

The Politics of Jerusalem, 1947–2015

Basic Political Documents

Edited by Zoltán Kalmár

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Preface

An elevated number of documents are related to the past of Jerusalem. Their most comprehensive collection has been the four-volume *Documents on Jerusalem*, edited by Dr. Mahdi Abdul Hadi (Jerusalem: Palestinian Academic Society for the Study of International Affairs, January 2007). The compiler, the Palestinian Mahdi Abdul Hadi, published some of the documents as full texts and some as excerpts.

This book is a comprehensive reference book on basic political documents concerning Jerusalem from November 1947 to October 2015. It covers all major official political documents on the city since the foundation of the State of Israel. This compilation contains the most important political statements, documents, and resolutions on Jerusalem in a full-text format and in chronological order. In case of documents disclosed by the Israeli Ministry of Foreign Affairs, the comments added by the Ministry are included, and appear in tilted letters at the beginning of the texts.

The book provides an indispensable basis for teaching, research and policy-making on Jerusalem and the Middle East.

Zoltán Kalmár
21 January 2016

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General Assembly

A/RES/181(II)
29 November 1947

Resolution 181 (II). Future government of Palestine

A

The General Assembly,

Having met in special session at the request of the mandatory Power to constitute and instruct a special committee to prepare for the consideration of the question of the future government of Palestine at the second regular session;

Having constituted a Special Committee and instructed it to investigate all questions and issues relevant to the problem of Palestine, and to prepare proposals for the solution of the problem, and

Having received and examined the report of the Special Committee (document A/364)^U including a number of unanimous recommendations and a plan of partition with economic union approved by the majority of the Special Committee,

Considers that the present situation in Palestine is one which is likely to impair the general welfare and friendly relations among nations;

Takes note of the declaration by the mandatory Power that it plans to complete its evacuation of Palestine by 1 August 1948;

Recommends to the United Kingdom, as the mandatory Power for Palestine, and to all other Members of the United Nations the adoption and implementation, with regard to the future government of Palestine, of the Plan of Partition with Economic Union set out below;

Requests that

(a) The Security Council take the necessary measures as provided for in the plan for its implementation;

(b) The Security Council consider, if circumstances during the transitional period require such consideration, whether the situation in Palestine constitutes a threat to the peace. If it decides that such a threat exists, and in order to maintain international peace and security, the Security Council should supplement the authorization of the General Assembly by taking measures, under Articles 39 and 41 of the Charter, to empower the United Nations Commission, as provided in this resolution, to exercise in Palestine the functions which are assigned to it by this resolution;

(c) The Security Council determine as a threat to the peace, breach of the peace or act of aggression, in accordance with Article 39 of the Charter, any attempt to alter by force the settlement envisaged by this resolution;

(d) The Trusteeship Council be informed of the responsibilities envisaged for it in this plan;

Calls upon the inhabitants of Palestine to take such steps as may be necessary on their part to put this plan into effect;

Appeals to all Governments and all peoples to refrain from taking action which might hamper or delay the carrying out of these recommendations, and

Authorizes the Secretary-General to reimburse travel and subsistence expenses of the members of the Commission referred to in Part I, Section B, paragraph 1 below, on such basis and in such form as he may determine most appropriate in the circumstances, and to provide

the Commission with the necessary staff to assist in carrying out the functions assigned to the Commission by the General Assembly.

B^{2/}

The General Assembly

Authorizes the Secretary-General to draw from the Working Capital Fund a sum not to exceed \$2,000,000 for the purposes set forth in the last paragraph of the resolution on the future government of Palestine.

*Hundred and twenty-eighth plenary meeting
29 November 1947*

*[At its hundred and twenty-eighth plenary meeting on 29 November 1947 the General Assembly, in accordance with the terms of the above resolution [181 A], elected the following members of the United Nations Commission on Palestine: **Bolivia, Czechoslovakia, Denmark, Panama and Philippines.**]*

PLAN OF PARTITION WITH ECONOMIC UNION

PART I

Future constitution and government of Palestine

**A. TERMINATION OF MANDATE, PARTITION AND
INDEPENDENCE**

1. The Mandate for Palestine shall terminate as soon as possible but in any case not later than 1 August 1948.
2. The armed forces of the mandatory Power shall be progressively withdrawn from Palestine, the withdrawal to be completed as soon as possible but in any case not later than 1 August 1948.

The mandatory Power shall advise the Commission, as far in advance as possible, of its intention to terminate the Mandate and to evacuate each area.

The mandatory Power shall use its best endeavours to ensure that an area situated in the territory of the Jewish State, including a seaport and hinterland adequate to provide facilities for a substantial immigration, shall be evacuated at the earliest possible date and in any event not later than 1 February 1948.

3. Independent Arab and Jewish States and the Special International Regime for the City of Jerusalem, set forth in part III of this plan, shall come into existence in Palestine two months after the evacuation of the armed forces of the mandatory Power has been completed but in any case not later than 1 October 1948. The boundaries of the Arab State, the Jewish State, and the City of Jerusalem shall be as described in parts II and III below.

4. The period between the adoption by the General Assembly of its recommendation on the question of Palestine and the establishment of the independence of the Arab and Jewish States shall be a transitional period.

B. STEPS PREPARATORY TO INDEPENDENCE

1. A Commission shall be set up consisting of one representative of each of five Member States. The Members represented on the Commission shall be elected by the General Assembly on as broad a basis, geographically and otherwise, as possible.

2. The administration of Palestine shall, as the mandatory Power withdraws its armed forces, be progressively turned over to the Commission; which shall act in conformity with the recommendations of the General Assembly, under the guidance of the Security Council.

The mandatory Power shall to the fullest possible extent co-ordinate its plans for withdrawal with the plans of the Commission to take over and administer areas which have been evacuated.

In the discharge of this administrative responsibility the Commission shall have authority to issue necessary regulations and take other measures as required.

The mandatory Power shall not take any action to prevent, obstruct or delay the implementation by the Commission of the measures recommended by the General Assembly.

3. On its arrival in Palestine the Commission shall proceed to carry out measures for the establishment of the frontiers of the Arab and Jewish States and the City of Jerusalem in accordance with the general lines of the recommendations of the General Assembly on the partition of Palestine. Nevertheless, the boundaries as described in part II of this plan are to be modified in such a way that village areas as a rule will not be divided by state boundaries unless pressing reasons make that necessary.

4. The Commission, after consultation with the democratic parties and other public organizations of The Arab and Jewish States, shall select and establish in each State as rapidly as possible a Provisional Council of Government. The activities of both the Arab and Jewish Provisional Councils of Government shall be carried out under the general direction of the Commission.

If by 1 April 1948 a Provisional Council of Government cannot be selected for either of the States, or, if selected, cannot carry out its functions, the Commission shall communicate that fact to the Security Council for such action with respect to that State as the Security Council may deem proper, and to the Secretary-General for communication to the Members of the United Nations.

5. Subject to the provisions of these recommendations, during the transitional period the Provisional Councils of Government, acting under the Commission, shall have full authority in the areas under their control, including authority over matters of immigration and land regulation.

6. The Provisional Council of Government of each State acting under the Commission, shall progressively receive from the Commission full responsibility for the administration of that State in the period between the termination of the Mandate and the establishment of the State's independence.

7. The Commission shall instruct the Provisional Councils of Government of both the Arab and Jewish States, after their formation, to proceed to the establishment of administrative organs of government, central and local.

8. The Provisional Council of Government of each State shall, within the shortest time possible, recruit an armed militia from the residents of that State, sufficient in number to maintain internal order and to prevent frontier clashes.

This armed militia in each State shall, for operational purposes, be under the command of Jewish or Arab officers resident in that State, but general political and military control, including the choice of the militia's High Command, shall be exercised by the Commission.

9. The Provisional Council of Government of each State shall, not later than two months after the withdrawal of the armed forces of the mandatory Power, hold elections to the Constituent Assembly which shall be conducted on democratic lines.

The election regulations in each State shall be drawn up by the Provisional Council of Government and approved by the Commission.

Qualified voters for each State for this election shall be persons over eighteen years of age who are: (a) Palestinian citizens residing in that State and (b) Arabs and Jews residing in the State, although not Palestinian citizens, who, before voting, have signed a notice of intention to become citizens of such State.

Arabs and Jews residing in the City of Jerusalem who have signed a notice of intention to become citizens, the Arabs of the Arab State and the Jews of the Jewish State, shall be entitled to vote in the Arab and Jewish States respectively.

Women may vote and be elected to the Constituent Assemblies.

During the transitional period no Jew shall be permitted to establish residence in the area of the proposed Arab State, and no Arab shall be permitted to establish residence in the area of the proposed Jewish State, except by special leave of the Commission.

10. The Constituent Assembly of each State shall draft a democratic constitution for its State and choose a provisional government to succeed the Provisional Council of Government appointed by the Commission. The constitutions of the States shall embody chapters 1 and 2 of the Declaration provided for in section C below and include inter alia provisions for:

- (a) Establishing in each State a legislative body elected by universal suffrage and by secret ballot on the basis of proportional representation, and an executive body responsible to the legislature;
- (b) Settling all international disputes in which the State may be involved by peaceful means in such a manner that international peace and security, and justice, are not endangered;
- (c) Accepting the obligation of the State to refrain in its international relations from the threat or use of force against the territorial integrity

of political independence of any State, or in any other manner inconsistent with the purposes of the United Nations;

(d) Guaranteeing to all persons equal and non-discriminatory rights in civil, political, economic and religious matters and the enjoyment of human rights and fundamental freedoms, including freedom of religion, language, speech and publication, education, assembly and association;

(e) Preserving freedom of transit and visit for all residents and citizens of the other State in Palestine and the City of Jerusalem, subject to considerations of national security, provided that each State shall control residence within its borders.

11. The Commission shall appoint a preparatory economic commission of three members to make whatever arrangements are possible for economic co-operation, with a view to establishing, as soon as practicable, the Economic Union and the Joint Economic Board, as provided in section D below.

12. During the period between the adoption of the recommendations on the question of Palestine by the General Assembly and the termination of the Mandate, the mandatory Power in Palestine shall maintain full responsibility for administration in areas from which it has not withdrawn its armed forces. The Commission shall assist the mandatory Power in the carrying out of these functions. Similarly the mandatory Power shall co-operate with the Commission in the execution of its functions.

13. With a view to ensuring that there shall be continuity in the functioning of administrative services and that, on the withdrawal of the armed forces of the mandatory Power, the whole administration shall be in the charge of the Provisional Councils and the Joint Economic Board, respectively, acting under the Commission, there shall be a progressive transfer, from the mandatory Power to the

Commission, of responsibility for all the functions of government, including that of maintaining law and order in the areas from which the forces of the mandatory Power have been withdrawn.

14. The Commission shall be guided in its activities by the recommendations of the General Assembly and by such instructions as the Security Council may consider necessary to issue.

The measures taken by the Commission, within the recommendations of the General Assembly, shall become immediately effective unless the Commission has previously received contrary instructions from the Security Council.

The Commission shall render periodic monthly progress reports, or more frequently if desirable, to the Security Council.

15. The Commission shall make its final report to the next regular session of the General Assembly and to the Security Council simultaneously.

C. DECLARATION

A declaration shall be made to the United Nations by the provisional government of each proposed State before independence. It shall contain inter alia the following clauses:

General Provision

The stipulations contained in the declaration are recognized as fundamental laws of the State and no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them.

Chapter 1

Holy Places, religious buildings and sites

1. Existing rights in respect of Holy Places and religious buildings or sites shall not be denied or impaired.

2. In so far as Holy Places are concerned, the liberty of access, visit and transit shall be guaranteed, in conformity with existing rights, to all residents and citizens of the other State and of the City of Jerusalem, as well as to aliens, without distinction as to nationality, subject to requirements of national security, public order and decorum.

Similarly, freedom of worship shall be guaranteed in conformity with existing rights, subject to the maintenance of public order and decorum.

3. Holy Places and religious buildings or sites shall be preserved. No act shall be permitted which may in any way impair their sacred character. If at any time it appears to the Government that any particular Holy Place, religious building or site is in need of urgent repair, the Government may call upon the community or communities concerned to carry out such repair. The Government may carry it out itself at the expense of the community or communities concerned if no action is taken within a reasonable time.

4. No taxation shall be levied in respect of any Holy Place, religious building or site which was exempt from taxation on the date of the creation of the State.

No change in the incidence of such taxation shall be made which would either discriminate between the owners or occupiers of Holy Places, religious buildings or sites, or would place such owners or

occupiers in a position less favourable in relation to the general incidence of taxation than existed at the time of the adoption of the Assembly's recommendations.

5. The Governor of the City of Jerusalem shall have the right to determine whether the provisions of the Constitution of the State in relation to Holy Places, religious buildings and sites within the borders of the State and the religious rights appertaining thereto, are being properly applied and respected, and to make decisions on the basis of existing rights in cases of disputes which may arise between the different religious communities or the rites of a religious community with respect to such places, buildings and sites. He shall receive full co-operation and such privileges and immunities as are necessary for the exercise of his functions in the State.

Chapter 2

Religious and Minority Rights

1. Freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, shall be ensured to all.
2. No discrimination of any kind shall be made between the inhabitants on the ground of race, religion, language or sex.
3. All persons within the jurisdiction of the State shall be entitled to equal protection of the laws.
4. The family law and personal status of the various minorities and their religious interests, including endowments, shall be respected.
5. Except as may be required for the maintenance of public order and good government, no measure shall be taken to obstruct or interfere

with the enterprise of religious or charitable bodies of all faiths or to discriminate against any representative or member of these bodies on the ground of his religion or nationality.

6. The State shall ensure adequate primary and secondary education for the Arab and Jewish minority, respectively, in its own language and its cultural traditions.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the State may impose, shall not be denied or impaired. Foreign educational establishments shall continue their activity on the basis of their existing rights.

7. No restriction shall be imposed on the free use by any citizen of the State of any language in private intercourse, in commerce, in religion, in the Press or in publications of any kind, or at public meetings.^{3/}

8. No expropriation of land owned by an Arab in the Jewish State (by a Jew in the Arab State)^{4/} shall be allowed except for public purposes. In all cases of expropriation full compensation as fixed by the Supreme Court shall be paid previous to dispossession.

Chapter 3

Citizenship, international conventions and financial obligations

1. Citizenship. Palestinian citizens residing in Palestine outside the City of Jerusalem, as well as Arabs and Jews who, not holding Palestinian citizenship, reside in Palestine outside the City of Jerusalem shall, upon the recognition of independence, become citizens of the State in which they are resident and enjoy full civil and political rights. Persons over the age of eighteen years may opt, within

one year from the date of recognition of independence of the State in which they reside, for citizenship of the other State, providing that no Arab residing in the area of the proposed Arab State shall have the right to opt for citizenship in the proposed Jewish State and no Jew residing in the proposed Jewish State shall have the right to opt for citizenship in the proposed Arab State. The exercise of this right of option will be taken to include the wives and children under eighteen years of age of persons so opting.

Arabs residing in the area of the proposed Jewish State and Jews residing in the area of the proposed Arab State who have signed a notice of intention to opt for citizenship of the other State shall be eligible to vote in the elections to the Constituent Assembly of that State, but not in the elections to the Constituent Assembly of the State in which they reside.

2. International conventions. (a) The State shall be bound by all the international agreements and conventions, both general and special, to which Palestine has become a party. Subject to any right of denunciation provided for therein, such agreements and conventions shall be respected by the State throughout the period for which they were concluded.

(b) Any dispute about the applicability and continued validity of international conventions or treaties signed or adhered to by the mandatory Power on behalf of Palestine shall be referred to the International Court of Justice in accordance with the provisions of the Statute of the Court.

3. Financial obligations. (a) The State shall respect and fulfil all financial obligations of whatever nature assumed on behalf of Palestine by the mandatory Power during the exercise of the Mandate and recognized by the State. This provision includes the right of public servants to pensions, compensation or gratuities.

(b) These obligations shall be fulfilled through participation in the Joint economic Board in respect of those obligations applicable to Palestine as a whole, and individually in respect of those applicable to, and fairly apportionable between, the States.

(c) A Court of Claims, affiliated with the Joint Economic Board, and composed of one member appointed by the United Nations, one representative of the United Kingdom and one representative of the State concerned, should be established. Any dispute between the United Kingdom and the State respecting claims not recognized by the latter should be referred to that Court.

(d) Commercial concessions granted in respect of any part of Palestine prior to the adoption of the resolution by the General Assembly shall continue to be valid according to their terms, unless modified by agreement between the concession-holder and the State.

Chapter 4

Miscellaneous provisions

1. The provisions of chapters 1 and 2 of the declaration shall be under the guarantee of the United Nations, and no modifications shall be made in them without the assent of the General Assembly of the United Nations. Any Member of the United Nations shall have the right to bring to the attention of the General Assembly any infraction or danger of infraction of any of these stipulations, and the General Assembly may thereupon make such recommendations as it may deem proper in the circumstances.

2. Any dispute relating to the application or the interpretation of this declaration shall be referred, at the request of either party, to the

International Court of Justice, unless the parties agree to another mode of settlement.

D. ECONOMIC UNION AND TRANSIT

1. The Provisional Council of Government of each State shall enter into an undertaking with respect to economic union and transit. This undertaking shall be drafted by the commission provided for in section B, paragraph 1, utilizing to the greatest possible extent the advice and co-operation of representative organizations and bodies from each of the proposed States. It shall contain provisions to establish the Economic Union of Palestine and provide for other matters of common interest. If by 1 April 1948 the Provisional Councils of Government have not entered into the undertaking, the undertaking shall be put into force by the Commission.

The Economic Union of Palestine

2. The objectives of the Economic Union of Palestine shall be:

- (a) A customs union;
- (b) A joint currency system providing for a single foreign exchange rate;
- (c) Operation in the common interest on a non-discriminatory basis of railways; inter-State highways; postal, telephone and telegraphic services, and port and airports involved in international trade and commerce;
- (d) Joint economic development, especially in respect of irrigation, land reclamation and soil conservation;

(e) Access for both States and for the City of Jerusalem on a non-discriminatory basis to water and power facilities.

3. There shall be established a Joint Economic Board, which shall consist of three representatives of each of the two States and three foreign members appointed by the Economic and Social Council of the United Nations. The foreign members shall be appointed in the first instance for a term of three years; they shall serve as individuals and not as representatives of States.

4. The functions of the Joint Economic Board shall be to implement either directly or by delegation the measures necessary to realize the objectives of the Economic Union. It shall have all powers of organization and administration necessary to fulfil its functions.

5. The States shall bind themselves to put into effect the decisions of the Joint Economic Board. The Board's decisions shall be taken by a majority vote.

6. In the event of failure of a State to take the necessary action the Board may, by a vote of six members, decide to withhold an appropriate portion of that part of the customs revenue to which the State in question is entitled under the Economic Union. Should the State persist in its failure to co-operate, the Board may decide by a simple majority vote upon such further sanctions, including disposition of funds which it has withheld, as it may deem appropriate.

7. In relation to economic development, the functions of the Board shall be the planning, investigation and encouragement of joint development projects, but it shall not undertake such projects except with the assent of both States and the City of Jerusalem, in the event that Jerusalem is directly involved in the development project.

8. In regard to the joint currency system the currencies circulating in the two States and the City of Jerusalem shall be issued under the

authority of the Joint Economic Board, which shall be the sole issuing authority and which shall determine the reserves to be held against such currencies.

9. So far as is consistent with paragraph 2 (b) above, each State may operate its own central bank, control its own fiscal and credit policy, its foreign exchange receipts and expenditures, the grant of import licenses, and may conduct international financial operations on its own faith and credit. During the first two years after the termination of the Mandate, the Joint Economic Board shall have the authority to take such measures as may be necessary to ensure that--to the extent that the total foreign exchange revenues of the two States from the export of goods and services permit, and provided that each State takes appropriate measures to conserve its own foreign exchange resources--each State shall have available, in any twelve months' period, foreign exchange sufficient to assure the supply of quantities of imported goods and services for consumption in its territory equivalent to the quantities of such goods and services consumed in that territory in the twelve months' period ending 31 December 1947.

10. All economic authority not specifically vested in the Joint Economic Board is reserved to each State.

11. There shall be a common customs tariff with complete freedom of trade between the States, and between the States and the City of Jerusalem.

12. The tariff schedules shall be drawn up by a Tariff Commission, consisting of representatives of each of the States in equal numbers, and shall be submitted to the Joint Economic Board for approval by a majority vote. In case of disagreement in the Tariff Commission, the Joint Economic Board shall arbitrate the points of difference. In the event that the Tariff Commission fails to draw up any schedule by a date to be fixed, the Joint Economic Board shall determine the tariff schedule.

13. The following items shall be a first charge on the customs and other common revenue of the Joint Economic Board:

(a) The expenses of the customs service and of the operation of the joint services;

(b) The administrative expenses of the Joint Economic Board;

(c) The financial obligations of the Administration of Palestine consisting of:

(i) The service of the outstanding public debt;

(ii) The cost of superannuation benefits, now being paid or falling due in the future, in accordance with the rules and to the extent established by paragraph 3 of chapter 3 above.

14. After these obligations have been met in full, the surplus revenue from the customs and other common services shall be divided in the following manner: not less than 5 per cent and not more than 10 per cent to the City of Jerusalem; the residue shall be allocated to each State by the Joint Economic Board equitably, with the objective of maintaining a sufficient and suitable level of government and social services in each State, except that the share of either State shall not exceed the amount of that State's contribution to the revenues of the Economic Union by more than approximately four million pounds in any year. The amount granted may be adjusted by the Board according to the price level in relation to the prices prevailing at the time of the establishment of the Union. After five years, the principles of the distribution of the joint revenues may be revised by the Joint Economic Board on a basis of equity.

15. All international conventions and treaties affecting customs tariff rates, and those communications services under the jurisdiction of the

Joint Economic Board, shall be entered into by both States. In these matters, the two States shall be bound to act in accordance with the majority vote of the Joint Economic Board.

16. The Joint Economic Board shall endeavour to secure for Palestine's export fair and equal access to world markets.

17. All enterprises operated by the Joint Economic Board shall pay fair wages on a uniform basis.

Freedom of transit and visit

18. The undertaking shall contain provisions preserving freedom of transit and visit for all residents or citizens of both States and of the City of Jerusalem, subject to security considerations; provided that each state and the City shall control residence within its borders.

Termination, modification and interpretation of the undertaking

19. The undertaking and any treaty issuing therefrom shall remain in force for a period of ten years. It shall continue in force until notice of termination, to take effect two years thereafter, is given by either of the parties.

20. During the initial ten-year period, the undertaking and any treaty issuing therefrom may not be modified except by consent of both parties and with the approval of the General Assembly.

21. Any dispute relating to the application or the interpretation of the undertaking and any treaty issuing therefrom shall be referred, at the request of either party, to the international Court of Justice, unless the parties agree to another mode of settlement.

E. ASSETS

1. The movable assets of the Administration of Palestine shall be allocated to the Arab and Jewish States and the City of Jerusalem on an equitable basis. Allocations should be made by the United Nations Commission referred to in section B, paragraph 1, above. Immovable assets shall become the property of the government of the territory in which they are situated.

2. During the period between the appointment of the United Nations Commission and the termination of the Mandate, the mandatory Power shall, except in respect of ordinary operations, consult with the Commission on any measure which it may contemplate involving the liquidation, disposal or encumbering of the assets of the Palestine Government, such as the accumulated treasury surplus, the proceeds of Government bond issues, State lands or any other asset.

F. ADMISSION TO MEMBERSHIP IN THE UNITED NATIONS

When the independence of either the Arab or the Jewish State as envisaged in this plan has become effective and the declaration and undertaking, as envisaged in this plan, have been signed by either of them, sympathetic consideration should be given to its application for admission to membership in the United Nations in accordance with Article 4 of the Charter of the United Nations.

PART II

Boundaries^{5/}

A. THE ARAB STATE

The area of the Arab State in Western Galilee is bounded on the west by the Mediterranean and on the north by the frontier of the Lebanon from Ras en Naqura to a point north of Saliha. From there the boundary proceeds southwards, leaving the built-up area of Saliha in the Arab State, to join the southernmost point of this village. Thence it follows the western boundary line of the villages of `Alma, Rihaniya and Teitaba, thence following the northern boundary line of Meirun village to join the Acre-Safad sub-district boundary line. It follows this line to a point west of Es Sammu'i village and joins it again at the northernmost point of Farradiya. Thence it follows the sub-district boundary line to the Acre-Safad main road. From here it follows the western boundary of Kafr I'nan village until it reaches the Tiberias-Acre sub-district boundary line, passing to the west of the junction of the Acre-Safad and Lubiya-Kafr I'nan roads. From south-west corner of Kafr I'nan village the boundary line follows the western boundary of the Tiberias sub-district to a point close to the boundary line between the villages of Maghar and Eilabun, thence bulging out to the west to include as much of the eastern part of the plain of Battuf as is necessary for the reservoir proposed by the Jewish Agency for the irrigation of lands to the south and east.

The boundary rejoins the Tiberias sub-district boundary at a point on the Nazareth-Tiberias road south-east of the built-up area of Tur'an; thence it runs southwards, at first following the sub-district boundary and then passing between the Kadoorie Agricultural School and Mount Tabor, to a point due south at the base of Mount Tabor. From here it runs due west, parallel to the horizontal grid line 230, to the north-east corner of the village lands of Tel Adashim. It then runs to the north-west corner of these lands, whence it turns south and west so

as to include in the Arab State the sources of the Nazareth water supply in Yafa village. On reaching Ginneiger it follows the eastern, northern and western boundaries of the lands of this village to their south-west corner, whence it proceeds in a straight line to a point on the Haifa-Afula railway on the boundary between the villages of Sarid and El Mujeidil. This is the point of intersection.

The south-western boundary of the area of the Arab State in Galilee takes a line from this point, passing northwards along the eastern boundaries of Sarid and Gevat to the north-eastern corner of Nahalal, proceeding thence across the land of Kefar ha Horesh to a central point on the southern boundary of the village of `Ilut, thence westwards along that village boundary to the eastern boundary of Beit Lahm, thence northwards and north-eastwards along its western boundary to the north-eastern corner of Waldheim and thence north-westwards across the village lands of Shafa 'Amr to the south-eastern corner of Ramat Yohanan'. From here it runs due north-north-east to a point on the Shafa 'Amr-Haifa road, west of its junction with the road to I'Billin. From there it proceeds north-east to a point on the southern boundary of I'Billin situated to the west of the I'Billin-Birwa road. Thence along that boundary to its westernmost point, whence it turns to the north, follows across the village land of Tamra to the north-westernmost corner and along the western boundary of Julis until it reaches the Acre-Safad road. It then runs westwards along the southern side of the Safad-Acre road to the Galilee-Haifa District boundary, from which point it follows that boundary to the sea.

The boundary of the hill country of Samaria and Judea starts on the Jordan River at the Wadi Malih south-east of Beisan and runs due west to meet the Beisan-Jericho road and then follows the western side of that road in a north-westerly direction to the junction of the boundaries of the sub-districts of Beisan, Nablus, and Jenin. From that point it follows the Nablus-Jenin sub-district boundary westwards for a distance of about three kilometres and then turns north-westwards, passing to the east of the built-up areas of the villages of Jalbun and

Faqu'a, to the boundary of the sub-districts of Jenin and Beisan at a point north-east of Nuris. Thence it proceeds first north-westwards to a point due north of the built-up area of Zir'in and then westwards to the Afula-Jenin railway, thence north-westwards along the district boundary line to the point of intersection on the Hejaz railway. From here the boundary runs south-westwards, including the built-up area and some of the land of the village of Kh.Lid in the Arab State to cross the Haifa-Jenin road at a point on the district boundary between Haifa and Samaria west of El Mansi. It follows this boundary to the southernmost point of the village of El Buteimat. From here it follows the northern and eastern boundaries of the village of Ar'ara, rejoining the Haifa-Samaria district boundary at Wadi'Ara, and thence proceeding south-south-westwards in an approximately straight line joining up with the western boundary of Qaqun to a point east of the railway line on the eastern boundary of Qaqun village. From here it runs along the railway line some distance to the east of it to a point just east of the Tulkarm railway station. Thence the boundary follows a line half-way between the railway and the Tulkarm-Qalqiliya-Jaljuliya and Ras el Ein road to a point just east of Ras el Ein station, whence it proceeds along the railway some distance to the east of it to the point on the railway line south of the junction of the Haifa-Lydd and Beit Nabala lines, whence it proceeds along the southern border of Lydda airport to its south-west corner, thence in a south-westerly direction to a point just west of the built-up area of Sarafand el'Amar, whence it turns south, passing just to the west of the built-up area of Abu el Fadil to the north-east corner of the lands of Beer Ya'Aqov. (The boundary line should be so demarcated as to allow direct access from the Arab State to the airport.) Thence the boundary line follows the western and southern boundaries of Ramle village, to the north-east corner of El Na'ana village, thence in a straight line to the southernmost point of El Barriya, along the eastern boundary of that village and the southern boundary of 'Innaba village. Thence it turns north to follow the southern side of the Jaffa-Jerusalem road until El Qubab, whence it follows the road to the boundary of Abu Shusha. It runs along the eastern boundaries of Abu Shusha, Seidun, Hulda to the

southernmost point of Hulda, thence westwards in a straight line to the north-eastern corner of Umm Kalkha, thence following the northern boundaries of Umm Kalkha, Qazaza and the northern and western boundaries of Mukhezin to the Gaza District boundary and thence runs across the village lands of El Mismiya, El Kabira, and Yasur to the southern point of intersection, which is midway between the built-up areas of Yasur and Batani Sharqi.

From the southern point of intersection the boundary lines run north-westwards between the villages of Gan Yavne and Barqa to the sea at a point half way between Nabi Yunis and Minat el Qila, and south-eastwards to a point west of Qastina, whence it turns in a south-westerly direction, passing to the east of the built-up areas of Es Sawafir, Es Sharqiya and Ibdis. From the south-east corner of Ibdis village it runs to a point south-west of the built-up area of Beit 'Affa, crossing the Hebron-El Majdal road just to the west of the built-up area of Iraq Suweidan. Thence it proceeds southwards along the western village boundary of El Faluja to the Beersheba sub-district boundary. It then runs across the tribal lands of 'Arab el Jubarat to a point on the boundary between the sub-districts of Beersheba and Hebron north of Kh. Khuweilifa, whence it proceeds in a south-westerly direction to a point on the Beersheba-Gaza main road two kilometres to the north-west of the town. It then turns south-eastwards to reach Wadi Sab' at a point situated one kilometre to the west of it. From here it turns north-eastwards and proceeds along Wadi Sab' and along the Beersheba-Hebron road for a distance of one kilometre, whence it turns eastwards and runs in a straight line to Kh. Kuseifa to join the Beersheba-Hebron sub-district boundary. It then follows the Beersheba-Hebron boundary eastwards to a point north of Ras Ez Zuweira, only departing from it so as to cut across the base of the indentation between vertical grid lines 150 and 160.

About five kilometres north-east of Ras ez Zuweira it turns north, excluding from the Arab State a strip along the coast of the Dead Sea not more than seven kilometres in depth, as far as Ein Geddi, whence

it turns due east to join the Transjordan frontier in the Dead Sea.

The northern boundary of the Arab section of the coastal plain runs from a point between Minat el Qila and Nabi Yunis, passing between the built-up areas of Gan Yavne and Barqa to the point of intersection. From here it turns south-westwards, running across the lands of Batani Sharqi, along the eastern boundary of the lands of Beit Daras and across the lands of Julis, leaving the built-up areas of Batani Sharqi and Julis to the westwards, as far as the north-west corner of the lands of Beit Tima. Thence it runs east of El Jiya across the village lands of El Barbara along the eastern boundaries of the villages of Beit Jirja, Deir Suneid and Dimra. From the south-east corner of Dimra the boundary passes across the lands of Beit Hanun, leaving the Jewish lands of Nir-Am to the eastwards. From the south-east corner of Dimra the boundary passes across the lands of Beit Hanun, leaving the Jewish lands of Nir-Am to the eastwards. From the south-east corner of Beit Hanun the line runs south-west to a point south of the parallel grid line 100, then turns north-west for two kilometres, turning again in a south-westerly direction and continuing in an almost straight line to the north-west corner of the village lands of Kirbet Ikhza'a. From there it follows the boundary line of this village to its southernmost point. It then runs in a southerly direction along the vertical grid line 90 to its junction with the horizontal grid line 70. It then turns south-eastwards to Kh. el Ruheiba and then proceeds in a southerly direction to a point known as El Baha, beyond which it crosses the Beersheba-El 'Auja main road to the west of Kh. el Mushrif. From there it joins Wadi El Zaiyatin just to the west of El Subeita. From there it turns to the north-east and then to the south-east following this Wadi and passes to the east of 'Abda to join Wadi Nafkh. It then bulges to the south-west along Wadi Nafkh. It then bulges to the south-west along Wadi Nafkh, Wadi Ajrim and Wadi Lassan to the point where Wadi Lassan crosses the Egyptian frontier.

The area of the Arab enclave of Jaffa consists of that part of the town-planning area of Jaffa which lies to the west of the Jewish quarters

lying south of Tel-Aviv, to the west of the continuation of Herzl street up to its junction with the Jaffa-Jerusalem road, to the south-west of the section of the Jaffa-Jerusalem road lying south-east of that junction, to the west of Mique Israel lands, to the north-west of Holon local council area, to the north of the line linking up the north-west corner of Holon with the north-east corner of Bat Yam local council area and to the north of Bat Yam local council area. The question of Karton quarter will be decided by the Boundary Commission, bearing in mind among other considerations the desirability of including the smallest possible number of its Arab inhabitants and the largest possible number of its Jewish inhabitants in the Jewish State.

B. THE JEWISH STATE

The north-eastern sector of the Jewish State (Eastern) Galilee) is bounded on the north and west by the Lebanese frontier and on the east by the frontiers of Syria and Transjordan. It includes the whole of the Hula Basin, Lake Tiberias, the whole of the Beisan sub-district, the boundary line being extended to the crest of the Gilboa mountains and the Wadi Malih. From there the Jewish State extends north-west, following the boundary described in respect of the Arab State.

The Jewish Section of the coastal plain extends from a point between Minat et Qila and Nabi Yunis in the Gaza sub-district and includes the towns of Haifa and Tel-Aviv, leaving Jaffa as an enclave of the Arab State. The eastern frontier of the Jewish State follows the boundary described in respect of the Arab State.

The Beersheba area comprises the whole of the Beersheba sub-district, including the Negeb and the eastern part of the Gaza sub-district, but excluding the town of Beersheba and those areas described in respect of the Arab State. It includes also a strip of land along the Dead Sea stretching from the Beersheba-Hebron sub-district boundary line to Ein Geddi, as described in respect of the Arab State.

C. THE CITY OF JERUSALEM

The boundaries of the City of Jerusalem are as defined in the recommendations on the City of Jerusalem. (See Part III, Section B, below).

PART III

City of Jerusalem

A. SPECIAL REGIME

The City of Jerusalem shall be established as a *corpus separatum* under a special international regime and shall be administered by the United Nations. The Trusteeship Council shall be designated to discharge the responsibilities of the Administering Authority on behalf of the United Nations.

B. BOUNDARIES OF THE CITY

The City of Jerusalem shall include the present municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which shall be Abu Dis; the most southern, Bethlehem; the most western, Ein Karim (including also the built-up area of Motsa); and the most northern Shu'fat, as indicated on the attached sketch-map (annex B).

C. STATUTE OF THE CITY

The Trusteeship Council shall, within five months of the approval of the present plan, elaborate and approve a detailed Statute of the City which shall contain inter alia the substance of the following provisions:

1. *Government machinery; special objectives.* The Administering Authority in discharging its administrative obligations shall pursue the following special objectives:

(a) To protect and to preserve the unique spiritual and religious interests located in the city of the three great monotheistic faiths throughout the world, Christian, Jewish and Moslem; to this end to ensure that order and peace, and especially religious peace, reign in Jerusalem;

(b) To foster co-operation among all the inhabitants of the city in their own interests as well as in order to encourage and support the peaceful development of the mutual relations between the two Palestinian peoples throughout the Holy Land; to promote the security, well-being and any constructive measures of development of the residents, having regard to the special circumstances and customs of the various peoples and communities.

2. *Governor and administrative staff.* A Governor of the City of Jerusalem shall be appointed by the Trusteeship Council and shall be responsible to it. He shall be selected on the basis of special qualifications and without regard to nationality. He shall not, however, be a citizen of either State in Palestine.

The Governor shall represent the United Nations in the City and shall exercise on their behalf all powers of administration, including the conduct of external affairs. He shall be assisted by an administrative staff classed as international officers in the meaning of Article 100 of

the Charter and chosen whenever practicable from the residents of the city and of the rest of Palestine on a non-discriminatory basis. A detailed plan for the organization of the administration of the city shall be submitted by the Governor to the Trusteeship Council and duly approved by it.

3. *Local autonomy.* (a) The existing local autonomous units in the territory of the city (villages, townships and municipalities) shall enjoy wide powers of local government and administration.

(b) The Governor shall study and submit for the consideration and decision of the Trusteeship Council a plan for the establishment of a special town units consisting respectively, of the Jewish and Arab sections of new Jerusalem. The new town units shall continue to form part of the present municipality of Jerusalem.

4. *Security measures.* (a) The City of Jerusalem shall be demilitarized; its neutrality shall be declared and preserved, and no para-military formations, exercises or activities shall be permitted within its borders.

(b) Should the administration of the City of Jerusalem be seriously obstructed or prevented by the non-co-operation or interference of one or more sections of the population, the Governor shall have authority to take such measures as may be necessary to restore the effective functioning of the administration.

(c) To assist in the maintenance of internal law and order and especially for the protection of the Holy Places and religious buildings and sites in the city, the Governor shall organize a special police force of adequate strength, the members of which shall be recruited outside of Palestine. The Governor shall be empowered to direct such budgetary provision as may be necessary for the maintenance of this force.

5. *Legislative organization.* A Legislative Council, elected by adult residents of the city irrespective of nationality on the basis of universal and secret suffrage and proportional representation, shall have powers of legislation and taxation. No legislative measures shall, however, conflict or interfere with the provisions which will be set forth in the Statute of the City, nor shall any law, regulation, or official action prevail over them. The Statute shall grant to the Governor a right of vetoing bills inconsistent with the provisions referred to in the preceding sentence. It shall also empower him to promulgate temporary ordinances in case the council fails to adopt in time a bill deemed essential to the normal functioning of the administration.

6. *Administration of justice.* The Statute shall provide for the establishment of an independent judiciary system, including a court of appeal. All the inhabitants of the City shall be subject to it.

7. *Economic union and economic regime.* The City of Jerusalem shall be included in the Economic Union of Palestine and be bound by all stipulations of the undertaking and of any treaties issued therefrom, as well as by the decision of the Joint Economic Board. The headquarters of the Economic Board shall be established in the territory of the City.

The Statute shall provide for the regulation of economic matters not falling within the regime of the Economic Union, on the basis of equal treatment and non-discrimination for all members of the United Nations and their nationals.

8. *Freedom of transit and visit; control of residents.* Subject to considerations of security, and of economic welfare as determined by the Governor under the directions of the Trusteeship Council, freedom of entry into, and residence within, the borders of the City shall be guaranteed for the residents or citizens of the Arab and Jewish States. Immigration into, and residence within, the borders of the city for

nationals of other States shall be controlled by the Governor under the directions of the Trusteeship Council.

9. *Relations with the Arab and Jewish States.* Representatives of the Arab and Jewish States shall be accredited to the Governor of the City and charged with the protection of the interests of their States and nationals in connexion with the international administration of the City.

10. *Official languages.* Arabic and Hebrew shall be the official languages of the city. This will not preclude the adoption of one or more additional working languages, as may be required.

11. *Citizenship.* All the residents shall become ipso facto citizens of the City of Jerusalem unless they opt for citizenship of the State of which they have been citizens or, if Arabs or Jews, have filed notice of intention to become citizens of the Arab or Jewish State respectively, according to part I, section B, paragraph 9, of this plan.

The Trusteeship Council shall make arrangements for consular protection of the citizens of the City outside its territory.

12. *Freedoms of Citizens.* (a) Subject only to the requirements of public order and morals, the inhabitants of the City shall be ensured the enjoyment of human rights and fundamental freedoms, including freedom of conscience, religion and worship, language, education, speech and press, assembly and association, and petition.

(b) No discrimination of any kind shall be made between the inhabitants on the grounds of race, religion, language or sex.

(c) All persons within the City shall be entitled to equal protection of the laws.

(d) The family law and personal status of the various persons and

communities and their religious interests, including endowments, shall be respected.

(e) Except as may be required for the maintenance of public order and good government, no measure shall be taken to obstruct or interfere with the enterprise of religious or charitable bodies of all faiths or to discriminate against any representative or member of these bodies on the ground of his religion or nationality.

(f) The City shall ensure adequate primary and secondary education for the Arab and Jewish communities respectively, in their own languages and in accordance with their cultural traditions.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the City may impose, shall not be denied or impaired. Foreign educational establishments shall continue their activity on the basis of their existing rights.

(g) No restriction shall be imposed on the free use by any inhabitant of the City of any language in private intercourse, in commerce, in religion, in the Press or in publications of any kind, or at public meetings.

13. *Holy Places.* (a) Existing rights in respect of Holy Places and religious buildings or sites shall not be denied or impaired.

(b) Free access to the Holy Places and religious buildings or sites and the free exercise of worship shall be secured in conformity with existing rights and subject to the requirements of public order and decorum.

(c) Holy Places and religious buildings or sites shall be preserved. No act shall be permitted which may in any way impair their sacred character. If at any time it appears to the Governor that any particular

Holy Place, religious building or site is in need of urgent repair, the Governor may call upon the community or communities concerned to carry out such repair. The Governor may carry it out himself at the expense of the community or communities concerned if no action is taken within a reasonable time.

(d) No taxation shall be levied in respect of any Holy Place, religious building or site which was exempt from taxation on the date of the creation of the City. No change in the incidence of such taxation shall be made which would either discriminate between the owners or occupiers of Holy Places, religious buildings or sites, or would place such owners or occupiers in a position less favourable in relation to the general incidence of taxation than existed at the time of the adoption of the Assembly's recommendations.

14. Special powers of the Governor in respect of the Holy Places, religious buildings and sites in the City and in any part of Palestine.

(a) The protection of the Holy Places, religious buildings and sites located in the City of Jerusalem shall be a special concern of the Governor.

(b) With relation to such places, buildings and sites in Palestine outside the city, the Governor shall determine, on the ground of powers granted to him by the Constitutions of both States, whether the provisions of the Constitutions of the Arab and Jewish States in Palestine dealing therewith and the religious rights appertaining thereto are being properly applied and respected.

(c) The Governor shall also be empowered to make decisions on the basis of existing rights in cases of disputes which may arise between the different religious communities or the rites of a religious community in respect of the Holy Places, religious buildings and sites in any part of Palestine.

In this task he may be assisted by a consultative council of

representatives of different denominations acting in an advisory capacity.

D. DURATION OF THE SPECIAL REGIME

The Statute elaborated by the Trusteeship Council on the aforementioned principles shall come into force not later than 1 October 1948. It shall remain in force in the first instance for a period of ten years, unless the Trusteeship Council finds it necessary to undertake a re-examination of these provisions at an earlier date. After the expiration of this period the whole scheme shall be subject to re-examination by the Trusteeship Council in the light of the experience acquired with its functioning. The residents of the City shall be then free to express by means of a referendum their wishes as to possible modifications of the regime of the City.

PART IV

CAPITULATIONS

States whose nationals have in the past enjoyed in Palestine the privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection, as formerly enjoyed by capitulation or usage in the Ottoman Empire, are invited to renounce any right pertaining to them to the re-establishment of such privileges and immunities in the proposed Arab and Jewish States and the City of Jerusalem.

* * *

Notes

1/ See Official Records of the second session of the General Assembly, Supplement No. 11, Volumes I-IV.

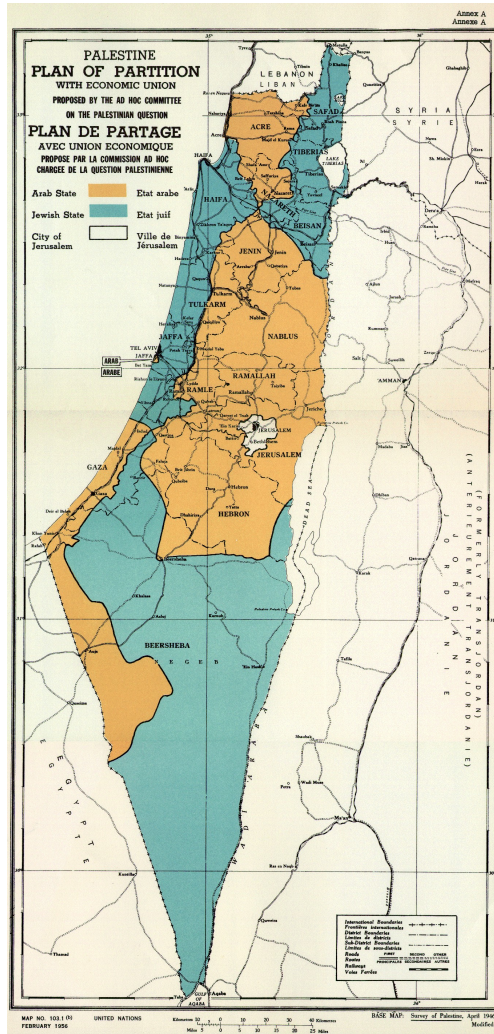
2/ This resolution was adopted without reference to a Committee.

3/ The following stipulation shall be added to the declaration concerning the Jewish State: „In the Jewish State adequate facilities shall be given to Arab-speaking citizens for the use of their language, either orally or in writing, in the legislature, before the Courts and in the administration.”

4/ In the declaration concerning the Arab State, the words „by an Arab in the Jewish State” should be replaced by the words „by a Jew in the Arab State”.

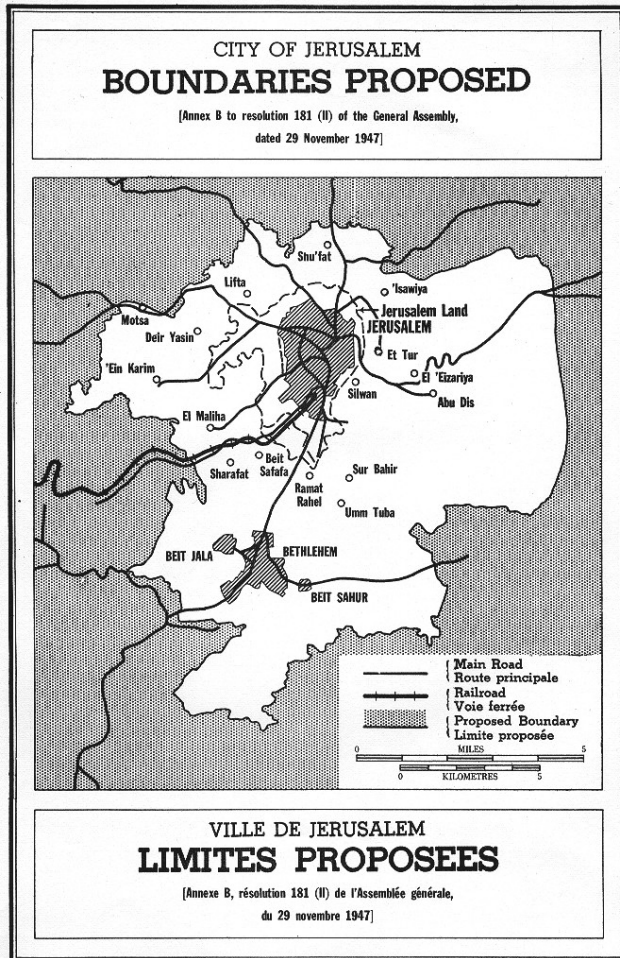
5/ The boundary lines described in part II are indicated in Annex A. The base map used in marking and describing this boundary is „Palestine 1:250000” published by the Survey of Palestine, 1946.

Plan of Partition with Economic Union



Annex B

City of Jerusalem Boundaries Proposed By The Ad Hoc Committee On The Palestinian Question



MAP NO. 104.(1b)
DECEMBER 1949

UNITED NATIONS

UN PRESENTATION 600.1(b)

<i>Source of document</i>
http://domino.un.org/unispal.nsf/0/7f0af2bd897689b785256c330061d253

UNITED NATIONS PALESTINE COMMISSION

CONSIDERATIONS AFFECTING CERTAIN OF THE
PROVISIONS OF THE
GENERAL ASSEMBLY RESOLUTION ON THE "FUTURE
GOVERNMENT OF
PALESTINE": THE CITY OF JERUSALEM

(Working Paper Prepared by the Secretariat)

1. International Regime of the City of Jerusalem:

The plan adopted by the Assembly provides for the creation of a special international regime in the City of Jerusalem, constituting it as a "corpus separatum" under the administration of the United Nations, the Trusteeship Council discharging the responsibilities of the United Nations in this respect. The City of Jerusalem shall come into existence "two months after the evacuation of the armed forces of the Mandatory Power has been completed but in any case not later than 1 October 1948."

The whole of Part III of the Plan is devoted to the City of Jerusalem. Part I also contains many references to the City of Jerusalem.

2. Draft Statute:

A Draft Statute for the City of Jerusalem is now being prepared by a Working Group of the Trusteeship Council. This Draft Statute will be submitted to the Trusteeship Council at its next meeting in the middle of February. The Statute has to be approved within five months from the date of approval of the plan, i.e. 29 April 1948.

The following special objectives shall be pursued (Part III,C.1):

"(a) To protect and to preserve the unique spiritual and religious interests located in the City of the three great monotheistic faiths throughout the world, Christian, Jewish and Moslem; to this end to ensure that order and peace, and especially religious peace, reign in Jerusalem.

"(b) To foster co-operation among all the inhabitants of the City in their own interests as well as in order to encourage and support the peaceful development of the mutual relations between the two Palestinian peoples throughout the Holy Land; to promote the security, well-being and any constructive measures of development of the residents, having regard to the special circumstances and customs of the various peoples and communities."

3. Transitional Period:

As to the transitional period from the termination of the Mandate until the coming into force of the Statute, which has to occur not later than 1 October 1948 (Part III D), only a few provisions are to be found in the Assembly Resolution. The procedure to adopt in respect of the City of Jerusalem will, therefore, largely have to be deduced from the general provisions made in respect of the Arab State and the Jewish State. Besides, the City of Jerusalem is a party to the Economic Union.

4. Duration of the transitional period:

The duration of the transitional period, under which the Commission will be responsible for the City of Jerusalem, depends, apart from its connection with the general situation in Palestine, upon the date on which the Trusteeship Council appoints a Governor. For practical purposes, the Statute cannot come into force as long as this appointment has not been made. The intent of the Trusteeship Council is to appoint a Governor at the February Session.

5. Boundaries:

The boundaries of the City of Jerusalem are described in Part III B. It is to be expected that the Trusteeship Council will make some suggestions as to the detailed delineation of these boundaries.

6. Government and Administration of the City:

No provisions have been made in the plan as to the Government and Administration of the City of Jerusalem until the Statute comes into force. Under the present mandatory regime the City of Jerusalem, as defined by the plan, is not governed as a unity. The proposed area of the City is an arbitrary creation. It includes not only the Municipality of Jerusalem, but also sixteen Arab towns and villages and two Jewish settlements.

The total population of this area is 206,020, of which 45,290 are Christians, mostly Arabs, 100,040 Jewish, 60,560 Moslems, practically all Arabs, and 130 others. The population of the Municipality of Jerusalem is 164,440 as against 41,580 outside of the Municipality.

Due to the particular position of the City, it is suggested that, in case the Statute should not come into force at a sufficiently early date, the Commission might provide for a special body to administer the City under its supervision.

A special budget will have to be foreseen for the City during the transitional period.

At the present time the central administration of Palestine is located in Jerusalem. At the termination of the Mandate, this Administration will disintegrate, its functions being taken over partly by the Jewish State, partly by the Arab State.

The Governor, once appointed, is supposed to submit to the Trusteeship Council a plan of administration for the City, but the gap between the termination of the Mandate and the coming into force of such a plan has to be filled. The Commission will therefore have to preserve as much as is needed of the present administration to carry out the normal functions of the City. It seems also essential to secure the services of competent personnel of the Administration for the future regime of the City.

It should be noted that the City of Jerusalem will be far from a self-supporting entity. It will largely depend on free communications and free access to the sea for its survival. Under present circumstances the City can be reached in practice only by road from the coast, as there is no landing ground for airplanes in the city area and the railway is not much used. The main water supplies of the City lie in the territory of the Jewish and Arab States. Special precautions will therefore have to be taken to protect the water supply system. Negotiations on this and on similar matters with the respective Provisional Councils of Government will also be required.

7. Municipality of Jerusalem:

Due to the fact that both Jews and Arabs felt unable to accept proposal made by the British High Commissioner in 1945 for the reorganization of the Jerusalem Municipal Council, the Municipality of Jerusalem is for the time being administered by a Commission consisting of six British Government officials. It is to be expected that these officials will resign upon termination of the Mandate and the Commission will, therefore, have to provide for their replacement or for some other arrangements in order to ensure the proper functioning of the Municipality.

8. Control of Immigration:

Whereas in the case of the Arab and Jewish States "the Provisional Councils of Government shall have full authority over matters of immigration in the areas under their control," the Commission will itself be responsible for immigration into the City of Jerusalem until the Statute comes into force. It might exercise its powers in this respect directly, or, if a special body to administer the City is considered, delegate its powers to this body.

9. Control of Land Regulations:

Whereas in the case of the Arab and the Jewish States "the Provisional Councils of Government, acting under the Commission, shall have full authority in the areas under their control, including authority over matters of immigration and land regulations," the Commission will itself be responsible for the land regulations in the City of Jerusalem until the Statute comes into force. It might exercise its powers in this respect directly, or, if a special body to administer the City is considered, delegate its powers to this body.

According to the British Land Transfer Regulations of 1940, the Jerusalem town planning area and all municipal areas belong to the

so-called "free zone," where land transfers are allowed. The rest of the City of Jerusalem falls into Zone A. In this zone transfers to persons other than Palestinian Arabs are prohibited, save in exceptional circumstances for which provision is made under the Regulations.

10. Security Measures:

According to the plan, "The City of Jerusalem shall be demilitarized, its neutrality shall be declared and preserved, and no para-military formations, exercises or activities shall be permitted within its borders.....To assist in the maintenance of internal law and order and especially for the protection of the Holy Places and of religious buildings and sites in the City, the Governor shall organize a special police force of adequate strength, the members of which shall be recruited outside of Palestine. The Governor shall be empowered to direct such budgetary provision as may be necessary for the maintenance of this force."

Under the Mandatory regime the Palestine Police, consisting of British, Arabs and Jews, operates in Jerusalem. Should this force be entirely withdraw at the termination of the Mandate, there would be no police protection in the City until the Governor to be appointed had recruited the special police force mentioned in the plan as well as other police forces.

It is suggested that the Commission, as a preparatory measure, might envisage securing the services of part of the Palestinian Police for the protection of the City. It seems advisable, if possible, to retain some of the British personnel, officers and other ranks, who have an intimate knowledge of the duties connected with the protection of the Holy Places, for which skill and tact are required that may take years of experience to acquire.

The British police personnel has been hired under three-year contracts. Some of them might be willing to serve the new regime in the City, provided the British Government would acquiesce in such an arrangement.

It may be that the strength of the international police force to be recruited by the Governor should be about 2,000 officers and men in the initial period, to be reduced in normal times to possibly 300-500 men.

The question of arms and equipment of the possible nucleus of the international police force of the City will also have to be considered.

11. Economic Union:

According to the Plan (Part III C, paragraph 7), "The City of Jerusalem shall be included in the Economic Union of Palestine and be bound by all stipulations of the undertaking and of any treaties issued therefrom, as well as by the decisions of the Joint Economic Board. The headquarters of the Economic Board shall be established in the territory of the City. The Statute shall provide for the regulation of economic matters not falling within the regime of the Economic Union, on the basis of equal treatment and non-discrimination for all Members of the United Nations and their nationals.

No special arrangements have been made, however, for a representative of the City on the Joint Economic Board. Some provision will have to be foreseen for the protection of its interests in this body. It has to be noted that the City of Jerusalem is entitled to "not less than five per cent and not more than ten per cent" of the surplus revenue from the customs and other common services under the Economic Union.

During the transitional period the Commission will be responsible for the protection of the economic interests of the City.

Doubts have been raised as to whether the financial provisions in paragraph 3 of Chapter 3 of Part I C are applicable to the City of Jerusalem.

12. Holy Places:

The plan contains detailed provisions for the protection of the Holy Places (Part III C, paragraphs 13-14), for which the special regime was largely created. The basic policy has been to maintain so-called "existing rights". Most of the provisions of the Plan in this respect have been taken over from the Mandate, which, in turn, perpetuated the regime installed by the Ottoman Government.

According to the Assembly Resolution, the Governor to be appointed for the City has extensive powers for the protection of the Holy Places and for the settling of disputes and other matters in relation to the Holy Places. Upon termination of the Mandate and until such time as a Governor is appointed and the Statute of the City comes into force, the Commission will have to be responsible for all matters relating to Holy Places, religious buildings and sites as described by the Plan.

18. Religious Courts:

Family law and personal status are regulated in Palestine by religious courts (Christian, Jewish and Moslem). These courts are likely to continue, not only in Jerusalem, as implied by the provision in Part III, paragraph 12, sub-paragraph 4: "The family law and personal status of the various persons and communities and their religious interests, including endowments, shall be respect," but also in the rest of Palestine. The Courts of Appeal of the different religious communities are, however, all located in Jerusalem. These Courts form part of the official judiciary and it would seem, justifiable, therefore, that the Arab and Jewish States contribute to the maintenance of these Courts of Appeal.

<i>Source of document</i>
https://web.archive.org/web/20080126145437/http://domino.un.org/unispal.nsf/52b7d0e66142a40e85256dc70072b982/6362111f689724d705256601007063f2!OpenDocument

Jerusalem Facing the Danger of Destruction, Statement to the Security Council, 1 April 1948

In March 1948, Jerusalem came under siege. Arab irregulars blocked the only highway leading to the city from the West. Shooting became a daily occurrence. There was already a shortage of food and water in the Jewish sections of the city, while the British Administration stood idly by. In the Security Council, Moshe Sharett, Head of the Jewish Agency's Political Department, appealed to the United Nations to save the city from destruction. Excerpts:

In conclusion, I beg leave to call the attention of the Security Council to one specific problem of a most critical urgency, a problem which has a direct bearing on the question of a truce. I refer to the situation in Jerusalem and to the responsibilities of the United Nations for the immunity, peace and welfare of that Holy City and its environs.

Under the plan adopted by the General Assembly, a Special International Regime under the United Nations Trusteeship Council was decreed for Jerusalem. The exclusion from the Jewish State of Jerusalem, with its unique historic associations for the Jewish people and with the central place it occupies in its tradition and modern life, was a most painful sacrifice. Eloquent appeals were made to the Jewish Agency during the General Assembly session by the representatives of Powers, great and small, to realise the transcendent importance of Jerusalem to the entire civilised world and to let the City's universal associations take precedence over its predominantly Jewish character.

In deference to an overwhelming consensus of world opinion, the Jewish Agency accepted the idea of an international regime for Jerusalem. Since then, the Jewish Agency has co-operated actively with the Trusteeship Council in helping to formulate a statute for Jerusalem, as provided for in the General Assembly Resolution.

In thus subordinating Jewish claims to the fervently expressed interest of the Christian world, the Jewish Agency confidently expected that the United Nations would take all the steps necessary to secure the objectives which aroused such strong and widespread support in the General Assembly. It is tragic to record what has, in fact, happened.

The Mandatory Power has allowed the control of the Old City of Jerusalem to slip into the hands of armed Arab bands, and has taken no effective action to prevent the approaches to the city from being likewise dominated by Arab forces. Commanders appointed by the Arab Higher Committee - that is to say, the Mufti - now control access to the gates of the Holy City and to the Holy Places. The Arab Higher Committee has recently announced its determination to use force against any attempt to establish Jerusalem as an international city held by the United Nations in trust for mankind.

The cruel historic paradox which now threatens Jerusalem is not apparently realised by the civilised world. After centuries of neglect and depredation, Jerusalem was conquered in 1917 by the British and Australian forces. The conquest ushered in a period of civilised rule for Jerusalem which has now lasted for three decades. Jews formed the majority of the population of Jerusalem even before the British Mandate. Today they are 100,000 out of 160,000 inhabitants.

As the Mandate now draws to an end, instead of coming under an international regime which would maintain the civilised standards of its government, Jerusalem seems about to fall, as most of its Holy Places have already fallen, into the clutches of the most fanatical and impious elements in the country.

One of the two henchmen of the Mufti, now in command, Sheikh Yasin Bakri, has boasted in public of his prowess in sniping at Jewish funeral parties on their way to the hallowed cemetery on the Mount of Olives. He has been photographed by Cairo newspapers in the act of directing fire from the walls of the Haram enclosure, the so-called

Mosque of Omar. When we see other photographs of this person, photographs which have been submitted to the Security Council, receiving courtesy visits from the British Area Commander of Jerusalem, we are forced to assume that he is considered in some quarters as a suitable custodian of the holy sites. He has proclaimed another success: for the first time since Roman days, Jewish worshippers are now forcibly prevented from having access to the Wailing Wall, the greatest sanctuary of the Jewish faith.

Another agent of the Mufti, now in a position of command, Abdul Kader Al-Husseini, has a notorious record for his murderous activities during the 1936 rebellion, and for his pro-Nazi collaboration during the war. He is now engaged in plans for cutting off the city's water supply and for reducing its Jewish population to starvation.

I said that the Jews yielded to the international verdict. They did not yield in favour of Sheikh Bakri or in favour of Abdul Kader Al-Husseini. If the international regime is not promptly instituted and effectively enforced, it will soon become a matter of elementary self-preservation for the Jews to do their utmost - maybe their desperate utmost - even alone and unaided, to save Jerusalem from a monstrous tyranny. But in such a case, the city would become a battlefield. It may, indeed, become a shambles. We consider that the United Nations is most solemnly bound to avert the catastrophe by assuming its responsibilities in Jerusalem: first and foremost, the responsibility of ensuring law and order and safeguarding access and supplies to the city.

The fate of Jerusalem disproves the assumption that Arab resistance is directed merely against the partition settlement and the Jewish State. Arab violence is the reaction to any policy which recognises any specific non-Arab interest, whether Jewish or international, in any part of the country. The Jews will do their utmost to ensure that this claim to exclusive Arab mastery is defeated in the area of the Jewish State. If the United Nations is unable to assist the Jews in that legitimate

endeavour, let the United Nations at least prevent the triumph of Arab defiance of world opinion in Jerusalem and, by the provision of a proper force, inaugurate an era of peace and order in a city which is sacred to vast Multitudes of civilised mankind.

<i>Source of document</i>
http://www.mfa.gov.il/MFA/ForeignPolicy/MFADocuments/Yearbook1/Pages/1%20Jerusalem%20Facing%20the%20Danger%20of%20Destruction-%20Stat.aspx

**185 (S-2). Protection of the city of Jerusalem and its inhabitants:
reference to the Trusteeship Council**

The General Assembly,

Considering that the maintenance of order and security in Jerusalem is an urgent question which concerns the United Nations as a whole,

Resolves to ask the Trusteeship Council to study, with the Mandatory Power and the interested parties, suitable measures for the protection of the city and its inhabitants, and to submit within the shortest possible time proposals to the General Assembly to that effect.

Hundred and thirty-second plenary meeting,

26 April 1948.

<i>Source of document</i>
http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/185%28S-2%29

**FURTHER CONSIDERATION OF THE QUESTION OF THE
FUTURE GOVERNMENT
OF PALESTINE: PROTECTION OF THE CITY OF JERUSALEM
AND ITS INHABITANTS**

REPORT OF THE TRUSTEESHIP COUNCIL

I. SUMMARY OF PROCEEDINGS

1. The Trusteeship Council, in pursuance of the request of the General Assembly of 26 April to study and report on suitable measures for the protection of Jerusalem and its inhabitants, has considered a French suggestion to send immediately to Jerusalem a United Nations official with powers to recruit, organize, and maintain an international force of 1,000 police.
2. The Council has also considered a United States proposal for placing Jerusalem under temporary Trusteeship with provision for the maintenance of law and order.
3. The Council gave consideration to each of these proposals, in consultation with representatives of the two interested parties and with the Mandatory Power. The Council found it impossible to secure mutual agreement of the interested parties to either proposal.
4. The representative of the Arab Higher Committee declared that his people were opposed to the introduction of any foreign police or troops into Jerusalem or the placing of Jerusalem under Trusteeship. The representative of the Jewish Agency declared that any

arrangement proposed should also guarantee free access to Jerusalem and the maintenance of food and water supplies. The Jewish Agency did not consider Trusteeship as a suitable form for an international regime in Jerusalem. The representative of the United Kingdom said that, since the Trusteeship proposal as submitted by the representative of the United States was not acceptable to both Arabs and Jews, he would have to abstain from voting in favour of the proposal.

