

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

COMMITTEE ON JERUSALEM

RESTRICTED
COM. JER/W.18
18 May 1949

9 DEC 1950



PRELIMINARY DRAFT

INTERNATIONAL REGIME FOR THE JERUSALEM AREA

I. GENERAL PROVISIONS

1. The area of Jerusalem shall include the town of Jerusalem, together with the surrounding villages and towns, the most western of which is Ein Karim (including also the built-up area of Motsa), the most northern Shu'fat; the most eastern Abu Dis, and the most southern Bethlehem.

2. The area of Jerusalem shall be divided into two zones defined hereafter as the Jewish zone and the Arab zone. The demarcation line between these two zones shall be as follows:

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3. The powers of the responsible authorities of the two zones may be exercised in respect of all matters not reserved by the present Plan to the exclusive competence of the international regime.

II. ORGANS

4. The United Nations shall be represented in the area of Jerusalem by an Administrator appointed for five years by the General Assembly. He shall be responsible to the General Assembly and may be dismissed by it. The headquarters of the Administrator shall be "Government House". The General Assembly shall appoint Deputy Administrator on the proposal of the Administrator.

The Administrator and the Deputy Administrator shall not be residents of the area of Jerusalem or nationals of the State of Israel or of an Arab State.

Article 5. The Administrator and the Deputy Administrator shall be assisted by an Administrative Council. This Council shall be composed of nine members, three of whom shall be appointed by the responsible authorities of the Jewish Zone, three by the responsible authorities of the Arab zone and three by the Administrator. The latter will endeavour to ensure by his choice the representation of the principal communities other than Arab and Jewish in the area of Jerusalem.

Article 6. On behalf of the United Nations, the Administrator shall ensure :

- (1) the protection of and free access to the Holy Places, in accordance with the terms of Articles 12 to 14 below;
- (2) the control of the demilitarization and of the neutralization of the area, in accordance with the terms of Article 15 below;
- (3) the protection of human rights and of the rights of distinctive groups, in accordance with the terms of Article 17 below.

Article 7. The Administrator, assisted by the Administrative Council, shall ensure :

- (1) the coordination of measures for the maintenance of public order;
- (2) the operation of the main services of common interest to the area of Jerusalem;
- (3) the equitable allocation of the contributions of each zone towards expenditure in the common interests.

Article 8. The following matters shall be submitted for the approval of the Administrator, with whom the final decision shall rest : sales, exchanges and all other transactions relating to real estate and to rights connected therewith; the construction and demolition of buildings and alterations thereto; the laying-out of squares and public gardens; the opening up of new roads; public utility works.

Article 9. There shall be established in Jerusalem an International Tribunal composed of three Judges who shall not be residents of the area of Jerusalem or nationals of the State of Israel or of an Arab State. They shall be selected by the President of the International Court of Justice.

The Tribunal shall have jurisdiction with respect to :

- (1) cases of jurisdictional conflicts between administrative organs and courts of the one zone and administrative organs and courts of the other zone;
- (2) cases submitted either by the Administrator or the responsible authorities of the Jewish or Arab zone involving claims that laws, ordinances, regulations, administrative acts or court decisions applying to the area of Jerusalem are incompatible with the present Plan.

The decisions of the Tribunal in all cases under paragraphs (1) and (2) of the present article shall be legally binding on the Parties;

- (3) cases submitted by the Administrator concerning any matter specified in Parts III, IV, VI and VII.

(a) If the Tribunal deems that a dispute submitted under paragraph (3) of this Article is susceptible of decision on the basis of law, it shall decide on that basis, utilizing the present Plan; or any of the sources set forth in Article 38, paragraph 1 of the Statute of the International Court of Justice. Such decisions shall be legally binding on the Parties.

(b) If the Tribunal deems that the dispute is not susceptible of decision on the basis of law, it shall render an opinion ex aequo et bono, giving special consideration, where appropriate, to the principles and purposes of the United Nations, to important United Nations resolutions and declarations, and to important multilateral treaties. Such opinions shall be advisory in character.

Article 10. These shall be established in Jerusalem a Mixed Tribunal composed of three Judges, two of whom shall be appointed by the responsible authorities of the Arab and Jewish zones respectively. The third Judge shall be appointed by the President of the International Tribunal and shall assume the chairmanship of the Mixed Tribunal. He shall not be a resident of the area of Jerusalem or a national of the State of Israel or of an Arab State.

