



GENERAL ASSEMBLY

ORIGINAL: ENGLISH

Fourth session

Item 18 (a) of the agenda

PALESTINE

PROPOSALS FOR A PERMANENT INTERNATIONAL REGIME FOR THE JERUSALEM AREA

Statement by the United Nations Conciliation Commission for Palestine

The publication of the proposals of the United Nations Conciliation Commission for Palestine* for an international regime for the Jerusalem area has given rise to a considerable number of critical comments and observations apparently based on a fundamental misunderstanding of the spirit and letter of the plan. The Conciliation Commission, therefore, believes it desirable at this time to point out some of these misconceptions and to outline briefly the responsibility of the Commission to the General Assembly and the character of the proposals made in discharge of this responsibility.

The General Assembly of the United Nations decided, by its resolution of 11 December 1948, that the Jerusalem area should be accorded "special and separate treatment from the rest of Palestine" and that it should be placed "under effective United Nations control". The General Assembly therefore instructed the Conciliation Commission for Palestine to present to the fourth regular session of the General Assembly "detailed proposals for a permanent international regime for the Jerusalem area which will provide for the maximum local autonomy for distinctive groups consistent with the special international status of the Jerusalem area". The Commission has been guided by these instructions in its efforts to reconcile the requirement of the General Assembly for "maximum local autonomy in Jerusalem" with the interests of the international community in a special status for the city, as expressed in the resolution.

The view has been held that the Commission's plan envisages a complete separation of Jerusalem from the political life and authority of the adjoining States. In fact, the Commission's plan, based on the present division of the City, leaves to the Governments of the adjoining States virtually all normal powers of government within the Arab and Jewish parts

* A/973

of Jerusalem respectively and makes it possible for them to retain or alter the present local administrations without hindrance from outside. Provision is made, however, for limited measures designed to protect the proper interests of the international community in Jerusalem and to facilitate peaceful relations and normal intercourse between the authorities and inhabitants of the Arab and Jewish parts of the divided City. Nor is it intended by the plan directly or indirectly to deprive any inhabitants of the area of Jerusalem of their nationality. The plan, on the contrary, assumes that the inhabitants retain the nationality which they now possess. No article of the plan prevents the inhabitants from enjoying all the rights and privileges or from performing all the duties which such nationality entails. In particular nothing infringes their right to vote or their eligibility for all public offices of their State, or interferes with their duties to conform to its laws and to submit to the jurisdiction of its courts, or to fulfil their military and fiscal obligations.

It has been asserted that the plan is fundamentally opposed to the principles of democracy and the United Nations Charter in that it seeks to force a particular political regime on the inhabitants of the area of Jerusalem. In this connexion, it has been contended that the Commission proposes to make the Jerusalem area a non-self-governing territory. This is another misunderstanding of the plan, which neither imposes any political regime nor deprives the inhabitants of their right of self-government. The plan is based on the situation as it now exists and leaves to the inhabitants of the Arab and Jewish parts of the area of Jerusalem and to the Governments presently concerned with their administration the decision as to what political regime shall prevail in each part.

It has also been said that the plan sets up organs of government, courts and controlled public services as if such organs of government did not exist at present in the Arab and Jewish parts of the City. It should be noted, however, that the plan is based on the assumption that the existing organs of government in the two parts of the City will be continued but that, due to the division of the City, it will be indispensable to bridge the gap between what in fact will be two separate jurisdictions in an otherwise geographically unified area. It is believed that the existence of the organs provided by the plan in this respect will facilitate handling matters of common interest, will reduce the tension likely to arise from the division of the City and will promote normal relations between its two parts.

A closer examination of the articles of the Commission's plan will show to what extent the above criticisms are unfounded.

/Thus, article 2

Thus, article 2 in defining residence relates only to a distinction between persons living in the Arab and Jewish parts of the Jerusalem area for the purposes of the plan only. It does not relate to the question of citizenship.

Article 3, being based on the division of the Jerusalem area, provides that all matters not of international concern are to be left to the responsible authorities now administering the two parts of the area.

Articles 10 and 11 which propose the establishment of a General Council do not, as has been contended, provide for a legislative body or for a United Nations substitute for the municipal government of the area. These articles in fact propose only the establishment of an organ of co-ordination for matters of common interest to the two parts of the City which would in practice have only advisory and consultative functions with the authorities of the Arab and Jewish parts of the city.

Articles 12 and 13 of the plan provide for an International Tribunal and a Mixed Tribunal which are not intended as substitutes for the existing judicial organization already established in the two parts of the area by the authorities of the adjoining States. The text of these articles shows clearly that the role of the proposed International Tribunal would be simply to ensure that the provisions of the plan are respected by the United Nations authorities in Jerusalem and by the authorities of the two parts of the area, and that the function of the Mixed Tribunal would be to ensure impartial treatment for Arabs called to justice in the Jewish part of the Jerusalem area or for Jews called to justice in the Arab part, eventualities which would be likely to occur when normal intercourse between the two parts and visits and pilgrimages to the Holy Places situated on either side of the demarcation line are resumed.

The above organs are the only machinery for international control suggested in the Commission's plan, aside from the United Nations representative and his staff and the necessary guards for the Holy Places. This machinery would involve an expenditure by the United Nations of an amount considerably less than that estimated by the critics of the plan.

In conclusion, the Commission wishes to emphasize that its proposed plan was submitted to the General Assembly only after extensive consultation with all interested parties. Not only did the Commission call upon the Israeli and Arab Governments to state their views on all aspects of the Jerusalem question, but it also had a series of consultations with the leaders of each of the principal religious groups living in Jerusalem, as well as with local authorities within the area. A detailed questionnaire relating to the principal features of the Commission's plan was submitted, during the early meetings in Lausanne, to the Israeli and Arab delegations. The replies of the delegations were received by the Commission and were largely the basis for the plan as finally submitted.