5. The representatives of Australia and of the Jewish Agency considered that the proper course was to adopt the draft Statute for Jerusalem and as an emergency measure bring into force such portions of it as were applicable in the circumstances. This was not acceptable to the Arab Higher Committee for the reason that this would amount to a total or partial implementation of the partition scheme, and the Council did not pursue this question.

6. At its forty-fourth meeting on 3 May, the Council was informed by the representative of the Mandatory Power that provision for carrying on the minimum necessary administrative services in Jerusalem after 15 May might be made through the appointment by the High Commissioner of a neutral person, acceptable to both Arabs and Jews, as Special Municipal Commissioner, and that he was advised that existing legislation would retain its effect after the mandate expires. Some members of the Council felt that the task of maintaining law and order in Jerusalem should also be entrusted to the Special Municipal Commissioner, but the representative of the United Kingdom explained that the Jerusalem Municipal Commission Ordinance did not give the Municipal Commissioner any power to maintain law and order in Jerusalem, and that therefore the Special Municipal Commissioner would not have any such powers. Having regard to this, and as the representative of the Arab Higher Committee objected on political grounds to any suggestion that the Special Municipal Commissioner should be entrusted with the function of maintaining law and order, the suggestion that he might undertake this function in addition to his ordinary municipal duties was abandoned.

7. The question of the relationship of the Special Municipal Commissioner to the United Nations was raised; for example it was suggested that he be nominated by the United Nations. No agreement, however, was reached with the representative of the Arab Higher Committee on this question.

8. The Trusteeship Council, while welcoming the information presented by the representative of the Mandatory Power, noted that the suggestion for the appointment of the Special Municipal Commissioner did not provide for the maintenance of law and order.

9. The Trusteeship Council gave its attention continuously to bringing about a truce in the entire municipal area of Jerusalem as a necessary preliminary step.

II. CONCLUSIONS AND RECOMMENDATIONS

1. Following consultations with the Trusteeship Council, the Arab Higher Committee and the Jewish Agency for Palestine ordered on 2 May 1948 within the Walled City of Jerusalem a cease-fire which is now in effect. The two parties have further agreed that the specific terms of a truce in respect of the Walled City will be elaborated in Jerusalem in consultation with the High Commissioner for Palestine.

2. The Trusteeship Council also brings to the notice of the General Assembly the undertakings given by the representatives of the Arab Higher Committee and the Jewish Agency for Palestine that their communities will respect and safeguard all Holy Places.

3. The Trusteeship Council has been informed that the Mandatory Power would be willing, if the General Assembly agrees, to appoint under Palestine legislation before 15 May 1948, a neutral acceptable to both Arabs and Jews, as Special Municipal Commissioner, who shall, with the co-operation of the community committees already

existing in Jerusalem, carry out the functions hitherto performed by the Municipal Commission. The Trusteeship Council, therefore, recommends to the General Assembly that it inform the Mandatory Power of its full agreement with such measure.

4. The Council recognizes that the measure hereabove recommended does not provide adequately for the protection of the City and of its inhabitants. It considers also that urgent attention should be given by the General Assembly to the necessity of providing for the custody of the assets of the Government of Palestine in Jerusalem and for an effective maintenance of law and order in the municipal area pending a final settlement.

<i>Source of document</i>
http://unispal.un.org/UNISPAL.NSF/0/0DE6E5D959254340852563E60076A99A

**187 (S-2). Protection of the city of Jerusalem and its inhabitants:
appointment of a Special Municipal Commissioner**

The General Assembly,

Having asked the Trusteeship Council to study, with the Mandatory Power and the interested parties, suitable measures for the protection of the city of Jerusalem and its inhabitants and to submit within the shortest possible time proposals to the General Assembly to that effect,

Takes note of the conclusions and recommendations of the Trusteeship Council, as set forth in its report¹ to the General Assembly on the protection of the city of Jerusalem and its inhabitants;

Approves these conclusions and recommendations;

Recommends that the Mandatory Power appoint under Palestine legislation, before 15 May 1948, a neutral acceptable to both Arabs and Jews, as Special Municipal Commissioner, who shall, with the co-operation of the community committees already existing in Jerusalem, carry out the functions hitherto performed by the Municipal Commission;

Decides that continuing urgent attention should be given by the First Committee or its subsidiary bodies to the question of further measures for the protection of the city of Jerusalem and its inhabitants.

Hundred and thirty-fourth plenary meeting,

6 May 1948.

¹ See document A/544.

<i>Source of document</i>
http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/187%28S-2%29

**HUNDRED AND THIRTY-FIFTH
PLENARY MEETING**

*Held at Flushing Meadow, New York, on Friday,
14 May 1948, at 4.40 p.m.*

President: Dr. J. ARCE (Argentina).

**18. Further consideration of the question of the
future government
of Palestine: report of the First Committee
(document A/552)**

The PRESIDENT ruled that as the question had already been discussed at length in the First Committee and its sub-committees, each speaker would be allowed only five minutes. The rights of all the countries represented would thus be respected and the Assembly would be able to sit until its task was completed.

Mr. SAYRE (United States of America) said that if the Assembly was to institute a trusteeship agreement for the government of Jerusalem, it must do so before the termination of the Mandate, namely, in an hour. Consequently, the draft resolution recommended by Sub-Committee 10 of the First Committee and transmitted to the Assembly by that Committee (document A/C.1/298) should be discussed first. He was prompted to make that proposal by his own country's realization of the need for providing some form of government, law and order for

Jerusalem in the present circumstances, in view of world interest in the security of the people and the protection of the Holy Places in that sacred city.

Speaking on a point of order, Mr. TSARAPKIN (Union of Soviet Socialist Republics) opposed the time-limit for speakers set by the President, because discussion of the resolution submitted to the First Committee had been curtailed and many delegations had been unable to express their views.

The PRESIDENT asked the Assembly to decide by a vote whether it accepted the time-limit.

The President's ruling to limit speeches to five minutes was adopted by 35 votes to 11, with 3 abstentions.

The PRESIDENT asked the Assembly to decide by vote whether it accepted the United States proposal that the report of Sub-Committee 10 on the provisional administration of Jerusalem should be discussed first, although the First Committee had taken no decision on that report.

The proposal of the United States representative was adopted by 27 votes to 1, with 16 abstentions.

CONSIDERATION OF THE REPORT OF SUB-COMMITTEE 10 (DOCUMENT A/C.1/298)

Mr. GARREAU (France), Rapporteur of Sub-Committee 10, recalled that the Sub-Committee, at its 6th meeting, by 8 votes to 2, with 4 abstentions, had adopted a proposal by France and the United States (document A/C.1/SC.10/1/Rev.2) providing for the setting up of a temporary administration for Jerusalem until 31 December 1949. That purely provisional administration, based on the provisions of Chapter XII of the Charter, was not a trusteeship system proper. However, the

plan greatly resembled the draft prepared by the Trusteeship Council (document A/541), in pursuance of the provisions of resolution 181(II) of 29 November 1947, which the Council had not, in the end, adopted, because the Assembly had again taken up the Palestine question.

Mr. Garreau refuted the objections raised against the draft resolution of Sub-Committee 10. The duties of the special commissioner, appointed by the British High Commissioner, in agreement with the Arab and Jewish parties, to administer the city of Jerusalem, were strictly limited to ensuring the proper functioning of the municipal services of the city and to taking certain police measures. The commissioner would be completely powerless, even under the powers conferred on him by the British High Commissioner on 11 May (document A/C.1/SC.10/2), to secure Jerusalem against external aggression. Moreover, at the termination of the British Mandate, the special commissioner would have no relations with any territorial authority and could do nothing to protect the Holy City from the danger of total destruction feared by the whole world.

Mr. MOE (Norway) Rapporteur of the First Committee, drew the Assembly's attention to paragraph 15 of the report (document A/552), which dealt with the Secretary-General's statement on the budgetary implications of the draft resolution recommended by Sub-Committee 9 of the First Committee. The Secretary-General estimated, although he was unable to give an exact figure, that the implementation of the resolution would entail an expenditure of about \$100,000; that sum could be included in the extraordinary expenses for the maintenance of international peace and security authorized by the General Assembly 1/ at its second session, up to a maximum amount of \$2,000,000.

He also pointed out that the First Committee had decided "to refer to the General Assembly the report of Sub-Committee 10 (document A/C.1/293) with the amendments submitted to it, without making any recommendations."

Mr. TARASENKO (Ukrainian Soviet Socialist Republic) maintained his delegation's view that the city of Jerusalem should be given a permanent and not a temporary status. The solution advocated by the First Committee might even give rise to misunderstandings and conflicts and could have very dangerous consequences for the peoples of Palestine and for peace and security in the Middle East. He opposed the draft resolution as being inspired by selfish interests alien to those of the Palestine population.

Mahmoud Bey FAWZI (Egypt) regretted that the duration of speeches had been limited when such an important question was being discussed.

The idea of establishing a trusteeship system for Jerusalem was contrary to the right of self-determination to which the inhabitants of the Holy City were as much entitled as all other peoples of the world. Moreover, it had been recognized that the people of Palestine, including the inhabitants of Jerusalem, were now ready for independence.

Justification of the regime by a desire to protect the Holy Places was a worthless argument. Throughout the centuries, the Arab world had been able to preserve the Holy Places of Palestine, and now, although people wished to ignore that fact, there was a truce in Jerusalem. That could be confirmed by the United Kingdom representative who, for a few minutes longer, was still the representative of the Mandatory Power. The Egyptian representative wished to repeat that such hasty conclusion of the discussion on a vital question increased the confusion of a situation that was only too confused already. He hoped that the Assembly would let itself be guided by wisdom.

Mr. PARODI (France) said that the position adopted by the French delegation regarding the special question of Palestine still held good, particularly since the latest reports showed that the situation in the

Holy City was neither stable nor secure. The truce, which had been used as an argument against the temporary regime proposed by the United States and French delegations, had certainly existed in principle and in various forms for several weeks, but was, in fact, little respected. According to a telegram dated 13 May, there had been a violent exchange of fire from automatic weapons in the south-western suburbs of Jerusalem that night. Moreover, it had been announced that the Consuls General of Syria, Egypt and Iraq had left Jerusalem and that other consuls of Arab countries were also preparing to leave. Thus the city of Jerusalem was left in a dangerously vulnerable position and unfortunately there was reason to believe that if hostilities spread, they would centre on the Holy City, which had a large Jewish population in the midst of an Arab country.

He was sorry to note that numerous procedural difficulties and arguments had prevented the implementation of the decision taken by a very substantial majority of the General Assembly at the beginning of the session,^{2/} which aimed at a rapid solution of the special problem of the city of Jerusalem. He hoped the Assembly would have the courage and the determination to complete the most constructive part of the task it had undertaken, namely, that relating to the Jerusalem regime, for the other solution submitted to the Assembly merely amounted to arranging for mediation in Palestine.

Mr. KHALIDY (Iraq) noted a difference between the statements made by the representatives of the United States and of France regarding the proposed regime for the city of Jerusalem: the first spoke of a trusteeship agreement, and the second of a special administrative arrangement. In fact, it was a trusteeship agreement, and legally speaking the United Nations could not, under the terms of the Charter, itself institute a trusteeship agreement and impose it on a country. It was for the Mandatory Power and the States directly concerned -- in the present case the Arab States -- to submit a trusteeship agreement. That was not what had been done; consequently the plan was illegal.

From the procedural point of view, any draft trusteeship agreement must be examined by the Fourth Committee. But in the present case the proposal (document A/C.1/SC.10/1) for the protection of the city of Jerusalem and its inhabitants had been considered by Sub-Committee 10 appointed by the First Committee.

As it had too often done in the past, the United Nations was disregarding the practical side of the situation it examined. Jerusalem was in fact more or less a beleaguered city. After a long struggle, the Arabs and the Jews had reached some sort of agreement. An administrative organization was in existence; powers had been conferred on a commissioner who, with the collaboration of Jews and Arabs, could take the necessary measures to protect the population, the city and the Holy Places. In those circumstances, why try to impose a plan of dubious value which was utterly impracticable, would give rise to difficulties and would probably be strongly opposed?

The Iraqi delegation opposed the suggested regime for both practical and legal reasons.

Mr. EL-KHOURI (Syria) said that neither of the parties concerned agreed to the trusteeship that it was proposed to impose on the population of Jerusalem. If the Jews and the Arabs rejected that regime, it would have to be imposed on them by force. Where would that force come from, and could the Holy City be allowed to become a battlefield for the forces of the Administering Authority and the inhabitants of Jerusalem? Was that how the Assembly intended to restore order in Jerusalem?

The trusteeship under consideration was obviously not strategic, but an ordinary trusteeship which must therefore have the objection stated in Article 76b of the Charter: "to promote the political, economic, social and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-

government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement." The people of Jerusalem could attain those objectives without any outside help.

The essential aims of the trusteeship system, as stated in Article 76 of the Charter could not, therefore, be invoked in the present case. Moreover, would the trusteeship agreement submitted to the General Assembly be concluded, in accordance with Article 79, by the States directly concerned, including the Mandatory Power? The answer was in the negative, since the United Kingdom and the States directly concerned were opposed to that regime. Then would the agreement be concluded by States indirectly concerned? Lastly, from the procedural point of view the General Assembly could not adopt any resolution on the trusteeship question that had not been previously decided upon by the Fourth Committee.

There was another very important reason for his opposition. The existing situation in Jerusalem was sufficiently calm and secure. The draft before the Assembly would complicate that situation and destroy the work done by the Security Council, the High Commissioner, the Security Council Truce Commission and by the Arabs and Jews who had reached a lasting truce agreement. Why wreck that work; why undermine it with an "explosive"?

If the General Assembly did anything illegal or of doubtful legality it would thereby justify the opposition of the parties concerned.

Mr. KATZ-SUCHY (Poland) joined in the Egyptian representative's protest against the time limit imposed on speakers, but regretted that he and his colleagues had not adopted that attitude earlier.

The Polish Government and people were particularly interested in the settlement of the Jerusalem question, and their representative had

consistently held the view that Jerusalem should be a corpus separatum with a special international status. The Polish delegation could not support the draft trusteeship agreement, for reasons already stated at the 141st meeting of the First Committee. With regard to the statements made by the representatives of Arab States, he felt that they were partly responsible for the trusteeship question having arisen again, since they had often argued in favour of such a regime, despite the opposition of the populations concerned. That showed that departure from principles for tactical and procedural purposes sometimes involved suffering the consequences in questions of substance.

Mr. AZIZ (Afghanistan) said that his delegation would vote against the draft resolution because it would not be wise to impose a regime likely to impair the truce accepted by the Arabs, and also because the establishment of such a regime without the consent of the directly interested States, including the Mandatory Power, would be a violation of Article 79 of the Charter.

Mr. EL-ERIAN (Yemen) reminded the Assembly that as Palestine remained under British Mandate for a few minutes longer, Article 79 of the Charter was the one that applied. As the Iraqi representative had already pointed out, the draft before the General Assembly was not in conformity with the provisions of that Article; it was difficult to understand how the United States representative, who supported the draft, could also have stated, as he had at the 140th meeting of the First Committee, that "any proposal must be based upon the authority of the Charter..." The representative of Yemen associated himself with the Egyptian representative's remarks concerning the right of self-determination of the people of Jerusalem, a right which was provided for in the Charter. His delegation would vote against the draft resolution.

The PRESIDENT ruled that the discussion was closed and that the Assembly would proceed to vote, beginning with the amendment

submitted by Mexico (document A/C.1/302) to the preamble of document A/C.1/298.

At the request of the Ukrainian representative, the vote would be taken by roll-call, both on the various amendments and on the proposal itself. In accordance with rule 79 of the rules of procedure, the roll-call would begin with the Member whose name was drawn by lot by the President.

Mr. CORDIER (Executive Assistant of the Secretary-General) read out the text of the amendment submitted by the Mexican delegation, calling for the replacement of the fifth paragraph of the preamble of document A/C.1/298 by the following text:

"Whereas the maintenance of order and security in Jerusalem is an urgent question which concerns the United Nations as a whole"

A vote was taken by roll-call, as follows:

In favour: Sweden, United States of America, Brazil, China, Dominican Republic, France, Guatemala, Honduras, Iceland, Liberia, Luxembourg, Mexico, Nicaragua, Panama, Peru.

Against: Syria, Turkey, Union of South Africa, Yemen, Afghanistan, Egypt, Iran, Iraq, Lebanon, Pakistan, Saudi Arabia.

Abstaining: Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom, Uruguay, Venezuela, Yugoslavia, Argentina, Australia, Belgium, Bolivia, Byelorussian Soviet Socialist Republic, Canada, Chile, Colombia, Cuba, Czechoslovakia, Denmark, Ecuador, Ethiopia, Greece, Haiti, India, Netherlands, New Zealand, Norway, Philippines, Poland, Siam.

The Mexican amendment was adopted by 15 votes to 11 with 28 abstentions.

Mr. CORDIER (Executive Assistant of the Secretary-General) read out the second Mexican amendment (document A/C.1/302), calling for the following new wording of paragraph 6 of the preamble:

"Whereas Chapter XII of the Charter authorizes and empowers the United Nations to exercise temporary administrative authority".

A vote was taken by roll-call, as follows:

In favour: Brazil, China, Dominican Republic, France, Honduras, Iceland, Liberia, Luxembourg, Mexico, Nicaragua, Panama, Peru, Sweden, United States of America.

Against: Yemen, Afghanistan, Byelorussian Soviet Socialist Republic, Egypt, Ethiopia, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria, Turkey.

Abstaining: Uruguay, Venezuela, Yugoslavia, Argentina, Australia, Belgium, Bolivia, Canada, Chile, Colombia, Cuba, Czechoslovakia, Denmark, Greece, Guatemala, Haiti, India, Iran, Netherlands, New Zealand, Norway, Philippines, Poland, Siam, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom.

The second Mexican amendment was adopted by 14 votes to 11, with 28 abstentions.

Mr. CORDIER (Executive Assistant of the Secretary-General) read out the United States amendment (document A/C.1/304) to article 4, paragraph 1, calling for the following text:

"The Government of Jerusalem shall consist of a United Nations Commissioner and such officers as may be appointed by him or by the Trusteeship Council..."

A vote was taken by roll-call, as follows:

In favour: France, Guatemala, Honduras, Iceland, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Sweden, Union of South Africa, United States of America, Belgium, Bolivia, Brazil, China, Dominican Republic.

Against: Iran, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria, Turkey, Yemen, Afghanistan, Cuba, Egypt.

Abstaining: Greece, Haiti, India, Mexico, Norway, Panama, Peru, Philippines, Poland, Siam, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom, Uruguay, Venezuela, Yugoslavia, Argentina, Australia, Byelorussian Soviet Socialist Republic, Canada, Chile, Colombia, Czechoslovakia, Denmark, Ecuador, Ethiopia.

The United States amendment was adopted by 17 votes to 11, with 26 abstentions.

Mr. CORDIER (Executive Assistant of the Secretary-General) read out the amendment to article 10, paragraph 2, proposed by the United States (document A/C.1/304), calling for the replacement of the words: "shall be paid from a special United Nations operational budget", by the words: "shall be paid from the regular United Nations budget".

A vote was taken by roll-call, as follows:

In favour: Sweden, Union of South Africa, United States of America, Belgium, Bolivia, Brazil, China, Dominican Republic, France, Guatemala, Honduras, Iceland, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Panama.

Against: Saudi Arabia, Syria, Turkey, Yemen, Yugoslavia, Afghanistan, Cuba, Egypt, Iran, Iraq, Lebanon, Pakistan.

Abstaining: Poland, Siam, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom, Uruguay, Venezuela, Argentina, Australia, Byelorussian Soviet Socialist Republic, Canada, Chile, Colombia, Czechoslovakia, Denmark, Ecuador, Ethiopia, Greece, Haiti, India, Norway, Peru, Philippines.

The United States amendment was adopted by 19 votes to 12, with 23 abstentions.

Mr. CORDIER (Executive Assistant of the Secretary-General) read out the last amendment submitted by the United-States (document A/C.1/304), calling for the addition of the following words at the end of article 10, paragraph 2 (document A/C.1/298):

"...provided that, if United Nations funds are contemplated, the Secretary-General shall be guided by the procedures which were established by the second session of the General Assembly for defraying unforeseen and extraordinary expenses."

A vote was taken by roll-call, as follows:

In favour: Liberia, Luxembourg, New Zealand, Nicaragua, Panama, Sweden, Union of South Africa, United States of America, Belgium, Bolivia, Brazil, China, Dominican Republic, France, Guatemala, Honduras, Iceland.

Against: Lebanon, Pakistan, Saudi Arabia, Syria, Turkey, Yemen, Yugoslavia, Afghanistan, Cuba, Egypt, Iran, Iraq.

Abstained: Mexico, Netherlands, Norway, Peru, Philippines, Poland, Siam, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom, Uruguay, Venezuela, Argentina,

Australia, Byelorussian Soviet Socialist Republic, Canada, Chile, Colombia, Czechoslovakia, Denmark, Ecuador, Ethiopia, Greece, Haiti, India.

he United States amendment was adopted by 17 votes to 12, with 25 abstentions.

The PRESIDENT pointed out that the resolution as a whole, on which the Assembly would vote next, required a two-thirds majority for adoption.

A vote was taken by roll-call, as follows:

In favour: Union of South Africa, United States of America, Uruguay, Belgium, Bolivia, Brazil, China, Dominican Republic, France, Guatemala, Honduras, Iceland, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Panama, Peru, Sweden.

Against: Union of Soviet Socialist Republics, Yemen, Afghanistan, Byelorussian Soviet Socialist Republic, Cuba, Egypt, Ethiopia, Iran, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria, Turkey, Ukrainian Soviet Socialist Republic.

Abstaining: United Kingdom, Venezuela, Yugoslavia, Argentina, Australia, Canada, Chile, Colombia, Czechoslovakia, Denmark, Ecuador, Greece, Haiti, India, Mexico, Norway, Philippines, Poland, Siam.

The result of the vote was 20 in favour, 15 against, and 19 abstentions. The resolution as a whole was not adopted having failed to obtain the necessary two-thirds majority of 36 votes.

CONSIDERATION OF THE DRAFT RESOLUTION
SUBMITTED BY THE FIRST COMMITTEE
(DOCUMENT A/552)

The PRESIDENT opened the discussion on the draft resolution contained in the First Committee's report (document A/552).

Mr. GONZÁLEZ FERNÁNDEZ (Colombia) asked the United States representative whether he was in a position to confirm the information given to the Press regarding the recognition of the Government of the Jewish State by the United States.

Mr. SAYRE (United States of America) stated that for the time being he had no official information on the subject.

Mr. GARCÍA GRANADOS (Guatemala) said that his delegation had always opposed any measures tending to abrogate the decision adopted by the General Assembly on 29 November 1947. It had also opposed the establishment, in Palestine, of a trusteeship system, which would restrict the freedom of the Arab and Jewish populations and would in reality be a revocation of the decision taken the previous year by the General Assembly. The Government of Guatemala hoped that the termination of the Mandate in Palestine would afford the Jewish and Arab communities an opportunity to constitute free and independent States.

Any attempt by the United Nations to depart from its function of mediation and conciliation, or to set up in Palestine a regime other than that proposed in the resolution of 29 November 1947, would be contrary to the principles of international law and would constitute an act of intervention. The role of the United Nations representative in Palestine must be that of a mediator only.

The delegation of Guatemala could not accept the vote taken at the 141st meeting of the First Committee at the request of the Greek

delegation regarding the Palestine Commission. It felt that the Commission should not cease to exist, but should merely suspend its work until, at the request of the populations concerned, the provisions for economic union could take effect and a body capable of collaborating with the two parties was set up.

The delegation of Guatemala considered that the resolution of 29 November 1947 was still in force, and that in accordance with that resolution Jerusalem must be considered as a *corpus separatum*. The Trusteeship Council should proceed as soon as possible to organize the regime for Jerusalem as a *corpus separatum*.

The Guatemalan delegation would vote in favour of the resolution before the Assembly.

Mr. GROMYKO (Union of Soviet Socialist Republics) recalled that the Assembly, in its special session, had been discussing the Palestine question for four weeks; that new proposals, differing from the Assembly's resolution of 29 November 1947, had then been submitted by the United States Government (document A/C.1/277), and that those proposals, which provided for a trusteeship system for Palestine, had not been favourably received. Thus the action taken, for certain reasons, by the United States delegation had been without result; it had been rejected in the General Assembly by an overwhelming majority.

The new British proposals, submitted at the 136th meeting of the First Committee, for the creation of a provisional regime in Palestine, had found so little favour that they, too, might be considered as already rejected by the Assembly.

Finally, the United States delegation, supported by some others, had submitted, several days previously, a proposal (document A/C.1/SC.9/1 for the establishment in Palestine of a regime which could not be regarded as equivalent to that advocated by the United

Kingdom, nor yet as a trusteeship system. It was proposed that a mediator should be appointed.

The USSR delegation was firmly convinced that in view of the situation in Palestine at the present time there was no reason to appoint a mediator. A feature of that situation was the existence of one of the two States provided for in the General Assembly's resolution: the Jewish State.

In those circumstances, to impose upon Palestine a provisional regime of a transitional nature would be unjustifiable, to say the least. Even if the draft resolution was accepted, that would in no way affect the partition decision, which remained valid.

Fearing that the opponents of the partition decision might take advantage of the provisions of the resolution to complicate the existing situation, the USSR delegation would vote against the resolution before the Assembly.

It seemed that certain aspects of the problem had been forgotten during the discussion. So far, only one State existed in Palestine: the Jewish State.

For strange and somewhat obscure reasons, the representatives of the Arab States did not support the creation of an Arab State in Palestine. For equally strange and obscure reasons, the United States and the United Kingdom also found the formation of a new Arab State undesirable.

The General Assembly had adopted its resolution of 29 November 1947 in order to protect the interests of the Palestine population. But the United States and the United Kingdom had opposed, by every possible means, the proposals designed to terminate hostilities between Arabs and Jews. Responsibility for the situation lay primarily with the United States, whose present political manoeuvres were

directed not only against the interests of the people of Palestine, but against the interests of the United Nations, which was in a most difficult position.

The policy adopted by the United States was full of contradictions. The USSR delegation on the other hand, pursued a consistent policy, because it had made the interests of the people of Palestine its first consideration.

Mr. KATZ-SUCHY (Poland) pointed out that after four weeks of discussion, during which numerous delegations had tried to show that implementation of resolution 181(II) on the partition of Palestine was impossible, practical and concrete measures were being taken to implement that resolution. The Polish delegation considered that the creation of a Jewish State in the part of Palestine designated for that purpose, was in conformity with the resolution of 29 November.

He was sure that the leaders of the new Jewish State understood the wisdom of close co-operation with the other peoples of the Middle East. He was equally sure that the Arab population of Palestine would follow their example by creating a new State in conformity with the resolution of 29 November. That would strengthen the Arab States in their struggle for complete independence in that part of the world.

Only three hours had elapsed since the First Committee had been obliged to adopt, at its 141st meeting, after a hasty discussion, a resolution which it had submitted to the Assembly. But many provisions of that resolution were already useless. Such was the impression of the Polish delegation, and the *de facto* recognition of the Jewish State by the Government of the United States showed that the latter itself regarded the resolution as already obsolete.

It was impossible to vote in favour of the resolution which only amounted to a veiled attempt to invalidate the resolution of 29 November, in spite of the concrete measures taken for its implementation.

When the Polish delegation had declared itself in favour of the resolution recommending partition, it had not expected that it would be necessary to implement it by force. The right of peoples to self-determination meant that the inhabitants of a given country must express their will and declare themselves free. He was convinced that the Arabs and the Jews would do so. Nevertheless, hostilities might break out. Poland would welcome the appointment of a United Nations representative who could try to settle the differences between the two peoples on the spot. But such a mediator was only an official who might interfere in the internal affairs of the country. He would not represent the United Nations, but the interests of certain Powers in that region. Hence the Polish delegation would vote against the draft resolution.

Mr. HOLGUIN DE LAVALLE (Peru) recalled that Peru, which had been a member of the United Nations Special Committee on Palestine, had voted in favour of the majority resolution proposing partition. On 29 November 1947, Peru had supported the General Assembly's resolution in favour of partition. Unfortunately, events had moved quickly in Palestine. But as the resolution which was to be put to the vote only provided for limited powers, and in view of the prevailing uncertainty, the Peruvian delegation did not think that the draft resolution could ensure real and lasting harmony among the peoples of Palestine. It would therefore abstain from voting.

Mr. RODRÍGUEZ FABREGAT (Uruguay) said that in view of the news received regarding the proclamation of the Jewish State in Palestine, which would no doubt be followed by the creation of an Arab State in Palestine, the United Nations should continue to seek a peaceful settlement of the dispute between the two parties. The role of

the representative proposed in the resolution was that of a mediator between those two parties. The Uruguayan delegation thought that he should be given adequate powers to act as a mediator. But as the representative might be called upon to take certain measures beyond the limitations of his role, thus incurring a very heavy responsibility which might affect the prestige and the unity of the United Nations, the representative of Uruguay asked for a vote by roll-call on those paragraphs in respect of which some delegations wished to abstain.

Mr. HOOD (Australia) observed that since the resolution proposing a special regime for Jerusalem had been rejected, the resolution under consideration had no direct bearing on the situation in Jerusalem. If, on the other hand, matters were left as they were, there would be no link between the United Nations and the city of Jerusalem. That situation was to be avoided at all costs.

The Australian delegation therefore proposed an amendment, to be added to the draft resolution, establishing a link between the proposal to appoint a mediator in Palestine and the legal and *de facto* situation in Jerusalem. That amendment would take the form of a new paragraph 4, to be inserted between paragraphs 3 and 4 of the draft resolution (document A/552), reading as follows:

"...calls on the Jerusalem Municipal Commissioner to consult and co-operate with the United Nations Mediator in Palestine, especially to ensure the protection of the inhabitants of Jerusalem and the preservation of the Holy Places pending the establishment of an international regime for the city of Jerusalem under United Nations administration."

It was not claimed that the proposal would have far-reaching consequences, but it represented the bare minimum that should be attained.

Mr. BELT (Cuba) stated that his delegation had hoped that the second special session of the General Assembly would be able to remedy the injustice of the resolution of 29 November 1947 and correct its faults. Unfortunately, that had not been the case, and it seemed that the general feeling was that the situation in Palestine should be accepted as a *fait accompli* and that the United Nations should refrain from taking any positive measures in regard to the problem.

He was surprised to hear the United States representative say that he had no information regarding his Government's recognition of the new Jewish State. It appeared that the representatives of the USSR and Poland were better informed on events in Washington. While he respected the decisions of any sovereign State, he could not see why a vote should be taken on the resolution submitted by Sub-Committee 9 (document A/552), which had been sponsored by the United States and now seemed pointless, since the United States Government had recognized the new Jewish State.

Mr. GARREAU (France) said that the rejection of the proposal sponsored by the United States and French delegations (document A/C.1/298) placed the Assembly in a rather unusual position. He recalled that the Assembly had decided that the City of Jerusalem should form a *corpus separatum* within Palestine. On 26 April at the 132nd plenary meeting it had been decided to ask the Trusteeship Council to study measures for the protection of Jerusalem.³/ Sub-Committee 10 of the First Committee had then been instructed to seek a solution. That solution had been rejected.

At the present moment, the situation in Jerusalem was more serious than ever, despite the assurances given by certain Members of the Assembly regarding the effectiveness of the recently concluded truce. The latest news gave no reason for optimism. The French delegation therefore appealed to the Assembly not to lose sight of the need to protect the Holy City. For its own part, it warmly supported the amendment submitted by the Australian delegation.

Mr. EL-KHOURI (Syria) stated that he at last understood why the United States representative had urged that priority should be given to discussion of the report of Sub-Committee 10. The real intention of the United States had been to await the termination of the Mandate before putting that resolution to the vote, so that the United States Government could recognize the Jewish State as a *de facto* authority.

If the resolution proposed by the United States had been adopted, it would not have had any retroactive effect. The United Nations not having taken any decision before the end of the Mandate, Palestine would automatically become independent and the interested parties would be able to take the measures they considered right and necessary. The United Nations would no longer have valid grounds for intervention in the Palestine question, since no resolution had been adopted before the termination of the Mandate.

Mr. JESSUP (United States of America), replying to the comments of some representatives on the appointment of a mediator representing the United Nations in Palestine, stated that the situation urgently demanded the appointment of such an official to restore peace in Palestine.

The United States delegation was now able to communicate to the Assembly the text of the following statement by the President of the United States:

"This Government has been informed that a Jewish State has been proclaimed in Palestine, and recognition has been requested by the Provisional Government thereof. The United States recognizes the Provisional Government as the *de facto* authority of the new State of Israel."

Mr. Jessup also read out the following statement issued from the White House, which drew particular attention to the question before the Assembly:

"The desire of the United States to obtain a truce in Palestine will in no way be lessened by the proclamation of a Jewish State. We hope that the new Jewish State will join with the Security Council Truce Commission in redoubled efforts to bring an end to the fighting, which has been, throughout the United Nations consideration of Palestine, a principal objective of this Government."

To restore peace to the Holy Land remained the policy and the hope of the United States Government. The appointment of a mediator to achieve that purpose was most desirable, and the United States of America therefore continued to support the resolution before the Assembly.

Mahmoud Bey FAWZI (Egypt) thought that in view of the circumstances it would be a mockery unworthy of the General Assembly and of the United Nations as a whole to continue discussion of the proposal. The whole of the procedure followed had been a farce, and the fifty-eight nations that were the victims, had been unaware of what was taking place behind the scenes. Such action was a blow not only to the United Nations but to international relations as a whole. The members of the Assembly were not mere individuals, they represented all mankind with its hopes and ideals and had to bear heavy responsibilities. All that had been betrayed.

Mr. EL-KHOURI (Syria), in reply to the United States representative's last statement, observed that the truce had been decided upon by the Security Council a month previously,^{4/} as a result of the United States delegation's efforts, and that it was based on the principle of a *status quo* during which there would be no political activities.

The Security Council's resolution (document S/723) on the truce had been communicated to the Government of Palestine. A Jewish State had been proclaimed in Palestine that day and to recognize it was to do exactly what the Security Council wished to avoid.

In view of those facts it was difficult to deny that recognition of the Jewish State was opposed to the efforts made to secure a truce.

Mr. MALIK (Lebanon) reviewed the development of the Palestine problem since the first special session of the General Assembly a year previously. He went on to point out that the present special session had been convened at the request of the United States through the Security Council, and that for four weeks the United States delegation had been assuring the parties that the only aim was to bring about peace and reconciliation. That was the meaning of the statement made hardly twenty-two hours earlier by the United States representative.

The step taken by the United States could hardly be interpreted as an action calculated to promote the objective conditions necessary for a reconciliation.

The Members of the General Assembly were concerned with peace and reconciliation between the peoples. Methods of the kind employed by the United States would never attain the ends desired. The action just taken would lead to the gravest disturbances in the Middle East.

The United States had many interests in the Middle East, including intellectual, cultural and spiritual ones. Those spiritual interests, which were of a more subtle, more important and more lasting kind, would be deeply affected by the decision taken by the United States.

The PRESIDENT put to the vote the amendment submitted by the Australian representative during that meeting and asked the Executive Assistant of the Secretary-General to read out the text.

The Australian amendment was rejected by 14 votes to 10, with 24 abstentions.

The PRESIDENT put to the vote the draft resolution submitted by the First Committee (document A/552). He added that, at the Uruguayan representative's request, the vote would be taken paragraph by paragraph.

The preamble of the draft resolution was adopted by 27 votes to 5, with 13 abstentions.

Section I of the draft resolution was adopted by 32 votes to none, with 20 abstentions.

Paragraph 1 of section II was adopted by 31 votes to 7, with 11 abstentions.

Paragraph 2 of section II was adopted by 31 votes to 4, with 13 abstentions.

Paragraph 3 of section II was adopted by 32 votes to 5, with 12 abstentions.

Paragraph 4 of section II was adopted by 29 votes to 6, with 13 abstentions.

Section III of the draft resolution was adopted by 29 votes to 11, with 8 abstentions.

Mr. GONZÁLEZ FERNÁNDEZ asked that the vote on the resolution as a whole should be taken by roll-call.

A vote was taken by roll-call as follows:

In favour: Canada, China, Denmark, Dominican Republic, Ethiopia, France, Guatemala, Honduras, Iceland, India, Iran, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Philippines, Sweden, Turkey, Union of South Africa, United Kingdom, United States of America, Uruguay, Afghanistan, Argentine, Belgium, Bolivia, Brazil.

Against: Cuba, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia, Byelorussian Soviet Socialist Republic.

Abstaining: Chile, Colombia, Ecuador, Egypt, Greece, Haiti, Iraq, Lebanon, Mexico, Peru, Saudi Arabia, Siam, Syria, Venezuela, Yemen, Australia.

The resolution as a whole was adopted by 31 votes to 7, with 16 abstentions.

19. Draft resolution submitted by the Dominican Republic (document A/553)

The PRESIDENT put to the vote the following draft resolution submitted by the Dominican Republic (document A/553), which Mr. CORDIER, the Executive Assistant of the Secretary-General read out at his request:

"The General Assembly,

"Having adopted a resolution providing for the appointment of a United Nations Mediator in Palestine,^{5/} which relieves the United Nations Palestine Commission from the further exercise of its responsibilities,

"*Resolves* to express its full appreciation for the work performed by the Palestine Commission in pursuance of its mandate from the General Assembly."

Mr. HENRIQUEZ UREÑA (Dominican Republic) considered that it was only fitting to thank the United Nations Palestine Commission for the sincerity, honesty, good will and perseverance with which it had carried out its work.

The PRESIDENT announced that as there was no objection, he took it that the resolution submitted by the Dominican Republic was adopted.

The resolution was adopted unanimously.

Mr. GARCÍA GRANADOS (Guatemala) moved that the General Assembly should invite the Trusteeship Council to submit for its approval the draft statute for Jerusalem drawn up by the Council (document A/541), which was ready to be put into effect. He added that he had just received a communication from the Government of Guatemala announcing that it recognized the new Jewish State in Palestine.

The PRESIDENT regretted that he could not accept the Guatemalan representative's proposal, since the point he had raised was not on the agenda, discussion of which was concluded.

20. Closing speech by the President

The PRESIDENT observed that in order to complete its work the Assembly had had a difficult task to perform, and--as often happened in politics -- it had done what it could with the means at its disposal. The Assembly should therefore ignore the many criticisms directed both at itself, at the Members of the United Nations in general, and at

the great Powers in particular. It would be an interesting, though perhaps a dangerous experiment to entrust those political critics with the direction of international affairs; such an experiment would probably make them more tolerant and more sincere. Moreover, it should not be forgotten that the United Nations was still in process of organization and that progress still had to be made in spite of difficulties and obstacles.

The spirit of San Francisco, which derived from constant agreement between the Great Powers, had vanished as soon as the Security Council began its work, and had not reappeared. Many of the Charter's provisions were badly interpreted or applied. The international force which was to back up the authority of the Security Council's decisions had not been organized. The regulation and reduction of armaments had not been accomplished, although the small and medium-sized nations called for it in order to reduce their budgets. Three years after the cessation of hostilities, the foremost task, the establishment of peace, had not been achieved. Korea and Austria were still occupied. Germany and Japan had no definitive regime. There were peace-loving nations whose co-operation would be valuable, which had not joined the United Nations, either because they had been neutral during the war or because it was assumed in advance that they were involved in international disputes.

Nevertheless he did not hesitate to tell its detractors that in less than two and a half years, the United Nations had accomplished fruitful and practical work in the economic and social field, thus furthering the progress of the civilized world.

It must be admitted that the Palestine question was an inheritance bequeathed without inventory by the League of Nations, and that the colonizing nation *par excellence* had been unable to solve it in thirty years.

The General Assembly had been faced not only with the conflicting interests of the two parties, but also with the political prejudices and intransigence of certain Members.

In any case, recent debates had shown the advantages of freedom of thought and freedom to translate ideas into decision or votes, even if the solutions thus adopted were not the best. In short, that freedom should lead to the building of an international society directed by the best minds and based on the will of millions of men who had gained the right to live worthily, free from an economic or social servitude.

The days of dictatorships, whether autocratic or oligarchic, of cliques or of parties, were numbered. Peoples had learned to determine their own future. The interests of the majority must prevail -- for such was the law of progress -- over the interests of a minority of profiteers and over foreign influence of any description.

Thus the people of Palestine would decide its future for itself and on its own behalf. Freedom never came as a gift; it had to be conquered, often at the price of tears and suffering. Bloodshed in the name of freedom could be accepted, if need be, but what could not be accepted was that blood should be shed in the defence of interests alien to those of the combatants who were fighting to safeguard their own destiny.

The Assembly must hope that the fratricidal struggle in Palestine would cease as soon as possible; it must greet the advent of a new free people to the concert of nations and hope that the peoples of Palestine, whatever their race and origin, would realize that their immediate interests and their future depended on mutual understanding without foreign intervention.

After thanking the Secretary-General and the Secretariat staff, the President announced the closing of the second special session of the United Nations General Assembly.

The meeting rose at 8.35 p.m.

Notes

1/ See *Official Records of the second session of the General Assembly*, Resolutions, No. 166 (II) B, page 88.

2/ See *Official Records of the second special session of the General Assembly*, Supplement No. 2, resolution 185 (S-2).

3/ See *Official Records of the second special session of the General Assembly*, Supplement No. 2, resolution 185 (S-2).

4/ See *Official Records of the Security Council*, Third Year, No. 58.

5/ On 20 May 1948, Count Folke Bernadotte was appointed United Nations Mediator in Palestine.

<i>Source of document</i>
http://unispal.un.org/UNISPAL.NSF/0/37CEE23C50B0E2D10525661A005737D9

**United Nations
Security Council**

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**LETTER DATED 18 MAY 1948 FROM THE ASSISTANT
SECRETARY-GENERAL FOR SECURITY
COUNCIL AFFAIRS ADDRESSED TO THE JEWISH
AGENCY FOR PALESTINE, AND REPLY
DATED 22 MAY 1948 ADDRESSED TO THE SECRETARY-
GENERAL
CONCERNING THE QUESTIONS SUBMITTED BY THE
SECURITY COUNCIL**

18 May 1948

Sir,

I am directed by the President of the Security Council to communicate to you for transmission to the appropriate Jewish Authorities in Palestine the attached questions which the Security Council decided at its two hundred and ninety-fifth meeting, held on 18 May 1948, to address to the Jewish Authorities in Palestine.

I have the honour to inform you also that, in view of the urgency of the matter, the Security Council requested to receive a reply to the questions within forty-eight hours, counting from 19 May 1948 at noon, New York Standard Time.

I have the honour to be,
Sir,
Your obedient Servant,

A. Sobolev
Assistant Secretary-General
in charge of Security Council Affairs

Mr. Arthur Lourie,
Director of the New York Office,
Jewish Agency for Palestine,
16 East 66th Street,
New York , N.Y.

QUESTIONS TO THE JEWISH AUTHORITIES IN PALESTINE

- (a) Over which areas of Palestine do you actually exercise control at the present time?
- (b) Do you have armed forces operating in areas (towns, cities, districts) of Palestine where the Arabs are the majority, or outside Palestine?
- (c) If so, on what basis do you attempt to justify such operations?
- (d) Have you arranged for the entry into Palestine in the near future of men of military age from outside Palestine? If so, what are the numbers and where are they coming from?

(e) Are you negotiating with Arab authorities regarding either the truce or a political settlement in Palestine?

(f) Have you named representatives to deal with the Security Council Truce Commission for the purpose of effecting the truce called for by the Security Council?

(g) Will you agree to an immediate and unconditional truce for the City of Jerusalem and the Holy Places?

(h) Have Arab forces penetrated into the territory over which you claim to have authority?

REPLY

STATE OF ISRAEL

Office of the Acting
Representative at the
United Nations

Sir,

I am directed by the Provisional Government of Israel to communicate to you the following replies to the questions addressed by the Security Council at its 295th meeting held on May 18, 1948 to the "Jewish authorities in Palestine". These questions were transmitted by me to the Foreign Secretary of the Provisional Government of Israel in Tel Aviv.

I have to point out that the designation "Jewish authorities", which applied in the past to the Jewish Agency for Palestine and to the National Council of the Jews of Palestine (Vaad Leumi), now applies

to the Provisional State Council and the Provisional Government of the State of Israel, jointly established by those bodies, and in which, since May 15, 1948, all legislative, executive and judiciary powers in the State of Israel are now vested.

I have the honour, Sir, to be
Your obedient servant,
(signed) Aubrey S. Eban

REPLIES OF PROVISIONAL GOVERNMENT OF ISRAEL TO SECURITY COUNCIL QUESTIONNAIRE

Question (a): Over which areas of Palestine do you actually exercise control at present over the entire area of the Jewish State as defined in the Resolution of the General Assembly of the 29th November, 1947. In addition, the Provisional Government exercises control over the city of Jaffa; Northwestern Galilee, including Acre, Zib, Base, and the Jewish settlements up to the Lebanese frontier; a strip of territory alongside the road from Hilda to Jerusalem; almost all of new Jerusalem; and of the Jewish quarter within the walls of the Old City of Jerusalem. The above areas, outside the territory of the State of Israel, are under the control of the military authorities of the State of Israel, who are strictly adhering to international regulations in this regard. The Southern Negev is uninhabited desert over which no effective authority has ever existed.

Question (b): Do you have armed forces operating in areas (towns, cities, districts) of Palestine where the Arabs are the majority, or outside Palestine?

Answer to Question (b): We consider the territory of Israel as a single unit with a Jewish majority. As indicated above, the Government of the State of Israel operates in parts of Palestine outside the territory of the State of Israel; parts which, with the notable exception of Jerusalem, formerly for the most part, contained Arab majorities.

These areas have, however, been mostly abandoned by their Arab population. No area outside of Palestine is under Jewish occupation but sallies beyond the frontiers of the State of Israel have occasionally been carried out by Jewish forces for imperative military reasons, and as a part of an essentially defensive plan.

Question (c) If so, on what basis do you attempt to justify such operations?

Answer to Question (c): The above operations in areas outside the State of Israel are justified on the following grounds:

1. In order to repel aggression, and as part of our essentially defensive plan, to prevent these areas being used as bases for attacks against the State of Israel.
2. In order to protect Jewish population, traffic and economic life, including the protection of those Jewish settlements outside the area of the State where, owing to the absence of any duly constituted authority and the failure to implement the guarantees and safeguards provided for under the General Assembly Plan, life and property are in imminent danger. Similar considerations apply in the absence of any international statute for the City of Jerusalem to the Jewish area of the City.

Question (d): Have you arranged for the entry into Palestine in the near future of men of military age from outside Palestine? If so, what are the numbers and where are they coming from?

Answer to Question (d): Arrangements have been and are being made for the entry into Palestine of Jewish immigrants of all ages and both sexes from various countries in accordance with the avowed object and primary purpose of the State of Israel to open its gates for large-scale immigration. The State of Israel regards the matter of immigration as a matter within its domestic jurisdiction.

Question (e): Are you negotiating with Arab authorities regarding either the truce or a political settlement in Palestine?

Answer to Question (e): No such negotiations are at present proceeding. The Secretary-General of the Arab League was informed immediately after the November Resolution that the Jews were ready to negotiate for peaceful collaboration on the basis of implementation of the Resolution of the General Assembly of November 29. To this no reply was received. Repeated approaches were also made to King Abdullah of Trans-Jordan offering on behalf of the Jewish State peace and good neighborliness, but these offers were rejected by King Abdullah, who insisted that the whole of Palestine come under his rule and that the Jews accept Arab nationality and rest content with regional autonomy.

We have on repeated occasions indicated our affirmative attitude to cease-fire proposals coming from British authorities in Palestine and various organs of the United Nations. The cease-fire in the Old City initiated by the Trusteeship Council and observed by the Jews, was broken by the Arabs.

Question (f): Have you named representatives to deal with the Security Council Truce Commission for the purpose of effecting the truce called for by the Security Council?

Answer to Question (f): When the Security Council adopted the Truce Resolution the Provisional Government of the State of Israel did not yet exist, but the Jewish Agency kept in close touch with the Truce Commission in Jerusalem from its inception. This liaison has now been taken over by the Provisional Government.

Question (g): Will you agree to an immediate an unconditional truce for the City of Jerusalem and the Holy Places?

Answer to Question (g): Yes.

Question (h): Have Arab forces penetrated into the territory over which you claim to have authority?

Answer to Question (h): Arab forces have penetrated into the territory of the State of Israel in certain corners of the Northern Negev and in the Jordan Valley south of Lake Tiberias. In addition, planes of the Royal Egyptian Air Force have repeatedly raided Tel Aviv and southern Jewish settlements, while Iraqi air-force planes have been raiding settlements in the Northern Jordan Valley and artillery of the Syrian and Lebanese armies have been shelling settlements in Upper Galilee from across the frontier.

<i>Source of document</i>
http://unispal.un.org/UNISPAL.NSF/0/B4085A930E0529C98025649D00410973

UNITED NATIONS
Security Council

S/863
28 June 1948

**TEXT OF SUGGESTIONS PRESENTED BY THE UNITED
NATIONS MEDIATOR
ON PALESTINE TO THE TWO PARTIES ON 28 JUNE 1948**

The following text was sent by the Mediator to be held by the Secretary-General for transmission to the President of the Security Council at a time to be notified later. The Secretary-General subsequently was requested to release the text at 2.00 p.m., E.D.T., 4 July 1948.

“I have the honour to present for the information of the Security Council the following three papers presented to the Arab and Jewish authorities on 28 June 1948, for their consideration in pursuance of my effort to find a common basis for discussion with the two parties looking towards a peaceful adjustment of the future situation of Palestine.

Part I. Introductory Statement

1. The resolution of the General Assembly of 14 May 1948, provides inter alia that the United Nations Mediator is to use his good offices to “promote a peaceful adjustment of the future situation of Palestine”.
2. It follows that my prime objective as Mediator is to determine on the basis of the fullest exploration, whether there is any possibility of reconciling, by peaceful means, the divergent and conflicting views and positions of the two sides.

3. The co-operative attitude manifested thus far by both sides has made possible the truce which began on 11 June. This truce has brought a calmer atmosphere, more favourable to the task of mediation entrusted to me by the General Assembly. In this improved atmosphere I have talked with the representatives of both sides and have obtained a very clear impression of their positions on the question of the future of Palestine. I have also profited from the information afforded by the technical consultants whom each side has designated in response to my request.

4. The basic issues arising from the opposing parties relate to partition, the establishment of a Jewish State, and Jewish immigration.

5. I have thoroughly studied, weighed and appraised the positions taken by the two parties. I interpret my role as Mediator not as one involving the handing down of decisions on the future of Palestine, but as one of offering suggestions on the basis of which further discussions might take place and possibly counter suggestions be put forth looking toward a peaceful settlement of this difficult problem. Suggestions at this stage, then, must clearly be of such nature as to provide a reasonable framework of reference within which the two parties may find it possible to continue their consultations with me towards the end of a peaceful adjustment.

6. My analysis has taken into account the equities involved, and the aspirations, fears, motivations of the parties. It has also taken account of the realities of the existing situation. It has convinced me that on grounds of equity as well as on practical grounds it is impossible for me as Mediator to call upon either party to surrender completely its position. In the light of this analysis I see a possibility of an adjustment which would give adequate reassurance to both parties as regards the vital factors in their respective positions. But the realization of this possibility depends upon the willingness of the

parties to explore all avenues for a peaceful adjustment and their readiness not to resume armed conflict as a means of settling their differences.

7. Despite the present conflict, there is a common denominator in Palestine which, happily, is acceptable to and affirmed by both sides. This is the recognition of the necessity for peaceful relations between Arabs and Jews in Palestine and of the principle of economic unity.

8. It is with this common denominator especially in mind that I put forth the accompanying suggestions in outline as a basis for discussion. These suggestions, I must emphasize, are submitted with no intimation of preciseness or finality. They are designed solely to explore the possible bases for further discussions and mediation, and to elicit from the parties their reactions and further views. Moreover, any plans which might result from these suggestions could be workable only if voluntarily accepted and applied. There can be no question of their imposition.

9. I should make perfectly clear my intentions as regards future procedure. If it develops that the suggestions herewith presented, or suggestions subsequently presented, which may arise from the reactions to those now put forth, provide a basis for discussion, I will carry on with the discussions as long as may prove necessary and fruitful. If, however, these or subsequent suggestions, if any should emerge, are rejected as a basis for discussion, which I earnestly hope will not occur, I shall promptly report the circumstances fully to the Security Council and shall feel free to submit such conclusions to the Security Council as I may consider appropriate.

(signed) Count Folke Bernadotte
United Nations Mediator on Palestine,
Rhodes, Greece, 27 June 1948.

Part II. Suggestions presented by the Mediator on Palestine

The Mediator advanced the following suggestions as a possible basis for discussion:

1. That, subject to the willingness of the directly interested parties to consider such an arrangement, Palestine, as defined in the original Mandate entrusted to the United Kingdom in 1922, that is including Transjordan, might form a Union comprising two members, one Arab and one Jewish.
2. That the boundaries of the two members be determined in the first instance by negotiation with the assistance of the Mediator and on the basis of suggestions to be made by him. When agreement is reached on the main outlines of the boundaries they will be definitively fixed by a Boundaries Commission.
3. That the purposes and function of the Union should be to promote common economic interests, to operate and maintain common services, including customs and excise, to undertake development projects and to co-ordinate foreign policy and measures for common defence.
4. That the functions and authority of the Union might be exercised through a central council and such other organs as the members of the Union may determine.
5. That, subject to the provision of the Instrument of Union, each member of the Union may exercise full control over its own affairs including its foreign relations.
6. Immigration within its own borders should be within the competence of each member, provided that following a period of two years from the establishment of the Union, either member would be entitled to request the Council of the Union to review the immigration

policy of the other member and to render a ruling thereon in terms of the common interests of the Union. In the event of the inability of the Council to reach a decision on the matter, the issue could be referred by either member to the Economic and Social Council of the United Nations whose decision, taking into account the principle of economic absorptive capacity, would be binding on the member whose policy is at issue.

7. That religious and minority rights be fully protected by each member of the Union and guaranteed by the United Nations.

8. That Holy Places, religious buildings and sites be preserved and that existing rights in respect of the same be fully guaranteed by each member of the Union.

9. That recognition be accorded to the right of residents of Palestine who, because of conditions created by the conflict there have left their normal places of abode, to return to their homes without restriction and to regain possession of their property.

(signed) Count Folke Bernadotte
United Nations Mediator on Palestine
Rhodes, Greece, 27 June 1948.

Part III. Annex to the Suggestions: Territorial Matters

With regard to paragraph 2 of the suggestions it is considered that certain territorial arrangements might be worthy of consideration. These might be along the following lines:

1. Inclusion of the whole or part of the Negev in Arab territory.
2. Inclusion of the whole or part of Western Galilee in Jewish territory.

3. Inclusion of the City of Jerusalem in Arab territory, with municipal autonomy for the Jewish community and special arrangements for the protection of the Holy Places.

4. Consideration of the status of Jaffa.

5. Establishment of a free port at Haifa, the area of the free port to include the refineries and terminals.

6. Establishment of a free airport at Lydda.

(signed) Count Folke Bernadotte
United Nations Mediator on Palestine,
Rhodes, Greece, 27 June 1948

<i>Source of document</i>
http://unispal.un.org/UNISPAL.NSF/0/EA66369DAF3BE7E88025649E004395C8

Agreement for the demilitarisation of Mount Scopus area, 7 July 1948

To preserve the Hebrew University campus, the National Jewish Library and the Hadassah Hospital, Israel agreed to the demilitarisation of Mount Scopus. Under the agreement, Israeli policemen supervised the major part of Mount Scopus, and until 1967 it remained an Israeli enclave surrounded by Jordanian-held territory.

7 July 1948 Agreement for the Demilitarisation of Mount Scopus Area

It is hereby jointly agreed that

1. The area as delineated on the attached map will be assigned to United Nations protection until hostilities cease or a new agreement is entered upon. It shall include the areas designated as Hadassah Hospital, Hebrew University, Augusta Victoria and the Arab village of Issawiya. The United Nations agrees to become a signatory to this document by representation through the Senior Observer in the Jerusalem area and the Chairman of the Truce Commission. It therefore accepts responsibility for the security of this area as described herewith.
2. There shall be a no-man's-land location extending for approximately 200 yards along the main road between the Augusta Victoria and Hebrew University buildings, with suitable check-posts established at each end. Other check-posts will be established on the perimeter of the zone under protection, and all parties agree that access desired should be sought along the main road via the United Nations check-posts as established by the United Nations Commander. All other attempts at entry will be considered as unlawful invasion and treated accordingly.

3. In their respective areas armed Arab and Jewish civilian police will be placed on duty under the United Nations Commander. The United Nations flag will fly on the main buildings. All military personnel of both sides will be withdrawn this day, together with their equipment and such other supplies as are not required by the United Nations Commander.

4. The United Nations will arrange that both parties receive adequate supplies of food and water. Replacements of necessary personnel in residence on Mount Scopus will be scheduled by the United Nations Commander. Visits of properly accredited individuals will also be arranged by the United Nations Commander in consultation with each party in respect of its area. The United Nations undertakes to limit the population on Mount Scopus to those individuals needed for its operation, plus the present population of the village of Issawiya. No additions will be made to the village population except by agreement of both parties. The initial personnel roster of civilian police in the Jewish section shall not exceed a total of 85. The civilian personnel attached thereto shall not exceed a total of 33. The Arab civilian police population at Augusta Victoria shall not exceed a total of 40.

5. It is hereby agreed by both parties that the area is not to be used as a base for military operations, nor will it be attacked or unlawfully entered upon.

6. In the event that the Arab Legion withdraws from the area, the United Nations Commander is to be given sufficient advanced notice in writing in order that satisfactory arrangements may be made to substitute for this protocol another agreement.

(Signed)

Lash

Arab Military Commander

Shaltiel

*Jewish Military Commander, for Provisional Government, State of
Israel*

Jean Nieuwenhuys

Chairman, Truce Commission, United Nations

Nils Brunsson

Senior Observer, Mediator's Jerusalem Group, United Nations

<i>Source of document</i>
http://mfa.gov.il/MFA/ForeignPolicy/MFADocuments/Yearbook1/Pages/14%20Agreement%20for%20the%20demilitarisation%20of%20Mount%20Sco.aspx

Jerusalem Declared Israel-Occupied City, Government Proclamation, Official Gazette, No. 12, 2 August 1948

From March until June 1948, Jerusalem was besieged by Arab irregulars and the Jordanian Arab Legion from the north, west and east; Egyptian troops attempted to break through from the southern approaches. The Old City fell on 28 May. In June, at the cost of many casualties, Israel finally succeeded in re-establishing a link with the city and lifted the siege. On 26 July, the United Nations Mediator, Count Folke Bernadotte, visited Jerusalem and conferred there with Foreign Minister Sharett. He suggested the demilitarisation of Jerusalem. On 2 August, the Government of Israel rejected the suggestion and decided to declare the Jerusalem area under its control as Israel-occupied territory. Dr. Dov Joseph was appointed Military Governor. Text of the Government proclamation:

Israel Defence Forces Administration in Jerusalem Proclamation No. 1

Whereas the area of Jerusalem, including most of the city, part of its environment and western approaches, is held by the Defence Army of Israel which is under my authority; and whereas the Defence Army of Israel is duty bound to maintain in the administered area public safety and security and to preserve law and order;

Therefore I, David Ben-Gurion, Minister of Defence, hereby proclaim on behalf of the General Staff of the Israel Defence Forces to wit:

1. The term "administered area" means the area including most of the city of Jerusalem, part of its environs and western approaches and the roads linking Jerusalem with the coastal plain, all within the area marked by a red line in the map of the Land of Israel signed by me bearing today's date, 26 Tamuz 5708 (2 August 1948) or in any other map which will replace it and will be signed by me and similarly marked.

2. The law of the State of Israel prevails in the administered area.
3. The inhabitants of the administered area are hereby called upon to maintain the public peace and its economic system, and to assist the Defence Army of Israel as required. Whoever violates any of my directives will be tried before a military tribunal which will be established with my knowledge or before a civil court, as the case may require.
4. This proclamation will be made public in channels which I will deem most effective.
5. This proclamation will be valid for all intents and purposes from midnight, 6 Iyar 5708 (15 May 1948); however, regarding the territory whose parts have come under the administration of the Defence Army of Israel after that date, this proclamation will be valid only from that time.

David Ben-Gurion
Minister of Defence

<i>Source of document</i>
http://web.archive.org/web/20051027170144/http://www.mfa.gov.il/MFA/Foreign+Relations/Israels+Foreign+Relations+since+1947/1947-1974/2+Jerusalem+Declared+Israel-Occupied+City+-+Governm.htm

Source: General Assembly

16 September 1948

UNITED NATIONS
PROGRESS REPORT
OF THE
UNITED NATIONS MEDIATOR
ON PALESTINE
SUBMITTED TO THE SECRETARY-GENERAL
FOR TRANSMISSION TO THE MEMBERS OF
THE UNITED NATIONS

In pursuance of paragraph 2, part II, of resolution 186 (S-2) of the
General Assembly of 14 May 1948

GENERAL ASSEMBLY
OFFICIAL RECORDS : THIRD SESSION
SUPPLEMENT No. 11 (A/648)

PARIS, 1948

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1. INTRODUCTION

1. The General Assembly, on 14 May 1948, adopted resolution 186 (S-2), providing for a United Nations Mediator on Palestine.

Paragraph 2, part II, of this resolution instructed the Mediator "to render progress reports monthly, or more frequently as he deems necessary, to the Security Council and to the Secretary-General for transmission to the Members of the United Nations".

2. Since taking up my responsibilities as United Nations Mediator on Palestine on 21 May 1948, I have submitted a number of reports to the Security Council on specific aspects of the mediation effort, the truce supervision and the refugee problem. These reports, of course, as Security Council documents, have been distributed to all Members of the United Nations. At this stage of my effort I deem it advisable to submit to the Secretary-General, for transmission to the Members of the United Nations, a general progress report which will provide for the Members a broad survey of the developments in Palestine, as they relate to my responsibilities, since the adoption of the resolution on 14 May.

3. I have decided to present the report at this time precisely because the General Assembly will be convening in its third session on 21 September. In the event the Palestine question should be discussed by the General Assembly, I have thought that it might well prove useful to the Members to have before them a first-hand account of the efforts of the Mediator appointed under their resolution and his personal appraisal of the situation.

4. It is my understanding, at the time this report is written, that the question of the future of Palestine has not been placed on the agenda of the forthcoming session of the General Assembly. I would be less than frank if I did not express my personal view that it will be a mistake of tragic consequences if, at this critical period in the history of Palestine and in the intensive effort to achieve a peaceful solution,

the question were not to be considered and the necessary decisions taken by the General Assembly.

5. In my view a crucial stage has been reached in the mediation effort. Since my arrival in Cairo on 28 May I have striven ceaselessly to find a common basis upon which peace negotiations between the two parties might be undertaken. I have tried to bring them together in my presence or without it. I have studied carefully their respective positions, claims and contentions, and on the basis of such study have devised compromises which have been put to them either orally or in writing. I have employed abundantly both reason and persuasion, but to date neither agreement between the parties nor a basis for agreement has been found. I do not conclude, however, that the problem of Palestine is insoluble by peaceful means, or that a basis for agreement cannot ultimately be found. But the conclusion is inescapable that at some juncture vital decisions will have to be taken by the General Assembly if a peaceful settlement is to be achieved. I am firmly convinced, after the most careful appraisal, that this juncture has now been reached.

6. An indispensable condition to the settlement of the Palestine question is the cessation of hostilities between the Arab and Jewish forces. Mediation cannot be finally successful so long as either party believes that it can, with relative impunity, resort to armed force and thereby achieve for itself a more favourable settlement. The resolutions of the Security Council of 29 May and 15 July (S/801 and S/902), first calling upon and then ordering the Governments and authorities concerned to desist from further military action in the dispute, have been, broadly speaking, respected, and have brought an end to organized hostilities in Palestine, although the situation admittedly remains tense and uneasy. Except for the nine-day interval between the four-week truce which ended on 9 July and the indefinite truce which began on 18 July, there have been no large-scale military actions in Palestine since 11 June. The contending armed forces have been arrayed across no man's lands which, in spite of persistent efforts

by the observers, remain all too narrow; there have been daily incidents of a localized character; and there have been numerous breaches of the terms of the truce by both sides. But the armies are nowhere engaged in battle and the truce for both Arabs and Jews is an accepted, if allegedly unwelcome, fact.