The Mixed Tribunal shall have jurisdiction with respect to all civil cases in which the parties involved are not residents of the same zone or in which one or more of the parties involved are not residents of either zone. The Tribunal shall likewise have criminal jurisdiction with respect to all cases of offenses committed in one of the two zones, in which one or more of the defendants is a non-resident of such zone.

Article 11. The Administrator shall be authorised to recruit the number of guards necessary for the protection of the Holy Places, religious buildings and sites as well as for the protection of his headquarters and his staff and of any other place under his supervision and protection. He shall further be authorised to recruit the auxiliary administrative personnel necessary for the carrying out of his functions. Such guards and personnel may be dismissed by the Administrator.

The expenses of the salaries and allowances of the Administrator, the Deputy Administrator, the members of the International Tribunal and of the Mixed Tribunal, the guards and the administrative personnel shall be born by the United Nations.

III. HOLY PLACES, RELIGIOUS BUILDINGS AND SITES

Article 12. The Holy Places, religious buildings and sites in the area of Jerusalem and the routes giving immediate access to them, shall be placed under the exclusive control of the United Nations Administrator. The latter shall be empowered to make regulations to assure their protection and free access to them, and to station guards charged with the maintenance of order inside and outside them.

These Holy Places, buildings and sites, and their dependencies shall not be subject to any tax from which they were exempt on 29 November 1947. Their owners and occupiers shall not be subject to any tax which would place them in a less favourable fiscal situation than that which they occupied on 29 November 1947.

Article 13. The Administrator shall ensure for ministers of religion and to pilgrims free circulation throughout the area of Jerusalem. He shall have the power to negotiate and to conclude with all the interested States arrangements destined to facilitate the circulation of ministers of religion and of pilgrims who wish to enter or leave the area of Jerusalem.

Article 14. The Administrator shall decide disputes which may arise between religious communities or within a religious community in connection with Holy Places, religious buildings or sites. His decisions cannot be called in question in any court^{of the two zones}. He shall further have the power to carry out necessary repairs to Holy Places when such repairs are urgently needed and the community or communities concerned, though having been called upon, do not carry out within a reasonable time the repair in question.

IV. DEMILITARIZATION AND NEUTRALIZATION

Article 15. The area of Jerusalem shall be permanently demilitarized and neutralized. There shall be no military or para-military forces or stocks of war material within the area.

The responsible authorities of the two zones shall give formal assurances with respect to the demilitarized character of their respective zones, and the inviolability of the demarcation line between the zones. These formal assurances shall include the following provisions :

- (a) Both regular and irregular forces will be withdrawn;
- (b) All entrenchments and fortifications of a military nature of any kind will be destroyed;
- (c) All military operations, ground or aerial, within the perimeter of the area of Jerusalem are prohibited as are all military operations, ground or

aerial, which originate outside the area but might be capable of affecting places within the demilitarized area;

- (d) The importation, exportation, stockpiling of arms or munitions of any type is prohibited within the area as is the maintenance of passage through the area of military personnel either combattant or auxiliary.

Any violation of the provisions of the present Plan or any attempt to alter the international regime by force shall immediately be reported by the Administrator to the Security Council.

Nothing in this article shall affect the right of the two parties to maintain within their respective zones police forces armed with normal police weapons, for the purpose of maintaining order and security. The number of police in each zone shall not exceed 1,000.

V. ECONOMIC AND FINANCIAL PROVISIONS

Article 16. The responsible authorities of the Jewish and Arab zones shall be called upon to negotiate such arrangements of an economic and financial nature which may be appropriate in the circumstances, taking into consideration the necessity of facilitating commercial relations between the two zones.

VI. HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Article 17. All persons in the area of Jerusalem shall enjoy the human rights and fundamental freedoms set forth in the Universal Declaration of Human Rights of 1948.

If the United Nations Administrator considers that any such rights are being interfered with, he may bring the matter to the attention and submit the case to the Tribunal as provided in Article 9 or, if necessary, bring the matter before the competent organ of the United Nations.

VII. SPECIAL PROVISIONS

Article 18. The Administrator shall determine the conditions under which persons of any origin or of any nationality (including the citizens of the State of Israel or of an Arab State) who are not domiciled in the area of Jerusalem may be allowed to take up residence there. He shall deliver, prolong and suspend the necessary authorizations.

Article 19. The responsible authorities of the Jewish and Arab zones shall maintain in their respective zones only such agents and officials, and shall establish only such administrative organs and public services, as are normally necessary for the administration of municipal affairs.