

INDEX UNIT

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Permanent International Statute for the
Territory of Jerusalem

(Working Paper submitted by the French member of the Committee)

Preamble

1) The Territory of Jerusalem, by reason of its association with three world religions, shall be placed under the collective protection of the United Nations.

It shall be demilitarized and declared neutral.

It shall include the city of Jerusalem and the surrounding villages and towns, the most western of which shall be EIN KARIM (including the built up area of MOTSA), the most northern SHU'FAT, the most eastern ABU DIS and the most southern BETLEHEM.

2) The Territory of Jerusalem shall be divided into two autonomous zones, referred to hereafter as the Jewish zone and the Arab zone.

The Jewish zone shall include the area located to the west of Jerusalem and the major part of the New City as well as Mount Scopus.

The Arab zone shall include the areas to the north, east and south of Jerusalem and the Old City.

3) The Churches of the Holy Sepulchre and of the Nativity, the Church of the Tomb of the Virgin, the Mosque of Nabi Daoud, the Parvis of the Wailing Wall and the Jewish Cemetery in the Josaphat Valley shall be placed under the direct control of the United Nations.

The buildings occupied by the Representatives of the United Nations in the Territory of Jerusalem shall also be

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placed under the direct control of the United Nations.

[4) Any person in the Territory of Jerusalem may invoke the provisions of the Declaration of Human Rights adopted on December 1948 by the General Assembly of the United Nations.

5) Any ethnic, religious or linguistic group in the Territory of Jerusalem may invoke the provisions of the International Convention on the repression of Genocide adopted on December 1948.]

P A R T I.

CONSTITUTIONAL PROVISIONS

6) Persons belonging to the Territory of Jerusalem shall have their own citizenship exclusive of any other nationality.

7) Any person shall be considered a citizen of Jerusalem, who, at the time of the entry into force of the present statute is ordinarily a resident of the Territory of Jerusalem and who has declared within three months of such entry into force that he wishes to renounce any other nationality. This declaration shall be binding on the wife of the person in question unless she declares otherwise and on his minor children.

8) Any citizen of the Territory of Jerusalem who enlists in a foreign army or submits to conscription laws of a foreign State, shall lose the citizenship of the Territory of Jerusalem,

9) Any citizen of the Territory of Jerusalem shall be declared according to his residence as belonging either to the Jewish or to the Arab zone. Foreigners who are ordinarily resident in the Territory of

/Jerusalem

Jerusalem shall belong neither to the Jewish nor to the Arab zone.

10) The official languages of the Territory of Jerusalem shall be Hebrew, Arabic, French and English.

11) The Territory of Jerusalem shall have its own flag (described in annex), seal and coat of arms.

12) There shall be established an independent monetary system for the Territory of Jerusalem.

13) The Territory of Jerusalem shall constitute an economic free zone.

The authorities of the Territory of Jerusalem shall not impose restrictions or collect taxes on goods and merchandise entering or leaving the territory (with the exception of arms, ammunition and explosives).

P A R T II

AUTHORITY OF THE UNITED NATIONS

14) The United Nations shall be represented in the Territory of Jerusalem by an Administrator appointed for three years by the General Assembly. He shall be responsible to the Assembly and may be dismissed by it. The General Assembly shall appoint a Deputy Administrator on the recommendation of the Administrator.

The Administrator and his Deputy shall not be citizens of Jerusalem or of the State of Israel or of any Arab State.

The Administrator and his Deputy shall be assisted by an Executive Council of which they shall be Chairman and Vice-Chairman respectively, by a Supreme Court, Mixed Tribunal, Civil Guard and an International Police Force.

15) The Executive Council shall be composed of nine members, three of whom shall be appointed by the authorities of the Jewish zone, three by the authorities of the Arab zone and three by the Administrator. The latter will endeavour to ensure by his choice the representation of the principal groups in Jerusalem other than Arab and Jewish communities.

16) The Administrator with the assistance of the Executive Council shall take the necessary legislative measures to ensure:

the maintenance and protection of and freedom of access to the Holy Places and buildings enumerated in article 3;

protection of and freedom of access to all hospices and to all other places and buildings of a religious or educational character;

the maintenance of order on the basis of the existing Status Quo of the Churches of the Holy Sepulchre and of the Nativity, the Church of the Tomb of the Virgin, the parvis of the Wailing Wall and the Jewish Cemetery in the Josaphat Valley;

the maintenance of public order;

the proper functioning of the principal common services in the Territory of Jerusalem.

17) The Administrator shall report to the Security Council any occurrence or situation which, in his opinion, is contrary to the provisions of the present statute.

18) Foreign consular representatives in Jerusalem shall be accredited to the Administrator who shall grant them exequaturs valid for the whole of the Territory of Jerusalem.

The Territory of Jerusalem shall be represented abroad, if the occasion arises, by the Secretary-General of the United Nations or by his representatives.

/19). The Administrator

19) The Administrator shall be authorized to ask the Governments of the States both neighbouring and adjacent to the Territory of Jerusalem to facilitate the granting of rights of transit to all persons desiring to enter or leave the Territory of Jerusalem, and to take measures facilitating such transit.