7. The truce, clearly, must at some time be superseded by a settlement. In the minds of both parties, the truce is regarded as only a phase of hostilities. The resolution on the Palestinian question, however, adopted by the Security Council at its 338th meeting on 15 July (S/902), invoking Article 40 of the Charter, ordered the Governments and authorities concerned "to desist from further military action...". This resolution, unlike the four-week truce resolution of 29 May (S/801), fixed no time-limit and decided that "subject to further decision by the Security Council or the General Assembly, the truce shall remain in force... until a peaceful adjustment of the future situation of Palestine is reached". By the terms of this resolution, both parties were permanently enjoined from any further employment of military action in the Palestine dispute. This is clearly understood by both Arab and Jewish authorities. Each understands equally well that the party which would be responsible for a resumption of hostilities would be guilty of open defiance of the order of the Security Council of 18 July, and would thereby incur the risk of action under paragraph 4 of that resolution, which provides that failure to comply with the cease-fire order "would demonstrate the existence of a breach of the peace within the meaning of Article 39 of the Charter requiring immediate consideration by the Security Council with a view to such further action under Chapter VII of the Charter as may be decided upon by the Council".

8. It would be dangerous complacency, however, to take it for granted that with no settlement in sight the truce can be maintained indefinitely. Each side contends that the indefinite truce works to the advantage of the other. The strain on both sides in maintaining the truce under the prevailing tension in Palestine is undoubtedly very

great. I am convinced that neither side really wishes to resume the fighting but, on the other hand, neither side appears to be prepared, openly or voluntarily, to surrender its position or to make fundamental concessions. There is the constant danger, which must be faced, that the accumulated irritation from daily incidents, war nerves, the economic strain of maintaining large armies in the field, the pressures of public opinion, and the tendency to despair of any peaceful settlement, may provoke one or the other party to take the foolhardy risk of resuming hostilities in the vain hope of a quick victory. There is also the danger that under the constant pressure of tension, mutual suspicion and recrimination, and in the absence of any enforcement ability by the United Nations representatives, the truce, if too long prolonged in its present indefinite form, will deteriorate into a virtual resumption of hostilities through a mounting number of local incidents widely spread.

9. The two truces have provided a "cooling off" period of relative calm, almost three months in duration at the writing of this report. During that period each side, having had an unpleasant taste of bitter fighting, has had ample opportunity for reflection and review of the position to which it has persistently adhered and the consequence of its action. Each side, of course, contends that the international intervention, insisting on a truce in Palestine, deprived that side of the decisive victory which it was about to achieve in the war. There is undoubtedly a large element of wishful thinking in such contentions, of which both sides have been guilty. Each side also claims that the existing truce works to its disadvantage. In fact, the truces have spared both sides inevitably heavy losses in men and equipment and in expenditures which both sides could ill afford to undertake. There are recent indications of more moderate and sober counsel in at least some important quarters.

10. Although it cannot be said that neither side will fight again under any circumstances, I am strongly of the view that the time is ripe for a settlement. I am reasonably confident that, given the permanent

injunction against military action issued by the Security Council, and firm political decisions by the General Assembly, both sides will acquiesce, however reluctantly, in any reasonable settlement on which is placed the stamp of approval of the United Nations. I do not mean to imply that there is at the moment bright prospect for formal agreement between the two parties. But, in my opinion, although such formal agreement would be highly desirable, it is not indispensable to a peaceful settlement at this stage. What is indispensable is that the General Assembly take a firm position on the political aspects of the problem in the light of all the circumstances since its last session, and that its resolution be so reasonable as to discourage any attempt to thwart it and to defy the Security Council order by the employment of armed force.

11. I do not believe that merely prolonging the truce will automatically enhance the prospects for an ultimate peaceful settlement, but I do believe that prompt action by the General Assembly at its third session will greatly strengthen such prospects. The reaction to failure of the General Assembly to consider and take decisions on the question at this critical stage might well prove decisive to this phase of the international effort to ensure peace in Palestine. The effectiveness of the mediation effort necessarily depends in large measure upon the decisions taken by the appropriate organs of the United Nations.

12. Indeed, quite apart from the possibility of Security Council action, such a decision taken by the necessary majority of the United Nations General Assembly should be morally binding on both parties. The Arab States, even if opposed to it in debate and in voting, should, as good Members of the United Nations, recognise a moral obligation to accept the will of the majority according to democratic practice. The Jews, already greatly indebted to international action and as aspirants to membership in the United Nations, should be no less under moral pressure to abide by the majority decision of the Assembly.

13. Certain steps which in my view might be taken in the direction of settlement and conciliation of the differences between the two parties are set forth in the Conclusions to Part One of this report.

II. THE BASIC FACTORS IN THE PALESTINE SITUATION

1. The fundamental issues in Palestine today are partition, the Jewish State, Jewish immigration and Arab refugees. While the formal attitudes of the parties on the first three of these issues have not changed, it is unquestionable that since the adoption by the General Assembly, on 29 November 1947, of resolution 181 (II) providing for the partition of Palestine, there have been changes in the Palestine scene which are so decisively significant as to make some of the prevalent attitudes quite unrealistic.

Partition

2. The resolution adopted by the General Assembly on 29 November 1947 provided not for simple partition of Palestine, but for partition with economic union. It envisaged the creation of an Arab State, a Jewish State, and the City of Jerusalem as a corpus separatum under a special international regime administered by the United Nations. These three entities, largely because of justifiable doubts concerning the economic viability of the proposed Arab State and the City of Jerusalem, were to be linked together in an Economic Union of Palestine. The obvious disadvantages of territorial partition were thus to be corrected to some extent by economic union.

3. Execution of the plan of partition with economic union was possible only if there existed, or there could be fostered or induced, a willingness on the part of both Arabs and Jews in Palestine to co-operate. The chain of unfortunate events which began in Palestine almost immediately after the adoption of the resolution of 29 November demonstrated conclusively not only that the necessary Arab willingness to co-operate was lacking, but that a dangerous

antagonism existed which was provoking virtual civil war even before the termination of the Mandate on 15 May 1948. In these ten months since the adoption of the partition resolution it has become increasingly clear that any plan based on the essential assumption of immediate co-operation between Arabs and Jews in Palestine must ignore the harsh facts of existing relationships there.

4. The instant question, therefore, is not whether it may be advisable to review and revise the resolution of 29 November 1947. It has already been outrun and irrevocably revised by the actual facts of recent Palestine history.

The Jewish State

5. The most significant development in the Palestine scene since last November is the fact that the Jewish State is a living, solidly entrenched and vigorous reality. That it enjoys *de jure* or *de facto* recognition from an increasing number of States, two of which are permanent members of the Security Council, is an incidental but arresting fact. The Provisional Government of Israel is today exercising, without restrictions on its authority or power, all the attributes of full sovereignty. The Jewish State was not born in peace as was hoped for in the resolution of 29 November, but rather, like many another State in history, in violence and bloodshed. The establishment of this State constitutes the only implementation which has been given to the resolution, and even this was accomplished by a procedure quite contrary to that envisaged for the purpose in the resolution. In establishing their State within a semi-circle of gunfire, the Jews have given a convincing demonstration of their skill and tenacity.

6. As I pointed out in my report to the Security Council of 12 July (S/888, pages 16-17), the Jewish State is "a small State, precariously perched on a coastal shelf with its back to the sea and defiantly facing on three sides a hostile Arab world. Its future may be assessed as

uncertain, and if it survives this war its security will be likely to present a serious problem for a good time to come..."

But whatever the future may hold for the infant Jewish State, the inescapable conclusion, today, is that a Jewish State in Palestine, fully sovereign, is actually in existence and that Arab determination to eliminate it could be realized only by armed force in sufficient strength to overwhelm it. In any case, resort to armed force as a means of settling the problem has been prohibited by the Security Council.

7. The most pressing need of the Jewish State since its inception on the termination of the Mandate has been the opportunity to consolidate its position, both internally and externally, and to perfect its administrative and political organization. Born in the throes of war, its road was instantly difficult. Time runs in its favour, and in this regard the two truces have been of especial advantage to the Provisional Government in the sense that the two periods of relative peace afforded it a necessary opportunity for consolidation and organizational development. Above all, the Jewish State needs peace. A new organism of limited resources, its hope for development must very largely depend, in the long run, on the cultivation of peaceful and mutually trusting relations with the neighbouring Arab States whose overwhelming numbers dwarf into insignificance any population total to which the Jewish State may aspire.

The Arab attitude

8. The Arabs, including not only Palestinian Arabs, but those of the seven Arab States, find it extremely difficult to accept even the fact of a Jewish State in Palestine. While recognizing the right of many Jews now in Palestine to be there and to remain there as citizens of a Palestinian State, they bitterly reject Jewish nationalistic aspirations for a separate State. That the Arab States made a tragic mistake in employing force in Palestine cannot be questioned. But the very fact that they resorted to this extreme action and were willing to run the

risk of thus offending the international community is in itself a measure of the intensity of their feeling on the question.

9. It is fruitless to conjecture whether Arabs or Jews might have won a decisive victory in Palestine had international intervention not brought the fighting to a halt. Jewish forces might have won more territory in Palestine or even all of Palestine, but they could not have conquered the Arab States nor won peace with them. Arab armies by sheer force of numbers, might in time have pressed the Jews to the wall of the sea but there is no indication that they could muster sufficient strength to deliver a mortal blow, and it may well be doubted that this could have been accomplished in view of probable international intervention. Had the war continued it would most likely have ended in a stalemate, which in itself would amount to a Jewish victory. But the United Nations had firmly determined that the war could not go on and that the Palestine dispute must be settled by peaceful means. And that is the Arab dilemma. The Jewish State, established under the cloak of United Nations authority, can be eliminated only by force. The United Nations, however, has decreed that force must not be employed. Therefore, the Arab States must resign themselves to the presence of the Jewish State or pursue the reckless course of defying the United Nations and thereby incurring liabilities the full burden and danger of which cannot be calculated in advance.

10. The combination of Jewish strength and international intervention has decided the issue of the Jewish State. This, of course, does not make it any more palatable to the Arabs. In my opinion, while in no sense condoning the armed intervention of the Arab States, it would be helpful to the solution of the problem if both the international community and the Jews of Israel were to be more understanding of the Arab viewpoint. The Arabs look upon the nationalistic Jews of Palestine as interlopers and aggressors. They point to the fact that the Arab population is the preponderant population of the country and that it has been an Arab country for many centuries. It is at least understandable that, in their fervour, they not only the historical

claims of the Jews but even the legal basis for their presence in Palestine which the terms of the Mandate provided.

11. The Arabs also react severely to Jewish immigration into Palestine which they regard as a threat to the Arabs in the whole of Palestine and Transjordan as well. They harbour grave fears that a Jewish State in Palestine will not stay within its defined boundaries, and through population pressure resulting from unlimited immigration, encouragement and support from world Jewry, and burgeoning nationalism, a threat will be posed not only to Palestine but to the entire Arab Near East. A tolerant approach can appreciate the Arab views and fears, although on appraisal they may in large measure be found extravagant and unfounded. But since the Arabs nurture such viewpoints, no settlement can be on solid foundations unless every reasonable reassurance possible is afforded them, not only by the Jewish State but by the United Nations.

12. The Arabs have consistently advocated a unitary Arab State in Palestine, with full rights and guarantees for the Jewish minority, as the acceptable solution of the Palestine problem. In the light of developments during recent months the Arab position is unrealistic. It may be questioned, in any case, whether the Arab proposal was ever likely to serve the best interests of Palestinian Arabs. At this late stage in the problem and in view of all the circumstances, the cantonal and federal state schemes have no practical merit which would make them worthy of consideration. That territorial, political and economic unity would be highly desirable in Palestine cannot be doubted. That lacking such complete unity, some form political and economic, or at least economic, union would be a reasonable alternative, is also true. But the present antagonism between the Arab and Jewish communities renders impractical, for the moment at least, the application of any such arrangements.

Jewish immigration

13. The issue of Jewish immigration remains a burning issue in Palestine, but in the very nature of the case it is submerged in the larger issue of the existence of the Jewish State. It is entirely natural that the Jewish position, insistent upon a fully sovereign Jewish State, should reject any suggestion of restriction upon the authority of that State to determine its own immigration policy. The Arabs, on the hand, rejecting entirely the concept of the Jewish State, would also deny the right of Jewish immigration into an Arab-dominated Palestine. The settlement of the issue of the Jewish State will minimize the international importance of the immigration issue. The Jews, however, in the interest of promoting friendly relations with their Arab neighbours, would do well, in defining their immigration policy, to take carefully into account the basis of Arab fears and to consider measures and policies designed to allay them.

Arab refugees

14. A new and difficult element has entered into the Palestine problem as a result of the exodus of more than 300,000 Arabs from their former homes in Palestine. The measures being taken or contemplated to cope with this problem are described in part III of this report. The question of their ultimate resettlement, either in their former abodes or elsewhere, must be faced and solved. I have affirmed elsewhere in this report that the right of the refugees to return to their homes if they so desire must be safeguarded. Nevertheless, whether or not this right is exercised, most of these refugees will require assistance in some degree to re-establish themselves.

III. RESUME OF THE NEGOTIATIONS

The period 28 May to 15 July

1. My functions as Mediator were defined by resolution 186 (S-2) adopted by the General Assembly at its 135th meeting on 14 May 1948. This resolution empowered the Mediator, *inter alia*, to "use his good offices with the local and community authorities in Palestine to... Promote a peaceful adjustment of the future situation of Palestine". Paragraph 3, part II, of the resolution directed the Mediator "to conform in his activities with the provisions of this resolution, and with such instructions as the General Assembly or the Security Council may issue".

2. On calling upon all Governments and authorities concerned to order a cessation of all acts of armed force for a period of four weeks, the Security Council, by its resolution of 29 May 1948 (S/801), instructed the Mediator "to make contact with all parties as soon as the cease-fire is in force with a view to carrying out his functions as determined by the General Assembly".

3. Immediately after my arrival in Cairo, on 28 May, I concentrated on the negotiations for establishing the four-week cease-fire called for by the Security Council's resolution of 29 May. As from 15 June, soon after the four-week cease-fire came into force, I undertook exploratory discussions with representatives of the parties at Cairo and Tel-Aviv on the broad question of the future of Palestine. In Cairo, the Political Committee of the Arab League set up a Sub-Committee, consisting of the Prime Ministers of Egypt, Transjordan and Lebanon, and the Secretary-General of the League of Arab States, to negotiate with me. In Tel-Aviv I consulted with the Minister for Foreign Affairs of the Provisional Government of Israel. From these discussions, in the course of which both sides set forth their claims, positions and objectives with regard to partition, Jewish immigration into Palestine, and the status of Jerusalem, it was immediately apparent that the time was probably not yet ripe for any agreement on these fundamental

issues. The four-week truce had come into effect after a short period of fighting, and the parties were in no mood for compromise. The opinions expressed regarding the future of Palestine were very divergent, and there was no softening of the position of either side on the fundamental issues. While the Arabs retained their firm stand against partition of any kind, the Jews were equally adamant in their attitude as regards an independent Jewish State, in accordance with Assembly resolution 181 (II) of 29 November 1947, and towards unrestricted immigration. However, in the course of the truce negotiations, the two parties had made it quite clear that they expected to receive from me, during the period of the truce, an indication of my ideas as to a possible basis of settlement. This, in their opinion, was the *raison d'être* of the truce. Notwithstanding, therefore, the complete divergence of aims and the very short time left at my disposal, I decided to submit to the two parties a set of tentative suggestions, with the primary intention to discover whether there might be found at this stage a common ground on which further discussion and mediation could proceed. It was my purpose to keep negotiations as fluid as possible, in the belief that the premature submission of formal proposals, and their probable rejection, might well destroy any chance of extending the truce, or even of maintaining it to the end of the four-week period.

4. The Arabs having refused my suggestion for a joint round-table conference, I invited the two parties to make available to me, at Rhodes, experts on the working level, not for political decisions but for consultation and technical information concerning the positions of their respective sides. Both parties accepted, and four Arab and two Jewish experts arrived in Rhodes on 21 and 23 June respectively, and consultations were held separately, lasting until 25 June.

5. On the basis of close analysis of the question and of ideas which emerged during the discussion, I presented to the parties, on 28 and 29 June respectively, under cover of my letter of 27 June (S/863), three brief papers, setting forth in outline my suggestions for a possible

approach to the peaceful adjustment of the future situation of Palestine. These suggestions were as follows:

"(1) That, subject to the willingness of the directly interested parties to consider such an arrangement, Palestine, as defined in the original Mandate entrusted to the United Kingdom in 1922, that is, including Transjordan, might form a union comprising two members, one Arab and one Jewish.

"(2) That the boundaries of the two members be determined in the first instance by negotiation with the assistance of the Mediator and on the basis of suggestions to be made by him. When agreement is reached on the main outlines of the boundaries, they will be definitively fixed by a boundaries commission.

"(3) That the purposes and functions of the union should be to promote common economic interests, to operate and maintain common services, including customs and excise, to undertake development projects, and to coordinate foreign policy and measures for common defence.

"(4) That the functions and authority of the union might be exercised through a central council and such other organs as the members of the union may determine.

"(5) That, subject to the provisions of the instrument of union, each member of the union may exercise full control over its own affairs, including its foreign relations.

"(6) That immigration within its own borders should be within the competence of each member, provided that, following a period of two years from the establishment of the union, either member would be entitled to request the council of the union to review the immigration policy of the other member and to render a ruling thereon in terms of the common interests of the union. In the event of the inability of the

council to reach a decision on the matter, the issue could be referred by either member to the Economic and Social Council of the United Nations, whose decision, taking into account the principle of economic absorptive capacity, would be binding on the member whose policy is at issue.

"(7) That religious and minority rights be fully protected by each member of the Union and guaranteed by the United Nations.

"(8) That Holy Places, religious buildings and sites be preserved, and that existing rights in respect of the same be fully guaranteed by each member of the Union.

"(9) That recognition be accorded to the right of residents of Palestine who, because of conditions created by the conflict there have left their normal places of abode, to return to their homes without restriction and to regain possession of their property."

6. Suggestions regarding territorial matters, presented in an annex, were as follows:

"With regard to paragraph 2 of the suggestions, it is considered that certain territorial arrangements might be worthy of consideration. These might be along the following lines:

"(1) Inclusion of the whole or part of the Negeb in Arab territory.

"(2) Inclusion of the whole or part of Western Galilee in Jewish territory.

"(3) Inclusion of the City of Jerusalem in Arab territory, with municipal autonomy for the Jewish community and special arrangements for the protection of the Holy Places.

"(4) Consideration of the status of Jaffa.

"(5) Establishment of a free port at Haifa, the area of the free port to include the refineries and terminals.

"(6) Establishment of a free airport at Lydda."

7. With regard to the formulation of the above suggestions, I reported to the Security Council on 12 July 1948 (S/888), as follows:

"(22) The resolution of the General Assembly of 14 May empowered the Mediator to use his good offices to 'promote a peaceful adjustment of the future situation of Palestine'. The indispensable condition for the attainment of this objective would be to find some common framework of reference within which the parties would be willing to accept further mediation. In accepted international usage the employment of 'good offices' involves offering friendly suggestions to facilitate adjustment of a controversy between conflicting parties. Mediation is a consequence of the tender of good offices, and the primary task of the Mediator is to initiate proposals calculated to harmonize conflicting interests and claims. In the very nature of the case, therefore, the Mediator must strive to encourage compromise rather than strict adherence to legal principles. As indicated in article 4 of part II of The Hague Convention on the Pacific Settlement of International Disputes, 'the part of the mediator consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen...' It is equally true that the Mediator can achieve success only by achieving voluntary agreement between the parties. His decisions have no binding effect and his suggestions or proposals may be rejected at will by the parties. It was on this basis that my suggestions of 27 June were put forth. In the introductory statement to those suggestions (S/863) I pointed out that:

" 'I interpret my role as Mediator not as one involving the handing down of decisions on the future of Palestine, but as one of offering suggestions on the basis of which further discussions might take place

and possibly counter-suggestions be put forth looking toward a peaceful settlement of this difficult problem. My suggestions at this stage, then, must clearly be of such nature as to provide a reasonable framework of reference within which the two parties may find it possible to continue their consultations with me toward the end of a peaceful adjustment.'

"(23) The suggestions which I offered on 27 June as a possible focus of discussion had been formulated on the basis of the equities involved in the Palestine dispute - the aspirations, fears and motivations of the conflicting parties - and the realities of the existing situation in Palestine. I could not call upon either party to surrender completely its position, not only because this would be a betrayal of my role as Mediator, but also because there was no sound basis for doing so in the light of all the circumstances. It was fully realized, of course, that there could be no possibility of a peaceful adjustment of the dispute unless there was at least a moderate willingness on the part of both parties to explore all the avenues for a peaceful adjustment, and unless both of them were prepared, at some stage, to forego armed force as a means of attaining their objectives.

"(24) As Mediator, I had to seek possible solutions which would be voluntarily accepted by both parties. I sought, therefore, arrangements which might reveal some common denominator in the relations between Arabs and Jews in Palestine. In my talks with them, both parties freely admitted the utter necessity for peaceful relations between Arabs and Jews in Palestine, and both admitted the importance of economic unity in the country."

8. As already mentioned, the respective parties were not called upon to accept or reject the suggestions in the form in which they were offered, but were merely invited to indicate whether further discussions might profitably be carried on within the general framework outlined. Both parties, however in their replies rejected the framework suggested as a basis for discussion and uncompromisingly

reaffirmed their respective positions. The full texts of the exchanges of views are appended as annex I.

9. The Provisional Government of Israel, in a letter dated 5 July 1948, objected to the deviations from the General Assembly resolution of 29 November 1947, and particularly to the suggestions concerning the regulation of immigration and the status of Jerusalem. They offered no counter-suggestions but urged a reconsideration of my "whole approach to the problem". In a letter to the Minister for Foreign Affairs of the Provisional Government of Israel, dated 6 July 1948, I commented as follows:

"(3) In paragraph I of your letter it is stated that my suggestions {appear to ignore the resolution of the General Assembly of 29 November 1947...' I cannot accept this statement. As United Nations Mediator, it is true that I have not considered myself bound by the provisions of the 29 November resolution, since, had I done so, there would have been no meaning to my mediation. The failure to implement the resolution of 29 November 1947, and the open hostilities to which the Arab opposition to it led, resulted in convoking of the second special session of the General Assembly to 'consider further the future government of Palestine'. This special Assembly, taking into account the new situation, adopted, on 14 May 1948, the resolution providing for a Mediator. It is equally true, however, that the basic objectives of the resolution of 29 November 1947 as regards a separate political and institutional existence for the Jewish and Arab communities of Palestine and for close economic ties between these communities, are maintained in my suggestions, although in a somewhat different framework. I may also assure you that in working up my suggestions I took fully into account the facts of the actual existence of the Jewish State in a defined area, the military situation and the present territorial situation as a result of the conflict thus far. But I could not ignore the fact that there is nothing really stable in Palestine so long as the prospect of early resumption of hostilities remains, and that the violent reaction of the Arab world to these very

situations is also a vital factor in the equation, if one must focus on the possibility of peaceful adjustment.

"(7) Paragraph 3 of your letter relates to immigration. The question of immigration into Palestine must be considered within the context of the total problem. Even within the limits of full sovereignty the question of immigration is related to the absorptive capacity of the country. Palestine from this point of view has become the object of international concern. It would, therefore, seem justifiable that the Economic and Social Council might be given an eventual say in the matter. Furthermore, such an arrangement might serve the useful purpose of maintaining a sympathetic international interest in and assistance for the settlement of Jewish immigrants in Palestine. Should unrestricted immigration indefinitely continue in Palestine there might, in the future, arise a serious economic and political problem beyond the control of any Jewish government. It cannot be ignored that immigration affects not only the Jewish State and the Jewish people but also the surrounding Arab world.

"(8) Jerusalem stands in the heart of what must be Arab territory in any partition of Palestine. To attempt to isolate this area politically and otherwise from surrounding territory presents enormous difficulties. The special condition of Jerusalem -- its large Jewish population and its religious associations -- needs special consideration, and the way for discussion of these questions was left open. Arab domination of legitimate Jewish and other non-Arab interests in Jerusalem was never intended or implied in the suggestions. Moreover, while I fully appreciate that the question of Jerusalem is of very great concern, for historical and other reasons, to the Jewish community of Palestine, Jerusalem was never intended to be a part of the Jewish State. In this sense, the position of the Jewish State is unaffected and the question of Jerusalem has no relationship to its status. The status of Jerusalem, therefore, is separate from the question of the constitution and boundaries of a Jewish State. My

suggestions fully safeguard the historical and world-wide religious interests in Jerusalem."

10. The Arabs, by a letter dated 3 July 1948, signed by the Secretary-General of the League of Arab States, offered counter suggestions which incorporated in outline the basic principles of the Arab position. These counter-suggestions, providing for a unitary State in the whole of Palestine, offered little or no compromise.

11. With regard to these counter-suggestions, I submitted to the Arab representatives, by letter dated 5 July 1948, the following commentary:

"It may be contended with considerable cogency that the creation of a unitary and sovereign State in Palestine with the processes of government based on proportional representation, is fully consistent with democratic principles and procedures. But this does overlook certain vital facts which are peculiar to Palestine. The Jews of Palestine have been all along, and are now in fact, a completely separate cultural and political community. Under the Mandate they were permitted to maintain their separate and virtually autonomous cultural and political institutions. Moreover, this Jewish community, from whatever motives and for whatever reasons, is imbued with an intensely nationalist spirit, a nationalism which rivals in intensity the nationalism of Palestinian Arabs.

"A unitary State of Palestine with a substantial minority population of this kind could only be a troubled State unless the minority population and its nationalist aspirations were thoroughly crushed by forceful measures. It is futile to assume that the Jewish community could undergo a rapid change of heart.

"You will understand, of course, that I have come to this problem as a Mediator. I have come to try to mediate a dispute between two parties locked in violent conflict. And what do I find? I find in Palestine a

substantial area which is fully under Jewish control, proclaimed as the territory of a Jewish State, and with a Provisional Government which has been recognized by a number of States. Whatever may be the merits of its existence or the conclusions as to how this Jewish political entity came to be, the fact remains that it is there.

"Now, in your counter-suggestions it is proposed to eliminate this separate Jewish political entity by creating a unitary State in the whole of Palestine. But there is no suggestion as to how this is to be done. May I inquire whether there are any views as to how this might be done by peaceful means? As Mediator I am directed by the resolution of the General Assembly "to promote a peaceful adjustment of the future situation of Palestine". I am fully convinced that there is no possibility whatsoever of persuading or inducing the Jews to give up their present separate cultural and political existence and accept merging in a unitary Palestine in which they would be a permanent minority. The alternative method of achieving the Arab objective would be to wipe out the Jewish State and its Provisional Government by force. This course, as Mediator, I obviously cannot recommend."

12. On 9 July, as a result of the Arab refusal to prolong the truce, hostilities started again, and I went immediately to Lake Success in order to acquaint the Security Council fully with the situation and to request its prompt and effective intervention.

The period since 15 July

13. The resolution of the Security Council of 15 July (S/902), ordering the Governments and authorities concerned to desist from further military action, also urged "upon the parties that they continue conversations with the Mediator in a spirit of conciliation and mutual concessions in order that all points under dispute may be settled peacefully".

14. Following my return to Rhodes on 19 July, after my short visit to Lake Success to attend the meetings of the Security Council, I consulted with Arab leaders on different occasions at Beirut, Amman and Alexandria. These conversations persuaded me that while the Arab States would maintain the truce, they would reject any suggestion of acceptance or recognition of the Jewish State, and would not meet with Jewish representatives. The Arab leaders had become greatly concerned and incensed about the mounting distress among the huge number of Arab refugees. They considered the solution of this problem fundamental to a settlement of the Palestine question. I recognized that, in the Arab States, public opinion on the Palestine question was considerably agitated and that each of my visits to Arab capitals projected the question into prominence in the Arab Press. I decided, therefore, in addition to the truce supervision, to concentrate my efforts in the immediate future on the problem of refugees and the demilitarization of Jerusalem, since no useful purpose could be served by taking precipitate action in forcing matters to a head. I concluded that a short "cooling-off" period as regards the basic political problems might best serve the cause of later mediation. I decided therefore, in the circumstances, that I could fulfil my previous commitment to attend the International Red Cross Conference in Stockholm. While there I would use the opportunity afforded by this Conference to further United Nations action in favour of immediate relief for Arab refugees.

15. The two visits which I paid to Tel-Aviv, at the end of July and early in August, made it apparent that the Jewish attitude had stiffened in the interval between the two truces, that Jewish in the settlement would probably be more ambitious, and that Jewish opinion was less receptive to mediation. A feeling of greater confidence and independence had grown out of Jewish military efforts during the interval between the two truces. Less reliance was placed in the United Nations and there was a growing tendency to criticize its shortcomings with regard to Palestine.

16. Following my return to Rhodes from Stockholm on 3 September, I undertook further talks with Arab and Jewish leaders in Alexandria, an and Tel-Aviv in the period 6 to 9 September. These talks revealed that there was, at least for the time being, no prospect of voluntary agreement between the disputants, nor any willingness on the part of Arabs to negotiate with the Jews either directly or through the Mediator. But I did sense a more moderate and reasonable atmosphere in all quarters and a tendency to discuss more realistically the basic problems.

17. As a result of these talks, I became convinced: (a) that it would be of utmost urgency that the General Assembly consider and reach decisions upon the Palestine question at its forthcoming session; (b) that if the General Assembly should reach firm and equitable decisions on the principal political issues there would be a reasonable prospect that settlement could be achieved if not by formal at least by tacit acceptance; and (c) that the truce could be maintained with reasonable fidelity throughout the General Assembly session but that it might be gravely doubted that it could be indefinitely prolonged beyond then in the absence of tangible progress toward a settlement.

18. The flight log of the special plane made available to me by the Secretary-General in connexion with the mediation effort, and without which my task would have been virtually impossible, is appended as annex III.

The Provisional Government's offer of direct negotiation

19. On 6 August 1948, Mr. Shertok, the Foreign Minister of the Provisional Government of Israel, requested me to transmit to the "Governments of the Arab States now at war with Israel our offer that their representatives should meet the representatives of the Provisional Government of Israel for the purpose of peace negotiations". I complied with this request, cabling the Arab Governments concerned and stating that I was ready to transmit their reply to the Provisional

Government of Israel. Replies were subsequently received from the Governments of Syria, Lebanon and Saudi Arabia, indicating that the Secretary-General of the League of Arab States would reply on their behalf. I have received no written reply but I was informed orally by the Secretary-General of the League of Arab States in Alexandria, on 6 September, that the Arab representatives were unwilling to enter into direct negotiations with representatives of the Provisional Government of Israel. I had also previously received a written reply, dated 11 August, from the Foreign Minister of Egypt, to the effect that the Egyptian Government had accepted the ceasefire ordered in the resolutions of 29 May and 15 July out of respect for the actions of the Security Council, and that, under these resolutions, the Mediator had been charged with the task of seeking a peaceful solution. The Egyptian Government could not recognize the authority of the so-called State of Israel and therefore considered it unnecessary to reply.

20. For my part, as I had on several occasions stated to both parties, I would welcome direct negotiations at my time the parties could agree to hold them, though I was well aware that at this particular time such an offer was probably premature since I had just discussed the question of settlement with the Arabs. I am convinced, however, that the offer was sincerely made. It had recently been brought to my attention by both Arab and Jewish officials that other offers for direct negotiations have been transmitted by Jewish representatives directly to Arab authorities. I have reaffirmed to both Arab and Jewish authorities that I would be very pleased should they find it possible to enter into direct negotiations and that I am prepared to offer every possible assistance toward that end.

IV. DEMILITARIZATION OF JERUSALEM

1. Jerusalem had greatly suffered during the period between the British evacuation and the entry into force of the first truce. When the latter began, the Old City was entirely in Arab hands, but by far the greater part of the New City was occupied by Jewish forces. Front lines were interlocked, with dangerous pockets and narrow no man's lands. In any general fighting in Jerusalem it was clear that the Old City in which are found most of the Holy Places, would not be spared. The destruction of the Church of the Holy Sepulchre, the Dome of the Rock or the Wailing Wall would be an irreparable loss. It would also inflame deep-rooted religious passions.

2. The success of the negotiations which resulted on 7 July in the agreement on the demilitarization of the Mount Scopus area encouraged me to press for an agreement covering a much wider area, namely that of the City of Jerusalem as delimited in General Assembly resolution 181 (II) of 29 November 1947 or, if this proved impossible, a smaller area of the city.

3. The end of the four-week truce was imminent. On 3 July a proposal was presented to the Special Sub-Committee of the Arab League in Cairo. A similar communication was addressed to Tel-Aviv. Under this proposal, an instrument was to be signed by both parties. It would contain provisions concerning the extent of the area to be demilitarized, the position and functions of United Nations bodies which might be used in the supervision of the demilitarization, the procedure of demilitarization, the prohibition of military operations in the demilitarized area, the prohibition of the entry of fighting personnel, prohibition of the entry of arms, ammunition and other military supplies, the rights of the civilian population, the entry of food, water and other civilian supplies, and access to the Holy Places.

4. While the Provisional Government of Israel was prepared to discuss the proposal under certain assumptions, the Arab States found it unacceptable as a whole. An emergency proposal was then made to

the effect that, should the truce not be prolonged, the two parties should agree on an immediate cease-fire in Jerusalem pending a final decision on the question of demilitarization. The Provisional Government was ready to accept this proposal. The Arab States, through the Secretary-General of the Arab League, stated, on the other hand, that since they found unacceptable the proposal for the demilitarization of Jerusalem as a whole, they could not accept the proposal that, should the truce not be prolonged, there should be an immediate cease-fire in the City for the purpose of considering demilitarization.

5. I reported these facts to the Security Council in my report dated 12 July (S/888).

6. On 15 July, the Security Council, in its resolution ordering a new and indefinite truce in Palestine, also ordered "as a matter of special and urgent necessity an immediate and unconditional cease-fire in the City of Jerusalem (S/902). It further instructed the Mediator "to continue his efforts to bring about the demilitarization of the City of Jerusalem, without prejudice to the future political status of Jerusalem".

7. In the telegram containing their acceptance of that part of the Security Council's resolution concerning the cease-fire in Jerusalem the Political Committee of the Arab League stated that they had, given the necessary orders to their forces "on the understanding that talks would take place between the Arab States and the United Nations Mediator with a view to reaching an agreement to ensure security in Jerusalem without prejudice to the future or the position and rights of Arabs in that city". Despite an understanding to the contrary on the basis of my talks in Cairo on 3 July, the telegram also stated that "when the United Nations Mediator proposed on 3 July to demilitarize Jerusalem, the Arab States accepted the proposal, in principle".

8. In view of the fact that before the end of the first truce the Provisional Government of Israel had stated that it was prepared to discuss the proposal for the demilitarization of Jerusalem under certain assumptions, it seemed that negotiations with the two parties could be resumed under favourable conditions. Draft suggestions in the form of a working paper were then communicated to both parties as a basis for technical discussion.

9. On the Arab side, the Chairman and the Secretary of the Palestine Arab Higher Committee sent to me, from Damascus, on 25 July, a copy of the statement which they had communicated to the Governments of the Arab States asking them to reject in toto the proposal to demilitarize Jerusalem which "tends to obliterate its Arab and Islamic character, detach it from Palestine and establish an international administration therein, thus implementing the partition scheme. Furthermore, it is impossible actually to disarm the Jews, thus exposing the Holy City to their occupation".

10. The official answer of the Arab States transmitted to me by the Secretary-General of the League of Arab States on 31 July did not use the word "demilitarization". It stated: "The Arab States agree that there shall be a permanent cease-fire in Jerusalem to the end that this City shall be removed from the conflict without prejudice to the position and rights of the Arabs on to the ultimate status of the city in the settlement of the Palestine problem. Needless to emphasize that this objective cannot be attained unless the other side is ready not to attack the city or to exercise in it any military or paramilitary activities."

11. On the Jewish side, a communication signed by Mr. Shertok and dated 28 July 1948, read as follows: "(1) the Provisional Government reaffirms its rejection of the Mediator's plan of demilitarization... assumes that this particular scheme no longer stands; (2) the attitude of the Provisional Government to any plan of demilitarization emanating from the Mediator cannot but be influenced by the fact that

the Mediator has proposed to place Jerusalem ultimately under Arab rule and that he has not withdrawn that proposal; (3) the Provisional Government is ready, as before, to examine such scheme which, without prejudging the ultimate settlement of the problem of Jerusalem or prejudicing the vital interests of the Jewish people in the Holy City, would protect it from further destruction in the event of hostilities being resumed in other parts of Palestine ". It had previously been made clear to Mr. Shertok that the question at issue was solely acceptance or rejection of the principle of demilitarization without reference to the working paper or any plan.

12. The above-quoted reply from Tel-Aviv appeared to indicate that the Jewish position regarding demilitarization had altered since the end of the first truce and raised the question whether the principle of demilitarization was still accepted by the Provisional Government. In answer to a request for clarification, Mr. Shertok replied that point (3) of his letter, quoted under paragraph II above, meant "acceptance in principle of any scheme which will ensure results desired". Demilitarization was not excluded ".

13. On the basis of this answer, I requested Dr. Bernard Joseph, the representative in Jerusalem of the Provisional Government, to discuss with my representatives in the city the basic principles and, subsequently, the details of a demilitarization plan. After consulting Mr. Shertok, Dr. Joseph pointed out -on 3 August, that what the former had said was that "our Government's readiness to discuss any plan did not exclude the possibility of such plans including the demilitarization of Jerusalem. He (Mr. Shertok) did not go so far as to say that our Government agreed in principle that Jerusalem should be demilitarized ". And Dr. Joseph concluded {sin these circumstances, I would be going beyond the decision of our Government if, at this stage, I entered into negotiations or discussions with a view to elaborating an actual plan of demilitarization. On the other hand, if any plan with regard to the future of Palestine is put before our

Government, even though it includes the demilitarization of the city as one of its objects, it will receive the most careful consideration."

14. The above communication was especially regrettable in view of the fact that the Arab reply to the identical request to enter into discussion with my representatives was in the affirmative, and was even accompanied by "notes on the demilitarization of Jerusalem" which could facilitate the discussion.

15. The worsening of the situation in Jerusalem, where heavy firing had been occurring nearly every night, compelled me at that time (early August) to concentrate my efforts on securing a permanent and unconditional ceasefire in the city both as an emergency measure and as a prerequisite to any further attempt at agreement on demilitarization.

16. On 19 August, I sent to the Security Council, on the eve of its adjournment at Lake Success, an interim report regarding the demilitarization of Jerusalem (S/979). I pointed out that the recent Jewish attitude, in my opinion, was due more to political reasons relating to the future status of Jerusalem than to mere military considerations regarding the present conflict". The attitude of the parties was not, however, the only obstacle: "even if both parties were to agree on the issue, demilitarization could not be put into effect without a strong adequately armed United Nations force to be provided immediately. Under these conditions, I wish to inform you that I have serious doubts whether demilitarization can be attained in the near future".

17. This report was promptly discussed by the Security Council and as a result of this discussion the President of the Security Council informed me by cable that the Security Council "desires to state that it relies on the Mediator to make all efforts to achieve speedy results on this matter (the demilitarization of Jerusalem) to which the Security Council attaches serious importance."

18. Since my return from Stockholm, I have renewed my efforts towards the demilitarization of Jerusalem. In my discussion on the subject with Mr. Shertok in Tel-Aviv on 9 September, I pointed out that it was useless for me to make further representations to the Security Council concerning the need for a United Nations armed force in a demilitarized Jerusalem less the Jewish as well as Arab authorities were willing to accept demilitarization in principle as a prelude to detailed discussions.

V. REFUGEES

1. The question of refugees is considered in this part of the report only from the political point of view. The humanitarian and administrative aspects of this problem are dealt with in detail in part III of this report.

2. As a result of the hostilities in Palestine, an alarming number of persons have been displaced from their homes. Arabs form the vast majority of the refugees in Palestine and the neighbouring countries. The future of these Arab refugees is one of the questions under dispute, the solution of which presents very great difficulties.

3. From the start, I held the firm view that, taking into consideration all the circumstances, the right of these refugees to return to their homes at the earliest practical date should be established. With this consideration in mind, following an exploratory conversation on the matter with the Minister of Foreign Affairs of the Provisional Government of Israel on 26 July 1948, in Tel-Aviv, I submitted to him by cable from Rhodes on the same day the following proposal:

"The resolution of the Security Council of 15 July urges the parties to continue their 'conversations with the Mediator in a spirit of conciliation and mutual concession, in order that all points under dispute may be settled peacefully'. As indicated in my conversation with Mr. Shertok in Tel-Aviv on 26 July, one of the points under dispute is the return to their homes in Jewish-controlled area of

Palestine of Arab refugees who fled because of war conditions.

"I am deeply concerned with the plight of some three hundred thousand Arab refugees scattered in Arab countries and Arab-controlled areas of Palestine. Their suffering will be intensified when winter comes. Most of them left practically all of their possessions behind and have no means at their disposal.

"I recognize the basis for the misgivings the Provisional Government might have with regard to the return of large numbers of these refugees during the war. These misgivings derive from security as well as economic and political considerations. But I must point out that the existing truce in Palestine is of indefinite duration and that the Security Council resolution has ordered the Governments and authorities concerned to desist from further military action.

"For humanitarian reasons and because I consider the principle sound and the danger to Jewish security slight, I make the following proposals:

"(1) That, without prejudice to the question of the ultimate right of all Arab refugees to return to their homes in Jewish-controlled Palestine if they desire, the principle be accepted that, from among those who may desire to so, a limited number, to be determined in consultation with the Mediator, and especially those formerly living in Jaffa and Haifa, be permitted to return to their homes as from 15 August.

"(2) That, among those who may wish to return, differentiation may be made between men of military age and all others in recognition of security considerations.

"(3) That the Mediator undertake to enlist the aid of appropriate international organizations and agencies in the resettlement and economic and social rehabilitation of the returning refugees".

4. These proposals were rejected by the Provisional Government of Israel in a reply received on 1 August. In this reply, the Provisional Government of Israel pointed out that it was aware of the serious plight of Arab refugees, but that action taken to deal with the problem on purely humanitarian grounds in disregard of its military, political and economic aspects might even aggravate this problem. In the circumstances of the truce, security considerations alone make it impossible for the Provisional Government to agree to the Mediator's proposal. The problem could only be considered by the Provisional Government when the Arab States are ready to conclude a peace treaty with the State of Israel. The full text of this reply (S/949) is to be found in annex II.

5. On the receipt of the Jewish reply, I reported to the Security Council on the question (S/948), reiterating that, notwithstanding the views expressed by the Provisional Government of Israel, it was my firm view that the right of the refugees to return to their homes at the earliest practicable date should be affirmed.

6. It is not yet known what the policy of the Provisional Government of Israel with regard to the return of Arab refugees will be when the final terms of settlement are reached. It is, however, undeniable that no settlement can be just and complete if recognition is not accorded to the right of the Arab refugee to return to the home from which he has been dislodged by the hazards and strategy of the armed conflict between Arabs and Jews in Palestine. The majority of these refugees have come from territory which, under the Assembly resolution of 29 November, was to be included in the Jewish State. The exodus of Palestinian Arabs resulted from panic created by fighting in their communities, by rumours concerning real or alleged acts of terrorism, or expulsion. It would be an offence against the principles of elemental justice if these innocent victims of the conflict were denied the right to return to their homes while Jewish immigrants flow into Palestine, and, indeed, at least offer the threat of permanent

replacement of the Arab refugees who have been rooted in the land for centuries.

7. There have been numerous reports from reliable sources of large-scale looting, pillaging and plundering, and of instances of destruction of villages without apparent military necessity. The liability of the Provisional Government of Israel to restore private property to its Arab owners and to indemnify those owners for property wantonly destroyed is clear, irrespective of any indemnities which the Provisional Government may claim from the Arab States.

8. It must not be supposed, however, that the establishment of the right of refugees to return to their former homes provides a solution of the problem. The vast majority of the refugees may no longer have homes to return to and their resettlement in the State of Israel presents an economic and social problem of special complexity. Whether the refugees are resettled in the State of Israel or in one or other of the Arab States, a major question to be faced is that of placing them in an environment in which they can find employment and the means of livelihood. But in any case their unconditional right to make a free choice should be fully respected.

VI. THE RESOLUTION OF THE GENERAL ASSEMBLY OF 29 NOVEMBER 1947

Arab and Jewish attitudes

1. General Assembly resolution 181 (II) of 29 November 1947 provided for the partition of Palestine into a Jewish State, an Arab State and an international territory of the City of Jerusalem, within the framework of an economic union embracing all three. This plan was accepted by the representatives of the Jewish Agency but rejected by the Arab States and the spokesman of the Arab Higher Committee, who declared that they did not consider themselves bound by the resolution. On 14 May 1948, the Jews declared the existence of a State

of Israel, and when on the following day the Mandate officially ended, the newly-proclaimed Provisional Government of Israel was in control of the most important parts of the area allotted to the Jewish State by the Assembly resolution. The Provisional Government of Israel claimed that it was acting according to that resolution as far as circumstances permitted, and that it made no claim to territory beyond the boundaries of the partition resolution. When the armies of the Arab States entered Palestine on 15 May, and became involved in conflict with the Jewish forces, the Provisional Government of Israel appealed to the Security Council against the attack of the Arab States and invoked the resolution of 29 November.

2. The Arab States, on the other hand, claiming that the resolution of the Assembly was illegal and unjust, contended that they had come legitimately to the assistance of the Arabs of Palestine. Their opposition to the resolution of 29 November has continued unabated.

3. The Provisional Government of Israel, according to recent pronouncements, has apparently modified its attitude to the resolution of 29 November. Although the general position of the Provisional Government of Israel rests broadly on the foundation of the Assembly resolution, it is now being urged that boundaries should be modified to take more fully into account both the present military situation and the necessity for more readily defensible frontiers. In regard to Jerusalem, there is a more sceptical attitude towards internationalization and a marked tendency to press for the inclusion of at least the Jewish part of Jerusalem in the State of Israel

Economic Union

4. An essential feature of the plan of partition was the integration of the three proposed territorial entities into an economic union, by which the unity of the former mandated territory was to be preserved in respect of customs, currency and transport and communications. Such a union could, however, only function by agreement, tacit or

expressed, between the parties. An economic union cannot be imposed on a completely unwilling partner, and the fact of Arab unwillingness to co-operate has inhibited the realization of the resolution of 29 November in one of its most essential features.

The boundary provisions

5. The boundary provisions of the General Assembly's resolution were also designed within the framework of economic union, which presupposes full freedom of transit, and therefore within that framework, no difficulty was foreseen in providing for separated parts of the Jewish and Arab States joined to their other parts merely at points of intersection of frontiers. This arrangement, while rational within the framework of an economic union, is open to serious objections if no such union exists. The assumptions of the Assembly resolution largely excluded military considerations in the determination of the boundaries between the three parts of Palestine. Also the proposed boundaries were related to the then existing distribution of population, a distribution which temporarily, at least, has been significantly affected by the large-scale movements of Arab refugees.

The proposed Arab State

6. The effective establishment of a Jewish State in an area which corresponds in large measure to that envisaged in the partition plan has already been accomplished by the events of the past few months. As regards the parts of Palestine under Arab control, no central authority exists and no independent Arab State has been organized or attempted. This situation may be explained in part by Arab unwillingness to undertake any step which would suggest even tacit acceptance of partition, and by their insistence on a unitary State in Palestine. The partition plan presumed that effective organs of State government could be more or less immediately set up in the Arab part of Palestine. This does not seem possible today, in view of the lack of

organized authority springing from Arab Palestine itself, and the administrative disintegration following the termination of the Mandate.

7. The partition plan took into account that a partition of Palestine without economic union would leave the Arab State economically nonviable, unless the population should be forced to submit to a substantial fall in its standard of living. This problem was met in the partition plan by economic union, which, by maintaining the essential economic unity of the whole area, attempted to ensure that the flow of capital and labour and the consequent distribution of economic activity would not be greatly influenced by partition. Further, it attempted to meet a substantial fall in standards of social and public services in the Arab State by including the whole area in a single customs union, and by providing for a division of the revenues of the union in such a manner as to offset materially the effects of partition on the distribution of public expenditure and revenue.

8. A Jewish State, whose boundaries have not yet been established, has come into existence, although not in the manner envisaged in the resolution of 29 November. Thus, there now exists in Palestine a form of partition, though an Arab State, for which the partition plan provided has not materialized and there is no economic union. The problem of the future of the Arab part of Palestine and its economic viability is therefore thrust into the foreground.

The problem of Jerusalem

9. The Assembly resolution of 29 November provided that Jerusalem and the surrounding area, including Bethlehem, should be established as a corpus separatum under a special international regime, which also was to be an integral part of the economic union. It is quite evident that an area as small as this could hardly exist as a separate entity unless economically integrated into the larger surrounding territory. Such integration would have been effectively provided by the

economic union, which guaranteed freedom of transit and the maintenance of a unified system of transport and communications. It also provided for adequate public revenue for the area by the reversion to it of a 5 to 10 per cent share of the revenues of the economic union. In so far, therefore, as the complexity of interests involved may require the treatment of Jerusalem as a special case by the creation of an international regime, and since economic union is not immediately practicable, the problem of economic viability assumes great importance.

VII. PROTECTION OF THE HOLY PLACES; COMMON SERVICES

1. By the provisions of resolution 186 (S/2), adopted by the General Assembly on 14 May, the Mediator was to use his good offices not only to "promote a peaceful adjustment of the future situation of Palestine", but also to "arrange for the operation of common services necessary to the safety and well-being of the population" and to "assure the protection of the Holy Places, religious buildings and sites in Palestine".

Protection of the Holy Places

2. Authorities on both sides have tried to preserve and protect the Holy Places, religious buildings and sites. Many religious buildings, however, are located in areas where heavy fighting has occurred, and some of them have been destroyed. Synagogues have thus been demolished in the Jewish quarter of the Old City of Jerusalem. Even during the present truce Jerusalem remains a critical spot where shelling by mortars and artillery in various parts of the city frequently takes place. Thus the Holy Places are in constant danger. Damage to many such structures cannot be fully repaired under existing conditions and further deterioration will occur. Military authorities have requisitioned many hospitals, hospices and schools belonging to religious orders. The Church of the Holy Sepulchre has been hit once,

with no appreciable damage. The Church of Dormition in the Old City has been severely hit, but its walls are still standing. The Mount of Olives and the Garden of Gethsemane have been spared and their religious buildings remain intact. The Haram-esh-Sharif, including the Dome of the Rock, has suffered damage from shelling. Windows have been broken and inlaid work shattered. The Church of the Nativity and other religious sites in Bethlehem have suffered no damage.

3. Apart from the efforts of official authorities on both sides, the protection of the Holy Places, religious buildings and sites has been assured to the extent possible, particularly in Jerusalem, by the intervention of the United Nations observers. Representations regarding attacks against or the military occupation and use of religious buildings in the Jerusalem front lines have also been made by the Truce Commission.

4. The demilitarization of Jerusalem, more than any other action, would ensure the safety of its Holy Places and religious buildings.

Common services

5. As regards common services, arrangements for their operation are obviously impossible so long as the interested parties refuse to meet each other. Moreover, since the truce is interpreted by them literally, as only a suspension of hostilities accompanied by no change in spirit, there is no abatement of hostile feelings which would permit some resumption of normal intercourse.

VIII. CONCLUSIONS

1. Since I presented my written suggestions to the Arab and Jewish authorities on 27 June, I have made no formal submission to either party of further suggestions or proposals for a definitive settlement. Since that date, however, I have held many oral discussions in the Arab capitals and Tel-Aviv, in the course of which various ideas on

settlement have been freely exchanged. As regards my original suggestions, I hold to the opinion that they offered a general framework within which a reasonable and workable settlement might have been reached, had the two parties concerned been willing to discuss them. They were flatly rejected, however, by both parties. Since they were put forth on the explicit condition that they were purely tentative, were designed primarily to elicit views and counter-suggestions from each party, and, in any event, could be implemented only if agreed upon by both parties, I have never since pressed them. With respect to one basic concept in my suggestions, it has become increasingly clear to me that, however desirable a political and economic union might be in Palestine, the time is certainly not now propitious for the effectuation of any such scheme.

2. I do not consider it to be within my province to recommend to the Members of the United Nations a proposed course of action on the Palestine question. That is a responsibility of the Members acting through the appropriate organs. In my role as United Nations Mediator, however, it was inevitable that I should accumulate information and draw conclusions from my experience which might well be of assistance to Members of the United Nations in charting the future course of United Nations action on Palestine. I consider it my duty, therefore, to acquaint the Members of the United Nations, through the medium of this report, with certain of the conclusions on means of peaceful adjustment which have evolved from my frequent consultations with Arab and Jewish authorities over the past three and one-half months and from my personal appraisal of the present Palestinian scene. I do not suggest that these conclusions would provide the basis for a proposal which would readily win the willing approval of both parties. I have not, in the course of my intensive efforts to achieve agreement between Arabs and Jews, been able to devise any such formula. I am convinced, however, that it is possible at this stage to formulate a proposal which, if firmly approved and strongly backed by the General Assembly, would not be forcibly resisted by either side, confident as I am, of course, that the Security

Council stands firm in its resolution of 15 July that military action shall not be employed by either party in the Palestine dispute. It cannot be ignored that the vast difference between now and last November is that a war has been started and stopped and that in the intervening months decisive events have occurred.

SEVEN BASIC PREMISES

3. The following seven basic premises form the basis for my conclusions:

Return to peace

(a) Peace must return to Palestine and every feasible measure should be taken to ensure that hostilities will not be resumed and that harmonious relations between Arab and Jew will ultimately be restored.

The Jewish State

(b) A Jewish State called Israel exists in Palestine and there are no sound reasons for assuming that it will not continue to do so.

Boundary determination

(c) The boundaries of this new State must finally be fixed either by formal agreement between the parties concerned or failing that, by the United Nations.

Continuous frontiers

(d) Adherence to the principle of geographical homogeneity and integration, which should be the major objective of the boundary arrangements, should apply equally to Arab and Jewish territories,

whose frontiers should not therefore, be rigidly controlled by the territorial arrangements envisaged in the resolution of 29 November.

Right of repatriation

(e) The right of innocent people, uprooted from their homes by the present terror and ravages of war, to return to their homes, should be affirmed and made effective, with assurance of adequate compensation for the property of those who may choose not to return.

Jerusalem

(f) The City of Jerusalem, because of its religious and international significance and the complexity of interests involved, should be accorded special and separate treatment.

International responsibility

(g) International responsibility should be expressed where desirable and necessary in the form of international guarantees, as a means of allaying existing fears, and particularly with regard to boundaries and human rights.

SPECIFIC CONCLUSIONS

4. The following conclusions broadly outlined, would, in my view, considering all the circumstances, provide a reasonable, equitable and workable basis for settlement:

(a) Since the Security Council, under pain of Chapter VIII sanctions, has forbidden further employment of military action in Palestine as a means of settling the dispute should be pronounced formally ended either by mutual agreement of the parties or, failing that, by the United Nations. The existing indefinite truce should be superseded by a formal peace, or at the minimum, armistice which would involve

either complete withdrawal and demobilization of armed forces or their wide separation by creation of broad demilitarized zones under United Nations supervision.

(b) The frontiers between the Arab and Jewish territories, in the absence of agreement between Arabs and Jews, should be established by the United Nations and delimited by a technical boundaries commission appointed by and responsible to the United Nations with the following revisions in the boundaries broadly defined in the resolution of the General Assembly of 29 November in order to make them more equitable, workable and consistent with existing realities in Palestine.

(I) The area known as the Negeb, south of a line running from the sea near Majdal east-southeast to Faluja (both of which places would be in Arab territory), should be defined as Arab territory.

(II) The frontier should run from Faluja north northeast to Ramleh and Lydda (both of which places would be in Arab territory); the frontier at Lydda then following the line established in the General Assembly resolution of 29 November.

(III) Galilee should be defined as Jewish territory.

(c) The disposition of the territory of Palestine not included within the boundaries of the Jewish State should be left to the Governments of the Arab States in full consultation with the Arab inhabitants of Palestine, with the recommendation, however, that in view of the historical connexion and common interests of Transjordan and Palestine there would be compelling reasons for merging the Arab territory of Palestine with the territory of Transjordan, subject to such frontier rectifications regarding other Arab States as may be found practicable and desirable.

(d) The United Nations, by declaration or other appropriate means, should undertake to provide special assurance that the boundaries between the Arab and Jewish territories shall be respected and maintained, subject only to such modifications as may be mutually agreed upon by parties concerned.

(e) The port of Haifa, including the oil refineries and terminals, and without prejudice to their inclusion in the sovereign territory of the Jewish State or the administration of the city of Haifa, should be declared a free port, with assurances of free access for interested Arab countries and an undertaking on their part to place no obstacle in the way of oil deliveries by pipeline to the Haifa refineries whose distribution would continue on the basis of the historical pattern.

(f) The airport of Lydda should be declared a free airport with assurance of access to it and employment of its facilities for Jerusalem and interested Arab countries.

(g) The City of Jerusalem, which should be understood as covering the area defined in the resolution of the General Assembly of 29 November, should be treated separately and should be placed under effective United Nations control with maximum feasible local autonomy for its Arab and Jewish communities with full safeguards for the protection of the Holy Places and sites and free access to them and for religious freedom.

(h) The right of unimpeded access to Jerusalem, by road, rail or air, should be fully respected by all parties.

(i) The right of the Arab refugees to return to their homes in Jewish-controlled territory at the earliest possible date should be affirmed by the United Nations, and their repatriation, resettlement and economic and social] rehabilitation, and payment of adequate compensation for the property of those choosing not to return, should be supervised and

assisted by the United Nations conciliation commission described in paragraph (k) below.

(j) The political, economic, social and religious rights of all Arabs in the Jewish territory of Palestine and of all Jews in the Arab territory of Palestine should be fully guaranteed and respected by the authorities. The conciliation commission provided for in the following paragraph should supervise the observance of this guarantee. It should also lend its good offices, on the invitation of the parties, to any efforts toward exchanges of populations with a view to troublesome minority problems, and on the basis of adequate compensation for property owned.

(k) In view of the special nature of the Palestine problem and the dangerous complexities of Arab-Jewish relationships, the United Nations should establish a Palestine conciliation commission. This commission, which should be appointed for a limited period, should be responsible to the United Nations and act under its authority. The commission assisted by such United Nations personnel as may prove necessary, should undertake.

(I) To employ its good offices to make such recommendations to the parties or to the United Nations, and to take such other steps as may be appropriate, with a view to ensuring the continuation of the peaceful adjustment of the situation in Palestine;

(II) Such measures as it might consider appropriate in fostering the cultivation of friendly relations between Arabs and Jews;

(III) To supervise the observance of such boundary, road, railroad, free port, free airport, minority rights and other arrangements as may be decided upon by the United Nations;

(IV) To report promptly to the United Nations any development in Palestine likely to alter the arrangements approved by the United Nations in the Palestine settlement or to threaten the peace of the area.

ANNEX I

Correspondence exchanged between the parties and the United Nations Mediator, relating to the suggestions of 27 June 1948

I. LETTER DATED 3 JULY 1948, ADDRESSED TO THE UNITED NATIONS MEDIATOR BY THE SECRETARY-GENERAL OF THE LEAGUE OF ARAB STATES

I have the honour to inform Your Excellency that the Political Committee of the League of Arab States, composed of their Foreign Ministers, has received your letter dated 27 June 1948, and carefully examined the suggestions you have put forth, in your capacity as United Nations Mediator, with a view to arriving at a peaceful adjustment of the future situation of Palestine, and has asked me to bring the following to your notice, in reply to your letters of the same date addressed to the Foreign Ministers of the Arab States:

1. The Committee was glad to note what you recorded in the introductory statement accompanying your suggestions that the agreement to cease fire has brought a calmer atmosphere more favourable to the task of mediation entrusted to you by the General Assembly of the United Nations, and would like once more, before embarking on a careful analysis of the suggestions advanced and expressing its views thereon, to assure Your Excellency that it was only the Arab States' desire to cooperate with you in working out a peaceful solution of the Palestine problem and in creating the

atmosphere best favourable for carrying out your task of mediation, and their equally keen desire to demonstrate their peaceful intentions to the world, that led them to agree to cease fire under the conditions Your Excellency proposed.

2. It had been agreed upon and decided that these conditions should be strictly observed in order to guard against the possible occurrence in the interval of any changes in the respective position of the parties concerned as they stood at the time of cease-fire on 11 June by which either party might benefit at the expense of the other.

The Arab States have loyally and most carefully respected these conditions, actuated in so doing by the desire to ensure the realization of the purpose at which they aimed. The other side, however, persisted in their disrespect and violation of these conditions, committing repeated breaches to which your attention has been duly drawn by the Arab States, and continued their provocative and aggressive activities in various parts of the country.

Undoubtedly your observers must have recorded all these activities by which the other side has greatly benefited so much so indeed that hundreds of immigrants of military age have entered the country, in addition to large quantities of arms, munitions and other war material. At the same time the other side has begun to fortify and consolidate its positions. It has actually occupied a number of strategic points and succeeded in provisioning some of its besieged forces. Furthermore, Zionist forces have prevented the Arab inhabitants of the areas they now occupy from gathering their harvest and used them for the erection of new fortifications.

All these activities are incompatible with the cease-fire conditions and detrimental to the position of the Arabs in the country, and the Committee avails itself of this opportunity once more to place on record these breaches and violations of the cease-fire conditions.

3. Your Excellency mentioned that the basic issues involved in the Palestine problem relate to partition, the establishment of a Jewish State and Jewish immigration, and stated that you had thoroughly studied, weighed and appraised the positions taken by the two parties. Your Excellency further interpreted your role of Mediator as one involving the offering of suggestions on the basis of which further discussions might take place, and that counter-suggestions might possibly be put forth in an endeavour to arrive at a peaceful settlement of the problem. You also declared that your analysis had taken into account the equities involved and the aspirations, fears and the motivations of the two parties, as well as the realities of the situation, and that you had come to the conclusion that it would be incompatible with the principles of equity and quite inconsistent with practical grounds to call upon either party to surrender completely its position, and that in the light of this analysis you saw a possibility of giving adequate assurances to both parties with regard to the vital factors in their respective positions. You concluded by stating that there was happily a common denominator which was acceptable to both sides - the recognition of the necessity for peaceful relations between Arabs and Jews in Palestine and of the principle of economic unity, and you stressed the point that it was with all these considerations in mind that you put forth your suggestions.

4. Your Excellency will recall what you have told the Political Committee at its meeting in Cairo on 15 June 1948, that you have accepted the task of Mediator unbound by any previous decisions. You will also recall the statement to the same effect you made before the special Sub-Committee at its meeting on 16 June 1948, when you declared at the close of the afternoon sitting that the suggestions you proposed to put forth would in no way be based on the status quo in Palestine.

The suggestions advanced surprised the Political Committee because they are a reproduction of the basis of the partition plan which led to the present armed dispute, and aim at ensuring to one party all its

ambitions while neglecting the aspirations and rights of the Arabs, who are the original owners of the country.

5. In compliance with Your Excellency's desire, the Political Committee has very carefully studied the suggestions, and was indeed surprised to find that the very first - that of considering the territories of the Hashemite Kingdom of Transjordan as part of Palestine stood on a false basis. In fact, involving that kingdom in the Palestine problem does not only exceed the terms of reference of mediation, but also constitutes a deliberate confirmation of the Zionists' false assertion that Palestine comprises the territories of that kingdom, an allegation which has never been conceded.

The Political Committee really cannot understand the motive of such an implication, nor the reasons that prompted you to consider it as a possible solution of the Palestine problem, the more so as the Hashemite Kingdom of Transjordan is an independent sovereign State, the independence of which is internationally recognized, and moreover it is an original member of the League of Arab States. Furthermore, that kingdom, long before the termination of the Mandate, was a State which led an autonomous existence, with a Head of State and Government of its own people. At that time, Palestine was directly governed by the Mandatory Power.

The Hashemite Kingdom of Transjordan opposes the partition of Palestine and the establishment of a Jewish State therein, and its armies, together with those of other Arab States, have entered Palestine in order to deliver the country from the Zionist aggression and restore security, peace and order to the Holy Land.

His Excellency the Transjordan Prime Minister, who attended the meetings of the Political Committee, proclaimed these realities in the following forceful and most eloquent declaration:

"I believe it is incumbent upon me to say a word about Count Bernadotte's suggestion, because it exceeds his terms of reference to involve the Hashemite Kingdom of Transjordan in the Palestine problem, on the ground that it lay within the boundaries of the Mandate as defined in 1922 - a false claim upheld by the Zionists, and loudly proclaimed by them on every occasion, despite the fact that our country has become an independent sovereign State, whose independence has been recognized by many a Power, and that it is an original member of the League of Arab States.

"The problem now at issue is the problem of Palestine and of finding a solution thereto. The Hashemite Kingdom of Transjordan should never be implicated in that problem, nor should Transjordan be forced into a union with a Jewish State.

"Our position is clear, and has been proclaimed on every occasion. It is never to allow the creation of a Jewish State in Palestine, and to exclude partition. And our object is to co-operate with other Arab States in her deliverance. Once this aim is attained, the determination of her future status is the right and concern of her own people. Theirs alone is the last word. We have no other object or aim in view. This is our attitude, which is an interpretation of the opinion of His Hashemite Majesty and that of his Government and people."

