outside the Jerusalem area).

Mr. BENOIST submitted to the Committee his delegation's revised draft declaration concerning the Holy Places, religious buildings and sites in Palestine outside the area of Jerusalem, and drew attention to the main features of the amendments proposed, namely, that, in the first place, the mention in the original draft of the maintenance of public order had been deleted since that seemed to be a contradiction in terms and moreover the declaration would be more acceptable to the Government concerned if such a reservation were omitted; secondly, that the representative of the United Nations in Jerusalem had been mentioned since that would bring the declaration up to date and enable it to be put into application as soon as was necessary; and, finally, that the reference to the construction of buildings in an unsuitable proximity had been thought unnecessary and had been deleted.

The CHAIRMAN invited the Committee to comment on the revised draft declaration submitted by the French delegation paragraph by paragraph.

Article 1:

The Committee agreed to delete the words "freedom of conscience".

Article 2:

The Committee agreed that the words "regarded as such on 14 May 1948" should be inserted following the words "Holy Places, religious buildings and sites" so that the

declaration would conform fully with the provisions of the Instrument.

Article 3:

Following a discussion as to the extent to which the Committee had authority to make provisions with regard to the secular aspect of the activities of the clergy, the Committee agreed to amend the second paragraph to read as follows: "The Government of undertakes in particular to assure the safety of ministers of religion, those officiating in religious services and of the members of religious orders and institutions; to allow them to exercise their ministries without hindrance; and to facilitate their communications both inside and outside the country in connection with the performance of their religious duties and functions".

Article 4:

The Committee agreed to a suggestion by the CHAIRMAN to replace the first paragraph by the following: "The Government of undertakes to guarantee freedom of access to the Holy Places, religious buildings and sites within its territory and, pursuant to this undertaking, will guarantee rights of entry and of transit to ministers of religion, pilgrims and visitors without distinction as to nationality or faith, subject only to considerations of national security".