20) Persons who are not citizens of the Territory of Jerusalem shall be granted free access to the territory and shall be permitted to remain in the territory for one month.

The Administrator alone shall be entitled to make exceptions to this rule, in particular to grant to non-citizens the right of permanent residence in Jerusalem.

21) The Civil Guard and the International Police Force shall be recruited and may be dismissed by the Administrator.

Members of the International Police Force shall not be citizens of Jerusalem, nor of the State of Israel or of any Arab State.

The International Police Force shall be fully equipped with up-to-date heavy flight arms and ammunition.

22) The allowances and the salaries of the Administrator, the Deputy Administrator, the members of the Executive Council, the Supreme Court, the Mixed Tribunal, the Civil Guard and the International Police Force as well as the cost and maintenance of the equipment at the disposal of the above mentioned personnel will be borne by the United Nations, the Jewish zone and the Arab zone, each paying one third, as expenditure in the international interest.

23) Expenditure resulting from the functioning of common services for the Jewish and Arab zones shall be equally divided between these two zones by the Administrator assisted by the Executive Council, as expenditure in the common interest.

/24). The Administrator

24) The Administrator shall submit, with the approval of the Executive Council, a yearly draft budget to the Secretary-General of the United Nations including an estimate and a justification of expenditures in the international and in the common interest of the Territory of Jerusalem. This draft will have to be approved by a resolution of the General Assembly during its ordinary session.

P A R T III

AUTONOMOUS ZONES

25) The Jewish and Arab zones of the Territory of Jerusalem shall be administered autonomously in accordance with democratic principles. Each zone shall have a Territorial Council, elected by universal, direct and secret suffrage on the basis of proportional representation. Each zone shall have an executive organ as well as its own judicial organisation.

26) The responsible authorities of the Jewish and Arab zones shall be authorized to take any legislative, administrative or judicial measures, compatible with the provisions of the present statute.

They shall be called upon, in particular, to determine and to collect taxes and to prepare the budget of their respective zones, taking into account their share of expenditures in the international and in the common interest, as requested by the Administrator and approved by the General Assembly.

27) The authorities of the Jewish and Arab zones shall be obliged to inform the Administrator of all measures taken by them of a legislative, administrative or judicial nature.

28) Each zone shall have its own police force, the size of which may not exceed that of the United Nations Police Force provided for by articles 21 and 22.

The autonomous police forces of the Jewish and Arab zones shall be armed only with side arms.

29) The responsible authorities of each of the two zones shall determine the composition of the tribunals of their zone and appoint and terminate the judges.

30) The tribunals of each of the two zones shall deal with disputes between two or more persons belonging to their respective zones as well as with crimes and offenses committed in their respective zones by one or more citizens of Jerusalem belonging to one or the other zone.

P A R T IV

SUPREME COURT

31) The Supreme Court of the Territory of Jerusalem shall be composed of three judges who shall be appointed and who may be dismissed by the International Court of Justice at The Hague. These judges shall not be citizens of Jerusalem nor of the State of Israel nor of any Arab State.

The Supreme Court shall coopt on a provisional basis and in case of a special appeal, two judges proposed by the responsible authorities of the Jewish and Arab zones, if the responsible authorities of one of the two zones submit such a request.

32) The Supreme Court shall determine, either ex-officio or at the request of the Administrator, the responsible authorities of the Jewish and Arab zones or of private citizens, the conformi-

of laws ordinances regulations, administrative acts and judicial decisions with the Permanent International Statute of the Territory of Jerusalem.

The Supreme Court shall also decide disputes between the religious jurisdictions established in Jerusalem.

P A R T V

MIXED TRIBUNAL

33) The Mixed Tribunal of the Territory of Jerusalem shall be composed of three judges appointed by the Supreme Court which may also dismiss them.

Two of these judges shall be chosen from candidates proposed by the responsible authorities of the Jewish and Arab zones respectively.

34) The Mixed Tribunal shall judge disputes between on the one hand, one or more foreigners and on the other, one or more citizens of Jerusalem, as well as crimes and offenses committed on this Territory by one or more foreigners.

The Mixed Tribunal shall also judge disputes between on the one hand one or more persons belonging to the Jewish zone and on the other hand one or more persons belonging to the Arab zone.

P A R T VI

MONETARY SYSTEM

35) The issue of the special currency of the Territory of Jerusalem shall be entrusted to a General Bank placed under the

control of the Administrator and the Executive Council.

The currency of the Territory of Jerusalem shall be legal tender in the entire Territory.

36) The Administrator shall be authorized, with the approval of the Executive Council, to conclude with the International Monetary Fund, to the exclusion of any other agency, an agreement guaranteeing the currency of Jerusalem.

37) The General Bank of Jerusalem shall be authorized to undertake all financial transactions with public and private banks of States other than the State of Israel or the Arab States.

The General Bank shall be authorized to undertake exchange transactions only with the private or public banks of the State of Israel or of the Arab States.

P A R T VII

TRANSITORY PROVISIONS

(To be drawn up later)