The Political Committee strongly upholds His Excellency in his declaration of these facts, on which all are agreed, and in placing these facts before Your Excellency, the Committee expresses the hope that no doubts will be entertained as to their accuracy.

6. The suggestions put forth by Your Excellency may be summed up as follows:

"(a) The formation of a union in Palestine comprising two members, one Arab and one Jewish, with the willingness of the directly interested parties. The boundaries of the two member States to be

determined with the assistance of the Mediator. The purposes and functions of the union should be to promote common economic interests, such as customs, excise, etc., to undertake the development of projects, and to co-ordinate foreign policy and measures of common defence, which lay within the full control of each of the members of the union.

"(b) Immigration to the respective territories of the two members of the union during the first two years should be within the competence of each member. Thereafter, either member would be entitled to request the council of the union to review the immigration policy of the other member and to render a ruling thereon in the terms of the common interest of the union. In the event of the inability of the Council to reach a decision on the matter, the issue should be referred to the Economic and Social Council of the United Nations, whose decision, in accordance with the principle of economic absorptive capacity, would be final.

"(c) Protection of religious and minority rights, preservation of the Holy Places and full guarantee of free access thereto, in accordance with the *status quo*.

"(d) Certain territorial arrangements, which might be worthy of consideration."

7. It is evident that these suggestions as a whole go to realize Zionist ambitions in respect of the partition of Palestine and the establishment of a Jewish State, in addition to the benefits they would derive from the economic unity by which you propose to bind both members.

As to immigration, which is the object of the fundamental dispute between the two parties, Your Excellency's suggestion does not only ensure the realization of all Zionist designs, but exceeds the provisions of the partition plan recommended by the General Assembly of the United Nations at its meeting of 29 November 1947. In fact, whereas

the partition plan restricts immigration to a part of Palestine - the area to be allocated to the proposed Jewish State - the union proposal opens for it a far wider scope throughout the whole of Palestine and even the Hashemite Kingdom of Transjordan.

In this respect, the suggestion constitutes a discriminatory privilege to the Jews at the expense of the Arabs. Your Excellency further suggested that matters at issue between the two members of the union in connexion with the immigration policy be referred for final decision to the Economic and Social Council of the United Nations, which should in rendering its decision take into account the principle of economic absorptive capacity.

Considering that immigration is the pivot on which the dispute between the two parties revolves, and is being utilized by the Zionists as an effective instrument for the realization of their political designs in Palestine and other Arab countries, in accordance with their plan known as "The Biltmore Programme", the conception of the suggestion is liable to lead to the continuation of this dispute.

There remains the suggestion for the economic unity of the two members of the union. This is sure evidence that the political partition of Palestine is an artificial move and that economic unity is intended to remedy its flaws and defects.

It is a known fact that the Zionists cannot lead an economic existence independent of the Arabs. Economic unity therefore is intended for safeguarding Zionist interests and the exploitation of the Arabs. This is not the case with the Arabs who, thanks to their co-operation with other neighbouring countries, are in a position to lead an economic existence. Your Excellency will recall that the partition plan recommended by the United Nations Special Committee on Palestine, provided for the formation of economic unity between the Arab and Jewish States for the simple reason that the country cannot prosper

economically without such unity. This clearly means that the country is indivisible economically. How could it then be divided politically?

As to the protection of minority rights and the preservation of the Holy Places, the Arabs have incessantly claimed it and worked for its realization. They have even expressed both to the Mandatory Power and the United Nations their willingness to accept all the guarantees necessary to ensure such protection.

Even the territorial arrangements annexed to the suggestions are based on partition and the establishment of a Jewish State, and are bound to lead to the same defects as the partition plan, which allocates to the Jews an area, half of the population of which are Arabs and possess the bulk of its land, while neglecting the rights of the Arabs and their natural aspirations.

Your Excellency will recall that the partition plan recommended by the General Assembly of the United Nations last year was categorically rejected by the Arabs and was the cause of the grave disturbances which led to so much bloodshed and destruction in Palestine as to have caused some of the supporters of the plan to abandon it.

The Security Council itself, after attempting during long months to find the means for its peaceful implementation, has failed and proposed the dissolution of the Partition Commission and the convocation of a special session of the General Assembly to reconsider the question.

8. The Political Committee took great care to give most careful consideration to the suggestions advanced in the hope of finding therein a remedy for the present state of things. It has compared them with the principles and ideals by which, as you mention you were guided in drawing them up. The Committee also compared them with the declarations you made in respect of your having assumed the role

of Mediator unbound by any previous decisions, and that the suggestions were in no way based on the status quo in Palestine.

Unfortunately, the suggestions have proved to be most disappointing to the Arabs, because they aim at the realization of all Zionist ambitions and tend to grant to the Zionists more than was provided for by the partition plan, which was doomed to failure. Furthermore, the suggestions do not guarantee for the Arabs any of their demands, thus demonstrating that they did not weigh the causes of the present dispute and that no attempts were made at uprooting them. On the contrary, they made matters worse by the creation of additional causes of a nature to aggravate an already grave situation, and bring us no nearer to the peaceful solution which would put an end to aggression, safeguard legitimate rights, ensure the return of law and order and guarantee the restoration of security, peace and prosperity in this area.

For these reasons, the Political Committee deeply regrets to state that it cannot accept these suggestions as a suitable basis for discussion.

The Political Committee, considering the earnest desire of all the Arab States to co-operate closely with Your Excellency in your endeavours to arrive at a solution which would best guarantee the restoration of security and peace to Palestine, suggests the adoption of the attached proposal as a basis for discussion. In addition to its being based on the principles of justice and democracy, the proposal happily agrees, to a large extent, with many of the principles and ideals embodied in Your Excellency's introductory statement.

(Signed) Abdul Rahman AZZAM
Secretary-General of the League of Arab States

Draft of the Constitution and future Government of Palestine

1. A provisional government, representative of all important sections of the citizenry in proportion to their numerical strength, should be set up as early as possible in Palestine;

2. The provisional government should, as soon as practicable, enact an electoral law for the setting up of a constituent assembly, prepare an electoral register, and hold elections for the constituent assembly;

3. The constituent assembly should also function as a legislature, and the provisional government should be responsible to it until elections for a legislature are held under the new constitution;

4. While the task of framing a constitution for Palestine must be left to the constituent assembly, the following principles must be strictly adhered to:

(I) Palestine shall be a unitary and sovereign State;

(II) It shall have a democratic constitution with an elected legislature and an executive responsible to the legislature;

(III) The constitution shall provide guarantees for the sanctity of the Holy Places covering inviolability, maintenance, freedom of access and freedom of worship in accordance with the *status quo*;

(IV) The constitution shall guarantee respect for human rights and fundamental freedoms without distinction as to race, sex, language or religion, and freedom of religious belief and practice in accordance with the *status quo* (including the maintenance of separate religious courts to deal with matters of personal status);

(V) The constitution shall guarantee the rights of religious bodies or other societies and individuals to maintain, in addition to educational establishments administered by public authority, educational institutions of their own, subject to normal government supervision and inspection;

(VI) The constitution shall recognize the right of Jews to employ Hebrew as a second official language in areas in which they are in a majority;

(VII) The law of naturalization and citizenship shall provide, among other conditions, that the applicant should be a legal resident of Palestine for a continuous period to be determined by the constituent assembly;

(VIII) The constitution shall ensure adequate representation in the executive and the administration of the distribution of representation in the legislature;

(IX) The constitution shall authorize the legislature to invest local authorities with wide discretion in matters connected with education, health and other social services;

(X) The constitution shall provide for the setting up of a supreme court, the jurisdiction of which shall include, inter alia, the power to pronounce upon the constitutional validity of all legislation, and it shall be open to any aggrieved party to have recourse to that tribunal;

(XI) The guarantees contained in the constitution concerning the rights and safeguards of the minorities shall not be subject to amendment or modification without the consent of the minority concerned expressed through a majority of its representatives in the legislature.

2. COMMENTS BY THE MEDIATOR ON THE ABOVE
OBSERVATIONS OF THE LEAGUE OF ARAB STATES
HANDED TO THE COMMITTEE IN CAIRO ON 3 JULY 1948.

I. General comments

1. As indicated clearly in paragraph 6 of the introductory statement to my suggestions, these are merely suggestions which I have put forth. They are tentative ideas only, and I have never expected that they would meet with unqualified approval by either party. The reactions of each party, however, can be very helpful in my continuing efforts at mediation.

2. What is my role as Mediator? Apart from the trust put in me by the United Nations, I come before you single-handed. I can personally make no decisions, impose no sanctions. Every idea set forth in my suggestions would require voluntary acceptance by both parties. I can force nothing on either party. As Mediator, I have but one purpose - to leave no stone unturned in my effort to bring about a peaceful adjustment of the situation in Palestine. I can make progress toward a just and reasonable settlement only as I could make progress in the truce negotiations by discovering some formulation on which there is a reasonable chance of gaining the agreement of both Arabs and Jews. Otherwise, it is inevitable that there will be a resumption of fighting unless some authority with greater power than I have can prevent it.

II. Specific comments

I have read with great care and interest the reply of the Political Committee of the League of Arab States to my suggestions. The reactions of the Arab States are set forth with clarity and precision. I have the following specific comments to make on this reply.

1. As regards the comments on the supervision of the observance of the truce, I may inform you that the various notes which I have

received from you on this matter have been referred to Colonel Bonde, my Deputy in charge of the truce supervision. At an early date I will be in position to present a full report on these complaints. I may add that complaints of this nature have come from both sides, in approximately equal volume.

2. As regards paragraph 4 of your reply, I may say that it is my conviction that the suggestions which I have put before you are in no way based on the status quo in Palestine either de facto or de jure, for the following reasons:

(a) The de facto situation is that a Jewish Provisional Government, recognized by an increasing number of States, exists in an area of Palestine without there being at this time any restrictions on its authority or power with regard to any of the basic functions of a sovereign State. That de facto situation, I know, is what you are fighting to eliminate; but the fact remains that it is there. In my suggestions I have hinted at the possibility of placing substantial restrictions on this Jewish political entity - restrictions on its authority which in no way exist at present.

(b) The de jure situation is that the resolution of 29 November of the General Assembly has not been annulled as a decision of that body, though the United Nations has not implemented it, and the United Nations Palestine Commission has been relieved of its responsibilities. That resolution provided a certain framework for a Jewish State in Palestine. I have not, however, considered myself bound by it, and I have presented in my suggestions a quite different arrangement, both as regards structure and territorial boundaries.

(c) I cannot, therefore, agree at all with your contention that my suggestions are "a reproduction of the basis of the partition plan..."

3. With reference to paragraph 5 of your reply, I cannot agree with the statement that my reference to the Kingdom of Transjordan in

paragraph I of my suggestions "exceeded the terms of reference of mediation". My mandate under the resolution of the General Assembly of 14 May is broad, namely, to "promote a peaceful adjustment of the future situation of Palestine". My reference to Transjordan was a purely optional one and it was made very specific that this suggestion was "subject to the willingness of the directly interested parties to consider such an arrangement". That included primarily Transjordan, and if the Hashemite Kingdom of Transjordan is unwilling to consider the arrangement the suggestion is clearly impractical.

4. The motive for the reference to the Hashemite Kingdom of Transjordan in this context is to be found in the fact that Transjordan is adjacent to Palestine over a long frontier, and has in the past, as now, been closely associated with it. The suggestion for a union was advanced only in skeleton form, and very tentatively. Had my envoys been afforded the opportunity to explain the suggestion to you, they would have made it clear that such an arrangement could be worked out in a way which would in no wise affect the present sovereign status of the Hashemite Kingdom of Transjordan.

5. With regard to paragraph 7 of your reply, I cannot share your opinion that my "suggestions as a whole go to realize Zionist ambitions in respect of the partition of Palestine and the establishment of a Jewish State..." In this regard, I may make the following comments:

(a) My suggestion would greatly increase the Arab population and influence in the Palestine area by closely associating Palestine with Transjordan.

(b) The Jewish member of this union would be subject to a number of important restrictions upon its present freedom of action.

(c) The benefits of economic union would work to the advantage of both Arab and Jewish members of the union.

(d) The Jewish member would be in a position which would virtually compel it to pursue policies which would ensure peaceful relations with the Arabs who surround it.

6. Concerning the reference to immigration in paragraph 7 of your reply, I may say that if my envoys had been consulted as to the meaning of this point in my suggestions, this part of your reply would have been unnecessary. My suggestions were presented in outline form only, and therefore their precise intent may at times have appeared obscure. I can assure you, however, that the sole intent of paragraph 6 of my suggestions is that each member would be exclusively entitled to control entry into its borders. Thus there could be no question of the Arab member being required to admit Jews into its borders against its consent. The intent of the suggestion is to provide a means of limiting Jewish immigration into the Jewish area before that saturation point is reached which might endanger neighbouring Arab areas and peoples.

7. With respect to the reference in paragraph 7 of your letter to economic unity as an advantage to the Jews, I must repeat that I cannot believe otherwise than that economic unity in Palestine, under whatever arrangement, would be of very great advantage to both Arabs and Jews. In fact, taking into account the present situation, I really believe that it is of even greater advantage to Arabs than to Jews.

8. I have noted the counter-suggestions which are appended to your letter. I was not prepared at the time I last met with the Sub-Committee to comment on these counter-suggestions. The other side, of course, was also entitled to offer counter-suggestions, and I thought it advisable not to comment on those of one side until the other side had at least had an opportunity to present to me its reactions and

further views. I have now received the Jewish reply and have communicated my comments on it to the appropriate Jewish authorities.

9. I cannot conclude these brief comments without emphasizing the importance which I attach to your reference to the earnest desire of all the Arab States to co-operate closely with me in my endeavours "to arrive at a solution which would best guarantee the restoration of security and peace to Palestine". Your co-operation is vital. I am ready to continue my efforts with perseverance and patience, if you and the other party are earnestly prepared to strive for peace.

3. COMMENTS BY THE MEDIATOR ON THE ARAB COUNTER-SUGGESTIONS,
TRANSMITTED TO THE POLITICAL COMMITTEE OF THE
LEAGUE OF ARAB STATES
BY LETTER DATED 5 JULY 1948

In the letter of 3 July setting forth the views of the Political Committee of the League of Arab States on my suggestions, there was attached a "proposal as a basis for discussion" under the heading "Draft of the Constitution and future Government of Palestine". I have studied this proposal with great care and now wish to communicate to you my views on it.

1. You will understand, I hope, that I must analyse and appraise your proposal in the light of my role as Mediator. As Mediator my fundamental] approach to any proposal must always be an assessment of the possibility it may afford for promoting a peaceful adjustment of the future situation of Palestine. In this regard, you will recall that in paragraph 6 of the introductory statement to my suggestions, I pointed out that my analysis of the existing situation in Palestine had "convinced me that on grounds of equity as well as on practical grounds, it is impossible for me as Mediator to call upon either party

to surrender completely its position". I take this opportunity to reaffirm that conviction.

2. You will agree with me, I feel sure, that the proposal you have put forth incorporates in outline the basic tenets of the Arab position as presented to me in our earlier discussions. I gather that, on the whole, it is not designed to be a compromise proposal but rather a concise formulation of the Arab position. Although there is no commentary accompanying the Arab proposal, I take it for granted that it was not put forth on any assumption that the Jews would be likely to accept it as a basis for discussion.

3. As to the specific provisions of your proposal I may offer the following brief comments:

(a) In paragraph I of your proposal I note that the principle of proportional representation is recognized. In this regard, however, the use of the term "citizenry" involves an element of ambiguity, since the crucial question, from the standpoint of the Jewish minority, is the basis of determination of citizenship and a clear indication of how many of the Jews now in Palestine would be accepted as citizens in the proposed new unitary, sovereign State of Palestine. Paragraph 4 (VII) leaves this question entirely open. Moreover, a relevant question arises regarding the fate of those Jews not to be accorded citizenship rights.

(b) The system of proportional representation in paragraph I applies to the proposed provisional government. The principle of proportional representation in the permanent machinery of government is not as clearly set forth in the other paragraphs of the proposal, although this may have been the intent of paragraph 4 (VIII).

(c) In any case, however, the net effect of the proposal would be that the Jewish community of Palestine would become a permanent cultural and political minority in the unitary State of Palestine. The

inclusion of the proportional representation provision in the Arab proposal is an apparent recognition of this fact.

(d) In paragraph 4 (VI) it is noted that the right of Jews to employ Hebrew as a second official language applies only to "areas in which they are in a majority". This would seem to be a very severe limitation on the recognition of the cultural rights and privileges of a substantial minority group. Moreover, the meaning of "areas" in this context is extremely ambiguous.

(e) Paragraph 4 (IX) similarly presents a very narrow version of accepted practice as regards municipal autonomy, since local authorities may be vested with discretionary power only with respect to "social services".

(f) It is of considerable significance that paragraph 4 (x) gives no hint as to the intended composition of the proposed supreme court or of the basis of selection of its members.

(g) The provision of paragraph 4 (XI) would seem to provide an adequate safeguard for such of the rights of the minority population as might be specifically enumerated in the proposed constitution, but no more than this.

(h) It is noteworthy also that the proposal makes no reference to economic rights, to immigration, to the police forces, or to the defence force of the proposed unitary State.

4. It may be contended with considerable cogency that the creation of a unitary and sovereign State in Palestine with the processes of government based on proportional representation, is fully consistent with democratic principles and procedures. But this does overlook certain vital facts which are peculiar to Palestine. The Jews of Palestine have been all along and are now in fact a completely separate cultural and political community. Under the Mandate they

were permitted to maintain their separate and virtually autonomous cultural and political institutions. Moreover, this Jewish community, from whatever motives and for whatever reasons, is imbued with an intensely nationalist spirit, a nationalism which rivals in intensity the nationalism of Palestinian Arabs.

5. A unitary State of Palestine with a substantial minority population of this kind could only be a troubled State unless the minority population and its nationalist aspirations were thoroughly crushed by forceful measures. It is futile to assume that the Jewish community could undergo a rapid change of heart.

6. You will understand, of course, that I have come to this problem as a Mediator. I have come to try to mediate a dispute between two parties locked in a violent conflict. And what do I find? I find in Palestine a substantial area which is fully under Jewish control, proclaimed as the territory of a Jewish State, and with a Provisional Government which has been recognized by a number of States. Whatever may be the merits of its existence or the conclusions as to how this Jewish political entity came to be, the fact remains that it is there.

7. Now, in your counter-suggestions it is proposed to eliminate this separate Jewish political entity by creating a unitary State in the whole of Palestine. But there is no suggestion as to how this is to be done. May I inquire whether there are any views as to how this might be done by peaceful means? As Mediator I am directed by the resolution of the General Assembly "to promote a peaceful adjustment of the future situation of Palestine". I am fully convinced that there is no possibility whatsoever of persuading or inducing the Jews to give up their present separate cultural and political existence and accept merging in a unitary Palestine in which they would be a permanent minority. The alternative method of achieving the Arab objective would be to wipe out the Jewish State and its Provisional Government by force. This course, as Mediator, I obviously cannot recommend.

4. LETTER DATED 5 JULY 1948 ADDRESSED TO THE UNITED
NATIONS MEDIATOR BY
THE MINISTER FOR FOREIGN AFFAIRS OF THE
PROVISIONAL GOVERNMENT OF ISRAEL

On behalf of the Provisional Government of Israel, I have the honour to offer the following observations on the suggestions presented by you under cover of your letter of 27 June as a possible basis for discussion in discharge of your task to "promote a peaceful adjustment of the future situation of Palestine".

1. The Provisional Government has noted with surprise that your suggestions appear to ignore the resolution of the General Assembly of 29 November 1947, which remains the only internationally valid adjudication on the question of the future government of Palestine. The Provisional Government also regrets to find that in formulating your suggestions you do not appear to have fully taken into account the outstanding facts of the situation in Palestine, namely, the effective establishment of the sovereign State of Israel within the area assigned to it in the Assembly's resolution, and other territorial changes which have resulted from the repulse of the attack launched against the State of Israel by Palestinian Arabs and by the Governments of the neighbouring Arab States.

2. The Provisional Government begs to recall that the Jewish people accepted the settlement laid down in the General Assembly's resolution as a compromise entailing heavy sacrifices on its part, and the territory assigned to the Jewish State as an irreducible minimum. It is, indeed, the conviction of the Provisional Government that the territorial provisions affecting the Jewish State now stand in need of improvement, in view both of the perils revealed by Arab aggression for the Safety and integrity of Israel and of the results achieved by Israel in repelling this aggression. In this connexion the Provisional Government desires to point out that the territorial settlement laid down in the resolution was based on the partition of western Palestine

between the Jewish people and the Arab population of Palestine. The inclusion of the Arab portion of Palestine in the territory of one of the neighbouring Arab States would fundamentally change the context of the boundary problem.

3. The Provisional Government cannot agree to any encroachment upon or limitation of the free sovereignty of the people of Israel in its independent State. While it is the basic aim and policy of Israel to establish relations of peace and amity with her neighbours on the basis of the closest possible collaboration in all fields, the international arrangements which may be necessary to give effect to this policy cannot be imposed upon Israel, but can only be entered into as a result of an agreement negotiated between the interested parties as free and sovereign States.

4. The Provisional Government would be ready to accept the provisions of the economic union as formulated in the Assembly's resolution if all their basic premises were to materialize. This is not, however, the eventuality envisaged in the suggestions. The partner State whom Israel is invited to join in a union is, both in its political identity and in its geographical dimensions wholly different from the Arab State provided for in the resolution. Jewish consent to the economic union in the context of the resolution cannot therefore be binding in the new situation. It must now be left to the free and unfettered discretion of the Government of Israel, in the exercise of its sovereign rights, to determine what arrangements should govern Israel's relations with her neighbour or neighbours in the field of economic co-operation.

5. The Provisional Government must be particularly emphatic in its opposition to any infringement of Israel's independence and sovereignty as regards her immigration policy. Complete and unqualified freedom to determine the size and composition of Jewish immigration was the very essence of the Jewish claim to statehood. The recognition of the moral validity and practical urgency of that

claim in connexion with the issue of immigration lay at the roots of its acceptance by the international world. There can be no question of any Israeli Government accepting the slightest derogation, in favour of any joint or international body, from Israel's sovereignty as regards control of her immigration policy.

6. The Provisional Government was deeply wounded by your suggestion concerning the future of the City of Jerusalem, which it regards as disastrous. The idea that the relegation of Jerusalem to Arab rule might form part of a peaceful settlement could be conceived only in utter disregard of history and of the fundamental facts of the problem: the historic associations of Judaism with the Holy City; the unique place occupied by Jerusalem in Jewish history and present-day Jewish life; the Jewish inhabitants, two-thirds majority in the city before the commencement of Arab aggression, a majority greatly increased since then as a result of Arab evacuation the fact that the whole of Jerusalem, with only a few minor exceptions, is now in Jewish hands; and not least, the fact that after an exhaustive study of the problem and as a result of an overwhelming consensus of Christian opinion in its midst the General Assembly resolved that Jerusalem be placed under an international regime. The Provisional Government must make it clear that the Jewish people, the State of Israel and the Jews of Jerusalem will never acquiesce in the imposition of Arab domination over Jerusalem, no matter what formal municipal autonomy and right of access to the Holy Places the Jews of Jerusalem might be allowed to enjoy. They will resist any such imposition with all the force at their command. The Provisional Government regrets to have to say that your startling suggestion regarding Jerusalem, by encouraging false Arab hopes and wounding Jewish feelings, is likely to achieve the reverse of the pacifying effect which you undoubtedly had in mind.

7. The Provisional Government does not find it necessary at this stage to comment upon other points raised in the suggestions, as it hopes that the examination of its present observations on the major aspects

of the scheme of settlement tentatively outlined by you may cause you to reconsider your whole approach to the problem.

5. LETTER DATED 6 JULY 1948 FROM THE MEDIATOR TO
THE MINISTER FOR FOREIGN AFFAIRS
OF THE PROVISIONAL GOVERNMENT OF ISRAEL

I have studied carefully the observations on my suggestions set forth in your letter to me of 5 July 1948, and take this opportunity to communicate to you briefly my comments upon them.

1. You will appreciate, I hope, the spirit in which my suggestions have been advanced and the objectives which were sought. As indicated clearly in the introductory statement to my suggestions, these ideas were put forth with no intimation of finality; they were exploratory only and designed specifically to invite further discussion and counter-suggestions from the interested parties. The success of my mediatory effort, you will agree, must inevitably depend upon the possibility of finding some common ground on which further discussions with the two parties might profitably proceed. There was involved, therefore, no question of formal acceptance or rejection of the specific ideas advanced, but only a determination as to whether there might be in those ideas some framework of reference within which progress toward ultimate agreement on details might be reasonably hoped for.

2. In this regard, I note your specific objections to some of the ideas outlined in my suggestions. I also note the hope expressed in paragraph 7 of your letter that I might reconsider my "whole approach to the problem". I interpret this to mean that you do not consider the general framework which I have outlined to be a suitable one for further discussion, looking toward a "peaceful adjustment of the future situation of Palestine". You have not, however, taken advantage of my invitation to offer counter-suggestions, unless I am to understand that your references in paragraphs 1 and 2 of your letter to the resolution

of the General Assembly of 29 November 1947, imply that you will be unwilling to consider any suggestions which do not correspond to the provisions of that resolution.

3. In paragraph I of your letter it is stated that my suggestions "appear to ignore the resolution of the General Assembly of November 29, 1947..." I cannot accept this statement. As United Nations Mediator, it is true that I have not considered myself bound by the provisions of the 29 November resolution, since had I done so there would have been no meaning to my mediation. The failure to implement the resolution of 29 November 1947, and the open hostilities to which the Arab opposition to it led, resulted in the convoking of the second special session of the General Assembly to "consider further the future government of Palestine". This special Assembly, taking into account the new situation, adopted, on 14 May 1948, the resolution providing for a Mediator. It is equally true, however, that the basic objectives of the resolution of 29 November 1947, as regards a separate political and institutional existence for the Jewish and Arab communities of Palestine and for close economic ties between these communities, are maintained in my suggestions, although in a somewhat different framework. I may also assure you that in working up my suggestions I took fully into account the facts of the actual existence of the Jewish State in a defined area, the military situation and the present territorial situation as a result of the conflict thus far. But I could not ignore the fact that there is nothing really stable in Palestine so long as the prospect of early resumption of hostilities remains, and that the violent reaction of the Arab world to these very situations is also a vital factor in the equation, if one must focus on the possibility of peaceful adjustment.

4. As regards paragraph 2 of your letter, I may say first of all that it would not impress me as an argument of very great merit that the boundaries of a Jewish State in Palestine, which had been acceptable to the Jewish community, would require revision in the Jewish favour solely because the Arab part of Palestine might, by its own volition,

decide to enter into a closer relationship or even a merger with a neighbouring Arab State. As regards any territorial adjustments to which either party might lay claims as a result of successes on the field of battle, it must be said that, quite aside from the question of fundamental principle involved, the conflict was only in its very early stages when the truce began and the military outlook for either side is by no means clearly predictable.

5. With reference to paragraph 3 of your letter, it need only be said that it was made abundantly clear in my suggestions that all of the arrangements proposed could have practical meaning only in the sense of voluntary agreement on the part of the parties concerned. It was specifically emphasized in paragraph 8 of my introductory statement that there could be no question of imposition. In view of these clear statements in my paper I find myself at a loss to understand the reasons for your statement.

6. As regards paragraph 4 of your letter, I note that your Government no longer considers itself bound by the provisions for economic union set forth in the 29 November resolution for the reason that the Arab State envisaged by that resolution has not been established. In paragraphs 1 and 2, however, the same resolution is taken as your basic position. Whatever may be the precise legal significance and status of the 29 November resolution, it would seem quite clear to me that the situation is not of such nature as to entitle either party to act on the assumption that such parts of that resolution as may be favourable to it may be regarded as effective, while those parts which may, by reason of changes in circumstances, be regarded as unfavourable, are to be considered as ineffective.

7. Paragraph 5 of your letter relates to immigration. The question of immigration into Palestine must be considered within the context of the total problem. Even within the limits of full sovereignty the question of immigration is related to the absorptive capacity of the country. Palestine from this point of view has become the object of

international concern. It would, therefore, seem justifiable that the Economic and Social Council might be given an eventual say in the matter. Furthermore, such an arrangement might serve the useful purpose of maintaining a sympathetic international interest in and assistance for the settlement of Jewish immigrants in Palestine. Should unrestricted immigration indefinitely continue in Palestine there might, in the future, arise a serious economic and political problem beyond the control of any Jewish Government. It cannot be ignored that immigration affects not only the Jewish State and the Jewish people but also the surrounding Arab world.

8. Jerusalem stands in the heart of what must be Arab territory in any partition of Palestine. To attempt to isolate this area politically and otherwise from surrounding territory presents enormous difficulties. The special condition of Jerusalem - its large Jewish population and its religious associations - needs special consideration, and the way for discussion of these questions was left open. Arab domination of legitimate Jewish and other non-Arab interests in Jerusalem was never intended or implied in the suggestions. Moreover, while I fully appreciate that the question of Jerusalem is of very great concern, for historical and other reasons, to the Jewish community of Palestine, Jerusalem was never intended to be a part of the Jewish State. In this sense, the position of the Jewish State is unaffected and the question of Jerusalem has no relationship to its status. The status of Jerusalem, therefore, is separate from the question of the constitution and boundaries of a Jewish State. My suggestions fully safeguard the historical and worldwide religious interests in Jerusalem.

9. I wish you to know that I have but one interest in the future of Palestine, and that is to do everything within my power to bring peace to this troubled land. I am willing at all times to carry on such discussions and seriously to consider all suggestions which may hold any promise for a peaceful settlement of the problem.

ANNEX II

Reply of the Provisional Government of Israel to the proposal regarding the return of Arab refugees ¹

LETTER FROM THE MINISTER FOR FOREIGN AFFAIRS OF THE PROVISIONAL GOVERNMENT TO THE UNITED NATIONS MEDIATOR

Hakirya, 1 August 1948

1. The Provisional Government has duly considered your note on the question of the return of Arab refugees and has authorized me to convey to you the following reply.
2. As I mentioned in the course of our interview on Monday, 26 July, we are not unmindful of the plight of the Arabs who, as a result of the present war, find themselves uprooted from their homes and cast adrift. Our own people have suffered too much from similar tribulations for us to be indifferent to their hardships. If, nevertheless, we find ourselves unable to agree on their re-admission to the Israel-controlled areas, it is because of over-riding considerations bearing on our immediate security, the outcome of the present war and the stability of the future peace settlement. We feel convinced that any measure of repatriation undertaken solely on humanitarian grounds, in disregard of the military, political and economic aspects of the problem, would prove to have been falsely conceived; it would defeat its purpose and result in graver complications than those which already exist.
3. The resolution of the Security Council of 29 May, the terms of which were renewed by the resolution of 15 July, specifically

provided that the truce should not prejudice the rights, claims and position of either party. You interpreted this principle as meaning that no advantage should accrue to either side, at the expense of or as compared with the other. There can be no doubt that the return during the truce of thousands of displaced Arabs to the State of Israel - which is still beset by enemy armies, forms the target of violent political attack and may yet again become the object of a renewed military onslaught - would, in fact, gravely prejudice our rights and position. It would relieve the aggressor States of a large part of the pressure exerted on them by the refugee problem, while, on the other hand, it would most seriously handicap the war effort and war-readiness of Israel by bringing into its territory a politically explosive and economically destitute element and by saddling its Government with responsibility for all the ensuing complications.

4. Against this background, your reference to the return of Arab refugees as being one of the questions under dispute which it is the duty of both parties to try and settle peacefully, appears to us to miss the main point at issue. The root cause of the present conflict of which the mass flight of Arabs and their consequent suffering are mere corollaries - is the refusal of the Arab League to accept the State of Israel either as a matter of right or as an accomplished fact. As long as this intransigence persists, any attempt to tear the problem of Arab refugees out of its context and treat it in isolation can only, as already stated, aggravate the issue: it will render rightful defence more difficult and lend further encouragement to wanton aggression.

5. Nor do we feel that the issue is met by your argument that the present truce is of indefinite duration and that, therefore, the security aspect of Arab repatriation should not present a special problem. To begin with, once a large-scale return is authorized, it may be found difficult, if not impossible, to keep it within bounds. Even if formally men of military age are excluded, the practical result may well be the increase of irregulars inspired by the Mufti, who knows no truce. Moreover, the Arab States themselves, in their joint communication to

the Security Council, have hedged their acceptance of the present truce with several conditions. They have thus reserved to themselves the right to terminate the truce whenever it suits them to resume the fighting. They continue to maintain an attitude of obstinate intransigence and defiance of the Security Council and the Mediator in regard to such basic provisions of the truce as the Jerusalem water supply and the opening of the Jerusalem-Tel-Aviv highway. Not a day passes without some prominent Arab spokesman threatening the resumption of hostilities. In these circumstances, the mere fact that the Security Council has ordered the truce to be of unlimited duration is not a firm enough foundation on which the Provisional Government could build so far-reaching a measure as the re-admission en masse of Arab refugees.

6. The difficulty is not minimized if the return is limited to the former residents of Jaffa and Haifa, for whom you enter a special plea. Both these cities constitute vulnerable points, on the peace and stability of which the well-being of Israel in the present delicate stage very largely depends. Both were centres of grave menace to Jewish security, and the re-creation of a situation pregnant with potential trouble in areas such as these is the last thing that any State still engaged in a struggle for its existence could contemplate. Incidentally, we fail to appreciate why on purely humanitarian grounds the former residents of Jaffa and Haifa have been singled out for special treatment and found, as a class, to be more deserving than those of any other town or village.

7. On the economic side the reintegration of the returning Arabs into normal life, and even their mere maintenance, would present an insoluble problem. The difficulties of accommodation, employment and ordinary livelihood would be insuperable. You will, we feel sure, readily admit that the international assistance which you envisage is for the time being purely hypothetical. On the other hand, the Provisional Government would resist as utterly unjust an attempt to impose on its limited and heavily strained resources any part of the

financial liability for the relief and resettlement of returning Arabs. Far from being ready to shoulder responsibilities on behalf of Arabs whom the Jews never intended to harm - with whom they were, indeed, anxious to live at peace the Provisional Government considers itself entitled and is indeed determined, to claim compensation from the Arab States for all the havoc and destruction, the loss of life, property and livelihood, which the criminal folly of their armed intervention in Palestine has wrought.

8. Arab mass flight from within Israel and Israel-occupied areas is a direct effect of Arab aggression from outside. In justifying their invasion the Arab Governments claimed that they had responded to the call for rescue addressed to them by the Arabs of Palestine. The plain fact is, however, that but for the intervention of the Arab States, there would have been an overwhelming measure of local Arab acquiescence in the establishment of the State of Israel, and by now peace and reasonable prosperity would have reigned throughout its territory, to the enjoyment of Jews and Arabs alike. If the war has brought in its wake a mass exodus, mostly spontaneous and the exodus has resulted in great suffering, the responsibility for it rests on those who fomented and have carried on the war, as well as on those who aided and abetted them. The Arab Governments and the great Power which espoused their cause cannot have it both ways: do everything they can to undermine and destroy the State of Israel, and then, having failed, require the State of Israel to take over the liability for the results of their own reckless action.

9. For the political, economic and security reasons stated, the Provisional Government is not in a position, as long as a state of war exists, to re-admit the Arabs who fled from their homes, on any substantial scale. The Palestinian Arab exodus of 1948 is one of those cataclysmic phenomena which, according to the experience of other countries, change the course of history. It is too early to say exactly how and in what measure the exodus will affect the future of Israel and of the neighbouring territories. When the Arab States are ready to

conclude a peace treaty with Israel, this question will come up for constructive solution as part of the general settlement and with due regard to our counter-claim in respect of the destruction of Jewish life and property. The long-term interests of the Jewish and Arab populations; the stability of the State of Israel and the durability of the basis of peace between it and its neighbours; the actual position and fate of the Jewish communities in the Arab countries; the responsibility of the Arab Governments for their war of aggression and their liability for reparations, will all be relevant to the question of whether, to what extent and under what conditions the former Arab residents of the territory of Israel should be allowed to return. For such a comprehensive and lasting peace settlement the Provisional Government is ever ready, but it holds that it cannot in fairness be required to carry through unilateral and piecemeal measures of peace while the other side is bent on war.

(Signed) M. SHERTOK
Minister for Foreign Affairs

ANNEX III

Flight log

(Special plane assigned to Mediator)

DATE FLIGHT

Special flight:

May 1948.

27: Paris, Rome, Athens.

28: Athens, Cairo.

31: Cairo, Haifa.

June.

1: Haifa, Mafrak, Amman, Mafrak, Cairo.

3: Cairo, Mafrak, Amman, Haifa.

4: Haifa, Cairo.

5: Cairo, Beirut.

6: Beirut, Haifa, Mafrak, Amman, Mafrak. Haifa.
7: Haifa, Cairo.
12: Cairo, Jerusalem, Damascus.
13: Damascus, Tel-Aviv, Haifa, Rhodes.
15: Rhodes, Cairo.
17: Cairo, Tel-Aviv.
18: Tel-Aviv, Haifa, Rhodes.

July.

1: Rhodes, Jerusalem. 2: Jerusalem, Rhodes.
3: Rhodes, Cairo.
4: Cairo, Rhodes.
5-6: Rhodes, Tel-Aviv, Cairo.
7: Cairo, Tel-Aviv, Haifa.
8: Haifa. Rhodes.
9: Rhodes, Amman, Haifa, Beirut, Rhodes.
10: Rhodes, Rome, Geneva.
11: Geneva, Amsterdam.

Commercial airline:

11-12: Amsterdam, Prestwick, Gander, La Guardia.
17: La Guardia, Gander, Prestwick.
18: Prestwick, Amsterdam.

Special flight:

18: Amsterdam, Geneva, Rome.
19: Rome, Rhodes.
24: Rhodes, Beirut.
25: Beirut, Haifa.
26: Haifa, Tel-Aviv, Rhodes.

August.

1: Rhodes, Amman.
3: Amman, Jerusalem, Alexandria.
5-6: Alexandria, Tel-Aviv, Haifa, Rhodes.
9: Rhodes, Haifa, Jerusalem.
11: Jerusalem, Haifa, Rhodes.
12: Rhodes, Rome, Geneva.

13: Geneva, Stockholm.

September.

1: Stockholm, Copenhagen, Paris.

2: Paris, Geneva, Rome.

3: Rome, Rhodes.

6: Rhodes, Alexandria.

8: Alexandria, Mafrak, Amman, Mafrak, Haifa.

9: Haifa. Tel-Aviv, Rhodes.

PART TWO

THE SUPERVISION OF THE TWO TRUCES

I. INTRODUCTION

1. General Assembly resolution 186 (S/2) of 14 May 1948 empowered the United Nations Mediator "to co-operate with the Truce Commission for Palestine appointed by the Security Council in its resolution of 23 April 1948" and directed him "to conform in his activities with the provisions of this resolution, and with such instructions as the General Assembly or the Security Council may issue." On 29 May 1948, the Security Council adopted a resolution (S/801) calling on all Governments and authorities concerned to order a cessation of all acts of armed force for a period of four weeks, and to undertake, during the cease-fire, not to introduce fighting personnel into Palestine and the seven Arab States during the cease-fire, and, should men of military age be introduced into countries or territories under their control, to undertake not to mobilize or submit them to military training; and to refrain from importing or exporting war material into or to Palestine and the seven Arab States. All Governments and authorities concerned were also urged to take every possible precaution for the protection of Jerusalem and the Holy Places, including access to all shrines and sanctuaries for the purpose of worship by those who have an established right to visit and worship at them. The resolution instructed the Mediator "in concert with the Truce Commission to supervise the observance of the above

provisions, and decides that they shall be provided with a sufficient number of military observers."

2. I undertook the task of mediation on 21 May 1948, and proceeded to Cairo on 28 May in pursuance of my duties. On 2 June, I was informed by the President of the Security Council that both the Arab and Jewish authorities had accepted unconditionally the cease-fire resolution of 29 May, and in pursuance of the action of the Security Council on 2 June, I was instructed, in consultation with the two parties and Truce Commission, to fix the effective date for the cease-fire in as short a period as possible. I discovered that each party, though accepting the cease-fire in principle, did so with important reservations. It was therefore necessary to negotiate with the two parties the terms and conditions of the truce as well as the effective date for its commencement. Owing to the existence of war conditions it was impossible to consult fully with the Truce Commission in Jerusalem, but, within the limitation of uncertain and at times non-existent communications, I kept the Commission informed of the progress of the truce negotiations and received from the Commission full assurances of their co-operation.

3. The provisions of the Security Council's resolution of 29 May were somewhat general in their language, but it was clear that the intention of the resolution was to bring about a cessation of hostilities in Palestine while ensuring that no military advantage would accrue to either side during the period of the truce or as a result of its application. After intensive discussions with both parties I made certain interpretations of the resolution and certain decisions as to its application which were accepted by both parties on 9 June, and the four-week truce went into effect on 11 June 1948. The terms of the truce agreement are set out in document S/829.

4. The first truce lasted until 9 July 1948. During the last week of the truce I made intensive efforts to obtain a renewal or prolongation of the truce, in the first place appealing to the parties for a thirty-day

prolongation of the truce, and later for a ten-day unconditional ceasefire. The Provisional Government of Israel was willing to accept both proposals but the Arab States would accept neither, and hostilities broke out again on 8 July. On 10 July I departed for Lake Success where I presented my report to the Security Council in person (S/888).

5. On 15 July the Security Council adopted a resolution (S/902) which declared that the situation in Palestine was a threat to the peace, and therefore brought the case under the terms of Chapter VII of the Charter. The resolution was as follows:

"The Security Council,

"Taking into consideration that the Provisional Government of Israel has indicated its acceptance in principle of a prolongation of the truce in Palestine; that the States members of the Arab League have rejected successive appeals of the United Nations Mediator, and of the Security Council in its resolution of 7 July 1948, for the prolongation of the truce in Palestine; and that there has consequently developed a renewal of hostilities in Palestine;

"Determines that the situation in Palestine constitutes a threat to the peace within the meaning of Article 39 of the Charter;

"Orders the Governments and authorities concerned, pursuant to Article 40 of the Charter of the United Nations, to desist from further military action and to this end to issue ceasefire orders to their military and para-military forces, to take effect at a time to be determined by the Mediator, but in any event not later than three days from the date of the adoption of this resolution;

"Declares that failure by any of the Governments or authorities concerned to comply with the preceding paragraph of this resolution would demonstrate the existence of a breach of the peace within the

meaning of Article 39 of the Charter requiring immediate consideration by the Security Council with a view to such further action under Chapter VII of the Charter as may be decided upon by the Council;

"Calls upon all Governments and authorities concerned to continue to co-operate with the Mediator with a view to the maintenance of peace in Palestine in conformity with the resolution adopted by the Security Council on 29 May 1948;

"Orders as a matter of special and urgent necessity an immediate and unconditional cease-fire in the City of Jerusalem to take effect twenty-four hours from the time of the adoption of this resolution, and instructs the Truce Commission to take any necessary steps to make this cease-fire effective;

"Instructs the Mediator to continue his efforts to bring about the demilitarization of the City of Jerusalem, without prejudice to the future political status of Jerusalem, and to assure the protection of and access to the Holy Places, religious buildings and sites in Palestine;

"Instructs the Mediator to supervise the observance of the truce and to establish procedures for examining alleged breaches of the truce since 11 June 1948, authorizes him to deal with breaches so far as it is within his capacity to do so by appropriate local action, and requests him to keep the Security Council currently informed concerning the operation of the truce and when necessary to take appropriate action;

"Decides that, subject to further decision by the Security Council or the General Assembly the truce shall remain in force, in accordance with the present resolution and with that of 29 May 1948, until a peaceful adjustment of the future situation of Palestine is reached;

"Reiterates the appeal to the parties contained in the last paragraph of its resolution of 22 May and urges upon the parties that they continue

conversations with the Mediator in a spirit of conciliation and mutual concession in order that all points under dispute may be settled peacefully;

"Requests the Secretary-General to provide the Mediator with the necessary staff and facilities to assist in carrying out the functions assigned to him under the resolution of the General Assembly of 14 May, and under this resolution; and

"Requests that the Secretary-General make appropriate arrangements to provide necessary funds to meet the obligations arising from this resolution."

6. Pursuant to the resolution I fixed the time for the commencement of the cease-fire at 1500 hours (GMT) on 18 July 1948. When I returned to my headquarters at Rhodes on 19 July, I found that both parties had complied with the Security Council's order by the appointed time. Since in this case the Security Council had ordered a cease-fire there was no question of negotiations with the parties to achieve a truce by agreement.

II. THE FOUR-WEEK TRUCE FROM 11 JUNE TO 9 JULY 1948

Organisation of the truce supervision

1. It was obvious from the outset that the supervision of the truce would constitute an extremely difficult and far from perfect operation. I realized that in order to achieve complete supervision of the observance of the truce in Palestine and in Egypt, Iraq, Lebanon, Saudi Arabia, Syria, Transjordan and Yemen, a very large number of observers would be necessary with considerable quantities of equipment and material. Within the short time available, there were inevitable obstacles in the way of obtaining the necessary personnel

and equipment. I considered that the operation would be successful if it prevented a flare-up or a renewal of large-scale fighting during the truce.

2. The major difficulty encountered during the truce supervision was that the entire observation organization had to be created and set into operation after the truce had begun, and that there was almost no opportunity for advance preparation. I requested the services of five colonels of the Swedish Army to act as my personal representatives to assist in supervising the truce, and I appointed one of these, Colonel Thord Bonde, as my Chief of Staff for the truce supervision. I also requested the member States of the Truce Commission -- Belgium, France and the United States of America -- each to furnish 21 officers from their armed forces to act as military observers. These 63 observers arrived in Cairo between 11 and 14 June and were immediately despatched to Palestine and some of the Arab States. I also obtained from the Secretary-General of the United Nations on 21 June the services of 51 guards recruited from the Secretariat to assist the military observers, and subsequently requested Belgium, France and the United States of America each to send 10 more officers to act as observers. These 30 additional officers arrived during the period 27 June to 5 July. I also obtained from the United States armed forces some 10 auxiliary technical personnel such as aircraft pilots and maintenance men, radio operators, motor-vehicle drivers and maintenance men, and medical personnel.

3. At the beginning of the truce no equipment was available other than a chartered aircraft, which the Secretary-General had placed at my disposal. In order to carry out the operation it was necessary that equipment be obtained for communication, transportation and patrolling. I obtained some used vehicles, planes and radio equipment from the Governments of the United States of America and the United Kingdom, a naval corvette from France and three destroyers from the United States. This equipment was obtained between 12 and 14 June. It was not sufficient for the immense task involved, and some of the

equipment, particularly the motor-vehicles and radio sets, soon became unserviceable due to the lack of repairs and spare parts.

4. It was not possible within the limits of personnel and equipment available to establish observation posts to cover all the ports, airfields, boundaries and coastlines of all seven Arab States as well as of Palestine. Since Palestine was the actual scene of the conflict, where Arab and Israeli armies were confronting each other during the suspension of hostilities, I decided that the main work of observation must take place there. I accordingly transferred the headquarters of the truce supervision from Cairo to Haifa, although my own headquarters had been established on neutral ground in Rhodes. For the purposes of observation Palestine was divided into five areas, each consisting of an area headquarters and one or more observation posts, depending on circumstances and requirements. With respect to the Arab States, observers were sent at various times to Damascus, Beirut, Bennt Jbail, Amman, Baghdad, the Suez area and Egyptian airfields and ports. Members of the Secretariat were also stationed at Amman, Beirut, Cairo, Haifa, Jerusalem and Tel-Aviv to maintain liaison with the respective Governments and to act as my representatives.

5. In connexion with the City of Jerusalem it was agreed between the Truce Commission and myself that the Commission would be responsible for the supervision of the ceasefire and truce in the city and that the observers would assist them and deal with incidents and breaches. Our respective spheres of authority were somewhat vague and were never e clearly defined, but I received the fullest co-operation at all times from the members of the Truce Commission.

6. The observers were given detailed instructions on their role. In addition to investigating alleged breaches of the truce, they were charged with the task of carrying on routine observation and with dealing with incidents and complaints on the spot. They had no power to prevent a violation of the truce or to enforce their decisions. In the case of any complaint or incident where they could not achieve a

settlement between the parties on the spot, their only recourse was to report the matter to their superiors or to me. Complaints by local civilians or troops were dealt with by the observers on the spot those by military commanders were dealt with by the Chief of Staff or an area commander and those by Governments were dealt with by myself. In cases requiring investigation, the inquiries were carried out by observers on the spot wherever possible.

The operation of the truce supervision

7. The number of incidents and complaints respecting alleged breaches of the truce were greatest during the early days of the truce before the observation operation was fully in force, and again during the last few days of the truce, when each side was engaged in intensive preparations in the expectation of a renewal of hostilities on the termination of the truce. During the entire period of the four-week truce there was a constant stream of complaints from each side alleging violations by the other side. In all, some 500 complaints or incidents were dealt with by the observers. In a large number of cases the complaints proved to be entirely without substance, and in many cases the complaints from both sides were greatly exaggerated. Due to conflicting statements from each side it proved impossible to assess responsibility clearly in most cases.

8. In the City of Jerusalem a record was kept of 197 complaints, of which 39 were made by Arabs, 131 by Jews, and 27 were made by the observers themselves. The great majority of these complaints concerned cases of sporadic and individual sniping and firing, where it was impossible to determine who was the guilty party or persons. Other complaints arose out of attempts by each side to improve its position by fortifying houses and strategic points, digging trenches and erecting barriers. Other complaints dealt with looting and stealing household effects, crops and fruit. In general, the lack of time and personnel made it impractical to carry out more than superficial investigation except in the most serious cases. The observers had to

content themselves in most cases with making representations to each side to curb their men and to prevent a continuance or repetition of the breach.

9. In the truce area, outside the City of Jerusalem, a record was kept of 258 complaints or incidents, of which 147 were Arab complaints, 59 were Jewish complaints and 52 were breaches of the terms of the truce (divided between Arabs and Jews) which were discovered and reported by the observers themselves. The most serious of these complaints dealt with attacks on villages and included the alleged occupation of villages, strategic hills and road junctions after the commencement of the truce. These cases were subjected to careful investigation by the observers, but they were invariably confronted by conflicting evidence from both sides. The observers were greatly hampered in their work because of the fact that they were not present in Palestine at the time of the commencement of the truce and, in view of the short period of the truce, it was not possible for them to determine the status quo of the battle lines as it existed at 0600 hours (GMT) on 11 June. In nearly all cases, therefore, they had to accept the status quo as they found it on their arrival. Other complaints dealt with incidents arising out of harvesting operations (where I ruled that each side could harvest up to a point midway between the opposing lines, and that the ordinary rules of land warfare would apply to harvesting behind the lines), sniping and firing, the erection of fortifications and road blocks, digging trenches, laying mines and barbed wire, the movement of troops and military supplies, and the illegal flying of planes.

10. With respect to the importation of war materials into the truce area very few complaints were made. In oral discussions which I had with Arab leaders they complained in general that the Jews were continuing to receive war materials. But apart from the case of the *Altalena* (which is dealt with below), the Arabs filed only two specific complaints against the Jews. The United States Government brought to my attention two cases, and the United Kingdom Government one

case, of the alleged receipt of war material by the Provisional Government of Israel. The observers could find no evidence to support any of these complaints. The Provisional Government also lodged five complaints regarding the importation of war materials by the Arab States, but in these cases, too, no evidence was found to support the charges. Except for the early days of the truce, a constant patrol of Palestine's coast was maintained by land, sea and air and all incoming ships were carefully inspected by the observers. Observers were also stationed at airports in Palestine and maintained a close check on incoming planes. Due to the lack of personnel and equipment, the observers were deployed where it was considered that they were most needed, and it was not possible to maintain the same degree of observation in the Arab States. Unquestionably, if more personnel and equipment had been available, closer supervision could have been maintained in Palestine as well as in the seven Arab States, but I am convinced that if the two opposing forces did in fact manage to obtain war materials by clandestine methods, the amount would have been so limited as to have made no substantial difference to the relative strength of the two sides.

11. The question of the introduction of fighting personnel created no serious difficulties. With respect to the Arab States the supervision by observers was not adequate, but no complaints were made by the Provisional Government of Israel in this regard. With respect to Palestine, with the exception of the *Altalena* case, no evidence came to light that any fighting personnel entered the country.

12. Regarding the immigration of men of military age (18 to 45), I was concerned that they should not arrive in disproportionately large lumbers and that those who arrived should be placed in camps so that they would not be mobilized or submitted to military training. As in the case of war materials and fighting personnel, the observers kept a close check, except for the first few days of the truce, on all incoming ships and planes in Palestine, and a periodic check in the Arab States. Arab leaders complained orally to me that the Jews were smuggling

large numbers of men of military age into Palestine, but in the two specific complaints lodged by them no evidence was found by the observers. The only exception was the case of the *Altalena*, where the Irgun Zvai Leumi claimed that some 800 men, women and children were brought to Israel. In all, during the period of the truce some 260 to 265 Jewish men of military age were admitted and placed in camps. In this regard too, if more observers and equipment had been available the supervision of the truce would have been more effective, but I am satisfied that this aspect of the supervision was carried out in a proper manner, and that, if any men of military age were smuggled into the truce area, their number would be very small. The Israeli authorities protested against the refusal of the United Kingdom to permit Jewish men of military age who were interned in Cyprus to leave for Palestine. I informed them that this was a unilateral decision of the United Kingdom, for which I was not responsible and that, so far as I was concerned, the same rules applied to immigration from Cyprus as from other places.

13. The problem of irregular forces in both Arab and Jewish occupied territory proved to be troublesome. These irregulars in many cases considered themselves as not bound by the provisions of the cease-fire and truce agreement, and were responsible for breaches of the truce on both sides. The only course of dealing with the problem was for me to insist that the Arab and Israeli forces and their respective Governments accept full responsibility for all activities occurring in the areas occupied by them.

14. During the truce three violations of its terms occurred of such serious nature that I reported them to the Security Council. In the case of the *Altalena* incident, the Irgun Zvai Leumi attempted to bring war materials and men of military age to Palestine. The Provisional Government of Israel took strong police action to prevent the landing, and the ship was set on fire, but some of the men and arms had already been successfully landed in Israel. The Provisional Government of Israel was informed that its explanation regarding the disposition of

the men and arms was not satisfactory. Another violation occurred when the Egyptian forces refused to permit convoys carrying relief supplies under United Nations control to pass through their territory to isolated Jewish settlements in the Negeb, and fired on them. The incident was settled temporarily but re-occurred toward the end of the truce. The third violation reported to the Security Council was the failure of the Transjordan and Iraqi forces to permit the flow of water to Jerusalem through the pipeline and pumping stations controlled by them. Despite repeated representations to the Arab authorities and the decision of the Security Council on 7 July, no water flowed to Jerusalem during the truce.

The City of Jerusalem

15. The City of Jerusalem posed the most difficult problem of the truce supervision. Prior to the outbreak of hostilities its population was about 165,000 of which about 100,000 were Jews and about 50,000 were Arabs. Before the termination of the Mandate a considerable part of the Arab population had left the city. At the commencement of the truce Israeli forces were in occupation of the greater part of the City, and the Arab Legion was in occupation of the Old City (containing most of the Holy Places), and a small part of the New City. The Arabs, however, were in control of all the main supply routes to the city and the Jews were completely cut off, except for a very rough and tortuous route known as the "Burma Road", which the Jews had opened as an emergency by-pass of the Arab-held portions of the Tel-Aviv-Jerusalem road, a few days before the commencement of the truce. The Arabs also controlled Ras el Ain, the source of Jerusalem's water supply, part of the pipe-line and the pumping station at Latrun.

16. The opposing forces in Jerusalem confronted each other across lines that were very close - in some places opposite sides of the same street. Feeling was tense and there was frequent sniping and occasional firing of machine guns, mortars and artillery, as well as

attempts by both sides to improve their lines and strengthen their positions. As it was, Jerusalem accounted for nearly half the total of complaints and incidents during the entire truce. As a result of successful negotiations by the Truce Commission and the United Nations observers, an agreement, commonly referred to as the "No man's land Agreement", was arrived at on 16 June, whereby each of the opposing parties withdrew its forces to an agreed line, and a no man's land was established between the two lines, the houses and buildings in the no man's land being evacuated. Although this agreement did not eliminate all incidents, it was on the whole generally accepted and adhered to, and reduced both the possibility of friction and the number of incidents.

17. Among the terms of the truce that the parties had agreed to was a provision that essential supplies should be sent to Jerusalem for the relief of the population, in such a manner as to ensure that reserve stocks of supplies should be substantially the same at the end of the truce as at the beginning. It was originally intended that the International Red Cross Committee should supervise these relief convoys, but when it was found that it could not do so for reasons of internal policy, the Truce Commission, assisted by United Nations observers and Secretariat personnel, assumed that function. The first convoy was sent to Jerusalem on 17 June, and after considerable negotiation, on 23 June the quotas of supplies were agreed upon. Convoys, under escort of United Nations observers, were checked at Tel-Aviv before starting, at Latrun and Babel-Wad en route, and at Jerusalem on arrival. With respect to water supplies, however, efforts to induce the Arabs to permit the resumption of the flow of water through the pipe-line to Jerusalem ended in failure, and was reported to the Security Council as a violation of the terms of the truce.

18. At the beginning of the truce Mount Scopus had remained as an island of Jewish occupation behind the Arab lines in Jerusalem. Israeli forces were in possession of the Hadassah Hospital and the Hebrew University and controlled the Arab village of Issawiya, while the Arab

Legion was in possession of the Augusta Victoria Hospice. It was evident that this area would become the scene of violent battle in case the truce terminated. Accordingly, on 7 July, the Arab and Israeli military commanders in Jerusalem executed an agreement with the Truce Commission and the senior United Nations observer in Jerusalem for the demilitarization of the Mount Scopus area, and the United Nations accepted responsibility for the security of the area and for providing food and water supplies. This agreement, despite the shortage of United Nations personnel to enforce it, was carried into effect and was also observed by both sides during the period of hostilities between the two truces.

19. The provisions of the Security Council's resolution regarding the protection of and free access to the Holy Places could not be successfully implemented. The essential difficulty lay in the fact that access to most of the Holy Places involved the crossing and recrossing of front lines. In view of all the circumstances, the safety of the Holy Places and freedom of access to them could not be assured.

20. Despite all the difficulties attendant upon the supervision of the truce in Jerusalem and the numerous incidents that occurred, it is noteworthy that no major fighting took place there during the entire period of the truce. This fact is a tribute to the work of the Truce Commission, the United Nations observers and Secretariat personnel, and to the co-operation they received from both the Arab and Jewish military commanders.

The end of the truce

21. Towards the end of the four-week truce when it appeared doubtful whether the truce would be prolonged, both sides were engaged in active preparations for the renewal of hostilities. Nervousness and tension were increasing and at the same time the authority and security of the observers were decreasing. When it became apparent that the truce would not be prolonged, in order to avoid the possibility

of the observers and their technical staff becoming objects of attack, and to prevent their equipment falling into the hands of either side, all personnel and equipment were withdrawn to the Jewish coast on 7 July and were evacuated on 8 and 9 July.

22. The Truce Commission continued its work in Jerusalem, and a Swedish Colonel, who was my personal representative, and a senior member of the United Nations Secretariat together with eight United Nations guards, remained on duty in Jerusalem to assist the Truce Commission and to control the demilitarized Mount Scopus area. Secretariat personnel also remained at their posts in Amman, Beirut, Cairo, Damascus and Tel-Aviv, and at my headquarters in Rhodes, to act as my representatives and to maintain liaison with the respective Governments.

Assessment of the supervision of the first truce

23. In a detailed report now in preparation I draw the following conclusions respecting the observation of the four-week truce:

"As I have indicated previously the truce supervision was a most difficult and, in many respects, novel operation. The urgency was great and time was short. The observation organization had to be created in its entirety. The area to be covered was immense and the personnel and equipment available were never sufficient. Matters of logistics were never completely satisfactory, and communications facilities were very limited and inadequate. As a result, the operation was not always as efficient or as thorough as I would have desired it to be. But with all its difficulties and shortcomings the truce supervision in my opinion achieved its purpose.

"It is true, as indicated in my report to the Security Council on 12 July 1948 (S/888), that the mere effluxion of time during the cessation of hostilities would favour the Jews. It is inherent in any truce that the preservation of the status quo prevents the attackers from attaining

their objective and enables the defenders to consolidate their position. On the other hand, it is, of course, also true that each side is prevented from defeating the other, a consideration that affects the attacked as well as the attacker. Taking all factors into account, I adhere fully to my previous statement that 'I am convinced that no substantial military advantage was gained by either side as a result of the operation of the truce supervision'. The observation organization dealt with some 500 incidents and alleged breaches of the truce, and only three violations of the truce had to be reported to the Security Council. The great majority of complaints arose as the result of isolated incidents and the activities of irregular troops and local villagers; and in many cases the alleged breaches were found to be greatly exaggerated. During the entire four-week period there was not one case of major fighting or large-scale military operations in Palestine.

"On 5 July 1948, before the end of the truce, in my cabled report to the President of the Security Council (S/865), I stated as follows: 'On the whole, the truce has worked well. There have been complaints from both sides as to the alleged violations of the terms of (the) truce agreement. There have been instances of violation, but all fighting on a major scale has been stopped, and it can be said quite confidently that the truce has worked well, and by 9 July 1948, neither State will have gained any significant military advantage from its application. In the meantime, through the operation of the truce, much bloodshed and destruction have been avoided and many lives spared.'

"After the end of the truce with the benefit of a more detailed examination of the record and the opportunity for further assessment of the operation, I stand fully by that statement.

III. THE TRUCE ORDERED BY THE SECURITY COUNCIL ON 15 JULY 1948

Organization of the truce supervision

1. The Security Council's resolution of 15 July (S/902), having been adopted under Chapter VII of the Charter, constituted an order and not an appeal to the parties. Consequently, it was not necessary to enter into any negotiations with the parties for a voluntary truce agreement, and the cease-fire became effective in Jerusalem on 16 July and in the rest of the truce area on 18 July.

2. During the renewal of the fighting between 8 and 18 July the Israeli forces had improved their position and extended the area under their occupation. In so far as the subsequent work of truce supervision was concerned, the most notable changes were the capture by Israeli forces of the source of Jerusalem's water at Ras el Ain, and the fighting at Latrun, where the Arab Legion retained control of a portion of the Tel-Aviv-Jerusalem road between Latrun and Bab-el-Wad, but where the pumping station finally came to be in no man's land between the opposing forces. The Israeli forces also occupied Ramleh, Lydda, Nazareth and a number of Arab villages, most of whose inhabitants fled, thus augmenting the numbers of the refugees and the difficulties of the refugee problem. It is noteworthy that on the termination of the first truce, large-scale hostilities and active warfare, including the aerial bombardment of cities, had broken out.

3. Since this new truce was of indefinite duration and was to remain in force, subject to further decision by the Security Council or the General Assembly, until a peaceful adjustment of the future situation of Palestine was reached, a more elaborate system of truce supervision was necessary. At the commencement of the truce there were again no observers or equipment present in the truce area, and the observation organization had to be re-created and equipped after the truce was in force. Consequently, the truce supervision once again was late in

starting. Profiting from the experience of the four-week truce and the greater period of time that was available, however, it was possible to plan for a larger operation covering a wider range, and one that would be more effective in practice.

4. Before leaving Lake Success on 16 July to return to Rhodes, I had approached the member States of the Truce Commission and they had agreed to furnish 300 officer observers, apportioned as follows: Belgium, 50; France, 125; and the United States of America, 125. By 1 August 1948, 137 of these observers had arrived (47 Belgian, 50 French and 40 United States) and had been despatched to Palestine. I appointed as my Chief of Military Staff and personal representative, Major-General Lundstrom of the Swedish Air Force. He and nine Swedish officer observers attached to my personal staff, arrived on 29 July. By the middle of August practically all of the 300 officer observers had arrived, and it became evident that even this number would not be sufficient to discharge fully the task of observation. I accordingly requested the services of 300 enlisted men (50 Belgian, 125 French and 125 United States) to act as observers and to assist the officer observers in their work. Of this additional 300 observers, 84 United States enlisted men had arrived at the time of writing this report. I also obtained 4 French and 78 United States enlisted men to serve the observers as auxiliary technical personnel. These included airmen, clerks, communications and motor transport personnel and medical assistants.

5. In order to carry out its tasks the observation organization required facilities for communications, reconnaissance and transportation, for which radio equipment, planes, ships and motor vehicles were needed. The work of supervision during the first truce had been severely hampered by the shortage of such equipment. During the second truce, although equipment was difficult to obtain and was slow in arriving, the facilities were greatly improved. At the present time sufficient planes and ships are available, but there is still an urgent need for more motor vehicles, particularly spare parts for repairs, and some

special radio equipment. The following equipment has been made available:

Radio equipment. A considerable amount of radio equipment has been supplied by the United Nations and the United States of America, and some by the United Kingdom. This equipment consists of go radio sets, varying from 16 motor-vehicle mounted radio stations to 40 "walkie-talkie" sets, 16 power generators, 4 teletype machines, 16 field telephones, and a large quantity of miscellaneous equipment including transformers, batteries, cables, testers and spare parts.

