

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

COMMITTEE ON JERUSALEM

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SUMMARY RECORD OF THE FIFTY-FIFTH MEETING

held in Lausanne, on Wednesday,  
31 August 1949, at 6 p.m.

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

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Drafting of a covering letter to the draft Instrument  
establishing an international regime for the Jerusalem area.

The CHAIRMAN stated that in view of the fact that a copy of the draft Instrument establishing an international regime for the Jerusalem area would be forwarded to the Secretary-General of the United Nations, the Committee on Jerusalem had been requested to draft a covering letter.

He suggested, however, that since the Instrument was not to be accompanied by any commentary, it might be desirable for the letter to be somewhat fuller in form and to assume the nature of a short report.

He invited the Committee to comment on a draft prepared by the French delegation, which gave some account of the reasons for leaving a space to be filled in at a later date in two of the articles of the Instrument, and of the motives which had led to the idea of a corpus separatum being abandoned.

Mr. BARCO also submitted a draft prepared by the United States delegation in cooperation with the Secretariat, which took the form of a letter. He considered that the document would have greater authority if it were signed by the three representatives on the Conciliation Commission.

After discussion, the Committee adopted the first, second and fourth paragraphs of the French draft with some minor drafting amendments. It also decided to delete the third paragraph of the French text.

The Committee next adopted sub-paragraph (1) as contained in the United States draft, amending "minor modifications" to read "certain modifications". It further decided to substitute this text for sub-paragraph (1) of the French text.

The CHAIRMAN wished to call the Committee's attention to a difficulty which, in his opinion, would arise from the statement in sub-paragraph (2) of the United States draft to the effect "that the parties concerned should themselves reach agreement on such a demarcation line". He considered that it would be a complicated matter to decide who were the parties to decide on such a demarcation line.

Mr. BARCO agreed that, although it was of course a serious consideration to decide who the parties were, any agreement which could be reached would of course be very desirable from the point of view of the Commission. Moreover, he thought it would be unfortunate to make a statement such as that contained in sub-paragraph (2) of the French draft saying that the definitive delimitation of the zones should not take place before the final settlement of the Palestine problem, since that might appear as if the Commission were standing in the way of the parties reaching agreement.

After considerable discussion, the Committee approved the following redraft of sub-paragraph (2):

"In view of the fact that the question of the demarcation line between the Arab and Jewish zones of the area of Jerusalem (Article 2) is intimately connected with the final settlement of the Palestine problem, the Commission has not deemed it advisable at the present stage to make any proposals as to the actual demarcation line. The Commission hopes that this matter will be settled by agreement. Pending such a settlement, the Commission believes that the Instrument can be put into effect with the present armistice line as a provisional demarcation line, without prejudice to the establishment of a definitive line at a later stage".

The CHAIRMAN, commenting on sub-paragraph (3) of the French draft, explained that his delegation desired such a statement to be included since if no date were specified in Article 25 of the Instrument, that might well lead the

parties concerned to believe that it was the Commission's opinion that the Jerusalem question would not be discussed by the General Assembly at its forthcoming session. This might lead to serious consequences, for example the creation by the Israeli authorities of a fait accompli with regard to the New City, which would greatly hamper the work of the Conciliation Commission. His delegation thought therefore that to include such a reference would tend to make them adopt a more conciliatory attitude.

Mr. ERALP agreed with the Chairman that it was necessary for the Committee on Jerusalem to make some recommendation as to the procedure to be followed, though the statement could possibly take a different form from that proposed by the French representative. It was his delegation's view that a reference should be made to the desirability of deferring consideration of the Jerusalem question by the General Assembly in order not to jeopardise the work of the Conciliation Commission, at the same time, however, in some way strengthening the authority of the United Nations representative in the City.

Mr. BARCO could not agree with the procedures suggested by the two previous speakers. He fully appreciated their motives, but did not consider that it was either possible or desirable for the Commission to indicate to the General Assembly what course it should follow concerning discussion of the Jerusalem question short of taking the major decision of recommending that its discussion be deferred pending a final settlement of the Palestine problem as a whole. His delegation did not at present favour taking such a decision and to make a statement such as that proposed by the representative of France would merely serve to cast doubts on the acceptability of the proposals contained in the Instrument, and would weaken its chances of adoption by the General Assembly if the Instrument were discussed. He reminded the Committee that, in any case, it was the General Committee of the General Assembly which would propose to the Assembly the time when the Jerusalem question would be discussed and this might well be at the latter stage of the Assembly's proceedings.

The Committee agreed therefore to delete sub-paragraph (3) of the French draft and to submit the approved draft to the Conciliation Commission in the form of a report.

Presentation of the draft declaration concerning the Holy Places, religious buildings and sites in Palestine to the political authorities of the areas concerned.

After discussion, the Committee agreed to refer to the next meeting of the Commission the question of the procedure to be followed with regard to the presentation to the authorities concerned of the draft declaration concerning Holy Places, religious buildings and sites in Palestine, and to recommend to the Commission that the declaration should be transmitted to the delegation of Israel and to those of all the Arab States immediately, accompanied by covering letters stating that such a course did not in any way prejudice the final territorial settlement. A copy of the declaration would also be transmitted to the Secretary-General for information purposes, and when replies were received, they too would be communicated to the Secretary-General for transmission to the General Assembly.