

SUMMARY RECORD OF THE TWENTY-EIGHTH MEETING

held in Beirut, 24 March 1949

Present: Mr. de Boisanger (France) - Chairman
Mr. Yalcin (Turkey)
Mr. Ethridge (U.S.A.)
Mr. Azcarate - Principal Secretary

The Commission discussed the instructions to be given to the Jerusalem Committee. Mr. YALCIN pointed out that the Commission had a mandate from the General Assembly to establish an international regime for Jerusalem and must act according to its own ideas. It should not be impeded by or take into account the objections of either side, but must elaborate a statute to be imposed as directed by the General Assembly.

Mr. ETHRIDGE thought that it was necessary to consult the parties concerned in order to find all possible areas of agreement; the Commission had instructions from the General Assembly to that effect. He offered the following statement for the Commission's consideration concerning the Jerusalem Committee's terms of reference:

"In concluding its consideration of the Progress Report, the Commission made the following decisions:

"1. The previous terms of reference of the Committee were reaffirmed.

"2. More particularly, the Committee should, during the next phase of its work, continue its exploratory work in consultation with the parties concerned, with a view to advising the Commission as to the possibilities of achieving an international regime for Jerusalem which would

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be acceptable to the United Nations and to the parties concerned.

"3. The Committee was instructed to report further progress to the Commission."

Mr. YALCIN was not against consultation on practical questions but thought that any discussion of principle was beyond the competence of the parties concerned.

The CHAIRMAN drew attention to the mention of maximum local autonomy for various groups in the community, which he thought should be studied particularly, without impairing the international character of the statute.

Mr. ETHRIDGE pointed out that there was no mention of a "statute" in the resolution. The word in the English text was "status".

Mr. WILKINS explained that during the Assembly's deliberations in Paris it was considered that the international regime might be supervisory rather than under direct United Nations administration, as had been elaborated in the Trusteeship Council's draft statute. To revert now to a use of the word "statute" might prejudice the work of the Committee.

The CHAIRMAN believed that the Committee would have to take into account the Arab position that an international regime would be acceptable only with guarantees as to its permanence and durability.

Mr. YALCIN remarked that such guarantees should be made, regardless of the Arab position. He agreed that the Committee should continue its work, but thought that it must be impressed upon the interested parties that the resolution of the General Assembly was mandatory and they could do nothing which would go against it.

Mr. YENISEY thought that consultation should be limited to the Jews, since Transjordan had already indicated its position.

Mr. ETHRIDGE thought it would be a serious mistake not to consult all parties. He also pointed out that the original directive

had called for a technical committee of Consuls. They had suspended work and were waiting for further instructions. Mr. Ethridge thought a wire should be sent instructing them to proceed with their work.

The CHAIRMAN agreed that the Consuls should be employed in an advisory capacity but without taking direct responsibility in any negotiations.

The Commission finally instructed the Jerusalem Committee to proceed with its work, using the Consuls if necessary, for advisory purposes.