Aircraft. The United Nations has contracted for 14 small planes, and the United States of America has furnished 4 C-47 Dakotas.

Ships. France furnished one naval corvette and the United States of America 3 destroyers.

Motor vehicles. The United Kingdom supplied 50 jeeps, 20 jeep trailers and 2 automobiles, and the United States of America 12 jeeps and 5 trucks.

In addition certain aircraft and vehicle spare parts, and field rations and medical supplies were received from the United Kingdom and the United States of America. The Secretary-General continued to make available to me a chartered aircraft for covering the truce area and trips to capitals of the various Governments.

6. As Palestine continued to be the scene of the conflict and the place where the opposing forces confronted each other, I decided that the main work of observation should again take place in that country. Haifa was again chosen as the headquarters of the observation organization. The Chief of Military Staff was assisted by a Central Truce supervision Board, of which he was the Chairman and the senior American, Belgian and French officer observers were members. It was originally intended that there should also be regional truce

supervision boards, but this was found to be impractical and in their place special investigating teams were established, as required, and attached to the Truce Supervision Headquarters. The observers were divided into a number of groups, of which one was assigned to each Arab army and to each Israeli army group. One group was assigned to Jerusalem, one to cover the coast and ports of the truce area, and one to control convoys between Tel-Aviv and Jerusalem. At the end of August another group was created to cover airports in the truce area. The original plan of organization and the detailed instructions given to each observer are set out in document S/928.

7. By 1 August, observers were stationed as follows:

Israel: Haifa, 49; Tel-Aviv, 26; Tiberias, 8.

Jerusalem: 10.

Arab areas of Palestine: Gaza, 7; Nablus, 8; Ramallah, 1.

Lebanon: Beirut, 8.

Syria: Damascus, 7.

Transjordan: Amman, 7.

The Provisional Government of Israel had complained that, during both the first and second truces, the truce supervision work was confined almost exclusively to Palestine, and that it was inadequate in the Arab States. There was some force in this complaint, and I endeavoured, while recognizing that the primary task must be discharged in Palestine, to extend the scope of the observation organization to cover the entire truce area. On 8 September, the distribution and location of observers was as follows:

Israel: Haifa, 76; Aqir, 2; Natanya, 4; Rama David, 4; Tel Aviv, 28; Tiberias, 13.

Jerusalem: 79.

Arab areas of Palestine: Hebron, 4; Gaza, 14; Nablus, 15; Ramallah, 7.

Egypt: Alexandria, 5; Cairo, 5; El Arish, 3; Port-Said, 1.

Iraq: Baghdad, 3; Basra, 3.

Lebanon: Beirut, 17.

Syria: Damascus, 14.

Transjordan: Aqaba, 2; Amman, 16.

United Nations Secretariat personnel continued at their stations at Amman, Beirut, Cairo, Damascus and Tel-Aviv, and were also attached to the Truce Supervision Headquarters in Haifa.

8. All complaints are submitted to investigation by observers in the field and, where necessary, by a special investigation team. In cases where they cannot be settled by observers on the spot, they are referred, together with the observer's report, to Haifa Headquarters for disposal. The less serious cases are referred to the Chief of Staff, and the more serious ones to the Central Truce Supervision Board. Decisions by both the Chief of Staff and the Central Truce Supervision Board are transmitted to me for review and are then dispatched to the Governments concerned. Major violations, if not immediately rectified by the parties, are reported to the Security Council.

The operation of the truce supervision

9. One of the shortcomings of the first truce was the inability of the observers to establish the status of the front lines as they existed at the time of the commencement of the truce. Since observers were not present in Palestine during the first few days of the second truce, the establishment of agreed front lines has again been a difficult problem. However, one of the first instructions issued to each observer group commander was to submit to Haifa Headquarters a map showing the exact front lines as they existed at the time of the commencement of the cease-fire, and if that proved impossible, at the time the observers first reached the spot. Negotiations have proceeded steadily between the observers and the respective military commanders and, except for a few disputed areas, the front lines have been established and maps

delineating them have been signed by both sides. As of 8 September, the front lines had been settled over a distance of some 350 kilometres and only some 50 kilometres remained to be settled. This procedure is not applicable to the Negeb area, much of which is wasteland, where there are no front lines but, rather, a number of fortified settlements controlled by Israeli forces over a large area. Experience has shown that there is a decrease in both friction and the number of incidents as soon as the front lines are completely determined and agreed to by the opposing forces.

10. The number of complaints and incidents reported during the second truce is much less than during the first truce. During the first seven weeks of the second truce, from 18 July to 4 September, there were some 300 complaints and incidents compared to some 500 during the four-week truce. Out of the 286 complaints and incidents of which records have been kept, 151 were complaints made by Arabs, 86 were made by Jews, 46 were reported by the United Nations observers (30 against Arabs and 16 against the Jews), and 3 were complaints made by the French Consul in Jerusalem (two against the Jews and one against the Arabs). The following table shows both the nature and number of complaints made against each side:

<i>Nature of complaint</i>	<i>Against Arabs</i>	<i>Against Jews</i>
Troop movements, traffic in war materials, and military training	7	7
Attacks and raids on positions and villages, and abductions	17	47
Seizure and occupation of positions	10	8
Firing on United Nations personnel	7	10
Threatening the arrest of United Nations personnel or preventing their work	8	12

Shelling, mortaring or air bombardment	20	24
Sniping, machine-gunning, hand-grenading and ambushing	18	21
Harvesting incidents	0	15
Fortifying roads and buildings, and mine-laying	15	17
Illegal aircraft flights	2	12
Offences against laws and customs of war	1	11
	105	182

As of 4 September, of the total number of complaints recorded, 87 had been settled or closed, 43 had been investigated and were under review by the Central Truce Supervision Board or the Chief of Staff, and 157 were still under investigation by observers.

11. Although the total number of complaints during the second truce has been much less than during the first truce, the nature of the complaints has been, on the whole, more serious than during the earlier period. Completely unfounded and grossly exaggerated complaints, though still frequent, have been less in number. It is necessary for the observers to engage in lengthier and more intensive investigations. Delay in completing investigations and issuing reports, which has been the subject of unfavourable comment from both parties, is now being overcome.

12. One aspect of the truce supervision that has been cause for some concern is the uncooperative attitude displayed by some local commanders, troops and irregulars on both sides. This has been expressed in some instances in a tendency to take matters into their own hands, and to defy the authority of the observers. This attitude has sometimes been encouraged by official public pronouncements of responsible leaders. The work of observers has thus been rendered

more difficult and dangerous. In my instructions to the observers I had previously pointed out that a breach of the truce by one side did not release the other side from its obligation, under the Security Council's resolution to refrain from taking military action. I had also warned each side that it was responsible for maintaining the truce and for the activity of irregulars in the area occupied by it, and that neither party was entitled to take the law into its own hands. The situation in Jerusalem, however, deteriorated and there was a growing disposition to ignore the authority of the United Nations. I therefore appealed to the Security Council on 18 August (S/977) to issue a warning to both sides. On 19 August the Security Council adopted a resolution (S/983) informing each party that it was responsible for the actions of irregular forces and all persons in the territory under its control and must punish offenders against the truce, that no party could violate the truce on the ground of reprisals or retaliation and that no party was entitled to gain military or political advantage through violation of the truce. This resolution of the Security Council has strengthened the hand of the observers in dealing with both parties.

13. Apart from having found it necessary to report the seriousness of the situation in Jerusalem to the Security Council (which is dealt with later), I have also reported four other serious violations of the terms of the truce to the Security Council. The first case was the blowing up of the Latrun pumping station, the second concerned the Red Cross Zone in Jerusalem; the third was the killing of two United Nations observers at Gaza, and the fourth was the attack on three Arab villages, Ein Ghazal, Jaba and Ijzim.

14. At the commencement of the second truce the Latrun pumping station was in no-man's land between the Arab Legion and Israeli forces. It was considered to be in United Nations hands. There was, however, no United Nations personnel available to guard it. On 11 August, I arranged for repair work to start immediately. It was hoped that the repairs would be completed in two days and that water would again be pumped to Jerusalem. During the night of 11-12 August,

however, the pumping station was completely destroyed by demolition charges. I reported the matter to the Security Council on 12 August stating that preliminary investigation indicated that the violation was committed by Arab irregulars. The Security Council requested (S/970) that I make all efforts and take steps to ensure the water supply to Jerusalem. The investigation of responsibility for the violation was continued, and at the same time I initiated steps to obtain equipment and parts to repair the pumping station. After an intensive investigation I reported to the Security Council on 4 September (S/993) that the destruction of the pumping station was a flagrant violation of the terms of the truce which was perpetrated by Arabs, possibly irregulars. I also reported that every effort was being exerted to effect arrangements to repair and ensure the future operation of the pumping station.

15. The second serious violation of the terms of the truce occurred in connexion with the Red Cross zone in Jerusalem which included Government House, the Jewish Agricultural School and the Government Arab College. Egyptian, Transjordanian and Israeli forces were all located in close proximity in the vicinity of the zone and a number of incidents had occurred there. On the night of 16-17 August, Israeli forces launched an attack on Egyptian positions south of the zone. Although the attack was repulsed, the Israeli forces remained in occupation of part of the zone, and refused to withdraw unless the Arab Legion complied with a previous order of the observers to withdraw from positions occupied by them in no man's land at Nabi Dawid and Deir Abu Tor, and unless the Egyptian and Transjordanian forces agreed to the establishment of, and withdrawal from, an enlarged neutral zone in the area surrounding the Red Cross zone. The Central Truce Supervision Board decided on 27 August that the Israeli forces had committed two flagrant violations of the terms of the truce in launching the attack and in retaining troops in the Red Cross zone, and ordered them to withdraw by 29 August. At the same time the Board decided to create a neutral zone, supervised by United Nations observers around the Red Cross zone, and ordered all troops

to be withdrawn from the neutral zone by 29 August. The parties delayed in accepting the two decisions but, as a result of persistent negotiations by the observers, all three forces finally accepted, and on 4 September all troops were withdrawn from both areas. On the same day I sent a report on the matter to the Security Council (S/992). I am convinced that the settlement arrived at in this case and the establishment of the enlarged neutral zone will help to ameliorate the generally tense situation in Jerusalem. The Israeli authorities are protesting against the failure of the Arab Legion to comply with the Board's order that they withdraw from the positions occupied by them at Nabi Dawid and Deir Abu Tor. The observers are exerting strong efforts to induce the Arab forces to withdraw from those positions.

16. The third serious violation of the terms of the truce occurred on 28 August when two French observers, Lt.-Col. Joseph Queru and Captain Pierre Jeannel, were killed at Gaza by Saudi Arabian irregular troops under Egyptian military command. I reported the matter to the Security Council on 6 September (S/994), and pointed out that, although there was an element of United Nations responsibility in that the Egyptian forces did not receive advance notice of the arrival of the Auster plane carrying the two observers, and the pilot was not properly briefed, nevertheless Egyptian anti-aircraft guns fired at the plane in violation of the truce, and the two unarmed observers were murdered and robbed by troops under Egyptian command after the officers had landed and left their plane. The Egyptian Government was notified of its responsibility and appropriate redress was requested.

17. The fourth serious violation of the terms of the truce concerned a Jewish attack on three Arab villages, Ein Ghazal, Jaba and Ijzim. The Secretary-General of the League of Arab States and some Arab States complained against the attack on these three villages, which are located south of Haifa in Israeli territory, claiming that there were 4,000 refugees and tens of thousands captured and massacred. As I reported to the Security Council on 30 July (S/934), the preliminary

investigation disclosed that the villages were deserted and had been damaged, but that there was no evidence of massacre or capture, and that the Israeli authorities had admitted that some of the inhabitants had been killed or made prisoners during a "police raid". The Provisional Government of Israel claimed that it had taken police action against the villages to stamp out sniping and activity of irregulars who were blocking the Tel-Aviv-Haifa road. After intensive investigation by observers, who succeeded in locating more than 8,000 of the villagers and in establishing that less than 130 were killed or missing, the Central Truce Supervision Board found that the villages were attacked by the Jews between 18 and 25 July by air and land, and the inhabitants had been forced to evacuate; after the evacuation the villages of Ein Ghazal and Jaba were destroyed by the Israeli forces. The attack could not be excused as a police action as there had been fighting prior to the truce, and at the commencement of the truce the villagers had offered to negotiate with the Jews, who had apparently failed to explore the offer. On 9 September I informed the Provisional Government of Israel that the type of action undertaken by their military forces was unjustified, and that the measures taken involving the systematic destruction of two villages, were excessive and constituted a violation of both the spirit and letter of the terms of the truce. I also informed the Provisional Government of Israel that the Arab villagers should be allowed to return forthwith and that it must do everything possible to rehabilitate them, including the restoration at its expense of all houses damaged or destroyed. The procedures for carrying these decisions into effect were to be worked out between the Chief of Staff and the Governments concerned. On 12 September I reported the case to the Security Council (S/999).

18. In addition to their investigation of complaints referred to them, the observers deal with many incidents on the spot. In a number of cases they have succeeded in settling minor complaints or in preventing incidents and violations of the truce by their presence and prompt action. It is not possible to calculate the number of violations that have been prevented or minimized by the daily work of the

observers. Despite some evidence of contrary tendencies, I am convinced that their presence has had a useful psychological effect and has been a restraining influence on both sides.

19. Another important function of the observation organization is in carrying on constant reconnaissance and patrolling by land, sea and air for incoming ships and planes, to prevent the introduction of war material and fighting personnel into the truce area and to keep a check on the immigration of men of military age. This work is performed mainly by the two observer groups in charge of coasts and ports and of airports.

20. With respect to the introduction of men of military age into the truce area, a change was made in the previous practice. During the first truce men of military age arriving in Israel were placed in camps to ensure that they were not mobilized or submitted to military training. At the commencement of the second truce, however, in accordance with a statement I had made to the Security Council at Lake Success, I decided that these men were not to be placed in camps, but were to be given special identity cards and assigned to particular areas where they would be periodically checked by the observers. From the time this practice was instituted on 23 July until 8 September, 14,359 immigrants arrived in Israel of which 4,295 were men of military age. With respect to the Arab areas of Palestine and the seven Arab States, it has not been possible to maintain an adequate check on the introduction of men of military age, due to the immense area involved and the limitations of personnel and equipment.

21. In connexion with the Holy Places, periodic visits by observers indicate that, apart from Jerusalem, there is no serious problem regarding their preservation. The tense situation in Jerusalem, however, makes it impossible under present circumstances to ensure either their protection or free access to them, and the position is similar to what it was during the first truce.

22. The problem of furnishing essential supplies to the beleaguered Jewish settlements in the Negeb presented considerable difficulty and was only recently solved. The Egyptian supply lines from their forces in Gaza to those in the area south of Jerusalem cut across the Jewish supply lines from Tel-Aviv to the Negeb. Neither side had permitted the other to use the crossroads near El Faluja. The Jews had been supplying the Negeb settlements at night by plane. The Egyptian forces had refused to allow the passage of convoys under United Nations supervision until after the air traffic was stopped. The central Truce Supervision Board decided that the Jews and the Egyptians could each use the road exclusively for six hours daily, under United Nations supervision. The Board also decided that the Israeli forces should cease supplying the settlements by air except for the settlements that are inaccessible by road, in which case the flights were to be made only under United Nations supervision. I confirmed the findings of the Board and issued the decision on 14 September, and I am hopeful that the decision will reduce friction and the number of incidents in that sector.

The City of Jerusalem

23. During the second truce, the Truce Commission again collaborated with me and my representatives in supervising the truce in Jerusalem. The number of observers has been constantly increased, as they became available, and at the present time there are 79 observers stationed there.

24. During the interval between the two truces there were only slight changes in the relative battle-lines of the opposing forces. The city is effectively partitioned between the two forces, with the Israel forces holding the greater part of the city and the Arab Legion holding the Old City and a small part of the New City. The "No man's land Agreement" that was effective during the first truce, however, came to an end and it has not been possible to renew it. Except for an area in

the Mount Zion and Deir Abu Tor region, the present truce lines have been fixed.

25. The situation in Jerusalem during the second truce has become considerably worse than it was during the first truce. There occurs an almost nightly exchange of fire from both sides which it is impossible to break down into specific complaints and incidents. Sniping and indiscriminate rifle fire are regular occurrences and the firing of machine-guns, mortars, artillery and Verey lights on some nights is suggestive of a large-scale military operation.

26. On my return from Lake Success I devoted special attention to the problem of Jerusalem. As I reported to the Security Council on 1 August (S/939), my first discussions with both parties on the subject of demilitarization led me to believe that they were inspired with a common desire to avoid further fighting and destruction in Jerusalem. On 7 August (S/955) I reported that both parties had agreed to start conversations with a view to making arrangements to keep Jerusalem out of the conflict, and that these discussions did not exclude demilitarization. On 12 August (S/961) I reported to the Security Council my efforts to stop the firing in Jerusalem. On 18 August (S/977) I reported that the situation in Jerusalem was gradually getting out of hand, that both parties had come deliberately to ignore the authority of the United Nations, and that a further deterioration of the situation might lead to a general resumption of hostilities. In response to my appeal the Security Council on 19 August adopted a resolution (S/983) warning the parties that they were responsible for the activities of irregulars in their respective areas, that reprisals and retaliations were not permitted, and that neither party would be entitled to gain by any truce violation.

27. The warning contained in the Security Council's resolution of 19 August (S/983) has strengthened the hand of the observers in dealing with both parties, and has prevented a further deterioration of the situation in Jerusalem as elsewhere. Violations of the terms of truce

nevertheless continue. It is my firm conviction that the problem of these violations in Jerusalem and the problem of demilitarization are inevitably linked together, and that the former cannot be fully eliminated unless the latter is solved.

28. The agreement for the demilitarization of the Mount Scopus area was observed during the interval between the truces and continued in effect during the second truce. The situation there, which was always difficult because of the lack of United Nations personnel to enforce it, has also deteriorated. The United Nations is responsible for supplying water and food to the area, but the Arabs will not permit necessary repairs to the water pipe-line, and both Arabs and Jews have obstructed food convoys to the area. Owing to Arab objections it has also not been possible to implement the replacement of Jewish police personnel.

29. In the matter of bringing essential supplies to Jerusalem by convoy, considerably more difficulty has been encountered than during the first truce. On 2 August the Truce Commission (S/938) felt constrained to draw the attention of the Security Council to the Arabs' refusal to allow water and food supplies to reach Jerusalem. After considerable negotiation it was finally agreed that United Nations convoys would be permitted to bring supplies to Jerusalem, but the convoys were occasionally subjected to sniping and firing. Since the latter part of August, however, the situation respecting convoys has improved and they are now functioning smoothly. The destruction of the Latrun pumping station has made it impossible for water in adequate quantities to flow to Jerusalem, but the Jews have in the meantime built an auxiliary water pipe-line, of small capacity, along the "Burma Road" which provides a minimum amount of water to Jerusalem.

30. In general, the situation in Jerusalem is one of high tension. Despite constant and painstaking efforts by the Truce Commission

and the United Nations observers, the situation, although improved, is still precarious.

Assessment of the supervision of the second truce

31. The outstanding feature of the second truce is that it is of indefinite duration, and not for a fixed period. While this truce applies to the same immense area and gives rise to many of the same difficult problems as the first truce, it has been possible to organize the supervision effort on a more elaborate and adequate scale. Although the shortage of personnel and equipment is still a serious problem, in neither case has the shortage been as severe as during the first truce, and the work of truce supervision in consequence has been more efficient and thorough.

32. Although the number of incidents and alleged breaches of the terms of truce has been fewer than during the first truce, the violations have been of a more serious nature, and at times the truce itself has appeared to be in a precarious position. Nevertheless, no large-scale military operations have occurred in Palestine, and a sense of profound satisfaction may be derived from the knowledge that the cessation of hostilities has unquestionably prevented a great deal of destruction, ruin and bloodshed, and has resulted in the saving of many lives.

IV. OBSERVER CASUALTIES

1. I can speak only with praise of the loyalty of the observer personnel to the cause of international] peace, and of their courage and impartiality in the performance of their duty. They are unarmed and have no power to prevent truce violations or to enforce their rights or decisions. They are engaged in a difficult and hazardous task. It is with deep regret that I must record the following casualties among observers.

KILLED

Commandant René de Labarrière, of the French Army, killed while on duty near Afula on 3 July 1948.

Ole H. Bakke, of Norway, a United Nations guard, killed while on duty at Jerusalem on 13 July 1948.

Lieutenant-Colonel Joseph Queru, of the French Army, killed while on duty near Gaza on 28 August 1948.

Captain Pierre Jeannel, of the French Army, killed while on duty near Gaza on 28 August 1948.

WOUNDED

Commandant du Moustier de Canchy, of the French Army, wounded while on duty near Afula on 3 July 1948.

Captain Robert Dens, of the Belgian Army, wounded while on duty near Gaza on 3 July 1948.

Private First Class Edward Brodeur, of the United States Marine Corps, wounded while on duty at Jerusalem on 3 July 1948.

Captain Paul J. J. Leyder, of the Belgian Army, wounded while on duty at Latrun on 1 August 1948.

Captain Michel Taymans, of the Belgian Army, wounded while on duty at Jerusalem on 13 August 1948.

Captain Henri Tors, of the French Army, wounded while on duty at Jerusalem on 28 August 1948.

Eric Gormsen, of the United States of America, a United Nations guard, wounded while on duty at Jerusalem on 8 September 1948.

2. All these men were casualties in the service of the international community. I commend their gallantry and devotion to duty, and express my sincerest sympathy to the families of those who have lost their lives.

V. SOME CONCLUSIONS REGARDING THE TRUCE OPERATION

1. The supervision of the truce is a continuing responsibility and it is neither necessary nor desirable at this stage to formulate any definitive views concerning the operation. The experience thus far gained in the supervision of two truces extending over a total period of more than three months has been very valuable, however, and on the basis of this experience certain analyses and conclusions may even now be usefully set forth.

2. In assessing in general terms the entire period of truce, my dual role of Mediator and of supervisor of truce observation is an important factor. Conditions of truce, even though subject to frequent minor and occasional major infractions by both parties, provide a peaceful basis indispensable to the task of mediation. At the same time, organizing and supervising truce observance make imperative demands on time and staff. I am inevitably drawn into the settlement of disputes arising solely out of the truce, and it maybe readily appreciated that my position and decisions as truce supervisor cannot, in the minds of the disputants, be easily dissociated from my role in the more fundamental task of mediation.

3. The situation in Jerusalem has been considerably more tense and difficult during the second truce than during the first. This fact is due to a complex of reasons among which are the change in military dispositions between truces, and the increased concentration of manpower which appears to have taken place there in the interval between the truces. The special importance which each side attaches

to the status of Jerusalem in a general settlement of the Palestine problem is, in the circumstances, a constant influence tending to heighten the tension there.

4. However, the situation in Jerusalem has shown recent improvement. The decision of the Security Council on 19 August fixing the responsibility of the parties under the cease-fire order, a considerable increase in the number of United Nations observers stationed there, and intensive efforts to achieve localized demilitarization agreements, have produced beneficial results. Nevertheless, the conditions in Jerusalem are such that not even the increased number of observers now there could for long maintain the truce in the City if it should appear likely that a settlement would be indefinitely deferred.

5. United Nations supervision of the regular food convoys for Jerusalem has been an important feature of both truces. The movement of these convoys involved difficult negotiation and constant supervision and escort. Apart from some sniping activity during the early days of each truce, the convoy system has worked remarkably well. On the other hand, persistent efforts to ensure the flow of water to Jerusalem through the main pipe-lines have met with failure during both truces, the destruction of the Latrun pumping station having so far nullified all efforts to solve the problem during the second truce.

6. The period of the first truce coincided with the ripening of cereal crops in Palestine. Since the front lines ran almost entirely through land belonging to Arab cultivators, a great number of fields bearing crops was in no man's land or behind Jewish positions. Attempts by Arabs to harvest crops in no man's land and in the vicinity of and sometimes behind Jewish positions often led the Jews to react by firing on the harvesters. This was a major complication during the first truce, both before and after my ruling of 16 June, and explains many of the breaches of truce and the difficulties of truce observation over a wide area. During the second truce, incidents of this nature have been

relatively few, since the harvest season for cereal crops is over. The efforts of observers in securing local agreements regarding harvesting of crops undoubtedly saved many crops that would otherwise have been lost.

7. The fact that in the Negeb there is no continuous front line has been, during both truces, a special cause of difficulty as a result of the need for each side to by-pass the other's positions in order to supply some of its own positions. Convoys under United Nations supervision largely solved the problem, though not without friction, during the first truce. During the second truce a similar system was proposed, but agreement on conditions could not be reached with the parties. Consequently, on 14 September I laid down the terms governing future convoys in the Negeb.

8. In considering the effectiveness of the truce supervision, attention must be paid to two distinct, though related, aspects of the problem. On the one hand, there is the problem of observing the actual fighting fronts, of dealing with incidents which may arise there and preventing, if possible, any further outbreak of hostilities. On the other hand, there is the observation which is necessary over a vast area to check whether or not materials and men are being moved in a manner to confer a military advantage contrary to the terms of the truce. As regards the second aspect of this problem, an important consideration is that the area under observation covers a very large part of the Middle East and that the necessity to concentrate a majority of the limited number of observers at my disposal near the fighting fronts restricts the number available for duties elsewhere. The availability of an increased number of observers has enabled me to ensure a more extensive supervision, especially in territories outside Palestine.

9. Experience has shown that the more quickly action can be taken to deal with a local violation, the more easily incidents are controlled or prevented. It must be admitted that, on occasion, slowness to act, often because of circumstances beyond control, has hampered the operation

of the truce supervision. Although the Secretary-General of the United Nations has given me the fullest co-operation and every assistance available to him, it is; apparent that the United Nations was not in position as regards observer personnel, armed guards, communications and transportation equipment or budgetary provision to set up rapidly the elaborate machinery of truce observation required.

10. The second truce differed from the first principally in the fact that it was ordered by the Security Council under threat of further action under Chapter VII of the Charter, and that no time-limit was set. This introduced a new element into the situation as compared with the first truce, in that the second truce involved compliance with a Security Council order. There is a tendency on each side to regard alleged breaches by the other side of a truce which has been ordered by the Security Council as calling for prompt action by that Council. Both sides now evidence a sense of grievance and complain that the compulsory prolongation of the truce is contrary to their interests. This feeling is inevitably reflected in their attitudes toward the observers and truce obligations in general. The truce undoubtedly imposes a heavy burden on both sides, but even so, the burden of war would be heavier.

11. The truce is not an end in itself. Its purpose is to prepare the way for a peaceful settlement. There is a period during which the potentiality for constructive action, which flows from the fact that a truce has been achieved by international intervention, is at a maximum. If, however, there appears no prospect of relieving the existing tension by some arrangement which holds concrete promise of peace, the machinery of truce supervision will in time lose its effectiveness and become an object of cynicism. If this period of maximum tendency to forego military action as a means of achieving a desired settlement is not seized, the advantage gained by international intervention may well be lost.

PART THREE:

ASSISTANCE TO REFUGEES

I. NATURE OF THE PROBLEM

The number of refugees

1. as a result of the conflict in Palestine, almost the whole of the Arab population fled or was expelled from the area under Jewish occupation. This included the large Arab populations of Jaffa, Haifa, Acre, Ramleh and Lydda. Of a population of somewhat more than 400,000 Arabs prior to the outbreak of hostilities, the number presently estimated as remaining in Jewish-controlled territory is approximately 50,000. On the other hand, it is estimated that some 7,000 Jewish women and children from Jerusalem and various areas occupied by the Arabs sought refuge within Jewish-controlled territory.

2. As of 10 September 1948, confirmed estimates (which may be subject to later modification owing to migratory movements, addition of those who have exhausted their personal resources, and certain others who have been in hiding in isolated areas) give a total of 360,000 Arab refugees, distributed approximately as follows:

Iraq	3,000
Lebanon	50,000
Syria	70,000
Transjordan	50,000

Arab Palestine

(a) Nablus-Tulkarm-	80,000
Ramalla	65,000
(b) Gaza	12,000
Egypt	
Total	330,000

The remaining are scattered along access roads or distributed in tiny isolated communities or hiding places over a wide area.*

Acute stage

3. This situation reached an acute stage owing to the fact that just before the second truce (18 July 1948) Ramleh and Lydda, to which many thousands had fled from Jaffa and other localities, also fell. Moreover, while those who had fled in the early days of the conflict had been able to take with them some personal effects and assets, many of the late-comers were deprived of everything except the cloths in which they stood, and apart from their homes (many of which were destroyed) lost all furniture and assets, and even their tools of trade.

4. By the terms of resolution 186(S-2) adopted by the General Assembly on 14 May 1948, the promotion of the welfare of the inhabitants of Palestine was included among my responsibilities. By the middle of July the refugee problem had become grave and it was apparent to me that urgent measures had to be taken from humanitarian reasons. Moreover, the refugee problem is intimately related to the problem of Palestine settlement. When subsequently an appeal from the League of Arab States was addressed to the Secretary-General of the United Nations and transmitted to me late in July, I took prompt action. This appeal, after drawing attention to the creation of a

bureau at Cairo to organize and coordinate to aid and assist them, added:

“It is felt that the situation of misery and distress of a large number of refugees merits the attention of the United Nations organization concerned with the assistance and welfare of refugees, and this request is therefore being made to Your Excellency with a view to initiating such action as is required to relieve the acuteness and gravity of the situation.”

The Executive secretary of the Preparatory Commission of the International Refugee organization, to whom this request was referred by the Secretary-General of the United Nations, in replying expressed doubts as to the eligibility of the Arab refugees, under Annex I of the constitution of the International Refugee Organization, but added:

“even if this could be established, the Preparatory commission nevertheless regretfully concludes that prior claim on its limited resources would still be had by a large number of persons the Organization had not yet been able to assist, but which have long had urgent refugee status. Such priorities taken together with restricted financial position would make difficult any assumption of new operating responsibilities in areas in question”.

II. PRELIMINARY SURVEY

1. On 21 July 1948, I addressed a request to the Secretary-General of the United Nations, asking for the immediate dispatch to my headquarters at Rhodes of a senior official from the Department of Social Affairs for the purpose of surveying this grave problem. On his arrival, this officer proceeded at once to Palestine to make a rapid survey of the situation linking up his enquiry with a preliminary

survey of refugees which had been made on the spot by an Officer of the League of Red Cross Societies.

2. Palestinian Arabs are not citizens of the Arab States in which they have sought refuge. In Arab Palestine they were without the care or protection of any recognized government, and the existing local and community authorities were unable to meet the necessities of a body of refugees that in some instances outnumbered the local residents by approximately 2:1. They had been under the Palestine Administration of the United Kingdom as Mandatory Power. Upon the termination of that Mandate on 15 May 1948, as residents of Palestine they were in a territory for whose future the United Nations had assumed responsibility.

3. In Arab occupied Palestine a rapid preliminary survey of the social situation was completed on 7 August 1948 and, on the basis of observation and a random sampling of 500 small units, it was estimated that 12 per cent of the refugee population consisted of infants from 0-2 years of age; 18 per cent from 3-5 years of age; 36 per cent from 6-18 years of age; while slightly more than 10 per cent were pregnant women and nursing mothers. To these should be added some 8 per cent of aged, sick or infirm people, representing in all a vulnerable total of approximately 85 per cent. Early refugee groups had been accommodated in houses, but later groups congested and overflowed all available forms of shelter. Some 22 per cent were simply camped on the ground under trees. Water supplies were inadequate, unprotected and a menace to health by infection and lack of control. In most places there was absolutely no sanitary accommodation, and since water was drawn from surface collections, and typhoid is endemic, grave possibilities in this regard at this season of the year were likely. In fact, an examination of a number of cases in the Ramallah area showed 49 positive typhoid fever cases (6 August 1948).

4. As regards food, an attempt was being made to issue bread (in most places facilities for cooking or baking were absent), and in some localities a small issue of money was being made to refugees in order that they might supplement the standard issue of 500 grammes of bread per day with a few olives, tomatoes, lentils etc. Actually, this issue of bread was irregular both in amount and distribution.

5. There was virtually no provision among the great mass of the Arab refugees for the special needs of infants, young children, nursing mothers, pregnant women, the aged or the sick. The hospital accommodation throughout the whole area has been at all times far below the recognized basic provision. It is therefore completely inadequate to the requirements of a refugee population consisting largely of vulnerable groups. Registered doctors, nurses and other medical auxiliary personnel are similarly deficient in number. The lack of clothing and bedding was already a matter of great discomfort and cause for complaint. With the onset of cold and rainy weather about the middle of October, it was not only likely that it would become a serious problem, but the fact that the water supply was barely sufficient for drinking purposes, and quite insufficient for washing clothes or the cleanliness of body or hair, multiplied the possibilities that typhus and perhaps relapsing fever would be greatly increased. The absence of water also handicapped the treatment of the grossly prevalent eye diseases. Apart from typhoid and some endemic enteritis and dysentery, no major risks were immediately apparent, but circumstances were favourable to the establishment both of minor and major water-borne and insect-borne diseases of an epidemic character.

Immediate needs

6. The immediate needs in order of importance were considered to be:

(a) Food and protected water supplies adequate in quantity and regularly distributed;

- (b) Preventive medical provision against epidemic disease by inoculation, and hospital provision on an emergency basis;
 - (c) Work of activity to occupy the attention of the refugees;
 - (d) Tentage accommodation for 60,000 persons before 15 October;
- And
- (e) Clothing and bedding.

Repatriation

7. As previously stated, these refugees had come from areas under the control of the Jewish forces. The immediate solution of the problem appeared to be the return to their homes of those refugees who desired to return. Even though in many localities their homes of those refugees who desired to return. Even though in many localities their homes had been destroyed, and their furniture and assets dispersed, it was obvious that a solution for their difficulties could be more readily found there than elsewhere. I accordingly submitted to the Provisional Government of Israel, on 26 July, a proposal that, without prejudice to the question of the ultimate right of all Arab refugees to return to their homes in Jewish-controlled Palestine if they desired, the principle be accepted that a limited number, determined by consultation, might be permitted to return to their homes as from 15 August 1948, differentiation being made in recognition of security considerations. I also stated that I would undertake to enlist the aid of appropriate international organizations and agencies in the resettlement and, economic and social rehabilitation of the returning refugees. The Provisional government of Israel, however, replied on 1 August 1948, in substance, that as long as a state of war existed it was not in a

position to re-admit on any substantial scale the Arabs who fled.* On later occasions it has re-affirmed its unwillingness to take back any refugees at the present time.

Phases of the problem

8. The problem, wherever undertaken, has three phases:

(a) Immediate relief of absolute basic needs;

(b) A programme from September to December 1948 inclusive, based on exact figures obtained by registration, and a skilled study by experts as to the whole supply, transportation and distribution aspects of a planned programme; and

(c) A long-range programme if, as appears inevitable, operations would need to be continued through the winter of 1948 and until August-September 1949, when harvesting will be completed.

III. IMMEDIATE RELIEF OF BASIC NEEDS

United Nations International Children's Emergency Fund

1. the first portion of this programme involved an immediate estimate of the availability of emergency relief in terms of supplies and personnel. On 12 August 1948, therefore, in virtue of paragraph II, 1, (c) of General Assembly resolution 186(S-20), I invited the United Nations International children's Emergency Fund to consider assisting me in carrying out certain of my responsibilities in respect of the children, pregnant women and nursing mothers, who constitute an estimated three-quarters of the Arab refugee total. On 13 August 1948, Dr. M. Kahany, the representative at Geneva of the Provisional Government of Israel, requested that similar facilities should be

extended to his Government in respect of Arab and Jewish women and children (some 12,000 children and some 8,000 women) in the areas under Jewish control. Both these proposals were recommended and sent forward to the Executive Board of the Children's Fund which, at its meeting on 17 august 1948, was convinced that an emergency situation existed in which Fund could be of assistance, and that such assistance was within the competence of the Fund (document E/ICEF/75). I had asked for an appropriation equivalent (plus shipping) to \$796,000 for the Arab refugees. The Executive Board, however, after adjusting the request to include the increased numbers mentioned as requiring relief by the representative of the Provisional Government of Israel, excluded cereals and agreed to provide a global sum not to exceed \$411,000 plus shipping costs, allocating that amount for a two months' programme. This allocation, although less than requested, has served as the foundation for the programme of immediate relief.

Aid by Arab States

2. The Arab States, especially those in which the inhabitants of Palestine have sought refuge, have already provided supplies and money to an extent that has greatly strained their resources in both directions, and are continuing to provide all possible measures of basic relief. It is claimed that this sum has already exceeded the assistance received or anticipated from all other nations or organizations combined.

Appeal to nations

3. I decided to appeals for cereals, which were most vitally needed, and for supplementary stores of other items, to those nations which had had important trade connections with Palestine and the surrounding Arab countries. I accordingly dispatched telegrams for certain specific items to twenty-four nations, asking them to divert to

me at Beirut, if possible, any such stocks which were at the moment on vessels at sea or which were in ports adjacent to the Middle East for purposes of immediate relief. I also approached twenty-nine other nations by telegram, with the request that they provide any available general food requirements or funds, indicating the general needs. These telegrams were dispatched on 16 August 1948, and it was requested that reply be returned within ten days. On 1 September 1948, a second telegram was dispatched to those countries which had not replied, requesting them to inform me as early as possible of their decisions. The situation with regard to this appeal is shown as of 8 September 1948, in Annexes I and II. It will also be observed that the greatest shortage exists in cereals. It will also be observed that in some instances transportation represents a major difficulty, owing to shortage of shipping.

4. During the course of these negotiations, steps had been taken to determine the facilities that existed for intake and warehousing of supplies at Beirut; exemption of imports from duty; free transportation within the countries concerned and to any part of Arab Palestine; and the degree of organization that existed from the point of view of distribution of supplies as a decentralized operation, to be carried out by the various countries concerned, and the supervision of that distribution. Satisfactory progress in this regard has been made with the League of Arab States, and preliminary agreements have been signed between the Governments of Lebanon and of Syria, and myself.

5. Meanwhile, the government of Egypt and the International Red Cross and other bodies had made available considerable quantities of medical stores and inoculation material, and local programmes had been introduced on a somewhat sporadic basis in Arab Palestine; the Governments of Lebanon and of Syria had also carried out a considerable amount of work in respect of registration of refugees, inoculations and similar procedures. The British Foreign Office had been approached and steps taken to secure tents for the tentage areas,

as it was considered these would become increasingly necessary as autumn passed into winter. The first consignment of 2,500 ten-man tents was procured during August. An encouraging response was made by the League of Red Cross Societies and the committee of the International Red Cross (which arranged to work in unison); and also by the World council of Churches, to direct appeals for aid from me; and, organizational arrangements were set in hand by both bodies. Enquiries for information were also received from other organizations, which are presently considering their capacity to assist.

IV. SHORT TERM PLANNED PROGRAMME

1. While these arrangements were being instituted with a view to the immediate relief of basic needs, approaches were being made to specialized agencies with a view to the provision of exact figures upon which a planned programme for the period September to December 1948, might be based.

World Health Organization

2. The Director-General of the World health Organization, immediately upon request, allocated Dr. H. Mooser (assisted by a medical officer assigned by the Secretary-General) to survey the general medical situation with particular reference to epidemiological risks; to examine suggested sites for tent villages in low-lying areas where winter conditions are extremely mild; and, at the earliest possible moment, to provide a report with, recommendations. The decision to establish tentage areas in low-lying locations is a compromise with necessity. The winter in Palestine on the highlands may be very severe for persons inadequately provided with shelter or clothing; on the warmer lowlands, however, the selection of tent sites is a matter requiring considerable care and subject to very definite risks, particularly in respect of malaria, which can become epidemic at certain periods of the year. Where sanitary supervision is difficult and

organization poor, as is usually the case where large numbers of inexperienced and untrained civilians are put under canvas, very real disease problems can arise, and may increase with the length of stay. The two medical officers commenced their operations in Cairo on 7 September 1948. On the basis of their recommendations, the Directory-General of the World Health Organization is prepared to consider the further provision of emergency relief.

Food and Agriculture Organization

3. The Directory-General of the Food and Agricultural Organization, immediately upon request and in conjunction with Haffnawy Pasha, Director of its Near East Regional Office, agreed to make available two officers, Dr. Kirk and Professor Abbassy, to survey the situation from the point of view of the immediate and potential production picture of Palestine and the surrounding countries, having in mind the bad harvests of 1946 and 1947 in certain areas; the impossibility of the collection of a normal harvest in 1948 owing to war and consequential damage, and the disruption of labour; the dislocation of the usual norms in those countries, consequent upon the influx of great numbers of refugees; and, other related circumstances. These investigations are being undertaken in September.

International Refugees Organization

4. The Executive secretary of the Preparatory Commission of the International Refugee Organization placed at my disposal General C. Hardigg, his chief officer for supply and transport, to provide a report on the best method of handling these problems in Palestine and the adjacent countries. General Hardigg commenced his investigations on 8 September at Beirut, from which point he undertook a rapid survey of the whole territory concerned, with a view to providing promptly a report with recommendations for the establishment and continuance of

the supply and transport programmes, with both general and local application throughout the countries concerned.

Medical and hospital assistance

5. Attention was also directed towards the possibility of supplying for the Arab refugees a number of medical officers from the large group reputed to be available among refugees in the assembly centres in Western Germany and Austria. Up to the date of this report, this endeavour has been unsuccessful, owing to the inability to find available candidates who could meet the special and necessarily high qualifications. The possibility is being further explored.

6. It was not felt necessary to provide medical aid for refugees in the Jewish-controlled areas of Palestine, since medical and hospital facilities are more than adequate there. On the other hand, there is an acute shortage of medical and hospital facilities in the Arab parts of Palestine. The Arabs are similarly lacking in welfare centres, and other special provisions. The Jewish-controlled areas, in fact, contain almost all the public and private hospitals and bacteriological laboratories of Palestine.

Red Cross, World council of Churches

7. Some national Red Cross Organizations have already offered help in very practical form, and have allocated officers to the field to assist me in my effort. I am hopeful that others will do likewise. The World Council of Churches has also undertaken a programme for relief, its activities being in the hands of Dr. Klein of Saint George's Cathedral, Jerusalem.

Integrated plan

8. It is obvious that the second stage of the programme comprises essentially the co-ordination into one integrated plan of the activities of the United Nations; the specialized agencies; the International children's emergency Fund; and appropriate voluntary agencies or other bodies. This composite group must work in close association with the League of Arab States which, on its part, is integrating its activities throughout the whole of the area concerned, and directing particular attention to aiding and assisting any programme for Arab Palestine. Up to the date of this report, the only aid sought in respect of Jewish Palestine is that of Children's Fund aid mentioned in Paragraph III, 1. above.

9. My function, at this stage, is to meet the immediate emergency by a short-term programme, and to meet it as economically and efficiently as possible, more especially by minimizing that duplication and overlapping which is inevitable in any series of parallel operations. My primary objective, therefore, has been to combine these operations by consent within a unified plan. Secondly, and for the same reasons, I am attempting to decentralize the whole operation to the greatest possible degree, through local national committees of approved status, competent to give an adequate discharge for supplies, and competent also to ensure their distribution through subsidiaries at all appropriate levels, until they finally and equitably reach the refugees, through the co-operation of all concerned. This involves the provision by the Arab States of the transportation and other facilities mentioned previously in paragraph III. 4. Final negotiations in respect of these matters are proceeding at the present time, and it is believed will shortly be successful, and fully operative.

10. It is believed that the degree of success in the relief effort will materially depend on the degree to which complete integration is secured. As the burden is increasingly taken up by the countries in which the refugees have sought refuge, together with those who are

assisting them with funds and supplies, it is anticipated that it will be possible to follow a policy of disengagement which will not involve undue hardship to any contributing party. The present unavailability of resources for a large or continuing activity conducted by the United Nations through myself as Mediator, is the major consideration in the establishment of a policy of co-ordination of activity at the highest level, with decentralization of the practical activities and early disengagement, as mentioned above. From the outset, it was apparent that the extreme stringency of the budgetary position in the United Nations made it impossible to anticipate the provision for this project of more than a nominal amount of funds for administrative purposes. The programme, therefore, has been to some extent subordinated to this requirement, and wherever possible has relied upon donations, not only of material but of the second services of officers with specialized training and experience.

Beirut headquarters

11. In order to assist in the integration of the programme, I have obtained from the Secretary-General of the United Nations various officers of the United Nations Secretariat, and also officers seconded by specialized agencies and voluntary agencies. A senior member of the United Nations Secretariat serves as Director of Disaster Relief. All programme and personnel activities are combined under his immediate direction in headquarters at Beirut, established with the assistance of the Government of Lebanon and the League of Arab States. Assistance in the work will be provided by a Chief Medical Officer (WHO); a Chief Supply Officer (IRO, with subsequent replacement by UNICEF); and, a Director of Field Operations (IRO); 2 supervisory Field Medical Officers (IRO and UN); a Field Supervisory Supply Officer will support the programme in the field and will be assisted by Liaison and Supply Officers established, besides Beirut, at Damascus, Amman, Ramallah, Tel Aviv or Haifa, Gaza and Jerusalem.

12. At the refugee level, assistance and supervisory activity as to the degree of efficiency and equity with which supplies are distributed to the refugees and with which medical provision is made for their welfare, with it is hoped, be provided by volunteers seconded from the International Red Cross, the World Council of churches, and other voluntary agencies cooperating with the Arab officers concerned. Negotiations to this effect are presently in progress. Arab committees at all appropriate levels, from Government committees to village and camp committees, will cooperate in all practical operations.

13. At the United Nations Headquarters, like success, liaison is being ensured with appropriate reference to coordination of activity in the America, by a special liaison unit and by a committee including all interests materially involved

V. LONG RANGE PROGRAMME

The question of disengagement, which has been mentioned in paragraph IV, 10, raises the matter of the third phase, that is to say the long-range programme. It has previously been indicated that, even if the refugees were also to return to their home at once, it would nevertheless be necessary, owing to the present circumstances, to maintain them during the winter and until August/September 1949, when harvesting will have been completed. It is obvious that action must be taken to determine the necessary measures and to provide for their implementation. It is my hope that the General Assembly of the United Nations will assume this responsibility.

VI. CONCLUSIONS

1. Conclusions which may be derived from the experience to date are summarized as follows:

(a) As a result of the conflict in Palestine there are approximately 360,000 Arab refugees and 7,000 Jewish refugees requiring aid in that country and adjacent States.

(b) Large number of these are infants, children, pregnant women and nursing mothers. Their condition is one of destitution and they are “vulnerable groups” in the medical and social sense.

(c) The destruction of their property and the loss of their assets will render most of them a charge upon the communities in which they have sought refuge for a minimum period of one year (through this winter and until the end of the 1949 harvest).

(d) The Arab inhabitants of Palestine are not citizens or subjects of Egypt, Iraq, Lebanon, Syria and Transjordan, the States which are at present providing them with a refuge and the basic necessities of life. As residents of Palestine, a former mandated territory for which the international community has a continuing responsibility until a final settlement is achieved, these Arab refugees understandably look to the United Nations for effective assistance.

(e) The temporary alleviation of their condition, which is all that my disaster relief programme can promise them now, is quite inadequate to meet an continuing need, unless the resources in supplies and personnel available be of permanent value in establishing social services in the countries concerned, or improving greatly existing services. This applies particularly to general social administrative organizations, maternal and child care services, the training of social workers, and the improvement of food economics.

(f) The refugees, on return to their homes, are entitled to adequate safeguards for their personal security, normal facilities for employment, and adequate opportunities to develop within the community without racial, religious or social discrimination.

(g) So long as large numbers of the refugees remain in distress, I believe that responsibility for their relief should be assumed by the United Nations in conjunction with the neighbouring Arab States, the Provisional government of Israel, the specialized agencies, and also the Voluntary bodies or organizations of a humanitarian and non-political character.

2. In concluding this part of my report, I must emphasize again the desperate urgency of this problem. The choice is between saving the lives of many thousands of people now or permitting them to die. The situation of the majority of these hapless refugees is already tragic, and to prevent them from being overwhelmed by further disaster and to make possible their ultimate rehabilitation, it is my earnest hope that the international community will give all necessary support to make the measures I have outlined fully effective. I believe that for the international community to accept its share of responsibility for the refugees of Palestine is one of the minimum conditions for the success of its efforts to bring peace to that land.

I cannot finish this report without expressing my sincerest thanks to all the members of my staff who so skillfully and willingly help me in my mission as Mediator. I thank the Secretary-General of the United Nations who has given me his full cooperation and has put this personnel at my disposal. Without their loyalty to our mission and to me, and without their very able assistance, I would not have been able to accomplish anything during the three and a half months that have now elapsed since I was appointed Mediator for Palestine.

(Signed) F. BERNADOTTE
*United Nations Mediator for
Palestine*
Rhodes, 16 September 1948

ANNEX I
REFUGEES: REPLIES FROM COUNTRIES TO WHICH
TELEGRAMS
REQUESTING SPECIFIC COMMODITIES WERE DISPATCHED

COUNTRIES	COMMODITIES REQUESTED 16 AUGUST	REPLIED	QUANTITIES DONATED
ARGENTINE	500 tons wheat 150 tons meat 50 tons butter 50 tons dried fruit		
AUSTRALIA	1,000 tons wheat 50 tons cheese 50 butter	25 August	(full quantity) 1,000 tons wheat 50,000 tons cheese 50 tons butter
BELGIUM	50 tons peas 50 haricot beans	25 August	intermediate reply
BRAZIL	150 tons meat 25 tons dried fruit	25 August	intermediate reply
BURMA	300 tons rice	19 August 1 September	intermediate reply 30 tons rice (will try supply balance)
CANADA	1,500 tons wheat 50 tons cheese 50 tons egg powder	27 August	intermediate reply
CHILE	200 tons potatoes and general list		
CUBA	250 tons sugar		
FRANCE (incl. N. African	30 tons oil 150 tons dried	28 August	(full quantity) 30 tons oil

colonies)	fruit		150 tons fruit
GREECE	10 tones oil	30 August 31 August	intermediate reply to tons oil
HAITI	100 tons sugar	1 September	nil
IRELAND	200 tons potatoes	25 August	(full quantity) 200 tons potatoes
ITALY	20 tons oil	21 August	(full quantity) 20 tons oil
NETHERLANDS	50 tons peas 50 tons haricot beans	25 August	(full quantity) 50 tons peas 50 tons haricot beans
INDONESIA	350 tons rice 250 tons sugar	25 August 4 September	(asking if in cooperation with Netherlands Government (will try supply in full) 350 tons rice 250 tons sugar
NEW ZEALAND	500 tons wheat or barley 50 tons butter 25 tons mild powder	8 September	Hope able reply definitely shortly. Besides, ready donate 5000 tons potatoes, 2- 300 tons dehydrated potatoes, if ship available.
NORWAY	50 tons fish	20 August	(full amount) 50 tons fish
PHILIPPINES	250 tons rice 100 tons sugar	27 August	nil

PORTUGAL	75 tons fish		
SWITZERLAND	50 tons cheese 20 tons milk powder	20 August	(full quantity) 50 tons cheese 12.5 tons milk powder 37.5 tons condensed milk
TURKEY	20 tons oil 50 tons dried fruit	9 September	Intermediate reply
UNION OF SOUTH AFRICA	500 tons wheat 50 tons meat	21 August	50 tons meat (no wheat)
URUGUAY	100 tons meat		
UNITED KINGDOM		12 August (Sec.Cncl)	£ 100,000 (for tentage and medical supplies from Near East)
UNITED STATES OF AMERICA	1,500 tons wheat 100 tons meat 50 tons cheese 50 tons butter 20 tons DDT	22 August	(working with voluntary agencies to provide quantities)

ANNEX II
REFUGEES: REPLIES FROM
COUNTRIES TO WHICH THE GENERAL TELEGRAM WAS
DESPATCHED
(16 August 1948)

COUNTRY	REPLIED	DONATIONS	REMARKS
BYELORUSSIA			
BOLIVIA	7 September	intermediate reply	
BULGARIA			
CEYLON	18 August	50,000 rupees	Ceylon making arr. transfer
COLOMBIA	19 August 4 September	Intermediate reply Nil	
COSTA RICA	2 September	Nil	
CZECHOSLOVAKIA			
DENMARK	11 September	Nil- but aid from Save the Children Fund and Red Cross	
DOMINICAN REPUBLIC			
EL SALVADOR	11 September	Intermediate reply	
ECUADOR	11 September	Nil	
ETHIOPIA	23 August	£ 5,000	Placed in National Provincial

			Bank, London
GUATEMALA	20 August	Intermediate reply	
HUNDURAS			
INDIA	23 August	100,000 rupees	Instruction transfer (if possible \$, Egn. pounds or Sw. frs(to UN Mediator, UN Office, Geneva
LIBERIA			
LUXEMBOURG	4 September	10 tons barley 14,228 tons canned meat and vegetable	
MEXICO	24 august	Intermediate reply	
NICARAGUA			
PANAMA	3 September	Nil	
PARAGUAY			
PERU			
POLAND			
RUMANIA			
SWEDEN			
UKRAINE			
USSR			
VENEZUELA	28 August	50,000 bolivares	(in national products)
YUGOSLAVIA			

SUPPLIES DONATED BY AGENCIES OTHER THAN
GOVERNMENTS
TO WHICH APPEALS WERE SENT

AGENCY	DONATION	DONATED FOR	REMARKS
EGYPTIAN RED CROSS	50 tons medical supplies	S. Palestine	Already sent by 23 august
EGYPTIAN GOVERNMENT	40,000 doses anti typhoid vaccine all necessary typhoid, cholera, plague vaccines, sulpha drugs, Atabrine (if desired)	Amman	already despatched Tel. 31 August from St. Aubin States: "Choucha Pacha advises can deliver Cairo..."
GREEK RED CROSS (THROUGH WORLD HEALTH ORGANIZATION)	50 syringes 5cc 50 syringes 30cc 1,000 needles 100 first aid boxes		req. indication composition first aid boxes
ECA MISSION GREECE, WITH US VOLUNTARY AID	200 tons emergency relief suppl. (no further details)		To be shipped to Beirut by navy vessel shortly
AMERICAN MEDICAL RELIEF, INC.	5 Ambulances		
AMERICAN RED CROSS	2 Ambulances \$250,000 worth medical supply 20 tons DDT		To Lebanese Red Cross. Already distributed

	medical supplies value \$200,000 Milk valued at \$35,000 Cereals		
CHRISTIAN WORLD SERVICE INC.	394 bales clothing 100 bales clothing 175 lbs. vitamin tables small quantity DDT		Already shipped Beirut " "
C.R.O.P.	2 train-loads wheat 1 box-car ilk		Available in Greece
AMERICAN ARABIAN OIL CO.	\$200,000 to purchase 1-1/2 million cans baby food		At disposal N.E. Foundation
WORLD RELIEF SERVICE OF NATIONAL CATHOLIC WELFARE CONFERENCE.	\$25,000		Purchase flour in Egypt

LUTHERAN WORLD RELIEF INC.	5 tons clothing		
NEAR EAST FOUNDATION	Will expand services and personnel		
INTERNATIONAL BECHTEL INC.	\$100,000		At disposal near East Foundation
DANISH SAVE THE CHILDREN FUND	300,000 Crowns		To supply soup daily for ten thousand children in camps

<i>Source of document</i>
http://unispal.un.org/UNISPAL.NSF/0/AB14D4AAFC4E1BB985256204004F55FA

Israel Claims Jerusalem, Address by President Weizmann in Jerusalem, 1 December 1948

On 1 December 1948, the President of Israel's Provisional State Council, Dr. Chaim Weizmann, visited Jerusalem and addressed the city's Advisory Council. He emphasised that it was inconceivable that the Jewish city could be placed under foreign rule. Here are his words:

It is with a sense of humility and sorrow that I rise to speak here among you who have suffered so much and wrought so much during this great and tragic year. Jerusalem holds a unique place in the heart of every Jew. Jerusalem is to us the quintessence of the Palestine idea. Its restoration symbolises the redemption of Israel. Rome was to the Italians the emblem of their military conquests and political organisation. Athens embodies for the Greeks the noblest their genius had wrought in art and thought. To us Jerusalem has both a spiritual and a temporal significance. It is the City of God, the seat of our ancient sanctuary. But it is also the capital of David and Solomon, the City of the Great King, the metropolis of our ancient commonwealth.

To the followers of the two other great monotheistic religions, Jerusalem is a site of sacred associations and holy memories. To us it is that and more than that. It is the centre of our ancient national glory. It was our lodestar in all our wanderings. It embodies all that is noblest in our hopes for the future. Jerusalem is the eternal mother of the Jewish people, precious and beloved even in its desolation. When David made Jerusalem the capital of Judea, on that day there began the Jewish Commonwealth. When Titus destroyed it on the 9th of Ab, on that day there ended the Jewish Commonwealth. But even though our Commonwealth was destroyed, we never gave up Jerusalem.

An almost unbroken chain of Jewish settlement connects the Jerusalem of our day with the Holy City of antiquity. To countless

generations of Jews in every land of their dispersion the ascent to Jerusalem was the highest that life could offer. In every generation new groups of Jews from one part or another of our far-flung Diaspora came to settle here. For over a hundred years we have formed the majority of its population. And now that, by the will of God, a Jewish Commonwealth has been re-established, is it to be conceived that Jerusalem - Jerusalem of all places - should be out of it?

Ten years ago the question first came up in connection with the Report of the Royal Commission. And in the great debate which took place on that subject in the British House of Lords the then Archbishop of Canterbury said these memorable words:

It seems to me extremely difficult to justify fulfilling the ideals of Zionism by excluding them from any place in Zion. How is it possible for us not to sympathise in this matter with the Jews? We all remember their age long resolve, lament and longing.

"If I forget thee, O Jerusalem, let my right hand forget her cunning.

They cannot forget Jerusalem ...

The Archbishop spoke the truth. We cannot forget Jerusalem. And if that was true then, it is all the more true today, for in this last year we have sealed afresh our covenant with our ancient mother-city with the blood of our sons and daughters. In addition to our historical unbroken chain of Jewish settlement in this city, the fact of our numerical preponderance among its inhabitants, a new link has been forged - your heroic defence of Jerusalem in this past year. It gives us the right to claim that Jerusalem is and should remain ours.

Where were all those who indulged in such fine phrases about the spiritual associations of Jerusalem for the whole civilised world? Did

they lift a finger to protect Jerusalem, its men and women and children, its homes and houses of prayer, against the Arab shrapnel which rained death day and night on your homes for months on end? Did they make the slightest move when the Jewish Quarters of the Old City with their ancient synagogues were reduced to rubble by Arab gunfire, and were desecrated and defiled after the surrender? Did they utter one word of protest against the Jews being denied, for now over a year, access to the Wailing Wall, which is our holiest shrine? Do not worry, my friends The ancient synagogues will be rebuilt, the road to the Wailing Wall will be opened.

You have renewed the ancient covenant with your blood and your sacrifices. Jerusalem is ours by virtue of the blood that was shed by your sons in its defence. You suffered hunger and thirst in the broiling heat of the summer and defended Jerusalem against surrender and destruction. Not only the soldiers. The ordinary men and women, yea, and the little children, who went about your work while the bullets flew around you and many of you fell victims to the deadly missiles. All of you have had a share in this defence.

When I say that Jerusalem is ours, I am fully conscious of the sacred associations which Jerusalem has for others than ourselves. We respect these associations. When you defended Jerusalem against havoc and destruction, you fought not only for your own people but for civilisation.

Had it not been for your heroic defence, who knows what would have remained of its non-Jewish values. We are anxious to see these values effectively protected and we are agreeable that special arrangements be made for the Old City with its Holy Places. We would like to see this sacred zone beautified, so that worshippers coming from all parts of the world to Jerusalem will derive joy and inspiration from their pilgrimage.

There would, however, appear to be no reason why such special arrangements for the Old City should extend also to the New City outside the Walls, which has no such sacred associations. This New City has sprung up during the past hundred years essentially as a result of Jewish effort. It has become during the last thirty years the administrative and spiritual capital of the new Jewish Palestine.

It houses our central national institutions, the Jewish Agency, the Jewish National Fund, the Keren Hayesod, the Chief Rabbinate, the Hebrew University, the Hebrew National Library, the Jewish Medical Centre and numerous learned and communal bodies. It is now also the seat of the Supreme Court. It seems utterly inconceivable that this Jewish city should be placed under foreign rule. It seems inconceivable that the establishment of a Jewish State in Palestine should be accompanied by the detachment from it of its spiritual centre and historical capital.

Men and women of Jerusalem, fear not for the future of your city - of our city! The words of our national hymn Hatikvah will yet come true:

To be a free people in our own land -

The land of Zion and Jerusalem.

<i>Source of document</i>
http://www.mfa.gov.il/MFA/ForeignPolicy/MFADocuments/Yearbook1/Pages/3%20Israel%20Claims%20Jerusalem-%20Address%20by%20President%20We.aspx

**194 (III). Palestine – Progress Report of the
United Nations Mediator**

The General Assembly,

Having considered further the situation in Palestine,

1. *Expresses* its deep appreciation of the progress achieved through the good offices of the late United Nations Mediator in promoting a peaceful adjustment of the future situation of Palestine, for which cause he sacrificed his life; and

Extends its thanks to the Acting Mediator and his staff for their continued efforts and devotion to duty in Palestine;

2. *Establishes* a Conciliation Commission consisting of three States members of the United Nations which shall have the following functions:

- (a) To assume, in so far as it considers necessary in existing circumstances, the functions given to the United Nations Mediator on Palestine by resolution 186 (S-2) of the General Assembly of 14 May 1948;
- (b) To carry out the specific functions and directives given to it by the present resolution and such additional functions and directives as may be given to it by the General Assembly or by the Security Council;
- (c) To undertake, upon the request of the Security Council, any of the functions now assigned to the United Nations Mediator on Palestine or to the United Nations Truce Commission by resolutions of the

Security Council; upon such request to the Conciliation Commission by the Security Council with respect to all the remaining functions of the United Nations Mediator on Palestine under Security Council resolutions, the office of the Mediator shall be terminated;

3. *Decides* that a Committee of the Assembly, consisting of China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America, shall present, before the end of the first part of the present session of the General Assembly, for the approval of the Assembly, a proposal concerning the names of the three States which will constitute the Conciliation Commission;

4. *Requests* the Commission to begin its functions at once, with a view to the establishment of contact between the parties themselves and the Commission at the earliest possible date;

5. *Calls upon* the Governments and authorities concerned to extend the scope of the negotiations provided for in the Security Council's resolution of 16 November 1948¹ and to seek agreement by negotiations conducted either with the Conciliation Commission or directly, with a view to the final settlement of all questions outstanding between them;

6. *Instructs* the Conciliation Commission to take steps to assist the Governments and authorities concerned to achieve a final settlement of all questions outstanding between them;

7. *Resolves* that the Holy Places - including Nazareth - religious buildings and sites in Palestine should be protected and free access to them assured, in accordance with existing rights and historical practice; that arrangements to this end should be under effective United Nations supervision; that the United Nations Conciliation Commission, in presenting to the fourth regular session of the General Assembly its detailed proposals for a permanent international regime for the territory of Jerusalem, should include recommendations

concerning the Holy Places in that territory; that with regard to the Holy Places in the rest of Palestine the Commission should call upon the political authorities of the areas concerned to give appropriate formal guarantees as to the protection of the Holy Places and access to them; and that these undertakings should be presented to the General Assembly for approval;

8. *Resolves* that, in view of its association with three world religions, the Jerusalem area, including the present municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which shall be Abu Dis; the most southern, Bethlehem; the most western, Ein Karim (including also the built-up area of Motsa); and the most northern, Shu'fat, should be accorded special and separate treatment from the rest of Palestine and should be placed under effective United Nations control;

Requests the Security Council to take further steps to ensure the demilitarization of Jerusalem at the earliest possible date;

Instructs the Conciliation Commission 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 Conciliation Commission is authorized to appoint a United Nations representative, who shall co-operate with the local authorities with respect to the interim administration of the Jerusalem area;

9. *Resolves* that, pending agreement on more detailed arrangements among the Governments and authorities concerned, the freest possible access to Jerusalem by road, rail or air should be accorded to all inhabitants of Palestine;

Instructs the Conciliation Commission to report immediately to the Security Council, for appropriate action by that organ, any attempt by any party to impede such access;

10. *Instructs* the Conciliation Commission to seek arrangements among the Governments and authorities concerned which will facilitate the economic development of the area, including arrangements for access to ports and airfields and the use of transportation and communication facilities;

11. *Resolves* that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible;

Instructs the Conciliation Commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation, and to maintain close relations with the Director of the United Nations Relief for Palestine Refugees and, through him, with the appropriate organs and agencies of the United Nations;

12. *Authorizes* the Conciliation Commission to appoint such subsidiary bodies and to employ such technical experts, acting under its authority, as it may find necessary for the effective discharge of its functions and responsibilities under the present resolution;

The Conciliation Commission will have its official headquarters at Jerusalem. The authorities responsible for maintaining order in Jerusalem will be responsible for taking all measures necessary to ensure the security of the Commission. The Secretary-General will provide a limited number of guards to the protection of the staff and premises of the Commission;

13. *Instructs* the Conciliation Commission to render progress reports periodically to the Secretary-General for transmission to the Security Council and to the Members of the United Nations;

14. *Calls upon* all Governments and authorities concerned to co-operate with the Conciliation Commission and to take all possible steps to assist in the implementation of the present resolution;

15. *Requests* the Secretary-General to provide the necessary staff and facilities and to make appropriate arrangements to provide the necessary funds required in carrying out the terms of the present resolution.

* * *

At the 186th plenary meeting on 11 December 1948, a committee of the Assembly consisting of the five States designated in paragraph 3 of the above resolution proposed that the following three States should constitute the Conciliation Commission:

France, Turkey, United States of America.

The proposal of the Committee having been adopted by the General Assembly at the same meeting, the Conciliation Commission is therefore composed of the above-mentioned three States.

1/ See Official Records of the Security Council, Third Year, No. 126.

<i>Source of document</i>
http://unispal.un.org/UNISPAL.NSF/0/C758572B78D1CD0085256BCF0077E51A

Jerusalem's Military Government Abolished, Government Proclamation, Official Gazette, No. 48, 4 February 1949

Resolution 194(III) adopted by the General Assembly on 11 December 1948 called for the establishment of a permanent international regime for Jerusalem. On 30 January 1949, the Government of Israel decided to abolish the military government of the city which it had established in August 1948. In its place, it was decided to institute a civilian administration similar to that existing in other parts of Israel. On 14 February 1949, Israel's first elected Parliament, the Knesset, assembled in Jerusalem and elected Dr. Weizmann as the first President of the State. Text of the proclamation:

Israel Defence Forces Administration in Jerusalem

In accordance with the decision of the Provisional Government of Israel to abolish the military government in Jerusalem, and to institute there civil administration which is in force in other parts of the State of Israel, I, David Ben-Gurion, Minister of Defence, hereby proclaim, on behalf of the General Staff of the Israel Defence Forces, that as of today, 3 Shevat 5709 (2 February 1949), the military government, established by two proclamations published in the Official Gazette No. 12 of 26 Tamuz 5708 (2 August 1948), is abolished.

David Ben-Gurion
Minister of Defence

<i>Source of document</i>
http://www.mfa.gov.il/MFA/ForeignPolicy/MFADocuments/Yearbook1/Pages/4%20Jerusalem-s%20Military%20Government%20Abolished-%20Gover.aspx

Israel-Jordan Armistice Agreement, 3 April 1949

At the beginning of March 1949, talks began on the island of Rhodes between Israeli and Jordanian representatives under the chairmanship of Dr. Bunche. The major issues raised by Israel were free access to Jewish Holy Places in Jerusalem, border rectification, and the presence of Iraqi forces in the West Bank. Jordan sought to raise the Arab refugee question and the question of passage from the Old City of Jerusalem to Bethlehem. On 3 April, the agreement was signed, fixing the armistice line of the West Bank, transferring to Israel a number of Arab villages in the central part of the country and providing for a mixed committee to work out arrangements in Jerusalem (Article VIII). Text of the agreement:

Preamble

The Parties to the present Agreement,

Responding to the Security Council resolution of 16 November 1948, calling upon them, as a further provisional measure under Article 40 of the Charter of the United Nations and in order to facilitate the transition from the present truce to permanent peace in Palestine, to negotiate an armistice;

Having decided to enter into negotiations under United Nations chairmanship concerning the implementation of the Security Council resolution of 16 November 1948; and having appointed representatives empowered to negotiate and conclude an Armistice Agreement;

The undersigned representatives of their respective Governments, having exchanged their full powers found to be in good and proper form, have agreed upon the following provisions:

Article I

With a view to promoting the return of permanent peace in Palestine and in recognition of the importance in this regard of mutual assurances concerning the future military operations of the Parties, the following principles, which shall be fully observed by both Parties during the armistice, are hereby affirmed:

1. The injunction of the Security Council against resort to military force in the settlement of the Palestine question shall henceforth be scrupulously respected by both Parties;
2. No aggressive action by the armed forces - land, sea, or air - of either Party shall be undertaken, planned, or threatened against the people or the armed forces of the other; it being understood that the use of the term *planned* in this context has no bearing on normal staff planning as generally practised in military organisations;
3. The right of each Party to its security and freedom from fear of attack by the armed forces of the other shall be fully respected;
4. The establishment of an armistice between the armed forces of the two Parties is accepted as an indispensable step toward the liquidation of armed conflict and the restoration of peace in Palestine.

Article II

With a specific view to the implementation of the resolution of the Security Council of 16 November 1948, the following principles and purposes are affirmed:

1. The principle that no military or political advantage should be gained under the truce ordered by the Security Council is recognised;

2. It is also recognised that no provision of this Agreement shall in any way prejudice the rights, claims and positions of either Party hereto in the ultimate peaceful settlement of the Palestine question, the provisions of this Agreement being dictated exclusively by military considerations.

Article III

1. In pursuance of the foregoing principles and of the resolution of the Security Council of 16 November 1948, a general armistice between the armed forces of the two Parties - land, sea and air - is hereby established.

2. No element of the land, sea or air military or para-military forces of either Party, including non-regular forces, shall commit any warlike or hostile act against the military or para-military forces of the other Party, or against civilians in territory under the control of that Party; or shall advance beyond or pass over for any purpose whatsoever the Armistice Demarcation Lines set forth in articles V and VI of this Agreement; or enter into or pass through the air space of the other Party.

3. No warlike act or act of hostility shall be conducted from territory controlled by one of the Parties to this Agreement against the other Party.

Article IV

1. The lines described in articles V and VI of this Agreement shall be designated as the Armistice Demarcation Lines and are delineated in pursuance of the purpose and intent of the resolution of the Security Council of 16 November 1948.

2. The basic purpose of the Armistice Demarcation Lines is to delineate the lines beyond which the armed forces of the respective Parties shall not move.

3. Rules and regulations of the armed forces of the Parties, which prohibit civilians from crossing the fighting lines or entering the area between the lines, shall remain in effect after the signing of this Agreement with application to the Armistice Demarcation Lines defined in articles V and VI.

Article V

1. The Armistice Demarcation Lines for all sectors other than the sector now held by Iraqi forces shall be as delineated on the maps in annex I to this Agreement, and shall be defined as follows:

(a) In the sector Kh Deir Arab (MR 1510-1574) to the northern terminus of the lines defined in the 30 November 1948 Cease-Fire Agreement for the Jerusalem area, the Armistice Demarcation Lines shall follow the truce lines as certified by the United Nations Truce Supervision Organisation;

(b) In the Jerusalem sector, the Armistice Demarcation Lines shall correspond to the lines defined in the 30 November 1948 Cease-Fire Agreement for the Jerusalem area;

(c) In the Hebron-Dead Sea sector, the Armistice Demarcation Line shall be as delineated on map 1 and marked B in annex I to this Agreement;

(d) In the sector from a point on the Dead Sea (MR 1925-0958) to the southernmost tip of Palestine, the Armistice Demarcation Line shall be determined by existing military positions as surveyed in March

1949 by United Nations observers, and shall run from north to south as delineated on map 1 in annex I to this Agreement.

Article VI

1. It is agreed that the forces of the Hashemite Jordan Kingdom shall replace the forces of Iraq in the sector now held by the latter forces, the intention of the Government of Iraq in this regard having been communicated to the Acting Mediator in the message of 20 March from the Foreign Minister of Iraq authorising the delegation of the Hashemite Jordan Kingdom to negotiate for the Iraqi forces and stating that those forces would be withdrawn.

2. The Armistice Demarcation Line for the sector now held by Iraqi forces shall be as delineated on map 1 in annex I to this Agreement and marked A.

3. The Armistice Demarcation Line provided for in paragraph 2 of this article shall be established in stages as follows, pending which the existing military lines may be maintained:

(a) In the area west of the road from Baqa to Jaljulia, and thence to the east of Kafr Qasim: within five weeks of the date on which this Armistice Agreement is signed;

(b) In the area of Wadi Ara north of the line from Baqa to Zubeiba: within seven weeks of the date on which this Armistice Agreement is signed;

(c) In all other areas of the Iraqi sector: within fifteen weeks of the date on which this Armistice Agreement is signed.

4. The Armistice Demarcation Line in the Hebron-Dead Sea sector, referred to in paragraph (c) of article V of this Agreement and marked

B on map 1 in annex I, which involves substantial deviation from the existing military lines in favour of the forces of the Hashemite Jordan Kingdom, is designated to offset the modifications of the existing military lines in the Iraqi sector set forth in paragraph 3 of this article.

5. In compensation for the road acquired between Tulkarem and Qalqiliya, the Government of Israel agrees to pay to the Government of the Hashemite Jordan Kingdom the cost of constructing twenty kilometres of first-class new road.

6. Wherever villages may be affected by the establishment of the Armistice Demarcation Line provided for in paragraph 2 of this article, the inhabitants of such villages shall be entitled to maintain, and shall be protected in, their full rights -of residence, property and freedom. In the event any of the inhabitants should decide to leave their villages, they shall be entitled to take with them their livestock and other movable property, and to receive without delay full compensation for the land which they have left. It shall be prohibited for Israeli forces to enter or to be stationed in such villages, in which locally recruited Arab police shall be organised and stationed for internal security purposes.

7. The Hashemite Jordan Kingdom accepts responsibility for all Iraqi forces in Palestine.

8. The provisions of this article shall not be interpreted as prejudicing, in any sense, an ultimate political settlement between the Parties to this Agreement.

9. The Armistice Demarcation Lines defined in articles V and VI of this Agreement are agreed upon by the Parties without prejudice to future territorial settlements or boundary lines or to claims of either Party relating thereto.

10. Except where otherwise provided, the Armistice Demarcation Lines shall be established, including such withdrawal of forces as may be necessary for this purpose, within ten days from the date on which this Agreement is signed.

11. The Armistice Demarcation Lines defined in this article and in article V shall be subject to such rectification as may be agreed upon by the Parties to this Agreement, and all such rectifications shall have the same force and effect as if they had been incorporated in full in this General Armistice Agreement.

Article VII

1. The military forces of the Parties to this Agreement shall be limited to defensive forces only in the areas extending ten kilometres from each side of the Armistice Demarcation Lines, except where geographical considerations make this impractical, as at the southernmost tip of Palestine and the coastal strip. Defensive forces permissible in each sector shall be as defined in annex II to this Agreement. In the sector now held by Iraqi forces, calculations on the reduction of forces shall include the number of Iraqi forces in this sector.

2. Reduction of forces to defensive strength in accordance with the preceding paragraph shall be completed within ten days of the establishment of the Armistice Demarcation Lines defined in this Agreement. In the same way the removal of mines from mined roads and areas evacuated by either Party, and the transmission of plans showing the location of such minefields to the other Party, shall be completed within the same period.

3. The strength of the forces which may be maintained by the Parties on each side of the Armistice Demarcation Lines shall be subject to periodical review with a view toward further reduction of such forces by mutual agreement of the Parties.

Article VIII

1. A Special Committee, composed of two representatives of each Party designated by the respective Governments, shall be established for the purpose of formulating agreed plans and arrangements designed to enlarge the scope of this Agreement and to effect improvements in its application.

2. The Special Committee shall be organised immediately following the coming into effect of this Agreement and shall direct its attention to the formulation of agreed plans and arrangements for such matters as either Party may submit to it, which, in any case, shall include the following, on which agreement in principle already exists: free movement of traffic on vital roads, including the Bethlehem and Latrun-Jerusalem roads; resumption of the normal functioning of the cultural and humanitarian institutions on Mount Scopus and free access thereto; free access to the Holy Places and cultural institutions and use of the cemetery on the Mount of Olives; resumption of operation of the Latrun pumping station; provision of electricity for the Old City; and resumption of operation of the railroad to Jerusalem.

3. The Special Committee shall have exclusive competence over such matters as may be referred to it. Agreed plans and arrangements formulated by it may provide for the exercise of supervisory functions by the Mixed Armistice Commission established in article XI.

Article IX

Agreements reached between the Parties subsequent to the signing of this Armistice Agreement relating to such matters as further reduction of forces as contemplated in paragraph 3 of article VII, future adjustments of the Armistice Demarcation Lines, and plans and arrangements formulated by the Special Committee established in article VIII, shall have the same force and effect as the provisions of this Agreement and shall be equally binding upon the Parties.

Article X

An exchange of prisoners of war having been effected by special arrangement between the Parties prior to the signing of this Agreement, no further arrangements on this matter are required except that the Mixed Armistice Commission shall undertake to re-examine whether there may be any prisoners of war belonging to either Party which were not included in the previous exchange. In the event that prisoners of war shall be found to exist, the Mixed Armistice Commission shall arrange for all early exchange of such prisoners. The Parties to this Agreement undertake to afford full co-operation to the Mixed Armistice Commission in its discharge of this responsibility.

Article XI

1. The execution of the provisions of this Agreement, with the exception of such matters as fall within the exclusive competence of the Special Committee established in article VIII, shall be supervised by a Mixed Armistice Commission composed of five members, of whom each Party to this Agreement shall designate two, and whose Chairman shall be the United Nations Chief of Staff of the Truce Supervision Organisation or a senior officer from the observer personnel of that organisation designated by him following consultation with both Parties to this Agreement.
2. The Mixed Armistice Commission shall maintain its headquarters at Jerusalem and shall hold its meetings at such places and at such times as it may deem necessary for the effective conduct of its work.
3. The Mixed Armistice Commission shall be convened in its first meeting by the United Nations Chief of Staff of the Truce Supervision Organisation not later than one week following the signing of this Agreement.

4. Decisions of the Mixed Armistice Commission, to the extent possible, shall be based on the principle of unanimity. In the absence of unanimity, decisions shall be taken by a majority vote of the members of the Commission present and voting.

5. The Mixed Armistice Commission shall formulate its own rules of procedure. Meetings shall be held only after due notice to the members by the Chairman. The quorum for its meetings shall be a majority of its members.

6. The Commission shall be empowered to employ observers, who may be from among the military organisations of the Parties or from the military personnel of the United Nations Truce Supervision Organisation, or from both, in such numbers as may be considered essential to the performance of its functions. In the event United Nations observers should be so employed, they shall remain under the command of the United Nations Chief of Staff of the Truce Supervision Organisation. Assignments of a general or special nature given to United Nations observers attached to the Mixed Armistice Commission shall be subject to approval by the United Nations Chief of Staff or his designated representative on the Commission, whichever is serving as Chairman.

7. Claims or complaints presented by either Party relating to the application of this Agreement shall be referred immediately to the Mixed Armistice Commission through its Chairman. The Commission shall take such action on all such claims or complaints by means of its observation and investigation machinery as it may deem appropriate, with a view to equitable and mutually satisfactory settlement.

8. Where interpretation of the meaning of a particular provision of this Agreement, other than the preamble and articles I and II, is at issue, the Commission's interpretation shall prevail. The Commission, in its discretion and as the need arises, may from time to time recommend to the Parties modifications in the provisions of this Agreement.

9. The Mixed Armistice Commission shall submit to both Parties reports on its activities as frequently as it may consider necessary. A copy of each such report shall be presented to the Secretary-General of the United Nations for transmission to the appropriate organ or agency of the United Nations.

10. Members of the Commission and its observers shall be accorded such freedom of movement and access in the area covered by this Agreement as the Commission may determine to be necessary, provided that when such decisions of the Commission are reached by a majority vote United Nations observers only shall be employed.

11. The expenses of the Commission, other than those relating to United Nations observers, shall be apportioned in equal shares between the two Parties to this Agreement.

Article XII

1. The present Agreement is not subject to ratification and shall come into force immediately upon being signed.

2. This Agreement, having been negotiated and concluded in pursuance of the resolution of the Security Council of 16 November 1948 calling for the establishment of an armistice in order to eliminate the threat to the peace in Palestine and to facilitate the transition from the present truce to permanent peace in Palestine, shall remain in force until a peaceful settlement between the Parties is achieved, except as provided in paragraph 3 of this article.

3. The Parties to this Agreement may, by mutual consent, revise this Agreement or any of its provisions, or may suspend its application, other than articles I and III, at any time. In the absence of mutual agreement and after this Agreement has been in effect for one year from the date of its signing, either of the Parties may call upon the Secretary-General of the United Nations to convoke a conference of

representatives of the two Parties for the purpose of reviewing, revising, or suspending any of the provisions of this Agreement other than articles I and III. Participation in such conference shall be obligatory upon the Parties.

4. If the conference provided for in paragraph 3 of this article does not result in an agreed solution of a point in dispute, either Party may bring the matter before the Security Council of the United Nations for the relief sought on the grounds that this Agreement has been concluded in pursuance of Security Council action toward the end of achieving peace in Palestine.

5. This Agreement is signed in quintuplicate, of which one copy shall be retained by each Party, two copies communicated to the Secretary-General of the United Nations for transmission to the Security Council and to the United Nations Conciliation Commission on Palestine, and one copy to the United Nations Acting Mediator on Palestine.

Done at Rhodes, Island of Rhodes, Greece, on the third of April one thousand nine hundred and forty-nine in the presence of the United Nations Acting Mediator on Palestine and the United Nations Chief of Staff of the Truce Supervision Organisation.

For and on behalf of the Government of the Hashemite Jordan Kingdom

Signed:

Colonel Ahmed Sudki El-Jundi

Lieutenant-Colonel Mohamed Maayte

For and on behalf of the Government of Israel

Signed:

Reuven Shiloah

Lieutenant-Colonel Moshe Dayan

Annex I

Maps Delineating Armistice Demarcation Lines

[These maps follow annex II, and are explained in the note by the Secretariat to article V of the Agreement]

Annex II

Definition of Defensive Forces

1. For the purposes of this Agreement *defensive forces* shall be defined as follows:

1. Land forces

(a) A standard battalion to consist of not more than 800 officers and other ranks, and to be composed of not more than:

(i) Four rifle companies with ordinary infantry equipment; rifles, LMG's, SMG's, light mortars, anti-tank rifles and PIAT.

The light mortars shall not be heavier than 2 inch.

The following number of weapons per battalion shall not be exceeded:
48 LMG's, 16 mortars 2 inch, 8 PIAT's;

(ii) One support company with not more than six MMG's, six mortars not heavier than 3 inch, four anti-tank guns not heavier than six-pounders;

(iii) One headquarters company;

(b) The artillery and anti-aircraft artillery to be allotted to the defensive forces shall consist of the following type of weapons: field guns not heavier than twenty-five pounders, the anti-aircraft guns not heavier than forty millimetres.

2. The following are excluded from the term "defensive forces":

(a) Armour, such as tanks of all types, armoured cars, Bren gun carriers, halftracks, armoured vehicles or load carriers, or any other armoured vehicles;

(b) All support arms and units other than those specified in paragraphs I (a) i and ii, and I (b) above;

(c) Service units to be agreed upon.

3. Air forces

In the areas where defensive forces only are permitted airfields, airstrips, landing fields and other installations, and military aircraft shall be employed for defensive and normal supply purposes only.

11. The defensive forces which may be maintained by each Party in the areas extending ten kilometres from each side of the Armistice

Demarcation Lines, as provided in paragraph I of article VI, shall be as follows for the sectors described in article V, paragraph 1:

1. Sector Kh Deir Arab (MR 1510-1574) to the northern terminus of the lines defined in the 30 November 1948 Cease-Fire Agreement for the Jerusalem area: one battalion each.
2. Jerusalem sector: two battalions each.
3. Hebron-Dead Sea sector: one battalion each.
4. Sector Engeddi to Eylat: three battalions each. In addition, each side will be allowed one squadron of light armoured cars consisting of not more than 13 light armoured cars or half tracks. The weapons permissible on these vehicles will be determined by the Mixed Armistice Commission.
5. Sector now held by Iraqi forces: five battalions each, and one squadron of armoured cars each.

<i>Source of document</i>

<http://www.mfa.gov.il/MFA/ForeignPolicy/MFADocuments/Yearbook1/Pages/Israel-Jordan%20Armistice%20Agreement.aspx>

**UNITED NATIONS CONCILIATION COMMISSION FOR
PALESTINE**

SECOND PROGRESS REPORT

Note by the Secretary-General: The Secretary-General has the honour to communicate to the Members of the United Nations, in accordance with the provisions of paragraph 13 of General Assembly resolution 194 (III) of 11 December 1948, the second progress report of the United Nations Conciliation Commission for Palestine.

PART I

5 April 1949

1. Since the submission of its first progress report* to the Secretary-General, the Conciliation Commission has devoted itself principally if not exclusively to preparation for the preliminary exchanges of views with Arab Governments which took place in Beirut from 21 March to 5 April 1949.
2. These exchanges of views took the form of separate meetings between the Commission and each of the Arab delegations; the atmosphere of the meetings was at all times one of the greatest cordiality and mutual understanding.

3. The Commission wishes at this time to express its gratitude to the Lebanese Government, not only for the welcome extended to it by that Government and by the Lebanese authorities, but also for the material arrangements of all kinds which made it possible for the conversations to take place in an atmosphere which was both dignified and practical.

A. Refugees

4. As had been clearly indicated in the invitations addressed to the Arab Governments, as well as in the Commission's first progress report, the principal subject of the conversation was the refugee question. In their statements to the Commission the Arab delegations were unanimous in recognizing:

(a) the necessity, both for humanitarian and political reasons, of giving absolute priority to the refugee question, over and above all other questions pending between the Arab States and the State of Israel;

(b) the necessity that any solution of the problem must be contingent upon the acceptance by the Government of Israel of the principle established in General Assembly resolution 194 (III) of 11 December 1948, paragraph 11, to the effect that "the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date".

5. The Arab delegations pointed out that, up to the present, the Government of Israel not only had not accepted that principle but had endeavoured to create a *de facto* situation which would render the practical application of the principle more difficult and even impossible. In this connexion, the Arab delegations mentioned the complete absence of security for the Arabs in areas under Israeli control, a lack of those guarantees provided for on behalf of minorities under the Partition Plan, as well as the measures taken by the Israeli Government to block the bank accounts of the refugees and to liquidate their real and personal property, and, in particular, the Israeli

absentee law. They requested the Commission to obtain from the Government of Israel positive clarifications of its position.

6. The Conciliation Commission had no difficulty in recognizing the truth of the Arab contention regarding the first of the two points mentioned above. The visits paid by members of the Commission to several refugee camps gave them an opportunity to see for themselves the deplorable material and moral situation of the refugees at present. Moreover, the desperate uncertainty of the future for these unfortunates, when the funds now at the disposal of Mr. Griffis' organization have been exhausted, make it imperative that measures be taken towards a prompt and permanent solution of the question.

7. As regards the principle of the return to their homes of the refugees wishing to do so, the Commission admitted that the Arab contention is well founded; but it considers it necessary to make certain observations regarding its practical application.

8. The Commission is of the opinion that, in the first place, granted this principle is accepted, it would nevertheless be wise to take account of the possibility that not all the refugees will decide to return to their homes. Therefore, it will be necessary to obtain an agreement, in principle, by the Arab States to the resettlement of those refugees who do not desire to return to their homes.

9. The Commission also believes that, for purely physical reasons, it will be necessary, in a certain number of cases, to envisage the return of the Arab refugees as taking place according to the general plans for resettlement under the control and supervision of the United Nations.

10. The refugees must be fully informed of the conditions under which they are to return; in particular, of the obligations they might incur as well as of the rights that would be guaranteed to them.

11. Moreover, the Commission is of the opinion that the refugee problem cannot be permanently solved unless other political questions, notably the question of boundaries, are also solved.

12. During the meetings, the Commission received and heard representatives of non-governmental organizations. Representatives of approximately fifteen organizations made statements before the Commission; these included representatives of committees of refugees themselves, delegates from Arab and international organizations which are contributing to the work of assisting the refugees, and dignitaries of the Catholic, Orthodox and Armenian Churches. Other organizations sent letters, which emphasized the right and the desire of the refugees to return to their homes. The representatives of the refugees denied that the propaganda of the Arab States and of the Arab Higher Committee had had any influence on their decision to flee their homes. The Commission was informed that two to three hundred thousand people had fled before the end of the British mandate.

13. Neither repatriation to Israel nor resettlement in Arab territories can be carried out in satisfactory conditions without a considerable amount of preparatory work of a technical nature. It will be necessary, first to establish the most exact figures possible as to the number of actual refugees, that is to say, persons who have fled from Israel-controlled territory; some sort of consultations will then be required - and this will probably be the most delicate and difficult task of all - in order to ascertain which refugees would prefer to be repatriated to Israel and which would wish to be resettled in an Arab country; finally, both repatriation to Israel and resettlement in Arab territory must be preceded by considerable preparatory work of an economic, social and financial character. These considerations have led the Commission to contemplate the creation of a "technical committee" to which this preparatory work would be entrusted. This committee would have the status of a "subsidiary body", under the terms of paragraph 12 of the resolution of 11 December 1948. It would

function under the immediate supervision of the Commission and would submit the results of its work to the Commission.

14. The Commission is fully aware of the difficulties inherent in the permanent rehabilitation of a group of persons which, although not particularly large in itself, nevertheless seems so in proportion to the total population of the countries among which it would be distributed. In the long run, the final solution of the problem will be found within the framework of the economic and social rehabilitation of all the countries of the Near East. But the urgent need of an immediate solution to relieve the tragic material and moral situation of the Arab refugees indicates that some measures should be evolved which can be applied in the shortest possible time. In this connexion, Israel and the Arab States might undertake a programme of public works which would make possible the return of the refugees and the immediate absorbing of those who do not desire to return to their homes. It goes without saying that, if Israel and the Arab States should apply to the United Nations for technical and financial aid in the preparation and carrying out of such a programme, the Commission would be more than willing to recommend favourable action on such a request by the competent organs of the United Nations.

B. Jerusalem

15. Since the presentation to the General Assembly of the Commission's first report to the Secretary-General, the Special Committee on Jerusalem has continued to work actively. In particular, it has held interviews with representatives of Arab and Jewish central and local authorities. On the basis of new instructions given to it by the Commission, the Committee is endeavouring to formulate, in conformity with the terms of paragraph 8 of the resolution of 11 December 1948, proposals which will at the same time be acceptable to both parties. The Commission is aware that acceptance by the two parties is not mentioned in the terms of reference which it received from the General Assembly on the subject of the international regime

for Jerusalem. Nevertheless, the Commission feels that such acceptance would facilitate considerably the establishment and functioning of such a regime. In this connexion, the Commission is happy to report that, during its conversations in Beirut with the Arab delegations, the latter showed themselves, in general, prepared to accept the principle of an international regime for the Jerusalem area, on condition that the United Nations should be in a position to offer the necessary guarantees regarding the stability and permanence of such a regime. On the other hand, the Governments of the Arab States have reserved their right to give their final opinion after they have been acquainted with the text of the proposals which the Commission is to submit to the General Assembly.

16. The religious representatives mentioned above also emphasized to the Commission, during the Beirut meetings, the importance which they attach to the application of those paragraphs of the resolution which concern Jerusalem and the Holy Places. Some of them expressed a further desire to see the international regime extended to cover Nazareth.

C. Conciliation

17. The Commission has always borne in mind that, beyond the special tasks entrusted to it by the General Assembly in connexion with refugees, Jerusalem and the Holy Places, it has also a general mandate from the Assembly, defined in paragraphs 4, 5 and 6 of the resolution of 11 December 1948, which relates to conciliation and *rapprochement* between the two parties. One of the Commission's main objectives in its conversations with the Arab representatives in Beirut was to clarify the attitude of the Arab States on the question whether, in their opinion, the study and solution of the refugee question must be considered as a prerequisite to the opening of discussions on other questions still at issue between the parties. On this point the Commission is happy to state that its interviews with the

Arab delegations have resulted in the elimination of this obstacle to the accomplishment of its task of conciliation.

18. While maintaining their view that the refugee problem must be considered as the most pressing, and as an imperative task for the Commission, the Arab States, except Iraq, do not insist upon its settlement before conversations on other outstanding questions can take place, and have declared themselves ready to consider favourably the sending of delegations, for the purpose of continuing the exchanges of views with the Commission, to a neutral city where the Commission could easily establish contact with a delegation of the Government of Israel also. The Commission considers it essential to avoid any misunderstanding regarding the true nature of these forthcoming meetings. In the first place, the Commission does not contemplate assembling the representatives of the two parties around one table nor even under the same roof. Secondly, the fact that the scope of these new conversations may eventually be broadened does not imply that they should be considered as peace negotiations. The objective is, purely and simply, to continue exchanges of views between the two parties and the Commission, in circumstances which would permit of the achievement of concrete and positive results.

19. During its forthcoming visit to Tel Aviv, the Commission will reach an agreement with the Government of Israel concerning these conversations, thus opening the way for the accomplishment of its mission of general conciliation, as entrusted to it by the Assembly in paragraphs 4, 5 and 6 of the resolution of 11 December 1948.

PART II

9 April 1949

20. Following the exchanges of views with the Arab States in Beirut from 21 March to 5 April 1949 (see PART I of the present report), the Commission proceeded on 7 April to Tel Aviv where it had a long interview with Mr. Ben Gurion, Prime Minister of Israel.

21. During this interview both the Prime Minister and the Members of the Commission spoke with complete frankness on the various subjects under discussion.

22. Mr. Yalcin, Chairman of the Commission, informed the Prime Minister of the results of the Commission's exchanges of views with the Arab States in Beirut as set forth in the first part of this report. He stressed, in particular, the fact that the Arab States, with the exception of Iraq, had agreed to continue the conversations with the Commission in a neutral place where representatives of the State of Israel would also be present. It was understood that these new conversations would not be confined to the question of refugees but that their scope would cover all the questions outstanding between the Arab States and the State of Israel, the solution of which was necessary for the establishment of peace in Palestine. The Commission asked Mr. Ben Gurion whether the Government of Israel would also be prepared to take part in these conversations.

23. Although Mr. Ben Gurion gave the Commission clearly to understand that the Government of Israel would be ready to send a delegation to take part in these new exchanges of views, he considered it necessary, however, to reserve his official reply until he had been able to submit the question to his Government for decision. The Commission will inform the Secretary-General by cable of the Government of Israel's official reply as soon as it has been received.

24. The refugee question was also examined in detail during the meeting with Mr. Ben Gurion. The Commission explained that, as is stated in the first part of the report, the Arab States firmly took the view that the refugee question must be considered as the most urgent question, constituting an imperative task of the Commission. They did, however, relinquish their insistence that a settlement of the refugee question must precede the consideration of other outstanding matters.

25. The Commission asked if the Government of Israel accepted the principle established by the General Assembly resolution, permitting the return of their homes of those refugees who expressed the desire to do so. The Commission stressed the importance which the acceptance of this principle, and its implementation by such steps as are now possible, would have in creating an atmosphere favourable to the success of the exchanges of views.

26. Mr. Ben Gurion, without replying directly to this question, called attention, in particular, to the passage in paragraph 11 of the General Assembly resolution which states that refugees who wished to go to their homes should "live in peace with their neighbours". In Mr. Ben Gurion's view this passage made the possibility of a return of the refugees to their homes contingent, so to speak, on the establishment of peace, because, so long as the Arab States refused to make peace with the State of Israel, it was evident that Israel could not fully rely upon the declarations that Arab refugees might make concerning their intention to live in peace with their neighbours. Mr. Ben Gurion did not exclude the possibility of acceptance for repatriation of a limited number of Arab refugees, but he made it clear that the Government of Israel considered that a real solution of the major part of the refugee question lay in the resettlement of the refugees in Arab States.

27. On the other hand, Mr. Ben Gurion fully recognized the humanitarian aspect of the problem and on several occasions declared that, when the time came, the Government of Israel would be ready to take part in the efforts necessary for its solution and that it would do this in a sincere spirit of co-operation. Mr. Ben Gurion told the Commission, however, that the Government of Israel considered the refugee question as one of those which should be examined and solved during the general negotiations for the establishment of peace in Palestine.

28. The question of the internationalization of the Jerusalem area was also discussed during the Commission's meeting with the Prime Minister. Mr. Ben Gurion informed the Commission that he recognized that the Commission was bound by the General Assembly resolution of 11 December 1948. He stated however that, when the Government of Israel was in a position to do so on an equal footing with the Arab States, it intended to request the General Assembly to revise part of that resolution concerning Jerusalem. Mr. Ben Gurion declared that the Government of Israel accepted without reservation an international regime for, or the international control of, the Holy Place in the City. "For historical, political and religious reasons," he said, "the State of Israel could not accept the establishment of an international regime for the City of Jerusalem."

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UNITED NATIONS CONCILIATION COMMISSION FOR
PALESTINE

COMMITTEE ON JERUSALEM

Letter dated 31 May 1949, addressed by Mr. Walter Eytan, Head of the Delegation of Israel to the Chairman of the Committee on Jerusalem in response to the Questionnaire dated 3 May 1949 concerning an International Regime for the Jerusalem Area (Document Com. Jer./6)

Sir,

My delegation has now had an opportunity of considering the questionnaire submitted to it by your Committee on 3rd May 1949.

In reply to the first question — about the kind of guarantees and international sanctions we consider necessary to ensure the permanence and stability of an international regime for the Jerusalem area — I wish to say that in our view it would not be possible to devise effective guarantees if by “an international regime for the Jerusalem area” is meant a system of direct international government of the Jerusalem area as a whole. ‘We consider a scheme of this kind impracticable and, partly on account of its impracticability, undesirable.

With regard to the second question whether we consider that the Jerusalem area should be placed under the exclusive authority of the United Nations — I would refer you to a statement made officially on 5th May 1949 by Mr. Aubrey Eban before the Ad Hoc Political Committee of the U.N. General Assembly: “The Government of Israel advocates and supports the establishment by the United Nations of an international regime for Jerusalem concerned exclusively with the control and protection of Holy Places and sites”.

Your committee’s third and following questions deal with the eventuality that the area of Jerusalem might be divided into two zones, in which the authority of the neighbouring states could be exercised in respect to all matters not reserved to the exclusive competence of the international regime. My delegation is of the opinion that the division of Jerusalem into two zones offers far better prospects of an acceptable solution than the establishment of an international administration for Jerusalem as a whole, which my Government is not be to countenance. The integration of the Jewish part of Jerusalem into the economic, political and administrative framework of the State of Israel has taken place as a natural process arising from the conditions of war, and has been paralleled by a similar process on the Arab side. This integration as Mr. Eban pointed out on the occasion I have referred to above, is not incompatible with the establishment of an international regime charged with full juridical status for the effective protection of the Holy Places. My Government favours an international regime which applies to the whole area of Jerusalem, but which is restricted functionally so as to be concerned only with the protection and control of Holy Places and not with any purely secular or political aspects of life and government.

Concerning the protection of Holy Places, may I refer you to the statement of policy made on behalf of my Government by the President, Dr. Chaim Weizman, on the 23rd April last: “The Government and people of Israel are conscious of the international interest in the safety of the Holy Places and the right of free access to

them. We pledge ourselves to ensure full security for religious institutions in the exercise of their functions; to grant the supervision of the Holy Places by those who hold them sacred; and to encourage and accept the fullest international safeguards and controls for their immunity and protection”.

My Government is ready to discuss administrative arrangements (e.g. for the organisation and use of common public facilities and services) in the Jerusalem area with the authority which controls the Arab part of the area.

For a full statement of my Government’s views on the future of Jerusalem I should like to refer you to the detailed statement of Mr. Eban which I have mentioned above. My delegation has already made copies of this statement available to the Conciliation Commission. Members of the delegation will be glad to furnish any further information that may be desired in the course of a meeting with your committee.

Yours faithfully,
S/ Walter Eytan
Head of Delegation

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UNITED NATIONS CONCILIATION COMMISSION FOR
PALESTINE
COMMITTEE ON JERUSALEM

SUMMARY RECORD OF THE THIRTY-THIRD MEETING
BETWEEN
THE COMMITTEE OF JERUSALEM AND THE
DELEGATIONS OF THE ARAB STATES

(Thirty-third meeting of the Committee)

held Lausanne on Monday,
20 June 1949, 4 p.m.

Present:

Mr. Barco	(U.S.A.)	Chairman
Mr. Benoist	(France)	
Mr. Eralp	(Turkey)	
Dr. Serup		Secretary
Mr. Abdel		Representative of Egypt
Chafi El		
Labbane		
Dr. Mussa		Representative of the Hashemite
Husseini		Jordan Kingdom
Mr. Mohamed		Representative of Lebanon
Ali Hamade		
Mr. Ahmad		Representative of Syria
Choukairi		

The CHAIRMAN welcomed the members of the Arab delegations and invited their replies to the questionnaires which had been distributed on Jerusalem and the Holy Places.

Mr. EL LABBANE (Egypt) reiterated his former statement that for centuries the Holy City and the Holy Places had enjoyed, under Moslem rule, a protection and, an administration which had proved satisfactory to all the world. The Arab delegations, therefore, looked upon the proposed international regime as one imposed by circumstances, which in no way constituted a reflection upon the previous administration. In accepting the internationalisation of Jerusalem, the Arab States were once more demonstrating their desire to cooperate with the Commission.

Mr. HAMADE (Lebanon) made the following statement:

“The United Nations, by the resolution adopted on 11 December 1948, decided that the Jerusalem area, including the surrounding villages and towns should be placed under effective United Nations control, and instructed the Conciliation Commission to present to the General Assembly detailed proposals for a permanent international regime for the said area, which would provide for the maximum local autonomy for distinctive groups consistent with the special international status.

Taking account of this decision, the Lebanese delegation signed, on 12 May 1949, the Protocol which included a map demarcating the Jerusalem area destined to benefit from international status, as defined in the above-mentioned resolution.

It is in the light of these considerations that the Lebanese delegation, anxious to respect the decision of the United Nations and to implement the Protocol of 12 May, sets forth replies to the two questionnaires which were communicated to it on 3 May.

Questionnaire concerning an international regime for the Jerusalem area

It would seem that question 2 should be first on the list, and we reply to it first.

2. 'Do you consider that the Jerusalem area should be placed under the exclusive authority of the United Nations?'

Such a solution would be the only one consistent, in law and in fact, with the provisions of paragraph 8 of the resolution of 11 December 1948.

It is desirable that the internationalised area of Jerusalem should be under a single authority, that of the United Nations.

Any division of authority between the United Nations and any State is likely to detract from the efficacy of the international status and give rise to future complications.

If the international regime is to have permanence and stability, the authority of the United Nations must not be limited by state interference, no matter whence it comes. Moreover, Jerusalem is the heritage of all mankind.

Consequently, the adoption of an international regime under the exclusive sovereignty of the United Nations is incompatible with the creation of a corridor such as that which at present links Jerusalem with Jewish territories. Moreover, this corridor, which constitutes a permanent danger for the Holy City, is also contrary to the territorial delimitation appearing on the map attached to the Protocol of 12 May.

On the other hand, it is understood that an internal, or municipal, administrative organisation, responsible to the international authority and charged with maintaining public services, must be provided for in order to ensure the maximum local autonomy consistent with international status, for each element of the population, Christian, Moslem and Jewish, in accordance with sub-paragraph 3 of paragraph 8 of the resolution of 11 December 1948.

As for the legislative power, it should be vested exclusively in a Council in which the three communities, Christian, Moslem and Jewish, will be represented.

1. 'What kind of guarantees and international sanctions do you consider necessary to ensure the permanence and stability of an international regime for the Jerusalem area?'

The Jerusalem area must be demilitarised and declared neutral territory.

Further, an armed force of 2,000 to 3,000 men under the control of the international Administration should be provided for.

We state that this force should be under the control of the international Administration, in order that no action may be directed against the internationalised area or against that force without at the same time constituting, directly and clearly, an act of provocation against the United Nations itself and against each of its member nations.

It is needless to add that the local police should be under the direct supervision of the international armed force. Any autonomous police force would be a cause of unrest and dissension and might easily be converted into shock troops.

All paramilitary organisations should similarly be forbidden.

Further, in order to ensure the permanence and stability of the international regime for the Jerusalem area, it is important to determine the population distribution of the area on 29 November 1947, and to forbid any immigration likely to interfere with it.

The inhabitants of the Jerusalem area, thus determined, would have Jerusalem citizenship, exclusive of any other nationality or allegiance.

The cession of real estate titles, mortgages and long-term leases between Arabs and Jews shall be prohibited except with the express consent of the administrative authorities to whom the vendor and the buyer are answerable.

As for international sanctions, it should be specifically stated in the statute that any act committed against the international regime shall be considered as a threat to the peace, according to the provisions of Article 39 of the United Nations Charter, and must entail the sanctions and measures provided for in Articles 42 and 43 of the Charter.

It should be further provided that the Security Council shall be called upon to intervene within a maximum of three days.

Following the order of ideas expressed above, there should be established for each of the two population groups, Arab and Jewish, local courts of common law, and there should be a Supreme Court whose competence would extend to constitutional and statutory questions, jurisdictional conflicts, and appeals from decisions of the local courts of common law.

The magistrates of the Supreme Court would be appointed by the International Court of Justice, while the judges of the local courts would be designated by the international Administration.

Litigations affecting personal status would be dealt with by courts of personal status, without modification of the status quo.

3, 4, 5. The foregoing reply excludes the eventuality referred to in questions 3, 4 and 5.

6. 'Which are the Holy Places, religious buildings and sites of the three religions in the Jerusalem area in respect of which United Nations guarantees should in your view be provided?'

The Lebanese delegation considers as Holy Places, sites and religious buildings of the three religions suitable to benefit by United Nations guarantees, all localities, sites and buildings dedicated to the service of the three religions, such as:

- (a) those dedicated to the practice of worship such as churches, mosques, temples and synagogues;
- (b) those dedicated to religious and charitable works, such as hospices, tekeyes, zaouias, and religious institutions or establishments of all kinds;
- (c) sanctuaries and localities sanctified by a holy presence, foundations, wakfs and cemeteries.

This being the case, the list of Holy Places annexed to the questionnaire, as well as the list of Moslem Holy Places which will be forwarded to the Committee, can only be considered as non-restrictive listings.

7. 'What measures of protection and what guarantees should in your opinion be provided by the United Nations in respect of these Holy Places, religious buildings and sites?'

The international Administration should ensure the respect of the status quo under the threat of sanctions applied by the Supreme Court.

It is understood that any act committed against the Holy Places, sites or religious buildings, which emanates from an authority outside the international area of Jerusalem, may entail the intervention of the Security Council, as already specified earlier.

8. 'What measures is your Government prepared to take with a view to ensuring free access to the Jerusalem area and to the Holy Places, religious buildings and sites situated therein?'

All necessary facilities should be accorded to any person having an authorisation from the international Administration of Jerusalem or its representatives.

The Lebanese delegation is in a position to affirm that its Government is prepared to study, with the international Administration, all material measures likely to facilitate access to the Jerusalem area.

9. 'What measures does your Government propose to take concerning the complete demilitarisation and neutralisation of the Jerusalem area and the prohibition within its boundaries of all military or paramilitary formations, exercises and activities.'

In view of the fact that the Jerusalem area must be under the exclusive sovereignty of the United Nations, as stated in reply to question 2, the question of demilitarisation and neutralisation is the responsibility of the United Nations itself. The principle has already our full approval.

10. 'Is your Government prepared to give formal assurances with respect to the permanent demilitarisation of the Jerusalem area and to the inviolability of the demarcation line between the Arab and Jewish zones?'

The same reply as for the preceding question.

11. 'What do you consider should be the customs frontiers for the Jerusalem area?'

The customs frontiers for the Jerusalem area cannot be other than the political frontiers of that area.

12. 'What are your views concerning the desirability and possibility of establishing the Jerusalem area as an economic free zone?'

It would be desirable to establish the Jerusalem area as an economic free zone.

This proposal is obviously possible of achievement, given the fact that free access to this area must be ensured from the point of view of its economic relations, as well as from the religious point of view, as has been stated earlier.

Questionnaire concerning the protection of the Holy Places of Palestine situated outside the Jerusalem area.

1. 'Which are the Holy Places, religious buildings and sites of the three religions, situated outside the Jerusalem area, concerning which you consider formal guarantees should be given, both as regards their protection and as regards freedom of access to them, by the States under whose sovereignty they will be placed by the final settlement?'

The reply is in accordance with that given to question 6 of the Questionnaire concerning an international regime for the Jerusalem area.

2. 'What measures of effective supervision could be adopted by the United Nations as regards the points mentioned in paragraph 1 above?'

The supervision should be truly effective, that is, that there should exist the authority, the strength, the capacity to prevent, and, eventually, to suppress abuses.

To this end, a control commission under the authority of the United Nations should be established. This commission would receive complaints and carry out the necessary inquiries, Measures to be taken would be ordered by an *ad hoc* organ of the United Nations, whose decisions would be final.

3. ‘What assurances do you consider the above-mentioned States should be asked to give concerning the permanent residence and free circulation, in their territory, of a certain number (equal in principle to the number in 1936) of ministers of the three religions appointed to the Holy Places, religious buildings and sites mentioned in paragraph 1?’

While reserving our opinion concerning the restriction of the number of ministers, we consider that all necessary assurances should be given.

These assurances, moreover, should extend to all persons exercising their functions within the sanctuaries,”

Mr. LABBANE (Egypt) declared that his delegation entirely supported the opinions expressed by the representative of Lebanon. He wished to emphasise that neither Arabs nor Jews should establish their capital in any part of the zone delimited in the General Assembly resolution.

Dr. HUSSEINI (Hashemite Jordan Kingdom) made the following statement:

“The Hashemite Jordan Kingdom made its views on the future of Jerusalem known to the Palestine Conciliation Commission on several occasions — in Shunah by His Majesty the King and in Jericho and Beirut by the Prime Minister and the Minister of Defence.

Since the beginning of the Lausanne Conference and the formulation by the Jerusalem Committee of its two questionnaires, dated May 3rd on Jerusalem and on the Holy Places, the Hashemite Jordan Kingdom delegation, together with the other Arab delegations, signed a Protocol with the Conciliation Commission, which was, we were informed, signed by the Jews, and to which a plan was attached. That plan set out the Jerusalem zone as a separate, international area, and specified its relationships with the rest of Palestine.

“The Hashemite Jordan delegation continues to make its stand on that Protocol (which is in its turn derived from the resolutions of the General Assembly of the United Nations) in its entirety, and regards the question of Jerusalem as an integral part of the whole Palestine problem. No solution for the Jerusalem problem is conceivable before the solution of the problem as a whole.

As soon as the above-mentioned Protocol begins to be applied, the Hashemite Jordan delegation will make clear its detailed views on the future of Jerusalem.”

In regard to the Holy Places outside Jerusalem, he shared the views of the Lebanese representative, and would shortly be submitting a supplementary list of such Holy Places.

The CHAIRMAN asked if he was correct in thinking that Mr. Hamade's statement represented the views of all the Arab delegations, subject to the reservations made in individual statements.

Dr. HUSSEINI (Hashemite Jordan Kingdom) stated that his delegation confined itself to its own statement.

Mr. CHOUKAIRI (Syria) supported the Lebanese statement, adding that he also associated himself with the remark of the representative of Egypt and shared the fears which were to be read between the lines of the statement of the Hashemite Jordan representative.

As the late Mediator had recognized, in a letter to Mr. Shertok, there was no possibility of any partition scheme which did not leave Jerusalem in the heart of Arab territory. The Jerusalem area was itself Arab territory. Originally, the Arabs had insisted that it must remain under Arab sovereignty, supporting that view by a number of considerations, i.e. that the United Nations was in its infancy and the proposed international regime a new experiment; that the failure to implement many General Assembly resolutions justified fears that a resolution setting up such a regime might not be respected; that, as some speakers in both the Assembly and the Political Committee had affirmed, the United Nations had not always kept faith to its Charter or the principles of democracy; that the Arabs had learned from bitter experience the ineffectiveness of international guarantees up to the present time; and that the Jews openly aimed at seizing Jerusalem for themselves and had on frequent occasions violated the truce. None the less, the Arabs were willing to relinquish Arab sovereignty over Jerusalem in favor of an international regime, in their desire to respond to the appeal from the international community. They were prepared to discuss a scheme for the internationalisation of Jerusalem, so long as it was certain that it would not be merely a preparatory stage for the transformation of Jerusalem into a Jewish capital. If a watertight system was devised, they would agree to it and would collaborate with the Committee.

To ensure that the scheme was genuinely international, it would be necessary to base it on the following principles:

(1) The preservation of the status quo as it existed at the time of the General Assembly resolution of 29 November 1947. The Committee should ascertain what was then the proportion of Arabs and Jews and ensure that it was preserved. Hence the particular importance of prohibiting Jewish immigration and the alienation of Arab land, and of releasing Arab property and accounts.

(2) The establishment of a genuine corpus separatum, confined to the Jerusalem area and free from any shadow of Jewish influence.

(3) The demilitarisation and neutrality of the area, implying disarmament and the prohibition of military or para-military activity. The Jews in the Jerusalem area must be citizens of that area, owing no allegiance to Tel-Aviv.

Finally, as guarantee, the International Court of Justice should be ready to receive complaints of any violation of the Statute of the Jerusalem area, or of either the letter or spirit of the United Nations decisions.

If the United Nations could produce an international regime fulfilling such conditions, his delegation would support it wholeheartedly. If the Jews surrendered to the Resolution, the Arabs would be ready to collaborate actively with the committee. The cautiousness of their attitude was understandable, since Jerusalem was particularly dear to them, and since they were the most immediate servants of the Holy Places. It had been only through the action of Arab regular and irregular forces in the battle of Jerusalem that the Holy City had been saved for the world. A tribute was due to the fallen. The scheme for the area should provide safeguards against a coup d'état, such as

might be attempted any time a Jewish festival assembled large numbers of young Jews in Jerusalem.

In regard to the Holy Places outside Jerusalem, he wished to state, in addition to the remarks of the representative of Lebanon, that the most effective guarantee would be constituted by the inhabitants who used the Holy Places for religious worship. Otherwise such Holy Places would become merely empty museums, like the mosques in Spain.

The CHAIRMAN, assuring the Arab representatives that their views would be studied and would form the object of further discussion, asked whether there was any objection to submitting them to the Israeli delegation, provided that the Israeli delegation authorized the submission to the Arab delegations of the statements already made by themselves.

Mr. LABBANE (Egypt) voiced the view of all the delegations that there would be no objection.

Mr. HAMADE (Lebanon) emphasised the exceptionally great responsibility resting on the Jerusalem Committee; on the soundness or unsoundness of its proposals would depend whether the future brought peace or war. He reiterated what he considered the three fundamental principles for a sound solution: complete internationalisation, the absence of any divided allegiance and the maintenance of the frontiers delimited by the Assembly Resolution and the map attached to the Protocol of 12 May 1949.

The CHAIRMAN assured Mr. Hamade that the Committee fully shared his views as to the seriousness of the responsibilities with which it had been entrusted.

Mr. BENOIST drew the attention of the Arab delegations to two points. (1) The question of a Jewish corridor between Jerusalem and Tel-Aviv and of the geographical separation of the Jerusalem area

from the State of Israel fell outside the competence of the Committee, which was not empowered to discuss problems relating to areas outside that of Jerusalem, except in the case of Holy Places. (2) Whatever the regime instituted, it would provide for local zones enjoying at least municipal autonomy. He had gathered from the statement of the Lebanese representative that it might be necessary to provide for a Christian zone, in addition to Jewish and Arab municipal zones. He also asked whether the Arabs could indicate on the wall-map which districts their municipal areas should comprise.

Mr. CHOUKAIRI (Syria) could not accept the view that the question of the Corridor was not within the competence of the Committee, since such a Corridor would invalidate any scheme for internationalising Jerusalem. In the first place, the viability of the Jerusalem scheme depended upon the picture presented by the whole Palestine problem. If that problem was not settled in a manner that would consolidate the neutrality and security of the Jerusalem area, the Arabs would refuse to accept the internationalisation of that area, knowing that the burden of its defence would fall on them. In the second place, the existence of a Corridor would mean that Jerusalem, far from being genuinely internationalised, would be attached to Jewish territory; the result would be continuous agitation and perhaps a future war. The Arabs would never take the offensive in such a war, in view of their respect for the Holy City, but would fight in its defence. Since the whole work of the Committee was conditioned by those two factors, he submitted that the question of the Corridor, though not included in its terms of reference, was intrinsic to its production of a sound scheme for internationalisation.

In regard to municipal organisation, he interpreted the reference to Christians in the Lebanese statement as not implying a separation of communities. Christians and Moslems in Palestine, and especially in Jerusalem, lived in harmonious association; there could therefore be no question of a Christian municipal zone, but merely of one Arab and one Jewish zone. The line of demarcation would follow the property

line between Jewish and Arab quarters, and might be identical with that envisaged by Sir William Fitzgerald, former Chief Justice of Palestine, in his Report on the Local Administration of Jerusalem.

The CHAIRMAN, in the name of the Committee, undertook to consider all the aspects of the problem. As representative of the United States, he agreed that it was impossible to separate the question of Jerusalem from the whole problem before the Commission.

Mr. HAMADE (Lebanon) thanked the Chairman for recognition that no watertight divisions could be set up between the work of the various organs of the Commission. Discussion both of the boundaries of the Jerusalem area and of the means of ensuring its economic existence was bound to impinge on territorial questions. Mr. Benoist's question on municipal zones had given him the opportunity of clarifying the idea he had wished to express. In speaking of "local autonomy...for each element of the population", he had meant the maximum personal and religious guarantees, to be ensured by local courts.

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UNITED NATIONS CONCILIATION COMMISSION FOR
PALESTINE
COMMITTEE ON JERUSALEM

THIRD PROGRESS REPORT TO THE UNITED NATIONS
CONCILIATION COMMISSION FOR PALESTINE

INTRODUCTION

1. The General Assembly of the United Nations decided in paragraph 8 of the 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 Conciliation Commission was therefore Instructed by the General Assembly to prepare “detailed proposals for a permanent international regime for the Jerusalem area” to be presented to the fourth regular session of the General Assembly; to include in such proposals “recommendations concerning the Holy Places in the area of Jerusalem” and, with respect to the protection of and access to Holy Places outside the Jerusalem area “to call upon the political authorities of the area concerned to give appropriate formal guarantees” which undertakings “shall be presented to the General Assembly for approval”.

2. The Conciliation Commission, at its thirteenth meeting held on 8 February 1949 established the Committee on Jerusalem and instructed it “to study the problem of the future regime of Jerusalem and to supply the Commission with the material necessary for its deliberations on the subject as well as for the preparation of its Report to the General Assembly”.

3. The Second Progress Report of the Committee on Jerusalem, issued on 20 July 1949 (Com.Jer./11), surveyed the general activities of the Committee. The purpose of the present Report is to present to the Conciliation Commission the plan for the international regime for the area of Jerusalem which has been adopted by the Committee as a result of its further deliberations and consultations with the parties (A); to present a commentary on the Articles of the plan (B); and to submit a draft declaration to be made by the interested Governments regarding the protection of and access to the Holy Places outside the Jerusalem area (C).

4. During its preliminary studies, the Committee based its work on a series of working papers. The first of these, presented by the representative of the United States (Com.Jer./W.1), outlined the basic requirements of an international regime and indicated points for inclusion in a Statute for Jerusalem. As a result of subsequent studies and discussions, the Committee on 11 March adopted a statement of general principles (Com.Jer./W.9) which might form the basis of an international regime within the meaning of the General Assembly’s resolution. This statement of principles was incorporated in the Committee’s First Progress Report to the Commission (Com.Jer./3). During the Beirut meetings, the representative of France put forward a detailed proposal for a permanent international regime for the territory of Jerusalem (Com.Jer./W.15). On 15 April, the Secretariat submitted a draft proposal (Com.Jer./W.16) which, on the Committee’s instructions, was based on the French proposal, on certain suggestions on specific points put forward by the United States representative and on the Draft Statute for Jerusalem prepared by the Trusteeship Council

(U.N. document A/541). At its thirty-first meeting, held on 10 May 1949, the Committee finished its detailed examination of this paper and drew up a revised text entitled “Preliminary Draft: International Regime for the Jerusalem Area” (Com.Jer/W.18). The Committee subsequently amended and elaborated this document, revisions of which were issued as Com.Jer./W.31, Com.Jer./W.31.Rev.3 and 2. The final text, as adopted by the Committee for submission to the Commission (Com.Jer./W.31.Rev.3) will be found below under Section A.

5. In drawing up the Instrument establishing an international regime for the Jerusalem area, the Committee, with the aim of elaborating a scheme which could be applied at the earliest date, has based itself on the situation in the Jerusalem area as it at present exists. The Instrument has consequently been designed to apply to a territorial situation whereby the area of Jerusalem will be connected with Israel by a corridor. It is the considered opinion of the Committee, however, that the provisions of the Instrument are sufficiently flexible to make it possible for the Instrument, with minor modification, to be applied to any territorial situation that might emerge from the final Settlement of the Palestine problem.

A.

WHEREAS the General Assembly of the United Nations by resolution 194 (III), adopted at its 186th Plenary meeting on 11 December 1948, resolved that the Jerusalem area, in view of its association with three world religions, should be accorded, special and separate treatment from the rest of Palestine and should be placed under effective United Nations control;

WHEREAS the General Assembly instructed the Conciliation Commission 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; and

WHEREAS the Conciliation Commission was instructed, when presenting such proposals for a permanent international regime for the Jerusalem area, to include recommendations concerning the Holy Places in that area;

THE CONCILIATION COMMISSION

IN PURSUANCE of the aforesaid resolution PRESENTS the following proposal for a permanent international regime for the area of Jerusalem:

INSTRUMENT ESTABLISHING A PERMANENT INTERNATIONAL REGIME FOR THE JERUSALEM AREA

Preamble

The Jerusalem area, in view of its association with three world religions, shall be accorded special and separate treatment from the rest of Palestine and shall be placed under effective United Nations control in accordance with the following provisions:

I. GENERAL PROVISIONS

Article 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 Shut'fat; the most eastern Abu Dis, and the most southern Bethlehem. The boundaries of the area of Jerusalem are shown on the attached map (Annex A). The exact boundary lines shall be

determined on the spot by a Mixed Boundary Commission under the chairmanship of a representative of the United Nations.

Article 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 the two zones shall be as follows This line is shown on the attached map (Annex B).

Any person who is domiciled in the Jewish zone or who habitually resides there shall, for the purposes of the present Instrument, be considered a resident of the Jewish zone.

Any person who is domiciled in the Arab zone or who habitually resides there shall likewise be considered a resident of the Arab zone.

Article 3.

All matters not reserved by the present Instrument to the competence of the United Nations Commissioner and the organs provided for hereinafter shall fall within the respective competence of the responsible authorities of the two zones.

Article 4.

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.

Article 5.

The responsible authorities of the Jewish and Arab zones shall take no steps in matters of immigration which might alter the present demographic equilibrium of the area of Jerusalem.

II. ORGANS.

Article 6.

The United Nations shall be represented in the area of Jerusalem by a Commissioner appointed for five years by the General Assembly of the United Nations. He shall be responsible to the General Assembly and may be dismissed by it. He shall report annually to the General Assembly and may also make special reports to the appropriate United Nations organs or specialised agencies whenever he deems it necessary.

The General Assembly of the United Nations shall also appoint for five years, on the recommendation of the Commissioner, a Deputy Commissioner who shall be responsible to the Commissioner and who may be dismissed by him. The Deputy Commissioner shall assist the Commissioner and shall replace him in the event of his absence or disability.

The Commissioner and the Deputy Commissioner shall not be selected from among residents of the Jewish zone or the Arab zone of Jerusalem or from among nationals of the State of Israel or of an Arab State.

Article 7.

On behalf of the United Nations, the Commissioner shall ensure the protection of and free access to the Holy Places, in accordance with the terms of Articles 15 to 20 of the present Instrument.

Article 8.

On behalf of the United Nations, the Commissioner shall:

(a) supervise the permanent demilitarisation and neutralisation of the area, in accordance with the terms of Article 21 of the present Instrument; and

(b) ensure the protection of human rights and of the rights of distinctive groups, in accordance with the terms of Article 23 of the present Instrument.

The Commissioner shall report as the occasion arises to the appropriate organ of the United Nations concerning his responsibilities under paragraphs (a) and (b) above.

Article 9.

The Commissioner may, whenever he deems it necessary, refer any violation of the present Instrument to the International Tribunal established under Article 12 below.

Article 10.

There shall be established for the area of Jerusalem a General Council, which shall be composed of fourteen members appointed for three years and the United Nations Commissioner who shall preside. Five members shall be appointed by the responsible authorities of the Jewish zone and five by the responsible authorities of the Arab zone. Four members, of whom two shall be selected from among residents of the Jewish zone and two from among residents of the Arab zone, shall be appointed by the Commissioner, who shall endeavour to ensure by his choice equitable representation on the Council of distinctive minority groups in the Jerusalem area. The Council shall take decisions by simple majority vote of its members.

Article 11.

The General Council shall have the following functions and powers:

(a) to prescribe rules for the coordination and operation of the main public services of common interest to the area of Jerusalem, and to plan and supervise the execution on an area-wide basis, of matters of municipal concern, such as the development of transport, communication s and public utilities;

(b) to prescribe rules in matters relating to the protection of sites and antiquities and to town-planning;

(c) to coordinate measures for the maintenance of public order, whenever necessary;

(d) to allocate the contributions of each zone towards expenditures in the common interest;

(e) to study and recommend to the responsible authorities of the two zones economic and commercial arrangements or agreements with a view to promoting the economic development of the area of Jerusalem as a whole and facilitating trade both between the two zones and between the area and the world outside;

(f) to exercise such further functions and powers as the responsible authorities of the two zones may agree to entrust to the Council.

Article 12.

There shall be established an International Tribunal for Jerusalem composed of three Judges and one Deputy Judge to be elected by the General Assembly and the Security Council in accordance with the procedure for election of Judges to the International Court of Justice.

The Deputy Judge shall replace any of the Judges in the event of absence or disability. The members of the Tribunal shall be of different nationalities and neither be selected from among residents of the Jewish zone or the Arab zone, nor from among nationals of the State of Israel or of an Arab State.

The members of the International Tribunal shall hold office *for a term of five years* but *may* be re-elected. They may be removed for cause by the General Assembly of the United Nations.

The International Tribunal shall sit in Jerusalem. It shall determine its own rules of procedure. The Tribunal shall designate one of its members to serve as President for such period as the Tribunal may determine. The members of the Tribunal shall receive salaries and allowances in amounts to be determined by the General Assembly.

The International Tribunal shall have jurisdiction

- (a) to hear and determine cases submitted to it by the Commissioner under Articles 9 and 2.3 of the present Instrument;
- (b) to hear and determine cases between the responsible authorities of the Jewish and Arab zones and between the United Nations Commissioner and the responsible authorities of either zone involving claims that laws, ordinances, regulations, administrative acts or court decisions applying to the area of Jerusalem are incompatible with the present Instrument;
- (c) to review, in its discretion, final decisions of the Mixed Tribunal for Jerusalem provided for in Article 13 of the present Instrument;
- (d) to decide such disputes regarding Holy Places, religious buildings and sites inside the Jerusalem area as the United Nations Commissioner may submit to the Tribunal under Article 19 of the present Instrument;
- (e) to decide such disputes regarding Holy Places, religious buildings and sites outside the Jerusalem area as the United Nations Commissioner or the Governments concerned may submit to the Tribunal under Article 20 of the present Instrument and the provisions of the declaration to be made by the States concerned.

Decisions of the International Tribunal shall be binding on the parties.

The International Tribunal may issue such orders and injunctions as it deems necessary for the effective exercise of its jurisdiction.

Article 13.

There shall be established a Mixed Tribunal for Jerusalem composed

of three Judges and three Deputy Judges. One Judge and one Deputy Judge shall be appointed by the responsible authorities of the Jewish zone. One Judge and one Deputy Judge shall be appointed by the responsible authorities of the Arab zone. One Judge and one Deputy Judge shall be appointed by the President of the International Tribunal for Jerusalem and shall either be selected from among residents of the Jewish zone or the Arab zone, nor from among nationals of the State of Israel or of an Arab State.

The Deputy Judges shall replace the Judges in the event of absence or disability. The Judge appointed by the President of the International Tribunal, or the Deputy Judge appointed by him, as the case may be, shall act as President of the Mixed Tribunal.

The members of the Mixed Tribunal shall hold office for three years but may be re-elected. They may be removed for cause by the International Tribunal.

The Mixed Tribunal shall sit in Jerusalem. It shall determine its own regulations and rules of procedure. The members of the Tribunal shall receive salaries and allowances in amounts to be determined by the General Assembly.

The Mixed Tribunal shall have jurisdiction with respect to civil cases in which:

- (a) all the parties involved are residents of the Jerusalem area but not residents of the same zone;
- (b) one or more of the parties involved is not a resident of either zone, but is a national of an Arab State temporarily staying in the Jewish zone or an Israeli national temporarily staying in the Arab zone.

In civil cases, the mixed Tribunal shall apply the law of the *locus* in accordance with the general principles of private international law.

The Mixed Tribunal shall have criminal jurisdiction with respect to all offenses committed in either zone when either the victim or the accused is a non-resident of that zone.

In criminal cases, the Mixed Tribunal shall apply the criminal law of the zone in which the offense has been committed. In cases of doubt, the criminal law and procedure of the zone most favourable to the accused shall be applied.

The decisions of the Mixed Tribunal may be reviewed by the International Tribunal as provided for in Article 12 of the present Instrument.

The Mixed Tribunal may issue such orders and injunctions in Jerusalem as it deems necessary for the effective exercise of its jurisdiction. The decisions and orders of the Mixed Tribunal shall be executed by the appropriate authorities of the zone in which the decision or order applies.

Article 14.

The Commissioner shall be authorised to employ under temporary contracts the number of guards necessary to assure the protection of and free access to the Holy Places, religious buildings and sites, as well as to assure his own security and that of his staff. He shall further be authorised to employ under temporary contracts the auxiliary administrative personnel necessary for the carrying out of his functions.

The salaries, allowances and administrative expenses of the United Nations Commissioner, the Deputy Commissioner, the members of the International Tribunal for Jerusalem, the President of the Mixed Tribunal for Jerusalem and his Deputy, and the staff of the Commissioner, including guards and administrative personnel, shall be included in the annual budget adopted by the General Assembly

and shall be paid by the United Nations. These salaries and allowances shall be exempt from taxation.

III. HOLY PLACES, RELIGIOUS BUILDINGS AND SITES INSIDE THE JERUSALEM AREA

Article 15.

Holy Places, religious buildings and sites shall be understood as those places, buildings and site which were regarded on 14 May 1948 as Holy Places, religious buildings and sites.

If any question arises as to whether any place, building or site was regarded on 14, May 1948 as a Holy Place, religious building or site, the decision shall rest with the Commissioner.

If any question arises as to whether any place, building or site not hitherto regarded as a Holy Place, religious building or site shall be considered as such, the decision shall rest with the Commissioner.

For the purpose of deciding the questions mentioned in paragraphs 2 and 3 of this Article, the Commissioner may appoint a Committee of Enquiry to assist him.

Article 16.

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 Commissioner, who shall be authorised to promulgate regulations with a view to assuring their protection and free access to them, and to station guards charged with the maintenance of order outside and inside them. Such regulations shall be binding on the responsible authorities of both zones, who whenever necessary shall implement them by issuing further rules. The Commissioner shall also be authorised to station guards along certain urban routes normally used by ministers and members of the

Christian, Jewish and Moslem religious communities proceeding to the above-mentioned Holy Places, buildings and sites.

Article 17.

No form of taxation shall be levied in respect of any Holy Place, religious building or site which was exempt from such taxation on 14 May 1948.

No change in the incidence of any form of taxation shall be made which would either discriminate between the owners and occupiers of Holy Places, religious buildings and sites or would place such owners and occupiers in a position less favourable in relation to the general incidence of that form of taxation than existed on 14 May 1948.

Article 18.

The Commissioner shall undertake to secure for ministers of religion, pilgrims and visitors free circulation throughout the area of Jerusalem without distinction, as to nationality or faith. He shall have power to negotiate and conclude with the States concerned arrangements whereby the unhindered travel of ministers of religion, pilgrims and visitors to and from the area of Jerusalem shall be guaranteed.

Article 19.

The rights in force on, 14 May 1948 with regard to Holy Places, religious buildings and sites shall remain in force, in particular those rights and practices known as the "Status Quo" established in 1757 applying to the principal Holy Places of the Jerusalem area. If any dispute arises in connection with such Holy Places, religious buildings and sites between two or more religious communities, the Commissioner shall, if he deems it necessary, appoint a Committee of Enquiry to assist him in settling the dispute in accordance with the practices and rights in force on 14 May 1948. If the suggestions of the Commissioner are not accepted by the parties, the Commissioner shall submit the matter to the International Tribunal whose decision shall be final.

Neither the Commissioner nor the International Tribunal shall have any authority to intervene in a dispute within a single religious community.

If at any time it appears to the Commissioner that any Holy Places, religious building or site is in need of urgent repair, he may call upon the community or denomination or section of the communities concerned to carry out such repair. If the repair is not carried out or is not completed within a reasonable time, the Commissioner may himself make arrangements to carry out or complete the repair. In cases where the communities concerned are unable or unwilling to pay for these works, the Commissioner shall charge them to the account of expenditure in the common interest.

IV. HOLY PLACE & RELIGIOUS BUILDINGS AND SITES OUTSIDE THE JERUSALEM AREA

Article 20.

The Commissioner shall be authorised to supervise the implementation of undertakings made by the States concerned regarding Holy Places religious buildings and sites of Palestine situated outside the area of Jerusalem. He may submit to the International Tribunal for decision disputes regarding the implementation of these undertakings.

V. DEMILITARISATION AND NEUTRALISATION

Article 21.

The area of Jerusalem shall be permanently demilitarised and neutralised. 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 make declarations to the General Assembly guaranteeing the demilitarised character of their respective zones.

Any violation of the provisions contained in these declarations or any attempt to alter the international regime by force shall, unless settled by negotiations or pursuant to a decision of the International Tribunal for Jerusalem, be reported by the Commissioner to the Secretary-General of the United Nations, who shall bring the matter to the attention of the appropriate organ of the United Nations.

Nothing in this Article shall affect the right of the responsible authorities 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 500 unless an increase is temporarily authorised by the United Nations Commissioner.

VI. ECONOMIC AND FINANCIAL PROVISIONS

Article 22.

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

VII. HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Article 23.

The responsible authorities of the two zones of Jerusalem shall ensure, in their respective zones, the observance of human rights and fundamental freedoms, in particular freedom of worship and freedom of education, as set forth in the Universal Declaration of Human Rights approved by the General Assembly on 10 December 1948 “as a common standard of achievement for all peoples and all nations”.

Should the United Nations Commissioner consider that the responsible authorities of either of the two zones are failing to comply with those obligations, he shall refer the matter to the International Tribunal for decision or, if necessary, bring the matter before an appropriate organ of the United Nations.

VIII. SPECIAL PROVISIONS

Article 24.

The official languages used in the area of Jerusalem in application of the provisions of the present Instrument shall be English, French, Hebrew and Arabic.

Article 25.

The present Instrument shall enter into force on It can be revised or annexed by the General Assembly of the United Nations.

B.

COMMENTARY ON ARTICLES OF THE INSTRUMENT ESTABLISHING AN INTERNATIONAL REGIME FOR THE JERUSALEM AREA

Article 1.

In this Article a definition is given of the geographical area of Jerusalem to which the proposed international regime shall apply. The definition is identical with that found in paragraph of the resolution of the General Assembly of 11 December 1948, which reproduced the definition in Part III B of the Partition Plan and Article 2 of the Draft Statute for Jerusalem prepared by the Trusteeship Council.

It was agreed by the Committee that the boundaries of the area should be shown on an attached map and that the exact boundary lines should

be determined on the spot by a Mixed Boundary Commission under the chairmanship of a representative of the United Nations.

Article 2.

In paragraph 1 of this Article it is proposed that the area of Jerusalem be divided into two zones, a Jewish zone and an Arab zone.

During the discussions of this provision, it was agreed by the Committee that it would be desirable at the final stage to attach as an annex to the Instrument a map showing the demarcation line between the two zones. The view was expressed that the parties concerned, if possible, should reach an agreement on the demarcation line. If they failed to reach agreement on such a demarcation line prior to the time when the Commission submitted its proposals on Jerusalem to the General Assembly, the Commission might then itself propose a demarcation line.

Article 3

This Article determines the competence of the responsible authorities of the two zones by providing that all matters not reserved to the competence of the United Nations Commissioner and the organs provided for in Part II of the Instrument shall fall within the competence of these authorities.

In drawing up this Article, which in the opinion of the Committee is of basic importance to the plan as a whole, the Committee has been guided by the desire to reconcile the requirement of the General Assembly resolution for “maximum local autonomy” with the interests of the international community. After careful consideration of all aspects of the question the Committee reached the conclusion that the principle of a “*corpus separatum*”, on which the scheme for Jerusalem in the Partition Plan was based, should be discarded. The arguments which convinced the Committee on this point are the following:

(a) The resolution of the General Assembly does not refer to the Draft Statute prepared by the Trusteeship Council, which provided that the Jerusalem area should be constituted as a *corpus separatum*. It may be assumed, therefore, that the General Assembly had taken into consideration the fact that the situation in Jerusalem had changed radically since the time of the preparation of the Draft Statute by the Trusteeship Council.

(b) If the area of Jerusalem were to be established as a *corpus separatum* — and to remain as such — a very heavy responsibility would fall on the United Nations, which would have to guarantee, if necessary with force, the territorial integrity and political character and independence of the area as well as public order therein. It was felt by the Committee that the Members of the United Nations might not at the present time be prepared to accept such a responsibility.

(c) If the area of Jerusalem were to be administered directly under the United Nations as a *corpus separatum*, the costs of an international force and of an international administration would represent a heavy financial burden on the United Nations, which would be further increased if the area was not able to support itself financially and economically.

(d) The role of Jerusalem cannot, in the view of the Committee, be compared to that of Danzig or Trieste, where the purpose has been to create a “buffer-state” with no organic link to the two neighbouring States. The justification for an international regime for the area of Jerusalem would seem to be the necessity of protecting the Holy Places of three world religions and of assuring free access to them; and any plan for the “internationalisation” of Jerusalem which would take this fact into consideration might be said to meet the requirements laid down in the resolution of the General Assembly.

By using the expression “the responsible authorities of the two zones” in Article 3 and throughout the Instrument, the Committee has wished to leave open the question whether the final authority of each zone will be inside or outside the zone. In so doing, the Committee has envisaged that this question will be interpreted in the light of the

political and territorial dispositions of the final settlement of the Palestine problem.

Article 4.

The purpose of this Article is to maintain the existing character of the area of Jerusalem and in particular to prevent either of the two zones from becoming the capital of the adjacent States, which in the opinion of the Committee, would be inconsistent with the special international status to be accorded to the Jerusalem area.

On this question, different views were expressed during the discussions of the Committee. According to one opinion, the Article should state that Jerusalem should not be the capital of either of the two adjacent States. According to another opinion, the article should specify that neither of the two zones of the area of Jerusalem should be the seat of the capital of a neighbouring State or the seat of Government departments, organs of Government, legislative Assemblies, Supreme Courts or central Administrations of a neighbouring State.

The Committee finally agreed to express these views by providing that only such agents and officials, administrative organs and public services as are normally necessary for the administration of municipal affairs may be maintained in the respective zones.

Article 5.

Like Article 4, Article 5 also aims at protecting the existing character of the area of Jerusalem, in this case from the results of undesirable Immigration policies of the parties concerted.

Divergent views were expressed by members of the committee with respect to the feasibility of this provision, but the Committee finally decided to provide that the responsible authorities of the two zones shall take no steps in matters of immigration which might alter the present demographic equilibrium of the area of Jerusalem.

Articles 6, 7, 8, 9.

No comments.

Article 10.

This Article proposes to establish for the two zones a General Council composed of fourteen members and the United Nations Commissioner who will preside. The two zones will be represented on the Council by an equal number of members, and numerical equality is also assured between Christians, Moslems and Jews.

When discussing this Article, which in an earlier draft only provided for a membership of nine members on the Council, the view was expressed that the number of members should be increased to include at least six Christian representatives who would represent the various Christian communities of the Jerusalem area. On the other hand, it was stated that so large a General Council would be unwieldy and in the Council would be mainly concerned with such matters as public services, religious affiliations should not make for any divergency of interests. The Committee agreed, after further deliberation, to raise the membership from nine to fifteen of whom five, including the Commissioner, would be neither Moslem nor Jewish.

Article 11.

This Article enumerates the powers and functions of the General Council, the determination of which gave rise to some discussion in the Committee.

The corresponding Article of the previous draft provided that the Commissioner, assisted by the Council, should ensure (1) the coordination of measures for the maintenance of public order; (2) the operation of the main services of common interest; and (3) the equitable allocation of the contributions of each zone towards expenditure in the common interest.

During the discussion of this draft Article, the view was expressed that the principle of a *corpus separatum* had been abandoned on the understanding that provision should be made in some form for the control of land transfer. The Commissioner should therefore exercise powers of prescribing rules in matters relating to the protection of sites and antiquities and to town-planning. In so doing, the Commissioner would take into account the vote of the Council. There was no desire to hinder small-scale individual construction in Jerusalem, but it was considered essential to prevent a large-scale plan for the building of new residential quarters and the construction of tenements, hutments, and other low-cost dwellings. The powers which it was proposed to give to the Commissioner in this field would have the advantage of allowing him in practice to counteract large-scale and systematic immigration into the area of Jerusalem of a nature to change its present character”.

According to another view, since the Article in question contained some of the principal provisions for effective United Nations control as envisaged by the resolution, it would be desirable that the Commissioner be invested with tangible authority in these matters. Since moreover his decisions would be taken after a vote by a representative body, such functions would not be incompatible with maximum local autonomy.

Finally the view was expressed that the Commissioner should not be accorded powers over real estate transactions and building operations, as had been suggested earlier. Such functions were out of keeping with the basic idea behind the Committee’s proposals — the retention of maximum local autonomy in the two zones. The Commissioner’s functions should be confined in this respect to the question of preserving the dignity and beauty of the site of Jerusalem.

In conclusion, the Committee decided that the powers and functions under this Article should be attributed to the Council as a representative body, of which the Commissioner would be the

Chairman. It decided further that among the powers of the Council would be the power to prescribe rules not only for the coordination and operation of the main public services, but also in matters relating to the protection of sites and antiquities and to town-planning within the area of Jerusalem.

Articles 12, 13, 14.

No comments.

Article 15.

It was suggested to the Committee that the Holy Places, religious buildings and sites should be defined as follows:

“The Holy Places, religious buildings and sites consecrated by the veneration of the faithful; buildings used as places of worship; buildings used by religious communities, by priests and those officiating in religious services and by denominational associations; foundations established for pious or charitable ends; and the dependencies of these places, buildings and sites”.

Since the Committee felt that this definition would be too broad and might lead to controversies, it was decided instead to define in paragraph 1 of this Article the Holy Places, religious buildings and sites as those places, buildings and sites which on 14 May 1948, i.e. at the time of the termination of the British Mandate, were regarded as Holy Places, religious buildings and sites.

Paragraphs 2 and 3 deal with cases in which the question arises as to whether a place, building or site is to be considered a Holy Place, religious building or site. In such cases it is provided that the United Nations, Commissioner shall have powers corresponding to those the Governor of the City of Jerusalem would have had by virtue of Article 36, paragraph 2 of the Statute of the Trusteeship Council.

Article 16.

No comments.

Article 17.

This Article provides for tax exemption for Holy Places, religious buildings and sites as well as for owners and occupiers, if such exemption existed on 14 May 1948, it is identical with Article 36, paragraph 6 of the Draft Statute of the Trusteeship Council;

Article 18.

No comments.

Article 19.

This Article provides in paragraph 1 that the rights in force on 14 May 1948 with regard to Holy Places, religious buildings and sites, in particular the “status quo” shall remain in force.

The “status quo” is a *modus vivendi* decreed by the Ottoman Government in 1757, whereby arrangements as to rights, privileges and practices concerning certain Holy Places were to be perpetuated.

The Holy Places to which the status quo applied, and still applies, are those to which conflicting claim were put forward, either by religious faiths or by branches of a religious faith. These Holy Places are the Basilica of the Holy Sepulchre and its dependencies; the Deir Al Sultan; the Sanctuary of the Ascension; the Tomb of the Virgin; the Basilica of the Nativity; the Grotto of the Milk; the Field of the Shepherds; the Wailing Wall; Rachel’s Tomb.

In case of disputes between two or more religious communities regarding Holy Places, religious buildings and sites, the Commissioner is given powers similar to those which were conferred upon the Governor by Article 36, paragraph 3 of the Draft Statute of the Trusteeship Council, with the modification, however, that if the suggestions of the Commissioner are not accepted by the parties, the

Commissioner shall submit the matter to the International Tribunal, whose decisions shall be final.

The view had been expressed that a Commission for Holy Places, similar to the one provided for under Article 14 of the Mandate for Palestine, should be established and composed either of the consular representatives in Jerusalem of the States traditionally most concerned with the Holy Places or of the heads of the various Christian, Jewish and Moslem religious groups. The Committee concluded that the difficulties in determining an acceptable composition of such a Commission made its establishment impracticable.

It was agreed, on the other hand, that neither the Commissioner nor the International Tribunal should have any authority to intervene in a dispute within a religious community.

Paragraph 3 of the Article regarding the repair of Holy Places, religious buildings and sites corresponds, with necessary adaptations, to Article 36, paragraph 5 of the Draft Statute of the Trusteeship Council.

Article 20.

By this Article, the Commissioner is given special powers, similar to those which the Governor of the City of Jerusalem would have had under Part III C 14 (b) in the Partition Plan with respect to Holy Places, religious buildings and sites outside the Jerusalem area. It is therefore provided that he shall be authorised to supervise the implementation of undertakings made by the States concerned in this respect, and when necessary to submit cases arising out of those undertakings to the International Tribunal for decision. These undertakings are understood as the declarations which in accordance with the resolution of the General Assembly of 11 December 1948 are to be made by the "political authorities" outside the area of Jerusalem and which are to be submitted to the General Assembly. For the text of these declarations, see below under C.

Articles 21, 22, 21. 24, 25.

No comments.

DRAFT DECLARATION CONCERNING THE HOLY PLACES,
RELIGIOUS BUILDINGS AND SITES IN PALESTINE OUTSIDE
THE AREA OF JERUSALEM

The Government of

CONSCIOUS of its responsibilities concerting the preservation of the special character of Palestine, whose soil has been consecrated by the prayers and pilgrimages of the adherents of the three great religions;

DESIROUS of implementing the provisions of paragraph 7 of the resolution of the General Assembly of the United Nations of 11 December 1948 concerning the protection of and free access to the Holy Places, religious buildings and sites in Palestine outside the area of Jerusalem as this area is defined in paragraph 8 of the resolution of 11 December 1948;

SOLEMNLY UNDERTAKES by the provisions of the present declaration to guarantee the protection of and free access to the Holy Places, religious buildings and sites of Palestine situated in the territory placed under its authority by the final settlement of the Palestine problem or, pending that settlement, in the territory at present occupied by it under Armistice Agreements;

Article 1.

The free exercise of all forms of worship shall be guaranteed by the Constitution and effectively ensured by administrative practice in accordance with the Declaration of Human Rights of 10 December 1948.

Article 2.

The Holy Places, religious buildings and sites which were regarded as Holy Places, religious buildings and sites on 14 May 1948 shall be preserved and their sacred character protected. No act of a nature to profane that sacred character shall be permitted.

Article 3.

The rights in force on 14 May 1948 with regard to the Holy Places, religious buildings and sites shall remain in force.

The Government of undertakes in particular to sure the safety of ministers of religion, those officiating in religious services and the members of religious orders and institutions; to allow then to exercise their ministries without hindrance; and to facilitate their communications both inside and outside the country in connection with the performance of their religious duties and functions.

Article 4.

The Government of undertakes to guarantee freedom of access to the Holy Places, religious buildings and sites situated in the territory placed under its authority by the final settlement of the Palestine problem, or, pending that settlement, in the territory at present occupied by it under Armistice Agreements; and, pursuant to this undertaking, will guarantee rights of entry and of transit to ministers of religion, pilgrims and visitors without distinction as to nationality or faith subject only to considerations of national security.

The Government of undertakes to give special consideration to such recommendations as may be made by the United Nations Commissioner in Jerusalem, or, pending his appointment, by the Representative of the United Nations in Jerusalem, dealing either with the elaboration or application of administrative regulations, police measures, or with the examination of individual requests for access to the Holy Places.

Article 5.

No form of taxation shall be levied in respect of any Holy Place, religious building or site which was exempt from such taxation on 14 May 1948.

No change in the incidence of any form of taxation shall be made which would either discriminate between the owners and occupiers of Holy Places and religious buildings and sites, or would place such owners and occupiers in a position less favourable in relation to the general incidence of that form of taxation than existed on 14 May 1948.

Article 6.

The Government of undertakes to establish a permanent Council composed of qualified persons chosen from among its own nationals and on which the United Nations Commissioner or, pending his appointment, the Representative of the United Nations in Jerusalem, shall be represented. This Council shall be charged with a study of measures to ensure the preservation of Holy Places, religious buildings and sites and to safeguard their sacred character, in accordance with Article 2 of the present Declaration.

Article 7.

The implementation of the above provisions shall be under the effective supervision of the United Nations Commissioner or, pending his appointment, by the Representative of the United Nations in Jerusalem.

The Government of undertakes to cooperate fully with the United Nations Commissioner or Representative in Jerusalem, to give him all necessary assistance, and to grant him the immunities and privileges necessary for the free and full performance, of his functions.

Article 8.

Disputes regarding the interpretation and the implementation of the present Declaration may be submitted either by the Government of or by the United Nations Commissioner in Jerusalem to the International Tribunal provided under the Instrument establishing a permanent international regime for the Jerusalem area. The decisions of the International Tribunal shall be binding on the parties.

Pending the establishment of the International Tribunal in Jerusalem, such disputes may be reported either by the Government of or by the United Nations Representative in Jerusalem to the Secretary-General of the United Nations for reference to the appropriate organ of the United Nations.

<i>Source of document</i>
http://unispal.un.org/UNISPAL.NSF/0/4350DA2D4EACE08D85256AF5005E1A6D

12 September 1949

Fourth session

**PALESTINE
PROPOSALS FOR A PERMANENT INTERNATIONAL
REGIME
FOR THE JERUSALEM AREA**

Communication from the United Nations Conciliation Commission
for Palestine to the Secretary-General transmitting
the text of a draft Instrument

Lausanne, 1 September 1949

The United Nations Conciliation Commission for Palestine has the honour to submit herewith to the Secretary-General, for transmission to the General Assembly of the United Nations, the text of a draft Instrument establishing a permanent international regime for the Jerusalem area.

By its resolution 194 (III) of 11 December 1948, the General Assembly instructed the United Nations 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 would guarantee each distinctive group the maximum local autonomy compatible with the special international regime of the Jerusalem area.

The Conciliation Commission, at its thirteenth meeting held on 8 February 1949, established a Committee on Jerusalem. This Committee had devoted careful study to the Jerusalem question in all its aspects. On 27 August last, the Committee on Jerusalem submitted its conclusions to the Conciliation Commission. The Commission, at its 92nd meeting held on 29 August 1949, adopted the text of a proposal entitled: "Draft Instrument establishing a permanent international regime for the Jerusalem area" (A/AC.25/1 attached).

In submitting to the General Assembly this plan for a permanent international regime for the Jerusalem area, the Conciliation Commission wishes to draw the attention of the Assembly to the following points:

1. The Commission has drawn up a plan which, in its opinion, can be applied in the present circumstances. This should not, however, be interpreted as in any way prejudging the final settlement of the territorial question in Palestine. It is the considered opinion of the Commission that the provisions of the proposed Instrument are sufficiently flexible to make it possible for the Instrument, with certain modifications, to be applied to any territorial situation that might emerge from the final settlement of the Palestine problem, and that it can be adopted by the General Assembly at its forthcoming session if the Assembly thinks fit.

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 for the present to make any proposal as to the actual demarcation line. 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.

(Signed) Claude de BOISANGER
Paul A. PORTER
Caniv YALCIN

DRAFT INSTRUMENT ESTABLISHING A PERMANENT
INTERNATIONAL
REGIME FOR THE JERUSALEM AREA*

Preamble

The United Nations

Having resolved by its resolution of 11 December 1948 that the Jerusalem area, in view of its association with three world religions, should be accorded special and separate treatment from the rest of Palestine and should be placed under effective United Nations control,

Hereby establishes, in the exercise of its full and permanent authority over the Jerusalem area, a permanent international regime for the Jerusalem area in accordance with the following provisions:

I. GENERAL PROVISIONS

Article 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. The boundaries of the area of Jerusalem are shown on the attached sketch map (Annex A). The exact boundary line shall be determined on the spot by a Mixed Boundary Commission under the chairmanship of a representative of the United Nations.

Article 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 the two zones shall be as follows ... This line is shown on the attached map (Annex B).

Any person who is domiciled in the Jewish zone or who habitually resides there shall, for the purposes of the present Instrument, be considered a resident of the Jewish zone.

Any person who is domiciled in the Arab zone or who habitually resides there shall likewise be considered a resident of the Arab zone.

* A/AC.25/1

Article 3

All matters not reserved by the present Instrument to the competence of the United Nations Commissioner and the organs provided for hereinafter are delegated to the respective competence of the responsible authorities of the two zones.

Article 4

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.

Article 5

The responsible authorities of the Jewish and Arab zones shall take no steps in matters of immigration which might alter the present demographic equilibrium of the area of Jerusalem.

II. ORGANS

Article 6

The United Nations shall be represented in the area of Jerusalem by a Commissioner appointed for five years by the General Assembly of the United Nations. He shall be responsible to the

General Assembly and may be dismissed by it. He shall report annually to the General Assembly and may also make special reports to the appropriate United Nations organs or specialized agencies whenever he deems it necessary.

The General Assembly of the United Nations shall also appoint for five years, on the recommendation of the Commissioner, a Deputy Commissioner who shall be responsible to the Commissioner and who may be dismissed by him. The Deputy Commissioner shall assist the Commissioner and shall replace him in the event of his absence or disability.

The Commissioner and the Deputy Commissioner shall neither be selected from among residents of the Jewish zone or the Arab zone, nor from among nationals of the State of Israel or of an Arab State.

Article 7

On behalf of the United Nations, the Commissioner shall ensure the protection of and free access to the Holy Places, in accordance with the terms of articles 15 to 20 of the present Instrument.

Article 8

On behalf of the United Nations, the Commissioner shall:

- (a) Supervise the permanent demilitarization and neutralization of the area, in accordance with the terms of article 21 of the present Instrument; and
- (b) Ensure the protection of human rights and of the rights of distinctive groups, in accordance with the terms of article 23 of the present Instrument.

The Commissioner shall report as the occasion arises to the appropriate organ of the United Nations concerning his responsibilities under paragraphs (a) and (b) above.

Article 9

The Commissioner may, whenever he deems it necessary, refer any violation of the present Instrument to the International Tribunal established under article 12 below.

Article 10

There shall be established for the area of Jerusalem a General Council which shall be composed of fourteen members appointed for three years and the United Nations Commissioner or Deputy Commissioner who shall preside. Five members shall be appointed by the responsible authorities of the Jewish zone and five by the responsible authorities of the Arab zone. Four members, of whom two shall be selected from among residents of the Jewish zone and two from among residents of the Arab zone, shall be appointed by the Commissioner, who shall endeavour to ensure by his choice equitable representation on the Council of distinctive minority groups in the Jerusalem area. The Council shall take decisions by simple majority vote of its members.

Article 11

The General Council shall have the following functions and powers:

(a) To prescribe rules for the co-ordination and operation of the main public services of common interest to the area of Jerusalem, and to plan and

supervise the execution, on an area-wide basis, of matters of municipal concern, such as the development of transport, communications and public utilities;

- (b) To prescribe rules in matters relating to the protection of sites and antiquities and to town-planning;
- (c) To co-ordinate measures for the maintenance of public order, whenever necessary;
- (d) To allocate the contributions of each zone towards expenditures in the common interest;
- (e) To study and recommend to the responsible authorities of the two zones economic and commercial arrangements or agreements with a view to promoting the economic development of the area of Jerusalem as a whole and facilitating trade both between the two zones and between the area and the world outside;
- (f) To exercise such further functions and powers as the responsible authorities of the two zones may agree to entrust to the Council.

Article 12

There shall be established an International Tribunal for Jerusalem composed of three judges and one deputy judge to be elected by the General Assembly and the Security Council in accordance with the procedure for election of judges to the International Court of Justice. The deputy judge shall replace any of the judges in the event of absence or disability. Each member of the Tribunal shall be of a different nationality and shall neither be selected from among residents of the Jewish zone or the Arab zone, nor from among nationals of the State of Israel or of an Arab State.

The members of the International Tribunal shall hold office for a term of five years but may be re-elected. They may be removed for cause by the General Assembly of the United Nations.

The International Tribunal shall sit in Jerusalem. It shall determine its own rules of procedure. The Tribunal shall designate one of its members to serve as President for such period as the Tribunal may determine. The members of the Tribunal shall receive salaries and allowances in amounts to be determined by the General Assembly.

The International Tribunal shall have jurisdiction:

- (a) To hear and determine cases submitted to it by the Commissioner under articles 9 and 23 of the present Instrument;
- (b) To hear and determine cases between the responsible authorities of the Jewish and Arab zones and between the United Nations Commissioner and the responsible authorities of either zone involving claims that laws, ordinances, regulations, administrative acts or court decisions applying to the area of Jerusalem are incompatible with the present Instrument;
- (c) To review, in its discretion, final decisions of the Mixed Tribunal for Jerusalem provided for in article 13 of the present Instrument;
- (d) To decide such disputes regarding Holy Places, religious buildings and sites inside the Jerusalem area as the United Nations Commissioner may submit to the Tribunal under article 19 of the present Instrument.
- (e) To decide such disputes regarding Holy Places, religious buildings and sites outside the Jerusalem area as the United Nations Commissioner or the Governments concerned may submit to the tribunal under article 20 of the present

Instrument and the provisions of the declaration to be made by the States concerned.
Decisions of the International tribunal shall be binding on the parties.

The International Tribunal may issue such orders and injunctions as it deems necessary for the effective exercise of its jurisdiction.

Article 13

There shall be established a Mixed Tribunal for Jerusalem composed of three judges and three deputy judges. One judge and one deputy judge shall be appointed by the responsible authorities of the Jewish zone. One judge and one deputy judge shall be appointed by the responsible authorities of the Arab zone. One judge and one deputy judge shall be appointed by the president of the International Tribunal for Jerusalem and shall neither be selected from among residents of the Jewish zone or the Arab zone, nor from among nationals of the State of Israel or of an Arab State.

The deputy judges shall replace the judges in the event of absence or disability. The judge appointed by the President of the International Tribunal, or the deputy judge appointed by him, as the case may be, shall act as President of the Mixed Tribunal.

The members of the Mixed Tribunal shall hold office for three years but may be re-elected. They may be removed for cause by the International Tribunal.

The Mixed Tribunal shall sit in Jerusalem. Its decisions shall be rendered in the name of the United Nations. It shall determine its own regulations and rules of procedure. The members of the tribunal shall receive salaries and allowances in amounts to be determined by the General Assembly.

The mixed Tribunal shall have jurisdiction with respect to civil cases in which:

- (a) All the parties involved are residents of the Jerusalem area but not residents of the same zone;
- (b) One or more of the parties involved is not a resident of either zone, but is a national of an Arab state temporarily staying in the Jewish zone or an Israeli national temporarily staying in the Arab zone.

In civil cases, the Mixed Tribunal shall apply the law of the locus in accordance with the general principles of private international law.

The Mixed Tribunal shall have criminal jurisdiction with respect to all offences committed in either zone when either the victim or the accused is a non-resident of that zone.

In criminal cases, the Mixed Tribunal shall apply the criminal law of the zone in which the offense has been committed. In cases of doubt, the criminal law and procedure of the zone most favourable to the accused shall be applied.

The decisions of the Mixed Tribunal may be reviewed by the International Tribunal as provided for in article 12 of the present Instrument.

The Mixed Tribunal may issue such orders and injunctions as it deems necessary for the effective exercise of its jurisdiction. The decisions and orders of the Mixed Tribunal shall be executed by the appropriate authorities of the zone in which the decision or order applies.

Article 14

The Commissioner shall be authorized to employ under temporary contracts the number of guards necessary to assure the protection of and free access to the Holy Places, religious buildings and sites, as well as to assure his own security and that of his staff. He shall further be authorized to employ under temporary contracts the auxiliary administrative personnel necessary for the carrying out of his functions.

The salaries, allowances and administrative expenses of the United Nations Commissioner, the Deputy Commissioner, the members of the International Tribunal for Jerusalem, the President of the Mixed Tribunal for Jerusalem and his deputy, and the staff of the Commissioner, including guards and administrative personnel, shall be included in the annual budget adopted by the General Assembly and shall be paid by the United Nations. These salaries and allowances shall be exempt from taxation.

III. HOLY PLACES, RELIGIOUS BUILDINGS AND SITES INSIDE THE JERUSALEM AREA

Article 15

Holy Places, religious buildings and sites shall be understood as those places, buildings and sites which were regarded on 14 May 1948 as Holy Places, religious buildings and sites.

If any question arises as to whether any place, building or site was regarded on 14 May 1948 as a Holy Place, religious building or site, the decision shall rest with the Commissioner.

If any question arises as to whether any place, building or site not hitherto regarded as a Holy Place, religious building or site shall be considered as such, the decision shall rest with the Commissioner.

For the purpose of deciding the questions mentioned in paragraphs 2 and 3 of this article, the Commissioner may appoint a Committee of Enquiry to assist him.

Article 16

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 Commissioner, who shall be authorized to promulgate regulations with a view to assuring their protection and free access to them, and to station guards charged with the maintenance of order outside and inside them. Such regulations shall be binding on the responsible authorities of both zones, who whenever necessary shall implement them by issuing further rules. The Commissioner shall also be authorized to station guards along certain urban routes normally used by ministers and members of the Christian, Jewish and Moslem religious communities proceeding to the above-mentioned Holy Places, buildings and sites.

Article 17

No form of taxation shall be levied in respect of any Holy Place, religious building or site which was exempt from such taxation on 14 May 1948.

No change in the incidence of any form of taxation shall be made which would either discriminate between the owners and occupiers of Holy Places, religious buildings and sites or would place such owners and occupiers in a position less favourable in relation to the general incidence of that form of taxation than existed on 14 May 1948.

Article 18

The Commissioner shall undertake to secure for ministers of religion, pilgrims and visitors free circulation throughout the area of Jerusalem without distinction as to nationality or faith. He shall

have power to negotiate and conclude with the States concerned arrangements whereby the unhindered travel of minsters of religion, pilgrims and visitors to and from the area of Jerusalem shall be guaranteed.

Article 19

The rights in force on 14 May 1948 with regard to Holy Places, religious buildings and sites shall remain in force, in particular those rights and practices known as the “status quo” established in 1757 applying to the principal Holy Places of the Jerusalem area. If any dispute arises in connexion with such Holy Places, religious buildings and sites between two or more religious communities, the Commissioner shall, if he deems it necessary, appoint a Committee of Enquiry to assist him in settling the dispute in accordance with the practices and rights in force on 14 May 1948. If the suggestions of the Commissioner are not accepted by the parties, the Commissioner shall submit the matter to the International Tribunal whose decision shall be final.

Neither the Commissioner nor the International Tribunal shall have any authority to intervene in a dispute within a single religious community.

If at any time it appears to the Commissioner that any Holy Place, religious building or site is in need of urgent repair, he may call upon the community or denomination or section of the communities concerned to carry out such repair. If the repair is not carried out or is not completed within a reasonable time, the Commissioner may himself make arrangements to carry out or complete the repair. In cases where the communities concerned are unable or unwilling to pay for these works, the Commissioner shall charge them to the account of expenditure in the common interest.

IV. HOLY PLACES, RELIGIOUS BUILDINGS AND SITES OUTSIDE THE JERUSALEM AREA

Article 20

The Commissioner shall be authorized to supervise the implementation of undertakings made by the States concerned regarding Holy Places, religious buildings and sites of Palestine situated outside the area of Jerusalem. He may submit to the International tribunal for decision disputes regarding the implementation of these undertakings.

V. DEMILITARIZATION AND NEUTRALIZATION

Article 21

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 make declarations to the General Assembly guaranteeing the demilitarized character of their respective zones.

Any violation of the provisions contained in these declarations or any attempt to alter the international regime by force shall, unless settled by negotiations or pursuant to a decision of the International Tribunal for Jerusalem, be reported by the Commissioner to the Secretary-General of the United Nations, who shall bring the matter to the attention of the appropriate organ of the United Nations.

Nothing in this article shall affect the right of the responsible authorities 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 500 unless an increase is temporarily authorized by the United Nations Commissioner.

VI. ECONOMIC AND FINANCIAL PROVISIONS

Article 22

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

VII. HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Article 23

The responsible authorities of the two zones of Jerusalem shall ensure, in their respective zones, the observance of human rights and fundamental freedoms, in particular freedom of worship and freedom of education, as set forth in the Universal Declaration of Human Rights approved by the General Assembly on 10 December 1948 “as a common standard of achievement for all peoples and all nations”. Should the United Nations Commissioner consider that the responsible authorities of either of the two zones are failing to comply with these obligations, he shall refer the matter to the International Tribunal for decision or, if necessary, bring the matter before an appropriate organ of the United Nations.

VIII. SPECIAL PROVISIONS

Article 24

The official languages used in the area of Jerusalem in application of the provisions of the present Instrument shall be English, French, Hebrew and Arabic.

Article 25

The present Instrument shall enter into force on It can be revised or amended by the General Assembly of the United Nations.

ANNEX A
INTERNATIONAL AREA OF JERUSALEM BOUNDARIES
SKETCH MAP

ANNEX B*

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* Not reproduced (see paragraph 2 of the covering letter from the United Nations Conciliation Commission for Palestine).

<i>Source of document</i>
http://unispal.un.org/UNISPAL.NSF/o/426ab77c3c1b506d852563b9007023d8

UNITED NATIONS
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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 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 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.

Article 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 organisation 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. No replies of the

delegations were received by the Commission and were largely the basis for the plan as finally submitted.

November 1949

* A/973

<i>Source of document</i>
http://unispal.un.org/UNISPAL.NSF/0/D1EAB3A8C5EDD39D802563B90057406F

**Statement to the Knesset by Prime Minister Ben-Gurion,
5 December 1949**

In November 1949, the General Assembly's Political Committee began to discuss the problem of Jerusalem. It soon became apparent that prospects were mounting that a Resolution reiterating the need to internationalise Jerusalem would be adopted. On the eve of the final round of speeches and voting, Israel's Prime Minister addressed the Knesset and warned of the consequences of the establishment of all international regime for Jerusalem. His address was unanimously endorsed by the Knesset.

As you know, the UN General Assembly is now discussing the problem of Jerusalem and its Holy Places.

Israel is a member of the United Nations, not for reasons of political convenience, but because of deep and traditional regard for the ideals of universal peace and the brotherhood of Mankind which the Prophets of Israel have bequeathed to us, and which the organisation of the United Nations has emblazoned on its standard.

The fact that we are members makes it imperative for us to state from here, from the platform of the first Knesset of Israel, to all the nations gathered together in the General Assembly, and to all those to whom peace and justice in the world are close to their hearts, that which has been dearest to the soul of the people of Israel from the time it first became a nation under the sceptre of King David, 3,000 years ago, about Jerusalem, its Holy City, and about its attitude to the Holy Places of all religions.

In our proclamation of 14 May 1948, of the reborn State of Israel, we declared and undertook before history and before the world that "the State of Israel will guarantee freedom of religion, conscience, language, education and culture, will protect the Holy Places of all religions, and will be faithful to the principles of the Charter of the

United Nations." In accordance with this, our delegation to the United Nations has announced that Israel undertakes to respect all existing rights regarding the Holy Places and religious buildings in Jerusalem, promises freedom of worship and free access without discrimination to all the Holy Places and religious buildings under its control, recognises the right of pilgrims of all nations and religions to visit the Holy Places in the State, as well as freedom of movement to religious priests, and furthermore, that it agrees that there should be established on "the part of the United Nations adequate supervision of the Holy Places and of these existing rights in accordance with an agreement which should be reached between the United Nations and Israel."

At the same time, we see it our duty to declare that Jewish Jerusalem is an organic and inseparable part of the State of Israel, as it is an inseparable part of the history and religion of Israel and of the soul of our people. Jerusalem is the very heart of the State of Israel. We feel pride in that Jerusalem is sanctified - also in the eyes of adherents of other faiths, and we freely and willingly are ready to make all the necessary arrangements to enable the adherents of the other faiths to enjoy their religious -needs in Jerusalem. Moreover, we will give to the United Nations all our assistance to assure this.

But we cannot conceive that the United Nations will try to tear Jerusalem from Israel or to impair the sovereignty of Israel in its Eternal Capital.

Twice in our history we have been exiled from Jerusalem - but only after we were defeated in cruel wars by armies more numerous and stronger than ours, the armies of Babylon and Rome. Our ties today with Jerusalem are no less deep than those which existed in the days of Nebuchadnezzar and Titus Flavius; and when Jerusalem was attacked after 14 May 1948, our fighting youth knew how to sacrifice itself for our holy capital no less than did our forefathers in the days of the First and Second Temples.

We do not admit for one minute that the United Nations will try to take Jerusalem by force from Israel. We declare that Israel will not give up Jerusalem of its own free will just as throughout thousands of years it has not surrendered its faith, its national identity, and its hope to return to Jerusalem and Zion despite persecutions which have no parallel in history.

The people which has faithfully honoured for 2,500 years the oath sworn by the first exiles by the Rivers of Babylon not to forget Jerusalem - this people will never reconcile itself with separation from Jerusalem. Jewish Jerusalem will never accept foreign rule - after thousands of its sons and daughters have freed the historic homeland and spared Jerusalem from complete destruction.

We are not setting ourselves up as judges of the United Nations, which did not lift a finger when other States, members of the United Nations, openly made war on the decision adopted by the General Assembly on 29 November 1947, and tried by armed force to prevent the establishment of the State of Israel, to blot out the Jews living in the Holy Land and to destroy Jerusalem, the Holy City. But for our successful stand against aggressors acting in defiance of the United Nations, Jewish Jerusalem would have been wiped off the face of the earth. The whole Jewish population would have been annihilated and the State of Israel would never have arisen. We cannot today regard the decision of 29 November 1947 as being possessed of any further moral force since the United Nations did not succeed in implementing its own decisions. In our view, the decision of 29 November about Jerusalem is null and void.

The attempt to exclude Jewish Jerusalem from Israel is not calculated to establish peace in the Near East, and least of all in Jerusalem itself. Jews will sacrifice themselves for Jerusalem no less than Englishmen for London, Russians for Moscow, or Americans for Washington.

This is the first time in the history of this land that the State governing in Jerusalem has voluntarily accepted the principle of international supervision of the Holy Places in the city. It is perhaps no coincidence that this has been done by the very people which made Jerusalem a religious centre for the world and by the very first Government ever to have been elected by the inhabitants of Jerusalem.

We hope that those religions which respect the sanctity of Jerusalem and those nations which, like us, believe in the principles of peace and justice will respect the rights of Israel in Jerusalem just as Israel respects the rights of all religions in its holy capital and in its sovereign State.

<i>Source of document</i>
http://www.mfa.gov.il/mfa/foreignpolicy/mfadocuments/yearbook1/pages/5%20statement%20to%20the%20knesset%20by%20prime%20minister%20ben-g.aspx

**303 (IV). Palestine: Question of an international regime for the
Jerusalem area and the protection of the Holy Places**

The General Assembly,

Having regard to its resolutions 181 (II) 1/ of 29 November 1947 and
194 (III) 2/ of 11 December 1948,

Having studied the reports of the United Nations Conciliation
Commission for Palestine set up under the latter resolution,

I. Decides

In relation to Jerusalem,

Believing that the principles underlying its previous resolutions
concerning this matter, and in particular its resolution of 29 November
1947, represent a just and equitable settlement of the question,

1. To restate, therefore, its intention that Jerusalem should be placed
under a permanent international regime, which should envisage
appropriate guarantees for the protection of the Holy Places, both
within and outside Jerusalem, and to confirm specifically the
following provisions of General Assembly Resolution 181 (II) 3/ (1)
the City of Jerusalem shall be established as a *corpus separatum* under
a special international regime and shall be administered by the United
Nations; (2) the Trusteeship Council shall be designated to discharge
the responsibilities of the Administering Authority ...; and (3) the City
of Jerusalem shall include the present municipality of Jerusalem plus

the surrounding villages and towns, the most eastern of which shall be Abu Dis; the most southern, Bethlehem; the most western, Ein Karim (including also the built-up area of Motsa); and the most northern, Shu'fat, as indicated on the attached sketch-map;^{4/}

2. To request for this purpose that the Trusteeship Council at its next session, whether special or regular, complete the preparation of the Statute of Jerusalem,^{5/} omitting the now inapplicable provisions, such as articles 32 and 39, and, without prejudice to the fundamental principles of the international regime for Jerusalem set forth in General Assembly resolution 181 (II) introducing therein amendments in the direction of its greater democratization, approve the Statute, and proceed immediately with its implementation. The Trusteeship Council shall not allow any actions taken by any interested Government or Governments to divert it from adopting and implementing the Statute of Jerusalem;

II. *Calls upon* the States concerned to make formal undertakings, at an early date and in the light of their obligations as Members of the United Nations, that they will approach these matters with good will and be guided by the terms of the present resolution.

1/ See Official Records of the second session of the General Assembly, Resolutions, page 131.

2/ See Official Records of the third session of the General Assembly, Part I, Resolutions, page 21.

3/ See Official Records of the second session of the General Assembly, Resolutions, page 146.

4/ See annex on page 26. (This map appears as Annex B to resolution 181 (II) of the General Assembly, dated 29 November 1947.)

5/ See Official Records of the second session of the Trusteeship Council, Third Part, Annex, page 4.

<i>Source of document</i>
http://unispal.un.org/UNISPAL.NSF/0/2669D6828A262EDB852560E50069738A

**Statement to the Knesset by Prime Minister Ben-Gurion,
13 December 1949**

On the adoption of Resolution 303 (IV), the Knesset met in Tel Aviv to hear the Prime Minister. He proposed, and the Knesset concurred, that the Knesset move its seat to Jerusalem and that all Government offices, save for the Ministries of Defence and Foreign Affairs, be moved from Tel Aviv to Jerusalem as well. On 27 December, the Knesset held its first session in Jerusalem, Government offices began to move shortly afterwards. The Foreign Ministry moved in 1953. Following is the address of the Prime Minister:

One week ago today, in the name of the Government of Israel, I made a statement on Jerusalem before the Knesset. I need hardly say to you that this statement retains its full force, and that no change in our attitude has occurred or can possibly occur.

As you know, the General Assembly of the United Nations has, in the meantime, by a large majority, decided to place Jerusalem under an international regime as a separate entity. This decision is utterly incapable of implementation - if only because of the determination and unalterable opposition of the inhabitants of Jerusalem themselves. It is to be hoped that the General Assembly will in the course of time amend the error which its majority has made, and will make no attempt to impose a regime on the Holy City against the will of its people.

We respect and shall continue to respect the wishes of all those States which are concerned for freedom of worship and free access to the Holy Places, and which seek to safeguard existing rights in the Holy Places and religious edifices in Jerusalem. Our undertaking to preserve these rights remains in force, and we shall gladly and willingly carry it out, even though we cannot lend our participation to

the forced separation of Jerusalem, which violates without need or reason the historic and natural right of the people who dwell in Zion.

From the establishment of the Provisional Government we made the peace, the security and the economic consolidation of Jerusalem our principal care. In the stress of war, when Jerusalem was under siege, we were compelled to establish the seat of Government in Ha'Kirya at Tel Aviv. But for the State of Israel there has always been and always will be one capital only - Jerusalem the Eternal. Thus it was 3,000 years ago - and thus it will be, we believe, until the end of time.

As soon as the fighting stopped, we began transferring Government offices to Jerusalem and creating the conditions the capital needed - effective communications, economic and technical arrangements. We are continuing with the transfer of the Government to Jerusalem and hope to complete it as soon as possible.

When the first Knesset was opened in Jerusalem on 14 February 1949, there were no adequate facilities for its normal functioning in the capital, and it was necessary to transfer its sessions temporarily to Tel Aviv. The required arrangements in Jerusalem are on the verge of completion, and there is nothing now to prevent the Knesset from returning to Jerusalem. We propose that you take a decision to this effect.

In all these arrangements there is, of course, nothing that alters in the slightest degree any of the existing rights in the Holy Places, which the Government of Israel will respect in full, or our consent to effective supervision of these Holy Places by the United Nations, as our delegation to the General Assembly declared.

<i>Source of document</i>
http://www.mfa.gov.il/mfa/foreignpolicy/mfadocuments/yearbook1/pa ges/7%20statement%20to%20the%20knesset%20by%20prime %20minister%20ben-g.aspx

**Statement to the Trusteeship Council by Ambassador Eban,
20 February 1950**

*The Trusteeship Council was charged by General Assembly Resolution 303(IV) to draw up a Statute for Jerusalem, In January 1950, its president proposed that Jerusalem be made a **corpus separatum** under a permanent international regime. Jordan announced its opposition to any plan of internationalisation and its refusal to discuss any such scheme. The Israeli case was presented by Ambassador Eban:*

A devotion to the Holy City has been a constant theme in the history of our people for three thousand years. In our own generation we have seen the ancient link between Israel and Jerusalem fully restored. Assailed by the violence which threatened their total destruction two years ago, the State of Israel and the New City of Jerusalem have emerged together from mortal danger to deliverance. They now speak with one voice. The views which I shall express on Israel's behalf are upheld with special fervour by 100,000 Israel citizens in Jerusalem of whose security, welfare and freedom my Government is the responsible guardian.

It is urgent that the views of my Government should enter the substance and atmosphere of this debate. In the last resort, any international arrangements for the protection of the Holy Places must depend for their implementation on the consent of Jerusalem's population, and of the Government in which that population reposes its trust. The idea that any regime for the satisfaction of religious interests can endure amidst an aggrieved, disaffected and turbulent population will be instantly rejected by any serious mind.

Unless Jerusalem is politically contented, it cannot be religiously serene.

The issue of implementation is so powerfully influenced by considerations of consent that I feel a special duty to convey a frank impression of the state of opinion in Jerusalem, and throughout the rest of Israel, towards the Statute which now forms the basis of the Council's discussion.

This attitude rests primarily on considerations of moral principle and political rights. But it owes its special vehemence to the dark memories which the Statute evokes in the mind of everyone in Jerusalem who recalls its history.

The General Assembly, on 29 November 1947, "recommended to the United Kingdom and member-States" the adoption and implementation of proposals for Jerusalem which were later specified in the Statute. The objective of that recommendation was "to protect and preserve the unique spiritual and religious interests located in the city." The United Nations pledged itself "to ensure that peace and order reign in Jerusalem". It undertook "to promote the security, well-being and any constructive measures of development for the residents". The Trusteeship Council was instructed to elaborate and approve the detailed Statute of the City by 30 April 1948. A Governor at the head of a large military and administrative staff was to assume authority in time to secure legal succession immediately on the termination of the Mandate.

Not a single one of these provisions was ever carried out. Within a few days and throughout the ensuing months, the Holy City, theoretically protected by an international status, was plunged into brutal violence which shook the foundations of its life and cast the shadow of death over every family and home. As the danger to Jerusalem became increasingly acute, the retreat of the United Nations from the responsibility which it had incurred became swifter and more decisive. In the Trusteeship Council, the representative of Iraq sounded the note of unconditional resistance. He declared that the proposal for the Statute "was illegal and contrary to the Charter and,

being in the form of recommendation, was not binding". He went on to say that the Arab Governments were in no way bound and would reserve complete freedom of action. He stated:

"the prestige of the United Nations could not be served by the enforcement of an unjust plan which could only provoke disorder and bloodshed ... Jerusalem deserves independence in the same degree as do the people of Palestine. It can be separated neither geographically nor economically from the rest of the country. The fact that it is a city sacred to three religions provides no legal basis for separation."

The statement made by the representative of Iraq on 18 February 1948 is a notable and eloquent utterance containing many observations on the juridical weakness of the Statute. No one would seriously doubt the accuracy of his comments on the recommendatory effect of the General Assembly's resolutions. The weakness of the Arab position lay not in the exercise of a legitimate right of non-compliance, but in the use of armed force to overthrow the recommendation of the General Assembly. It was at this point alone that the violation of the Charter occurred. Thus, in April 1948, the United Nations Palestine Commission, reporting its inability to implement any part of the General Assembly's recommendation, including the Jerusalem Statute, wrote:

"Powerful Arab interests both inside and outside Palestine are defying the Resolution of the General Assembly and are engaged in a deliberate effort to alter by force the settlement envisaged therein. Armed Arab bands from neighbouring Arab States, together with local Arab forces, are defeating the purposes of the Resolution by acts of violence".

The Arab world had taken up arms not only against the establishment of a Jewish State, but also, with equal fervour and with greater

success, against the establishment of an international regime in Jerusalem.

A new phase in the agony of the Holy City was soon to begin as the armies of the Arab States stood poised for invasion to commence at the precise moment when the Mandate would end. By the end of May the Jewish quarter of the Old City had fallen amidst the destruction of its ancient synagogues, and the banishment of its people. At any moment it appeared that the New City must also succumb. Surrounded on four sides by superior forces, its food supplies dwindling towards the point of famine, with artillery directed toward residential areas taking a hideous toll of life, Jerusalem endured the perils of warfare augmented by the horrors of siege. The supreme torment was the forcible denial of the water supply from the coast. Bombardment, starvation, pestilence and thirst haunted the life of the city at the lowest point of its fortunes since the destruction of the ancient Temple. The Jews of Jerusalem, amidst the debris of their homes and beside the graves of their sons, looked expectantly towards the United Nations, which, but a few months previously, had assumed responsibility for their "security and welfare, their peace and order and constructive development".

As the scene shifts from Jerusalem itself to the sessions of the United Nations, we discern a contrast of fantastic proportions between a grave responsibility solemnly assumed - and a resolute determination to do nothing for its fulfilment. The Trusteeship Council, having brought the Statute to a point where it could be adopted and applied, met on 19 March 1948 to accept a proposal to postpone any discussion of the Jerusalem question for a further six weeks. Meanwhile, our representatives in the Security Council reiterated their urgent appeals to isolate Jerusalem from the general conflict by a specific assertion of United Nations responsibility. Their appeals fell on deaf ears. On 1 April 1948, Mr. Sharett informed the Security Council that if the United Nations abandoned Jerusalem to its fate, its population would naturally take all the measures which they deemed necessary for their

survival and defence. Syria and Egypt, which represented the Arab world in the Security Council, reiterated the Iraqi theme that the Statute was illegal, that Jerusalem must take its chance with the rest of the country, and that the siege and denial of water must be maintained not only as a legitimate act of war but even in the event of truce. No action was taken. "Security, well-being and constructive measures of development" together with the reign of "peace and order" were clearly not available from the Security Council. Perhaps the General Assembly, as the author of this solemn international commitment, would rise to the occasion and provide these desirable things?

The answer came on the afternoon of 14 May 1948. The General Assembly met in special session to determine whether to assume responsibilities in Jerusalem. The Resolution of 1947 had not in itself created United Nations sovereignty in Jerusalem; it had only recommended certain processes which, had they been duly accomplished, would have resulted in the effective succession of the United Nations to the authority previously exercised in the city by the Mandatory Power. That authority, however, could arise not from the adoption of the Resolution but from its implementation; and more especially from the effective installation of a Government to take over by 15 May 1948.

The opportunity was decisive and irrevocable. It was deliberately cast away. The General Assembly accepted the view of the United States and Iraq that it would have to act before the expiration of the Mandate at 6 P.M. that day if it wished to establish a legal basis for United Nations authority in Jerusalem. After a discussion under specially expedited procedure, unique in the annals of our Organisation, the General Assembly emphatically rejected first a Guatemalan proposal that the Statute be admitted to the Agenda and ratified as it stood; second, a United States-French proposal establishing an interim "Government of Jerusalem consisting of a United Nations Commissioner and such officers as may be appointed by him or by the Trusteeship Council"; and third, an Australian proposal described by

its author as a last attempt to "establish a link of any kind between the United Nations and Jerusalem". This proposal would have empowered a United Nations Municipal Commissioner to undertake executive responsibilities in Jerusalem. By this comprehensive rejection, the General Assembly had repudiated its previous intention in the most specific terms. Knowing that a British Act of Parliament terminating the Mandate would take effect in a matter of hours, the General Assembly refused to step into the breach.

The juridical effect of these events was that the Jerusalem area lost its mandatory Government on 14 May and that the General Assembly simultaneously decided not to confer any other international capacity upon it. It was not a passive default, but an active relinquishment of responsibility in a critical hour.

The moral implications are even graver. The General Assembly knew that, failing a tangible assertion of its interest in Jerusalem, military invasion from the neighbouring states would converge upon the Holy City and overwhelm its besieged and isolated Jewish population. The question was whether or not the United Nations should implicitly open the gates and pass by on the other side; or whether it should impose at least a theoretical barrier to invasion. The General Assembly decided to open the gates. At six o'clock, when the Mandate expired, the representative of Iraq arose exultantly to cry "the game is up". The General Assembly had lost its right of succession.

The Jews of Jerusalem, engulfed in death and famine, fighting against dire odds for sheer survival itself, had little time to reflect on the deliberations of those who had promised them "security, well-being, peace and order" but five months ago. The Security Council, the Trusteeship Council and the General Assembly had left them no room for misunderstanding. Their alternative was now clear. They must either sit back, paralysed and inert, while military conquest, anarchy and starvation engulfed their homes; or they must summon up their own energies to fight for their homes and their future at Israel's side.

They chose the latter course. When their prospect of survival hung on a thread, at a time when parents wondered if they would see their children wither from famine before their eyes, the life-line thrown from the State of Israel reached the beleaguered city. On the first trucks of the convoys reaching the city with water and food were inscribed the Hebrew words "If I forget thee, O Jerusalem, may my right hand forget its cunning". The people of Jerusalem were not forsaken or alone.

Once bare survival was assured and the siege heroically broken, there began a rehabilitation which has sustained its momentum ever since. In that process a relationship grew up between the State of Israel and Jewish Jerusalem which has now reached full and organic integration. It is a relationship of duty and sacrifice; of mutual responsibility and common aspiration. The city was cut off from its main route of supply; the Government of Israel built an alternative road under heavy enemy fire. The city was threatened with pestilence and thirst; the Government of Israel renewed its water source. Jerusalem was falling apart in anarchy and dissidence through lack of recognised organs of government; the Government of Israel established a separate military governorship to be succeeded by a civil administration, which later merged in a complete union with the rest of Israel. The economy of the city had been struck a nearly fatal blow; the Government of Israel began to pump its life-blood back. Institutions were restored, buildings repaired, damaged areas cleared, industries established, financial subsidies lavished upon the city by the hard-pressed Israel Treasury. Jerusalem was spiritually darkened by a sense of solitude, insecurity and neglect; the Government of Israel made it the scene of the most solemn and historic moments celebrating the deliverance of Israel and Jerusalem alike. Thus the swift withdrawal of the United Nations from direct governmental responsibility and the advance of the Government of Israel towards the assumption of that responsibility were parallel and simultaneous. Every chance had been given for the United Nations to assume its responsibility and authority. When the opportunity had been irretrievably cast away and further hesitation

would have spelled destruction, the vacuum of security and law was swiftly and permanently filled.

Meanwhile the echoes of the Statute for Internationalisation continued to die away. The General Assembly in special session had ignored the Statute and the work of the Trusteeship Council. On 29 July 1948, when the Soviet Representative proposed that the Council should proceed with the adoption of the Statute, his one vote alone was available in support of his motion. The Belgian proposal that the Trusteeship Council should forget about the Statute indefinitely was overwhelmingly carried.

In the ensuing weeks the Mediator and the Palestine Conciliation Commission both regarded the Statute as too obsolete a document to merit their attention. The General Assembly in December 1948, evidently considering the Statute to be neither valid nor relevant, called for the preparation of an entirely new scheme over the period of a year. The Statute, with all its associations of illusion and suffering, receded into oblivion. Nothing was heard of it again until, to the general astonishment, it reappeared abruptly in a draft resolution one November morning last year. The rest is recent history leading to our situation today.

The attitude of the people of Jerusalem to this Statute is powerfully influenced by these experiences, which are indelibly engraved upon their hearts. Any idea that they can have security or well-being for themselves and their city without the maintenance of their union with Israel has been banished forever from their minds. They cannot justly be asked to dismantle their free institutions in favour of imposed tutelage. Their allegiance goes out to the flag of their people, around which they fought their way to survival against overwhelming odds. Their natural loyalty is committed to their Government, which rescued them from wild carnage and rallied their city with firm and reverent hands into the dignity and peace of Jerusalem's reviving life today. There is no example in history of a people, having once achieved

union with its own natural and kindred Government, voluntarily turning back to semi-autonomy under outside control. The Charter provides for no contingency whereby a self-governing community can become a dependent territory.

Above all, the people of Jerusalem ask the Trusteeship Council, in the light of the history which I have recalled, to direct to itself a decisive moral question: "Having been unable to provide Jerusalem with government, security and subsistence when it needed them with desperate urgency, can you now come on the scene to disturb the government, security and subsistence which we have consecrated with our own sacrifice and toil?"

The Council appears already to have noticed the paradox whereby the Arab States that killed the Jerusalem Statute by violence now cry aloud for the resurrection of their victim. When I recall the violence let loose upon Israel and especially upon Jerusalem by the combined power of the Arab League, and when I reflect on the vehemence with which those same States asserted their right to question the mandatory force of General Assembly recommendations, the spectacle of Dr. Jamali as the disinterested defender of international virtue becomes much less impressive than it would otherwise be.

The necessity for an agreed solution is dictated not only by the principles of the United Nations and by the absence of any alternative within the Charter, but also by the special objectives which we all seek to attain. The protection of the Holy Places under United Nations authority is a religious objective sought reverently by countless multitudes throughout the civilised world. It cannot be imagined that such a sublime objective could ever be secured through political suppression leaving bitterness and rancour in its wake.

But the sentiment of Jerusalem's population, though a primary consideration, is not the only factor which determines whether the Statute is now capable of implementation. The Council is not dealing

with abstract principles. We have a project for establishing institutions of government, security, administration and law in a specific territory. Now this territory is not a vacuum. It happens that this territory already contains institutions of government, security, administration and law - institutions deeply rooted, effectively administered and most passionately cherished. When the Statute was drafted it was designed to provide the immediate succession to an expiring regime and thus to establish institutions where none were presumed to exist. Today, however, you cannot establish a governorship or a legislature, a council or a court, without somehow accomplishing the disintegration of established institutions. There are no functions unexercised. There are no vacant areas of jurisdiction. The laws, the taxes, the regulations, the judicial processes, the culture, the language, the national and religious customs of Jerusalem are those which it holds in common with Israel as a whole. Indeed, from the earliest days in the development of modern Jewish society in the country, all the concerns and activities of that society have radiated from Jerusalem as their natural centre. Its population of 100,000 occupies exclusively those parts of the city constructed outside the walls of historic Jerusalem during the past eight decades.

The fact that scarcely a brick or a house or a street in the greater part of the Israel area of Jerusalem today even existed eighty years ago makes it difficult to contend that the area is of such venerable significance that it must become an international trust.

There are some who, on first thoughts, might be tempted to suggest that this complex and active pattern of institutional life ought not to have come into existence. These laws and taxes, these councils and courts ought not to be there; for they constitute an obstacle to the arrival of the institutions described in the Statute. I hope that what I have said about the developments in the past two years is sufficient to disprove such a contention. It is not easy to suggest with any seriousness that the people of Jerusalem should have lived in a sort of Nirvana for the past twenty-two months, suspended in a vacuum of

chaos without government and order, in case the discarded Statute should one day come to life and claim its jurisdiction. My Government has no doubts whatever concerning the complete legitimacy of the political and judicial institutions of Jerusalem. International law contains no definition of lawful authority which does not wholly apply to the status of Israel in Jerusalem today. This authority proceeds from the people. It is based on consent. It is freely accepted and voluntarily obeyed. It operates effectively without challenge. It is recognised in a valid international agreement concluded at the behest of the Security Council. Its development did not even compete with any previously existing authority or with any other authority lawfully attempting to assume the burden of government.

When the General Assembly on 14 May voted not to establish any government in Jerusalem, it could not have expected that the people of Jerusalem would therefore live in a jungle. When the Security Council, between February and May 1948, firmly declined to organise the city's defence, it must have expected that the city would see to its own security itself. When the Trusteeship Council repeatedly refused to apply a system of administration and law in the early half of 1948, it cannot have imagined that Jerusalem would go on indefinitely preserving a separation from its environment. In that negative sense the United Nations has contributed to the integration and union which mark Jerusalem's life today.

I therefore submit that the Trusteeship Council should report that the adoption of that responsibility by any action of the Trusteeship Council. However, the adoption of the Statute would impair the security of the area, first by reason of the deep resentment which the Statute evokes in the memory and sentiment of our people; and secondly, by the explicit encroachment on the authority, title and prestige of the Government on whose influence and forces the peace of the city depends. In taking such action the Trusteeship Council would be counteracting the results of laborious efforts invested by the

parties, by the Security Council and by the Mediator in constructing an equilibrium of security which has stood the test of many difficulties. In the light of the Security Council's Resolution of 11 August 1949, appealing for the continued maintenance of all the provisions of the Armistice Agreement, the Trusteeship Council would be prejudicing the maintenance of international peace if it adopted any measures inconsistent with that Agreement.

The sole abiding objective of the United Nations in the Jerusalem question is the protection of the Holy Places and sites by the direct exercise of United Nations responsibility. My Government proposes the fulfilment of that objective in a manner consistent with the peace, freedom and welfare of the city. Any particular statute or regime, devised in the past or in the present, is only a means to that paramount end. The means may change, while the end remains inviolate. The means envisaged in 1947 or 1948 for protecting the Holy Places may be replaced or adapted without the least betrayal of the end. When the Jerusalem question first came before the United Nations, it was not in the context of a specific political regime, but in relation to the Holy Places and sites. Indeed, it is noteworthy that the original proposals put before the United Nations by religious authorities asked nothing but effective measures for the protection of Holy Places and religious rights. Thus, on 15 July 1947, Brother Bonaventura, Custos of the Holy Land, made requests of the United Nations Special Committee on Palestine which were limited to the international guarantee of religious immunities and which at no point suggested any special political status for the city. He said:

"Should there be a non-Christian State we recommend that measures - international guarantees - be embodied in any arrangement with the new State that may possibly be set up."

In his original letter to the Secretary-General, the Catholic representative expressed Catholic aspirations exclusively in terms of religious guarantees without mentioning any particular political status

for Jerusalem as indispensable to the satisfaction of those needs. He said:

"We are completely indifferent to the form of the regime which your esteemed Committee may recommend, provided that the interests of Christendom, Catholic, Protestant and Orthodox, will be weighed and safeguarded in your final recommendations. Primarily, all our sanctuaries should be respected, not only with cold juridicism but with local reverence, and they should be continuously and unconditionally accessible not only to local inhabitants but also to the Christians of the entire world."

In order to satisfy that objective, my Government has repeatedly submitted proposals to international organs. It should be borne in mind that the Holy Places of three faiths in Jerusalem which are of universal concern are located within an area of no more than one and a half square miles, within the Walled City and its immediate vicinity. The Statute would establish international rule over an area of a hundred square miles, the greater part of which, including practically all Israel Jerusalem, contains no sites ever defined as Holy Places.

Thus the Statute would attempt to disfranchise, denationalise and subjugate a secular area of ninety-eight and a half square miles for the sake of Holy Places which it does not contain.

It was in order to avoid this obstacle that my Government has at various times been concerned to examine means of establishing an international regime concerned with the Holy Places. In the Third and Fourth Regular Sessions of the General Assembly, the Israel delegation drew attention to the feasibility of extending international rule to the area of historic Jerusalem within which the Holy Places are gathered in a unique concentration, leaving the secular urban areas to pursue their life and freedom unimpaired. In order to secure that international responsibility should extend to all sacred sites in

whatever area of the city they are located, my delegation later contributed the idea of an international control applied not to any specific territory but to the Holy Places themselves wherever they are. My Government further offered to conclude agreements to this effect and to provide for the United Nations to be represented in Israel for the exercise of its responsibility in the Holy Places. It may be that a majority of the members of the United Nations would prefer to see such an arrangement for the Holy Places embodied in statutory rather than in contractual terms. In that event, my Government would be prepared to consult on the form which might be given to a Statute for the Holy Places. We are prepared to explore with the Council and with other parties concerned any avenue which may lead to the effective fulfilment by the United Nations of its responsibility for the Holy Places.

I reaffirm my Government's readiness, apart from arrangements for the Holy Places, to make binding declarations or agreements with the United Nations assuring religious freedom and full liberty for the pursuit of religious education and protection of religious institutions. The United Nations would not be forgiven by history, if presented with a clear possibility of reconciling its primary objectives with the freedom and peace of Jerusalem today, it were to spurn that opportunity in favour of an extremist project which has been associated with constant failure in the treatment of this problem for over two years.

The people of Israel and the Jewish people throughout the world are deeply inspired by the restoration of Israel's independent life in Jerusalem in fulfilment of ancient prophecy. At the same time, the solution of the question of the Holy Places in a universal spirit is a purpose which we ardently uphold. While the Christian and Moslem Holy Places were mercifully spared serious damage, the ancient synagogues in the Old City were wantonly destroyed after the end of hostilities. Whereas the Mosque of Omar and the Masjid al Aqsa are accessible to Moslem worshippers and the Church of the Holy

Sepulchre, the Church of the Nativity, Gethsemane, the Church of the Ascension, though in Arab hands, are the scenes of devout Christian pilgrimage, the Wailing Wall, the most hallowed sanctuary of Judaism and the most ancient shrine in the entire city, is barred to all access by worshippers despite solemn agreements and undertakings. In any final settlement to be developed by negotiations out of the Armistice Agreement, the situation affecting the Jewish part of the Old City will surely have to be adjusted.

I am aware that there are some throughout the Christian world who still sincerely doubt whether the destiny of modern Jerusalem as the centre of Israel's independence can be harmonised with Jerusalem's universal mission. To them I would suggest that the existence of political freedom in Jerusalem side by side with an international authority for the Holy Places is not only a more expedient and practical solution than that envisaged in the Statute. It is also in every sense a higher ideal. It was as the centre of an active political and cultural life, beset by the problems and ordeals of a State, that Jerusalem in antiquity became the home of prophecy and revelation. Only a city alive with movement and ideas could have attracted to its midst the searching minds and spirits who generalised transient events into abiding truths. Prophecy and spiritual searchings have never flourished in a museum. They only arise out of the issues and dilemmas of life. The spiritual heritage which has gone forth from Jerusalem is historically linked with its character as a political centre, and with the ancient people who established Jerusalem on what was an obscure Jebusite hill. Surely any sensitive religious insight cannot fail to see some grandeur in the restoration of this people to the city which its own experience rendered famous in the world.

The spiritual ideals conceived in Jerusalem are the moral basis on which modern democracy rests. Would it not be incongruous if the United Nations were to advance the course of democratic liberty everywhere, and yet prevent self-government from taking root in the very city where the democratic ideal was born? Seen in this light,

Jerusalem appears above all other cities as a place where democratic institutions most appropriately belong. Out of Biblical ethics came the Declaration of Human Rights proclaiming in its 21st Article that "the will of the people shall be the basis for the authority of government". Less in Jerusalem than anywhere else on earth can this principle be denied fulfilment or set aside.

Our vision is of a Jerusalem wherein a free people develops its reviving institutions, while a United Nations representative, in all tranquillity and dignity, fulfils the universal responsibility for the safety and accessibility of the Holy Places. This is a vision worthy of the United Nations. Our Organisation should move at once to realise this harmony and liberate its energies for the issues affecting human survival. Perhaps in this as in other critical periods of history a free Jerusalem may proclaim redemption to mankind.

<i>Source of document</i>
http://www.mfa.gov.il/MFA/ForeignPolicy/MFADocuments/Yearbook1/Pages/8%20Statement%20to%20the%20Trusteeship%20Council%20by%20Ambassad.aspx

**UNITED NATIONS
Trusteeship Council**

T/592
4 April 1950

Dual Distribution
Sixth Session
Item 19 of the Agenda

STATUTE FOR THE CITY OF JERUSALEM

**Approved by the Trusteeship Council at the eighty-first
Meeting on 4 April 1950.**

Preamble

WHEREAS the General Assembly of the United Nations in its Resolution 181(II) of 29 November 1947, laid down that the City of Jerusalem, as delimited in that Resolution, should be established as a corpus separatum under a Special International Regime and should be administered by the United Nations:

WHEREAS the General Assembly designated the Trusteeship Council to discharge the responsibilities of the Administering Authority on behalf of the United Nations:

WHEREAS the special objectives to be pursued by the United Nations in discharging its administrative obligations were set forth in the aforesaid Resolution as follows:

“(a) To protect and to preserve the unique spiritual and religious interests located in the City of the three great monetheistic faiths throughout the world, Christian, Jewish and Moslem; to this end to ensure that order and peace, and especially religious peace, reign in Jerusalem;

“(b) To foster cooperation among all the inhabitants of the City in their own interests as well as in order to encourage and support the peaceful development of the mutual relations between the two Palestinian peoples throughout the Holy Land; to promote the security, well-being and any constructive measures of development of the residents, having regard to the special circumstances and customs of the various peoples and communities”:

WHEREAS the General Assembly in the aforesaid Resolution directed the Trusteeship Council to elaborate and approve a detailed Statute for the City and prescribed certain provisions, the substance of which should be contained therein:

WHEREAS the Trusteeship Council prepared on 21 April 1948 the Draft Statute for the City of Jerusalem (Document T/118/Rev.2):

WHEREAS the General Assembly of the United Nations, in its Resolution 194(III) of 11 December 1948 resolved that a special treatment separate from that accorded to the rest of Palestine should be accorded to the Jerusalem area and that it should be placed under effective United Nations control:

WHEREAS the General Assembly of the United Nations, in its Resolution 303 (IV) of 9 December 1949 restated “its intention that Jerusalem should be placed under a permanent international regime, which should envisage appropriate guarantees for the protection of the Holy Places, both within and outside Jerusalem”, and requested the Trusteeship Council to “complete the preparation of the Statute of Jerusalem (T/118/Rev.2), omitting the now inapplicable provisions” and, “without prejudice to the fundamental principles of the international regime for Jerusalem set forth in the Resolution of 29 November 1947 introducing therein amendments in the direction of its greater democratization, approve the Statute, and proceed immediately with its implementation”:

THE TRUSTEESHIP COUNCIL,
IN PURSUANCE OF the aforesaid Resolutions,
APPROVES the present Statute for the City of Jerusalem.

Article 1

Special International Regime

The present Statute defines the Special International Regime for the City of Jerusalem and constitutes it as a corpus separatum under the administration of the United Nations.

Article 2

Definitions and interpretations

In this Statute unless the contrary is stated or the context otherwise requires:

- (a) “City” means the corpus separatum;
- (b) “Governor” means the Governor of the City, and includes, to the extent of his authority, any officer authorized by or in pursuance of this Statute to perform the functions of the Governor;
- (c) “Instructions of the Trusteeship Council” means any instructions, whether of a general or special character, which are given by the Trusteeship Council in relation to the application of this Statute;
- (d) When a duty is imposed or a power is conferred, the duty shall be performed and the power may be exercised from time to time as occasion requires;

(e) When a power is conferred to make any order, or to enact any legislation, or to give any instruction or direction, the power shall be construed as including a power to rescind, repeal, amend or vary the order, legislation, instruction or direction;

(f) When a duty is imposed or a power is conferred on the holder of an office, the duty shall be performed and the power may be exercised by the holder of the office or by a person duly appointed to act for him.

Article 3

Authority of the Statute

This Statute shall prevail in the City. No judicial decision shall conflict or interfere with its provisions, and no administrative act or legislative measure which conflicts or interferes with its provisions shall be valid.

Article 4

Boundaries of the territory of the City

1. The territory of the City shall include the municipality of Jerusalem, as delimited on 29 November 1947, together with the surrounding villages and towns, the most eastern of which is Abu Dis; the most southern Bethlehem; the most western Ein Karim (including also the built-up area of Motsa) and the most northern Shu'fat.

2. The precise boundaries of the City shall be delimited on the ground by a Commission to be nominated by the Trusteeship Council. A description of the boundaries so delimited shall be transmitted to the Trusteeship Council for its approval and a description of the approved boundaries shall be annexed to this Statute.

Article 5

Functions of the Trusteeship Council

The Trusteeship Council, by virtue of the authority conferred upon it by General Assembly Resolutions 181 (II) of 29 November 1947 and 303 (IV) of 9 December 1949, shall discharge the responsibilities of the United Nations for the administration of the City in accordance with this Statute.

Article 6

Territorial integrity

1. The territorial integrity of the City and the special regime as defined in this Statute shall be assured by the United Nations.
2. The Governor, appointed by the Trusteeship Council in accordance with the provisions of Article 12, shall inform the Trusteeship Council of any situation relating to the City the continuance of which is likely to endanger the territorial integrity of the City, or of any threat of aggression or act of aggression against the City, or of any other attempt to alter by force the special regime as defined in this Statute. If the Trusteeship Council is not in session and the Governor considers that any of the foregoing contingencies is of such urgency as to require immediate action by the United Nations, he shall bring the matter to the immediate attention of the Security Council through the Secretary-General of the United Nations.

Article 7

Demilitarization and neutrality

1. The City shall be, and remain, neutral and inviolable.
2. The City shall be demilitarized and no para-military formations, exercises or activities shall be permitted within its borders. No armed forces, except as may be provided under Article 15 of this Statute or under the authority of the Security Council, shall be allowed in the City.

Article 8

Flag, seal and coat of arms

The Legislative Council, constituted in accordance with the provisions of Article 21, may approve a flag, a seal and a coat of arms for the City.

Article 9

Human rights and fundamental freedoms

1. All persons are entitled to all the rights and freedoms set forth in this Statute, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
2. All persons shall enjoy freedom of conscience and shall, subject only to the requirements of public order, public morals and public health, enjoy all other human rights and fundamental freedoms, including freedom of religion and worship, language, education, speech and Press, assembly and association, petition (including petition to the Trusteeship Council), migration and movement.

Subject to the same requirements no measure shall be taken to obstruct or interfere with the activities of religious or charitable bodies of all faiths.

3. All persons have the right to life, liberty and security of person.

4. All persons are equal before the law and are entitled without any discrimination to equal protection of the law. All persons are entitled to equal protection against any discrimination in violation of this Statute and against any incitement to such discrimination.

5. No person may be arrested, detained, convicted or punished, except according to due process of law.

6. No person or property shall be subjected to search or seizure, except according to due process of law.

7. All persons are entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of their rights and obligations and of any criminal charge against them.

8. All persons charged with a penal offence have the right to be presumed innocent until proved guilty according to law in a public trial at which they have had all the guarantees necessary for their defence.

No person shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

9. No person shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. All persons have the right to the protection of the law against such interference or attacks.

10. All persons have the right to freedom of thought, conscience and religion; this right includes freedom to change their religion or belief, and freedom, either alone or in community with others, either in public or in private, to manifest their religion or belief in teaching, practice, worship and observance.

11. All persons have the right to freedom of opinion and expression; this includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media.

12. The legislation of the City shall neither placr nor recognize any restriction upon the free use by any person of any language in private intercourse, in religious matters, in commerce, in the Press or in publications of any kind, or at public meetings.

13. The family law and personal status of all persons and communities and their religious interests, including endowments, shall be respected.

14. All persons, as members of society, have the right to social security and are entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of the City, of the economic, social and cultural rights indispensable for their dignity and the free development of their personalities.

15. Without prejudice to the provisions of the preceding paragraphs, the Universal Declaration of Human Rights shall be accepted as a standard of achievement for the City.

16. At such time as the proposed United Nations Covenant of Human Rights shall come into force the provisions of that Covenant shall enter into force also in the City in accordance with the provisions of Article 37 of this Statute.

Article 10

Definition of residents

For the purposes of Articles 11, 17, 21, 22 and 42 of this Statute, the following persons shall be deemed to be residents of the City:

- (a) Persons who were ordinarily resident in the City on 29 November 1947 and have remained ordinarily so resident since that date;
- (b) Persons ordinarily resident in the City on 29 November 1947, who, having left the City as refugees, subsequently return for the purpose of residing there;
- (c) Persons who do not qualify as residents under paragraphs (a) or (b) of this Article but who, after 29 November 1947 have been ordinarily resident in the City for a continuous period of not less than three years, and have not ceased to be ordinarily so resident; Provided that the legislation of the City may make provision for the registration of persons ordinarily resident in the City, and that subject to such exceptions as are provided for in that legislation, persons shall be deemed not to be ordinarily resident in the City for the purposes of paragraphs (a), (b) and (c) of this Article during any period in which they are in default in complying with the requirements of the legislation as to registration.

Article 11

Citizenship

1. All persons who at the date of coming into force of this Statute are residents of the City within the meaning of Article 10 of this Statute shall become ipso facto citizens of the City: Provided that:

(a) All such residents who, at the date of coming into force of this Statute, are citizens of any State and who give notice in such manner and within such period as the Governor shall by order prescribe of their intention to retain the citizenship of that State shall not be deemed to be citizens of the City;

(b) Unless a wife gives notice on her own behalf within the period prescribed by order of the Governor, she shall be bound by the decision of her husband in either submitting or not submitting notice as prescribed by sub-paragraph (a) above;

(c) A notice given by a parent or legal guardian in accordance with the provisions of sub-paragraph (a) above shall bind his or her children of minor age of whom he or she has custody: Provided that such a minor, on attaining his majority, may opt for the citizenship of the City by giving notice in such manner as the Governor may by order prescribe.

2. Subject to the provisions of paragraph 1 of this Article, the conditions for the acquisition of citizenship of the City by persons who become residents after the date of the coming into force of this Statute and for the loss of citizenship of the City shall be laid down by legislation.

Article 12

Selection and term of office of the Governor

1. The Governor shall be appointed by and responsible to the Trusteeship Council.
2. The term of office of the Governor shall be three years from the time of his appointment: Provided that:
 - (a) The Trusteeship Council may extend the term of office of the Governor in any particular case for such period as it may deem fit;
 - (b) The Governor may resign his appointment upon due notice to the Trusteeship Council and the Trusteeship Council may determine his appointment for due cause at any time.
3. At the expiration of his term of office a Governor shall be eligible for re-appointment.

Article 13

General powers of the Governor

1. The Governor shall be the representative of the United Nations in the City.
2. The Governor, on behalf of the United Nations, shall exercise executive authority in the City and shall act as the chief administrative officer thereof, subject only to the provisions of this Statute and to the Instructions of the Trusteeship Council. He shall be responsible for ensuring the peace, order and good government of the City in accordance with the special objectives set out in the Preamble to this Statute.

3. The Governor shall be responsible for exercising such supervision over religious or charitable bodies of all faiths in the City as may be required for the maintenance of public order, public morals and public health. He shall exercise such supervision in conformity with existing rights and traditions.

4. The Governor shall negotiate with the States concerned agreements to ensure, in conformity with the Resolutions of the General Assembly, the protection of the Holy Places located in the Holy Land outside the City.

5. The Governor and his official and private property shall not be in any way subject to the jurisdiction of the Legislative Council or of the Courts of the City.

Article 14

Power of pardon and reprieve

The Governor may grant to any offender convicted of any offence in any Court of the City a pardon, either free or conditional, or may grant remission of the sentence passed on such offender, or any respite of the execution of such sentence, for such period as the Governor deems fit, and may remit any fines, penalties or forfeitures which may accrue or become payable to the City by virtue of the judgment of any Court of the City or of the operation of any legislation of the City.

Article 15

Preservation of order

1. The Governor shall be responsible for the organization and direction of the police forces necessary for the maintenance of internal law and order.
2. The Governor shall organize and direct a special police force, of such numbers as he may deem necessary, for the maintenance of internal law and order, and especially for the protection of the Holy Places, religious buildings and sites.

Article 16

Emergency powers of the Governor

1. If, in the opinion of the Governor, the administration is being seriously obstructed or prevented by the non-cooperation or interference of persons or groups of persons, the Governor, during the period of the emergency, shall take such measures and enact by order such legislation as he may deem necessary to restore the effective functioning of the administration, and such orders shall have effect notwithstanding anything to the contrary in any legislation in force.
2. The circumstances in which the Governor may have exercised any power conferred on him by this Article shall be reported to the Trusteeship Council as soon as may be practicable.

Article 17

Organization of the administration

1. The Governor shall be assisted by a Chief Secretary who shall be appointed by the Trusteeship Council on the recommendation of the Governor.
2. The Governor shall appoint an administrative staff, including an Attorney General, the members of which shall be selected on a non-discriminatory basis for their competence and integrity and, whenever practicable, from among the residents of the City. Subject to any instructions of the Trusteeship Council and to any legislation of the City, the appointments of members of the administrative staff may be terminated by the Governor at any time.
3. There shall be a Council of Administration consisting of the Chief Secretary and such other principal officers and residents as the Governor may appoint. The Governor may also, if he considers it desirable, add to the Council other persons chosen by him. The Council of Administration shall advise and assist the Governor in the administration of the City.
4. In the performance of their duties, the Governor, the members of the Council of Administration and administrative staff, including members of the police forces, shall not seek or receive any instructions from any Government or any authority other than the Government of the City or the Trusteeship Council.

Article 18

Disqualification from public office

A person shall be disqualified from holding any public office, central or local, in the City, including membership of the Council of Administration and of the Legislative Council, if he holds any office under any other Government: Provided that the Governor may appoint to any public office in the City for a limited period any person seconded from the service of another Government.

Article 19

Oaths of office

The Governor, the Chief Secretary, members of the Judiciary, members of the Council of Administration, members of the Legislative Council, members of the special police force and such other officers as the Governor may determine, shall take such oaths and make such affirmations as are specified in the Instructions of the Trusteeship Council.

Article 20

Acting Governor

If the office of Governor is vacant, or if the Governor is absent from the City or is unable to exercise his powers to perform his duties, the officer holding substantively the appointment of Chief Secretary, or, if there is no such officer or he is absent from the City or unable to act, such persons as may have been authorized to act in the circumstances by the Instructions of the Trusteeship Council, may exercise all the powers and perform all the duties of the Governor so long as the office of Governor is vacant or the Governor is absent from the City or unable to exercise his powers or perform his duties.

Article 21

The Legislative Council

1. A Legislative Council, consisting of a single chamber, shall have power to legislate, consistent with the provisions of this Statute, upon all matters affecting the interests of the City, except such matters as are included within powers specifically granted by this Statute to the Trusteeship Council or to any other authority.

2. The Legislative Council shall be composed of citizens or residents of the City, twenty-five years of age and over, elected or designated in accordance with the provisions of this Article and of Article 22 of this Statute.

3. The Legislative Council shall consist of twenty-five elected members and of not more than fifteen non-elected members.

The twenty-five members shall be elected by four electoral colleges: a Christian college, a Jewish college, a Moslem college and a college which shall be composed of the residents of the City who declare that they do not wish to register with any of the other three colleges. The Governor shall make all the necessary arrangements for opening and keeping the electoral registers in each of these four colleges.

The first three colleges shall each elect eight members to the Legislative Council and the fourth college one member.

The non-elected members of the Council shall be designated by the Heads of the principal religious communities of the City: the number of these members representing the Christian religion, the Jewish religion and the Moslem religion being equal. The Governor shall submit to the Trusteeship Council a plan for the number and allocation of the non-elective seats.

4. The legislation of the City may make provisions as to disqualifications from, election to, and membership of, the Legislative Council, resulting from loss of legal capacity.

5. The legislation of the City shall provide for the remuneration of the members of the Legislative Council.

Article 22

Elections to the Legislative Council

1. The elected members of the legislative Council shall be elected by residents of the City, twenty-one years of age and over, irrespective of nationality or sex, on the basis of universal and secret suffrage and proportional representation in each electoral college. For this purpose every resident of the City may register with the college of his own community, or with the fourth college; he may be registered at only one college.

2. The Legislation of the City shall provide for an electoral law and make provisions regarding disqualifications from voting, resulting from loss of legal capacity.

Article 23

Duration of the Legislative Council

1. The term of the Legislative Council shall be four years from the date of its election, unless it is earlier dissolved.

2. If, at the end of a four-year term of the Legislative Council, it is the opinion of the Governor that circumstances are inappropriate for the conduct of a general election, the Legislative Council may vote the prolongation of its term for a period not exceeding one year. The

Governor shall forthwith submit a report to the Trusteeship Council which may issue such instructions as it may deem necessary.

3. If a serious political crisis arises in the City and if, in the opinion of the Governor, the dissolution of the Legislative Council would be justified, he shall report the circumstances to the Trusteeship Council which may, after examining the Governor's report, order such dissolution and at the same time fix a date for the holding of new elections.

Article 24

Legislation and resolutions

1. Bills and resolutions may be introduced in the Legislative Council by any member thereof.

2. The Governor, or any officer appointed by him, may make statements or answer questions before the Legislative Council, introduce any bill or resolution and participate without vote in all deliberations of the Legislative Council.

3. A bill adopted by the Legislative Council shall become law only upon promulgation by the Governor.

At any time within a period of thirty days after the transmission to him of any bill the Governor may disapprove the bill if, in his opinion, it is in conflict with the provisions of this Statute or it would impede the Administration of the City or inflict undue hardship on any section of the inhabitants of the City and he shall then inform both the Legislative Council and the Trusteeship Council of the reasons for his disapproval.

If, at the expiration of the period of thirty days, the Governor has not disapproved the bill he shall forthwith promulgate it as a law.

Article 25

Legislation by order of the Governor

1. At any time when there is no Legislative Council, the Governor may legislate by order which shall have the force and effect of law. All such orders shall be laid before the Legislative Council as soon as may be practicable and shall remain in force until and unless repealed or amended in accordance with the provisions of paragraph 3 of Article 24.
2. When the Legislative Council is in session but fails to adopt in time a bill deemed essential to the normal functioning of the Administration the Governor may make temporary orders.
3. The Governor shall forthwith report to the Trusteeship Council any action taken by him in accordance with the provisions of this Article and the Trusteeship Council may issue such instructions as it may deem necessary.

Article 26

Standing Orders of the Legislative Council

1. The Legislative Council shall adopt such Standing Orders for the conduct of its business, including the election of a President (who may or may not be a member of the Legislative Council), as it may deem appropriate.
2. The Governor shall convene the first session of each Legislative Council and may at any time convene an extraordinary session.
3. Subject to the provisions of Article 23 of this Statute, subsequent sessions of the Legislative Council shall be convened in accordance with the Standing Orders of the Legislative Council.

4. Subject to the provisions of Article 23 of this Statute, the Governor shall convene an extraordinary session of the Legislative Council upon the request of a majority of the members.

5. A majority of the members of the Legislative Council shall form a quorum.

6. Decisions of the Legislative Council shall be taken by a majority of those present and voting. Members who abstain from voting shall not be counted as voting.

Article 27

Immunity of members of the Legislative Council

1. No member of the Legislative Council shall be liable to any judicial or administrative penalty, or be called to account in any other way outside the Legislative Council, by reason of anything which he may have said, or of any vote which he may have cast, in the course of his duties as a member of the Legislative Council.

2. No member of the Legislative Council shall be liable during the sessions of the Council to criminal, administrative or disciplinary proceedings, nor shall he be deprived of his liberty without the permission of the Legislative Council: Provided that he may be apprehended in the act of committing a crime and detained if his detention is or becomes imperative in the interests of justice, but in any such case his apprehension shall be reported as soon as may be practicable to the Legislative Council and he shall be released without delay should the Legislative Council so request.

Article 28

Judicial system

1. There shall be a Supreme Court which shall consist of such number of Judges, not being less than three or more than five, as the Trusteeship Council may determine, of whom one shall be President and shall be styled Chief Justice. They shall be appointed by, and their appointments shall be terminated only by, the Trusteeship Council.
2. The legislation of the City shall provide for an independent judicial system for the City, including such subordinate and other Courts as may be deemed appropriate. Such legislation shall establish the jurisdiction of the Courts and provide for their organization.
3. All persons shall be subject to the jurisdiction of the City, except and insofar as such persons may enjoy immunity as provided for in this Statute.
4. Judicial personnel of subordinate Courts shall be appointed by and may be suspended or dismissed by the Chief Justice with the approval of the Governor, in accordance with any instructions of the Trusteeship Council.
5. Subject to the special objectives set out in the Preamble to this Statute and to social evolution in the City, the existing status and jurisdiction of religious Courts in the City shall be respected. In the case of any conflict regarding jurisdiction between religious Courts or between religious Courts and civil Courts, the Supreme Court shall consider the case and decide in which Court the jurisdiction shall lie.
6. Decisions by the Supreme Court shall be made by a majority of its members: Provided that, if in any case the opinion of the Court be equally divided, the opinion of the Chief Justice shall prevail.

Article 29

Constitutionality of legislation and administrative acts

1. In cases brought before the Courts of the City this Statute shall prevail over any legislation or administrative act. The Supreme Court shall have original and appellate jurisdiction in all cases involving claims that such legislation or act is incompatible with the provisions of this Statute.
2. In any case in which the Supreme Court decides that any legislation or administrative act is incompatible with the provisions of this Statute such legislation or administrative act shall be void and of no effect.

Article 30

Access to and immigration into the City

1. Subject only to the requirements of public order, public morals and public health:
 - (a) Freedom of entry into and of temporary residence in and of exit from the City shall be ensured to all foreign pilgrims and visitors without distinction as to nationality or faith;
 - (b) The legislation of the City shall make special provisions to facilitate entry and exit from the City for inhabitants of adjoining areas.
2. Immigration into the City for the purposes of residence shall be controlled by order of the Governor under the Instructions of the Trusteeship Council having regard to the absorptive capacity of the City and the maintenance of equality between the various communities.

Article 31

Official and working languages

Arabic and Hebrew shall be the official and working languages of the City. The legislation of the City may adopt one or more additional working languages as may be required.

Article 32

Educational system and cultural and benevolent institutions

1. All persons have a right to education. Education shall be directed to the full physical, intellectual, moral and spiritual development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall be directed to the promotion of understanding, tolerance and friendship among all national, racial and religious groups. It shall in particular be directed to the furtherance of the activities of the United Nations, to the establishment of peace and to the attainment of the special objectives set out in the Preamble to this Statute.
2. Education, in its elementary stages, shall be free and compulsory. In its secondary stages, it shall insofar as may be practicable be free. Technical and professional educational facilities shall be provided insofar as may be practicable and those supported by public funds shall be equally accessible to all on the basis of merit.
3. The City shall maintain or subsidize and supervise a system of primary and secondary education on an equitable basis for all communities in their respective languages and in accordance with their respective cultural traditions: Provided that such communities have a sufficient number of pupils to justify a separate school.

4. Subject to the provisions of paragraph 1 of this Article and to such educational requirements of a general nature as the legislation of the City may impose, any community or any specific group within any community may maintain its own institutions for the education of its own members in its own language according to its own cultural traditions.

5. Subject to the provisions of paragraph 1 of this Article and to the legislation of the City, private or foreign educational establishments may be maintained in the City: Provided that existing rights shall continue unimpaired.

6. Educational and cultural establishments, charitable institutions and hospitals already in existence or founded after the coming into force of this Statute shall enjoy the fiscal privileges provided for in paragraph 6 of Article 38.

7. At the request of a parent or legal guardian, any child may be exempted from religious instruction in any school supported in whole or in part by public funds.

Article 33

Broadcasting and television

1. Radio broadcasting and television shall be reserved to the City administration and shall be controlled by a Joint Broadcasting Council which shall be appointed by, and shall be responsible to, the Governor and which shall include an equal number of representatives of each of the three principal religions: Christian, Jewish and Moslem.

2. Representatives of the Christian, Jewish and Moslem religions shall have equal opportunities of access to the broadcasting and television facilities of the City.

3. The principle of freedom of expression shall apply to broadcasting, but it shall be the responsibility of the Joint Broadcasting Council to ensure that the radio is used to further the interests of peace and mutual understanding between the inhabitants of the City and of the objectives of this Statute and of the Charter of the United Nations.

Article 34

Economic provisions

1. The plan for the economic and financial organization of the City adopted by the Trusteeship Council in accordance with the provisions of paragraph 4 of Article 43 shall form an Annex to this Statute.

2. In the economic and social fields the rights and interests of the inhabitants shall be considered as of primary importance. Subject to this provision, all economic, industrial and commercial matters shall be regulated on the basis of equal treatment and non-discrimination for all States, nationals, and companies or associations controlled by their nationals; and an equal treatment and non-discrimination shall be ensured in respect of freedom of transit, including transit and navigation by air, acquisition of property, both movable and immovable, protection of persons and property and the exercise of professions and trades.

Article 35

Budgets

1. The Governor shall be responsible for the preparation of the annual and supplementary budgets of the City and only the Governor or any officer appointed by him shall introduce budgets in the Legislative Council.

2. The financial provision made by the Governor in the budgets for the maintenance of the special police force shall not be altered by the Legislative Council. The Trusteeship Council may determine other services for which the financial provision made by the Governor in the budgets shall not be altered by the Legislative Council.

3. The Governor may authorise, in anticipation of approval by the Legislative Council, expenditure for which there is no provision in the budgets, if in his opinion such expenditure becomes a matter of urgency.

Article 36

Local autonomy

1. Existing local autonomous units and such new local autonomous units as may be created shall enjoy wide powers of local government and administration in accordance with the legislation of the City.

2. The plan for local autonomy adopted by the Trusteeship Council in accordance with the provisions of paragraph 5 of Article 43 shall form an Annex to this Statute.

Article 37

External affairs

1. Subject to the provisions of this Statute and to the Instructions of the Trusteeship Council, the Governor shall conduct the external affairs of the City.

2. The Governor may ensure by means of special international agreements, or otherwise, the protection abroad of the interests of the City and of its citizens.

3. The Governor may accredit representatives to foreign States for the protection of the interests of the City and its citizens in those States.

4. Representatives may be accredited to the Governor by any State if he so permits.

5. The Governor, on behalf of the City, may sign treaties which are consistent with this Statute and shall adhere to the provisions of any international conventions and recommendations drawn up by the United Nations or by the Specialized Agencies referred to in Article 57 of the Charter of the United Nations which may be appropriate to the particular circumstances of the City, or would conduce to the achievement of the special objectives set out in the Preamble to this Statute.

6. Such treaties and international undertakings entered into by the Governor shall be submitted for ratification to the Legislative Council. If the Legislative Council does not ratify any such treaties or international undertakings within six months of the date of signature by the Governor, the matter shall be referred to the Trusteeship Council which shall have the power to ratify them.

7. Foreign Powers shall enjoy immunities no less than those in force on 29 November 1947 in respect of their property within the City.

Article 38

Holy places, religious buildings and sites

1. The protection of Holy Places, religious buildings and sites shall be the special concern of the Governor.

2. The Governor shall decide any question which may arise as to whether any place, building or site, not hitherto regarded as a Holy Place, religious building or site, is to be regarded as such for the

purpose of this Statute. For the purpose of deciding any such question, the Governor may appoint a Committee of Enquiry to assist him.

3. If any dispute arises between different religious communities or between different confessions and faiths in connection with any Holy Place, religious building or site, the Governor shall decide on the basis of existing rights. For the purpose of deciding any such dispute, the Governor may appoint a Committee of Enquiry to assist him. He may also, if he shall deem fit, be assisted by a consultative council of representatives of different denominations acting in an advisory capacity.

4. At the request of any party to a dispute under paragraphs 2 or 3 of this Article, the Governor shall seek an advisory opinion of the Supreme Court on points of law, before he takes a decision.

5. If at any time it appears to the Governor that any Holy Place, religious building or site is in need of urgent repairs, he may call upon the community or denomination or section of the community concerned to carry out such repairs. If the repairs are not carried out, or are not completed within a reasonable time, the Governor may arrange for repairs to be carried out or completed and the expenses of so doing shall be a charge on the revenues of the City but may be recovered from the community or denomination or section of the community concerned, subject to existing rights.

6. No form of taxation shall be levied in respect of any Holy Place, religious building or site which was exempted from taxation of that form on 29 November 1947. No change in the incidence of any form of taxation shall be made which would either discriminate between the owners or occupiers of Holy Places, religious buildings and sites, or would place such owners or occupiers in a position less favourable in relation to the general incidence of that form of taxation than existed on 29 November 1947.

7. The Governor shall ensure that the property rights of churches, missions and other religious or charitable agencies shall be confirmed and respected. He shall ensure, further, that all such property which, since the outbreak of the Second World War had been seized without equitable compensation but which has not already been returned or, for one reason or another, could not be returned to its original owners, shall either be restored to them or be transferred to another church, or mission or other religious or charitable agency, representative of the same confession.

8. The Governor shall by order ensure that:

(a) His decisions taken in accordance with the provisions of paragraphs 2 and 3 of this Article are carried into effect and that provision is made for the recovery of sums recoverable in accordance with the provisions of paragraph 5 of this Article;

(b) Existing rights in respect of Holy Places, religious buildings and sites shall not be denied or impaired;

(c) Subject to the requirements of public order, public morals and public health, free access is maintained to Holy Places, religious buildings and sites and that free exercise of worship therein is secured in conformity with existing rights;

(d) Holy Places, religious buildings and sites are preserved;

(e) No act is committed which may in any way impair the sacred character of Holy Places, religious buildings or sites;

(f) Provisions of this Article generally, and the special objectives set out in the Preamble to this Statute insofar as they relate to Holy Places, religious buildings and sites, are carried into effect.

9. An order made in accordance with the provisions of paragraph 8 of this Article may contain penal provisions and shall have effect notwithstanding anything to the contrary in any legislation.

10. The Governor shall transmit a copy of every order made in accordance with the provisions of paragraph 8 of this Article to the Trusteeship Council as soon as may be practicable and the Trusteeship Council may give such instructions to the Governor in relation thereto as it may deem fit.

Article 39

Protection of antiquities

Legislation of the City shall provide for the protection of antiquities.

Article 40

Capitulations

Foreign Powers whose nationals have in the past enjoyed in the City the privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by capitulation or usage in the Ottoman Empire, are invited to renounce, if they have not already renounced, any right pertaining to them as regards the re-establishment of such privileges and immunities in the City. Any privileges and immunities which may be retained, shall be respected.

Article 41

Entry into force of the Statute

This Statute shall come into force at a date to be determined by a resolution of the Trusteeship Council.

Article 42

Re-examination of the Statute

1. This Statute shall remain in force, in the first instance, for a period of ten years unless the Trusteeship Council amends it before the expiration of this period.
2. On the expiration of this period of ten years, the whole Statute shall be subject to re-examination by the Trusteeship Council. The residents of the City shall then be free to express by means of a referendum their wishes as to possible modifications of the regime of the City. The Trusteeship Council shall in due course lay down the procedure by which this referendum shall be conducted.

Article 43

Transitory provisions

1. Flag

Unless the Legislature of the City decides otherwise, the flag of the United Nations shall be flown from official buildings.

2. First elections to the Legislative Council

The first elections of members to the Legislative Council shall be held as soon as possible after the entry into force of this Statute at such date and in such manner as shall be provided by order of the Governor in accordance with the provisions of Article 21 and 22 of this Statute and of the Instructions of the Trusteeship Council.

3. Provisional President of the Legislative Council

The Provisional President of the Legislative Council shall be appointed by the Governor and shall remain in the office until the election of a President by the Legislative Council.

4. Economic provisions

The Governor shall take prompt steps to formulate, with the advice and help of such experts as may seem to him desirable, the economic and financial principles upon which the Government of the City is to be based. In doing so he shall take into consideration the desirability of meeting the costs of the administration of the City from rates, taxes and other local revenues, and the possibility that any advances from the United Nations towards such expenditure will be in the form of loans. The Governor, within six months of the date of his appointment, shall submit to the Trusteeship Council for its consideration a plan for the economic and financial organization of the City.

Pending a decision by the Trusteeship Council in this matter, the Governor may temporarily take such economic and financial measures as he may deem necessary for the proper administration of the City.

Commercial concessions, or concessions in respect of public services, granted in the City prior to 29 November 1947 shall continue to be valid according to their terms, unless modified by agreement between the Governor and the concession holder.

5. Local autonomy

The Governor, after consultation with the Legislative Council and, if possible, within six months of the date of his appointment, shall submit to the Trusteeship Council for its consideration a plan for dividing the City into local autonomous units and for the allocation of

powers between the City authorities and the authorities of those autonomous units.

6. Continuity of legislation

The legislation in force in the City on the day preceding the termination of the Mandate, insofar as it is not inconsistent with the provisions of this Statute, shall be applicable in the City until such time as it may be amended or repealed by legislation.

7. Refugees

Having regard to any decisions or recommendations which have been, or may be, made by organs of the United Nations or to any agreements which have been accordingly concluded between the States concerned regarding the problem of the Palestine refugees, the Governor of the City, as soon as this Statute enters into force, shall facilitate the repatriation, resettlement and economic and social rehabilitation of persons who, on 29 November 1947, were ordinarily resident in the City and have left the City as refugees, as well as the payment of any indemnities which may be due to them.

<i>Source of document</i>
http://unispal.un.org/UNISPAL.NSF/0/CFB4E24B399E8EFD8525644A007972E1

Jordanian Annexation of West Bank, Resolution Adopted by the House of Deputies, Amman, 24 April 1950

In May 1948 the Arab Legion overran the eastern part of Jerusalem and occupied the Old City and its Holy Places. During the nineteen years of Jordanian administration, Jordan refused to honour its undertaking in the armistice agreement to accord free access to the Holy Places and to cultural institutions, and use of the Jewish cemetery on the Mount of Olives (Section III, Document 6, Article VIII, and Section V, subsection E, Documents 15 and 16).

Jews were barred from the Old City and denied access to the Western Wall and other Holy Places. The Jewish Quarter in the Old City was destroyed; fifty-eight synagogues were also destroyed or desecrated. Thousands of tombstones in the Jewish cemetery on the Mount of Olives were destroyed to pave a road and build fences and latrines in Jordanian army camps.

Moslem residents of Israel were not permitted to visit their Holy Places in East Jerusalem. Christians, too, were discriminated against. In 1958, Jordanian legislation required all members of the Brotherhood of the Holy Sepulchre to adopt Jordanian citizenship. In 1965, Christian institutions were forbidden to acquire any land or rights in or near Jerusalem. In 1966, Christian schools were compelled to close on Fridays instead of Sundays, customs privileges of Christian religious institutions were abolished Jerusalem was bisected by barbed wire, concrete barriers and walls. On a number of occasions Jordanian soldiers opened fire on Jewish Jerusalem. In May 1967, the Temple Mount became a military base for the Jordanian National Guard.

In April 1950, Jordan annexed the areas it had occupied by military force in 1948. On 24 April 1950, the Jordan House of Deputies and

House of Notables, in a joint session, adopted the following Resolution annexing the West Bank and Jerusalem:

In the expression of the people's faith in the efforts spent by His Majesty, Abdullah, toward attainment of natural aspirations, and basing itself on the right of self-determination and on the existing *de facto* position between Jordan and Palestine and their national, natural and geographic unity and their common interests and living space, Parliament, which represents both sides of the Jordan, resolves this day and declares:

First, its support for complete unity between the two sides of the Jordan and their union into one State, which is the Hashemite Kingdom of Jordan, at whose head reigns King Abdullah Ibn al Husain, on a basis of constitutional representative government and equality of the rights and duties of all citizens...

<i>Source of document</i>
http://www.mfa.gov.il/MFA/ForeignPolicy/MFADocuments/Yearbook1/Pages/10%20Jordanian%20Annexation%20of%20West%20Bank-%20Resolution%20A.aspx

Source: General Assembly

14 June 1950

UNITED NATIONS

**QUESTION OF
AN INTERNATIONAL REGIME
FOR THE JERUSALEM AREA
AND
PROTECTION OF THE HOLY PLACES
Special Report of the Trusteeship Council**

GENERAL ASSEMBLY
OFFICIAL RECORDS: FIFTH SESSION
SUPPLEMENT No. 9 (A/1286)

LAKE SUCCESS, NEW YORK, 1950

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1. Letter dated 31 December 1949 from the Greek Orthodox Archbishop in North and South America to the President of the Trusteeship Council

2. Cablegram dated 18 January 1950 from the Greek Patriarch of Jerusalem to the President of the Trusteeship Council

3. Letter dated 11 January 1950 from the Primate of the Armenian Apostolic Orthodox Church of America to Mr. Ralph Bunche, Director of the Trusteeship Division, and attached memorandum

4. Cablegram dated 29 January 1950 from the *locum tenens* of the Armenian Patriarchate of Jerusalem to the President of the Trusteeship Council

5. Letter dated 3 January 1950 from the Director of the Commission of the Churches on International Affairs to the President of the Trusteeship Council, and two attached memoranda

6. Letters dated 18 and 19 January 1950 from an unofficial Fact-Finding Mission of the American Christian Palestine

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7. Letter dated 13 January 1950 from the Reverend Charles T. Bridgeman to the President of the Trusteeship Council, and attached memorandum

8. Letter dated 16 January 1950 from Mrs. Freda Kirchwey, President of the Nation Associates to the President of the Trusteeship Council

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Letter dated 26 May 1950 addressed to the President of the Trusteeship Council by the permanent representative of Israel to the United Nations

**RESOLUTION ADOPTED BY THE TRUSTEESHIP COUNCIL
AT ITS TENTH MEETING HELD ON 14 JUNE 1950**

The Trusteeship Council,

Having received the request of the General Assembly Concerning an international regime for the Jerusalem area and the protection of the Holy Places contained in resolution 303 (IV) of 9 December 1949,

*Having approved, on 4 April 1950, a Statute for the City of Jerusalem*¹ in accordance with that resolution,

Having entrusted to its President the mission of transmitting to the Governments of Israel and the Hashimite Kingdom of the Jordan the text of the Statute and of requesting their full co-operation,

Having received no reply from the Government of the Hashimite Kingdom of the Jordan and an expression of views from the Government of Israel as a result of which it appears that neither Government is prepared to collaborate in the implementation of the Statute as approved by the Trusteeship Council,

Decides to submit to the General Assembly the attached report, together with copies of the Statute as approved by the Council, the reports of President Garreau to the members of the Council and the reply of the Government of Israel dated 26 May 1950.

**SPECIAL REPORT OF THE TRUSTEESHIP COUNCIL TO
THE GENERAL ASSEMBLY**

1. The General Assembly, in restating at its fourth regular session² its previous intention³ that Jerusalem should be placed under a permanent international regime, which should envisage appropriate guarantees for the protection of the Holy Places, both within and outside

Jerusalem, requested the Trusteeship Council to complete the preparation of the Statute of Jerusalem, ⁴ omitting the now inapplicable provisions, and, without prejudice to the fundamental principles of the international regime for Jerusalem previously set forth by the General Assembly, to introduce into the Statute amendments in the direction of its greater democratization. It requested the Council also to approve the Statute and to proceed immediately with its implementation.

2. In order to consider its responsibilities in respect of this decision of the General Assembly, the Trusteeship Council held its second special session from 8 to 20 December 1949. At the fourth meeting of this session, the Council granted requests of the Governments of Egypt, Lebanon and Syria that their representatives should be allowed to participate in its deliberations, in an advisory capacity and without the right to vote. Discussion of the method by which the Council should undertake its responsibilities in the matter proceeded until, at the seventh meeting, it resolved ⁵ to entrust the President with the task of preparing a working paper on the Statute in accordance with the resolution of the General Assembly, and to submit it to the Council at the beginning of its sixth regular session. The Council invited the members of the Council, if they so desired, and similarly the Governments whose representatives participated without vote in its deliberations, to send to the President written suggestions or observations on the provisions of the draft Statute. The Council further authorized the President to ascertain the views of any other interested Governments, institutions or organizations.

3. At the eighth meeting of the special session, the Council adopted a further resolution⁶ in which it expressed the opinion that the Government of Israel, in removing to Jerusalem certain of its ministries and central departments, was likely to render more difficult the implementation of the Statute. It requested the President (a) to invite the Government of Israel to submit a written statement on the matters involved, to revoke the measures which it had taken, and to

abstain from any action liable to hinder the implementation of the General Assembly resolution, and (b) to keep closely in touch with the developments in Jerusalem while the Council was not in session.

4. At the ninth meeting of its sixth session, which began in Geneva on 19 January 1950, the Council, in resuming consideration of the question of Jerusalem, heard the report⁷ of its President, which contained his suggestions concerning the interpretation to be given to the General Assembly resolution in making the necessary changes in the draft Statute. The President's report included communications which he had received from the permanent representative of Egypt to the United Nations, and from representatives of churches and qualified organizations.

5. At the same meeting, the Council decided⁸ to issue a general invitation to all Governments, institutions or organizations concerned, stating that it would be prepared to hear their views and testimony, if they so wished, on the question of the international regime for the Jerusalem area and the protection of the Holy Places. Subsequently, at the 18th meeting, the Council granted oral hearings, at their request, to representatives of the Greek Orthodox Patriarch of Jerusalem and all Palestine and the American Christian Palestine Committee; and at the 20th meeting it similarly granted hearings to representatives of the Armenian Patriarchate of Jerusalem and the Commission of the Churches on International Affairs.

6. At the 20th meeting, on 10 February 1950, the Council decided⁹ to proceed immediately with the completion of the draft Statute, and at the 23rd meeting it began the first reading of the draft which it had prepared in April 1948.

7. At the 21st meeting, the Council adopted a resolution¹⁰ by which it took into consideration the fact that the two States at present occupying the area and City of Jerusalem had not so far officially acquainted the Council with their views on the task assigned to it by

the General Assembly. It decided to invite the State of Israel and the Hashimite Kingdom of the Jordan to appoint qualified representatives to attend the Council for the purpose of expounding the views of their respective Governments. At the 25th and 26th meetings respectively, the President informed the Trusteeship Council that the Government of the Hashimite Kingdom of the Jordan and the Government of Israel had accepted the invitations and, at its 28th meeting on 20 February 1950, the Council heard the representatives of these two States. The representative of the Hashimite Kingdom of the Jordan stated that his Government desired to reiterate the point of view it had previously expressed, and that it would not discuss any plan for the internationalization of Jerusalem. The representative of Israel stated that, while opposed to the internationalization of the Jerusalem area proposed in the draft Statute, his Government remained willing to accept the principle of direct United Nations responsibility for the Holy Places, to participate in discussions on the form and content of a Statute for the Holy Places, and to accept binding declarations or agreements ensuring religious freedom and full liberty for the pursuit of religious education and the protection of religious institutions.

8. At the 35th meeting on 24 February 1950, the Council completed the first reading of the Statute and, at the 38th meeting, it began the second reading. During the second reading, members of the Council submitted amendments, and the text of each article was provisionally approved.

9. The representatives of the Armenian Patriarchate of Jerusalem and the Greek Orthodox Patriarchate of Jerusalem and all Palestine took part, without the right to vote, in the discussion on the drafting of the Statute, whenever the Council decided to invite either one of them. At the 39th meeting, the Council heard the Minister of Greece to Switzerland who presented observations on behalf of his Government.

10. At the 72nd meeting, the Council completed the second reading, and at the 75th meeting it began the third reading.

11. At the 75th meeting, the representative of the Hashimite Kingdom of the Jordan, before opening the discussion on the final text of the draft Statute stated that his Government, while opposing the internationalization of Jerusalem, was not opposed to the United Nations assuring itself from time to time as to the protection of the Holy Places and the freedom of access to those Places under the safeguard achieved by control of his Government.

12. The Council approved the Statute at the 81st meeting, on 4 April 1950. At the same meeting it adopted a resolution¹¹ requesting the President to transmit the text to the Governments of the two States at present occupying the area and City of Jerusalem, to request from the two Governments their full co-operation, and to report on these matters to the Trusteeship Council in the course of its seventh regular session.

13. The Council resumed consideration of the question during its seventh session, which began at Lake Success on 1 June 1950. At the second meeting, M. Roger Garreau, who had been President of the Council during its fifth and sixth sessions, presented his report¹² on the mission which the Council had entrusted to him. He stated that in reply to his invitation to the two Governments to meet him in order to discuss the conditions for the implementation of his task, he had up to that time received no reply from the Hashimite Kingdom of the Jordan, and that he had therefore been able to undertake consultations only with the Government of Israel. The latter Government had communicated certain new proposals which the President transmitted to the Council as an annex to his report, which proposals the Council did not discuss. The President concluded that the results of his mission had proved disappointing and that the implementation of the Statute would seem to be seriously compromised under present conditions.

14. At the tenth meeting on 14 June 1950, the Council adopted a resolution in which it decided to submit to the General Assembly the

present report, together with copies of the Statute as approved by the Council, the reports of President Garreau to the Council, and the reply of the Government of Israel date 26 May 1950.¹³

NOTES

¹ See annex II, page 19.

² Resolution 303 (IV) of 3 December 1949.

³ Resolution 181 (II) of 29 November 1947.

⁴ T/118/Rev.2 dated 21 April 1948.

⁵ T/426.

⁶ T/427.

⁷ T/457 (annex I, page 3).

⁸ T/PV.211

⁹ T/467.

¹⁰ T/469.

¹¹ T/564.

¹² T/681 (annex III, page 28).

¹³ See enclosure to annex III, page 28.

Annex I

REPORT BY THE PRESIDENT OF THE TRUSTEESHIP COUNCIL

Suggestions submitted by the President of the Trusteeship Council,

M. Roger Garreau, concerning the interpretation to be given to General Assembly resolution 303 (IV) of 9 December 1949 in making the necessary changes in the draft Statute drawn up by the Trusteeship Council in April 1948

1. The territory of Jerusalem would be constituted as a *corpus separatum* with the boundaries indicated in the General Assembly's resolutions of 19 November 1947 and 9 December 1949, and placed under a permanent international regime ensuring the demilitarization

and neutralization of this zone, free access to the Holy Places, full freedom of movement throughout the territory and the integrity of, and respect for, the Holy Places and religious buildings and sites.

2. The territory would also be constituted an economic free zone and the authorities would have no power to collect any duty on goods or merchandise entering or leaving it. Goods consigned to, or coming directly from, Jerusalem and passing through Israeli or Jordanian territories in Palestine would be exempt from all import and export duties and could only be subject to a possible transit charge.

The Governor of the Holy Places would agree with the State of Israel and the Hashimite Kingdom of the Jordan on all necessary measures to ensure the smooth working of the special economic regime in the interests of all parties concerned.

3. The territory of Jerusalem would be divided into three parts:

(a) The Israeli zone under the authority and administration of the State of Israel.

(b) The Jordanian zone under the authority and administration of the Hashimite Kingdom of the Jordan.

(c) The "International City" would be placed under the collective sovereignty of the United Nations and administered, under the supervision and responsibility of the Trusteeship Council, by a Governor of the Holy Places appointed by the Council.

Practically the whole of the New City, together with the station and the railway from Jerusalem to Tel-Aviv, would remain under the sovereignty of Israel.

The Arab quarters of the Old City, together with the Haram-el-Sherif, the Wadi-el-Joz and Bab-el-Zahira sections, the American colony, the

whole of the Jericho road, the Nablus road to the north of Sheik Jarrah and the Hebron road to the south of Bethlehem would remain under the sovereignty of the Hashimite Kingdom of the Jordan.

The International City consisting of land taken in almost equal parts from the occupation zones defined by the Armistice Agreement between Israel and the Hashimite Kingdom of the Jordan, would include all the Holy Places covered by the *status quo* of 1757.

4. The Governor of the Holy Places would ensure that the provisions of the Statute relating to the demilitarization and neutralization of the territory of Jerusalem, to the free economic regime, to freedom of access to the Holy Places, to full freedom of movement throughout the territory, and to the integrity of, and respect for, the Holy Places and religious buildings and sites were duly observed by the State of Israel and the Hashimite Kingdom of the Jordan in their respective zones of administration.

5. Until such time as the two States have established their common frontier across the territory of Jerusalem, where they are not separated by the boundaries of the International City, a provisional line of demarcation would be drawn by agreement between the two States and, if necessary, with the assistance of the Governor of the Holy Places.

The Governor of the Holy Places would intervene, if necessary, to settle any dispute arising between the authorities of the two neighbouring States in the territory of Jerusalem.

6. The inhabitants of the International City could either retain their present nationality or opt for citizenship of the International City. They would elect, by universal suffrage, a municipal council whose composition would be determined in such a manner as to ensure equitable representation of the various religions, and which would administer the International City under the supervision of the

Governor of the Holy Places.

The Governor of the Holy Places would accredit representatives to the State of Israel and to the Hashimite Kingdom of the Jordan to ensure the protection in those States of the interests of the International City and its citizens.

7. The Governor of the Holy Places would be assisted by a General Advisory Council whose composition would have to be determined, and whose main function would be to ensure good relations between the various religions and to settle religious disputes. He would also be assisted by three Commissions for the Holy Places, religious institutions and sites, responsible for ensuring the good order and maintenance of the Holy Places with which they were respectively concerned, and the integrity of, and respect for, acquired rights in respect of religious institutions. Any dispute between the Commissions which could not be settled by direct agreement between the parties concerned, would be brought before the General Advisory Council.

8. The Governor of the Holy Places would also exercise, on behalf of the United Nations, the right to protect the Holy Places, religious institutions and sites situated outside the Holy City in any part of Palestine, in accordance with the provisions of article 37 of the draft Statute prepared by the Trusteeship Council in April 1948.

9. In the exercise of his powers in respect of the Holy Places, religious institutions and sites, the Governor of the Holy Places would ensure, in the International City of Jerusalem, the integrity of, and respect for, existing rights, which could not be subject to either supervision or impairment. He would also ensure that such rights were similarly respected throughout the *corpus separatum*, under conditions to be fixed by agreement between the State of Israel and the Hashimite Kingdom of the Jordan.

10. The Governor of the Holy Places would direct the external affairs of the International City.

11. The Governor of the Holy Places would have at his disposal an international police force recruited by him without distinction as to nationality.

12. Justice in the International City would be administered by a Court of First Instance and by a Supreme Court. The Chief Justice of the Supreme Court would be appointed by the Trusteeship Council and would in turn appoint the other officers of both Courts by agreement with the Governor of the Holy Places.

13. The International City would fly the flag of the United Nations.

14. The Statute would remain in force for a period of ten years, in the first instance, unless the Trusteeship Council thought it necessary to review its provisions at an earlier date, in which case the Council would amend those provisions as it thought fit.

On the expiry of the ten-year period referred to in the preceding paragraph, the whole of the Statute would be reviewed by the Trusteeship Council in the light of the experience acquired during the application of its provisions. The population of the International City would then be entitled to make known, by referendum, their views on possible changes in the regime of the City. The Trusteeship Council would in due course prescribe the procedure for carrying out the referendum.

Enclosures

A. COMMUNICATIONS FROM MEMBER GOVERNMENTS

1. LETTER DATED 4 JANUARY 1950 FROM THE PERMANENT REPRESENTATIVE OF EGYPT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE TRUSTEESHIP COUNCIL

With reference to the resolution adopted by the Trusteeship Council at its seventh meeting on Monday, 19 December 1949, inviting the States participating without vote in the deliberations on the question of Jerusalem to present their views on the provisions of the draft Statute, I have the honour to transmit to you herewith the suggestions and observations formulated by the Arab League Committee for Palestine and endorsed by the Egyptian Government.

(1) Balance of population: To maintain the balance of population between the two demographic elements as at 29 November 1947, the population residing in: Jerusalem should be frozen as at that date, the inhabitants then possessing Palestine nationality to be regarded as Jerusalem citizens enjoying full rights of citizenship. Those not so qualified, and those who have established themselves at Jerusalem since 29 November 1947, would be considered merely as residents.

(2) Transfer of lands: With the object of ensuring the welfare of all inhabitants of the Jerusalem zone, an appropriate clause should be included in the Statute to maintain the proportion of urban and rural property between the two elements of the population at its figure on 29 November 1947.

(3) The Jerusalem zone's quota of Palestine property and real estate: The Statute of Jerusalem should embody the zone's right to its due quota of the property of the former Palestinian administration, such as

monetary reserves and cover for currency notes, etc., and of the real estate and public utilities of the whole of Palestine.

(4) *Waqf property*: The Statute of Jerusalem should provide safeguards for Waqf property, wherever located, which is used by religious, humanitarian and cultural institutions in the Jerusalem zone, by ensuring its unhindered exploitation and the enjoyment by the beneficiaries of the income derived from it.

(Signed) M. FAWZI

B. COMMUNICATIONS FROM CHURCHES AND QUALIFIED ORGANIZATIONS

1. LETTER DATED 31 DECEMBER 1949 FROM THE GREEK ORTHODOX ARCHBISHOP IN NORTH AND SOUTH AMERICA TO THE PRESIDENT OF THE TRUSTEESHIP COUNCIL

In accordance with the resolution adopted by the Trusteeship Council on 19 December 1949, I have the honour to submit herewith for your and the Council's consideration the general outline of the views held by the Orthodox Patriarchate of Jerusalem on the matter of the future of the Holy City and its administration under the resolution of 9 December 1949 of the fourth General Assembly.

In the formulation of these views, as well as in its general attitude towards the question under consideration, the Orthodox Patriarchate of Jerusalem is guided by a paramount desire, shared, we believe, by all Christians, to preserve the peace of Jerusalem and to safeguard the Holy City from any developments which might jeopardize the security of the places of worship or cause troubles or even bloodshed in this city which has already suffered so much. With this in mind, the following points are made; which, at this stage, are necessarily of a more general character, while specific suggestions may come from the Orthodox Patriarchate of Jerusalem at a later date.

1. The fundamental principle adhered to until today with regard to the Holy Places, religious buildings and sites in Jerusalem and the surrounding area has been the maintenance of the existing rights. It is deemed essential further to adhere to this principle of the *status quo* and to find the way to express it in an unambiguous form, thus laying the basis for the international status of the Holy City.

2. On the basis of the principle accepted with regard to the *status quo*, as above, a provision should be made for the maintenance of the ethnological and linguistic peculiarity of any Church and for the preservation of the existing character of the Cloisters belonging to any denomination.

3. It would, furthermore, be necessary to include a provision in the Statute to the effect that the real and other property of the Church be exempt from taxes in any form and that they cannot be appropriated for any reason.

4. In addition, another provision should be included to the effect that no interference of civilian authorities or laymen is to be permitted in the administration of this property, according to the existing ecclesiastical law and the rules of the Church.

5. The Patriarch or head of any denomination, when selected according to the ecclesiastical rules, should *eo ipso* be considered as the representative of his denomination with all powers and privileges appertaining to his office, and should not need a separate formal recognition by the Governor of the City or any other civilian authority.

6. It might further be useful to recognize these Patriarchates or denominations as having a legal personality.

7. The education offered presently by any denomination and the jurisdiction exercised by the heads of these denominations should continue in its present form.

8. The free appointment of clergymen should be secured, taking into account the ethnological and linguistic peculiarity of the Patriarchate or denomination concerned. Provision should be made for the regulation of their status as citizens of the City.

9. With regard to the person or persons to whom the administration of the Holy City will be entrusted, provision will be made, no doubt, to ensure that they will be selected or appointed from among persons whose impartiality is beyond question. An additional guarantee, however, which the Orthodox Patriarchate is ready to suggest, is that these persons should not belong to any of the denominations having direct interest in the keeping of the Holy Places. The same considerations would apply to any judicial body eventually to be established with jurisdiction over disputes involving the Holy Places.

The above points do not represent a systematic and detailed layout for a statute of the Holy City and the surrounding area. They constitute a number of remarks of a general character and the Orthodox Patriarchate of Jerusalem remains, therefore, at the disposal of the Trusteeship Council and of the United Nations in general, with a view to presenting, if necessary' at a later stage its views in oral or written form in detail.

In concluding, I wish to avail myself of this opportunity to assure you, Mr. President the other honourable members of the Council that the Greek Orthodox Patriarchate of Jerusalem and the Orthodox Christians in general pray to God, that He may bless your work and guide your decisions towards establishing peace in the Holy City.

(Signed) Archbishop MICHAEL

2. CABLEGRAM DATED 18 JANUARY 1950 FROM THE GREEK PATRIARCH OF JERUSALEM TO THE PRESIDENT OF THE TRUSTEESHIP COUNCIL

Archbishop of Thyateira Germanos Attorney and representative of Jerusalem Patriarchate will appear before your Council to explain rights privileges our Patriarchate -- Patriarch TIMOTHEUS

3. LETTER DATED 11 JANUARY 1950 FROM THE PRIMATE OF THE ARMENIAN APOSTOLIC ORTHODOX CHURCH OF AMERICA TO MR. RALPH BUNCHE, DIRECTOR OF THE TRUSTEESHIP DIVISION, AND ATTACHED MEMORANDUM

I have been entrusted by the locum tenens of the Armenian Patriarchate of Jerusalem with the duty of presenting the views and the position of the said Patriarchate concerning the future status of Jerusalem.

The enclosed memorandum has therefore been prepared to be submitted to the Trusteeship Council of the United Nations Organization, which will be sitting in Geneva on the 19th of this month to prepare the statute of Jerusalem governing the Holy City, when eventually internationalized.

It is my request, therefore, that you be good enough to transmit this memorandum to the above-mentioned Trusteeship Council for their consideration during their forthcoming session.

(Signed) Bishop Tiran NERSOYAN

A memorandum on the rights of the Armenian Church in the Holy Places, on the proposed internationalization of Jerusalem, and on the status of the Holy Places, presented by the Most Rev. Bishop Tiran Nersoyan, Primate of the Armenian Apostolic Orthodox Church of America, on behalf of the Armenian Patriarchate of Jerusalem, to the Trusteeship Council of the United Nations Organization, for consideration at its forthcoming session to be convened to draw up the Statute of Jerusalem.

a Historical note

From the early centuries of the history of the Christian Church, Armenians have been established in Jerusalem and have used and cared for the Holy Places, together with other Christian communities, themselves being from one of the countries of the Near East. Through the many and turbulent vicissitudes which the Holy Land has endured under many rules and regimes, the Armenian Church has maintained her position in Palestine, and Armenian monks have led a life of prayer and worship on and near the Holy Sites. In the sixth century these monks formed their separate national groups. Thus, in the seventh century, the Armenian Church had a great many large and small monastic establishments in different parts of the Holy Land, supported by the gifts of the Armenian princes sent from the mother country. Archeological remains found in Jerusalem attest to these flourishing establishments under the jurisdiction of their own bishop. During the Arabic reign in the Holy Land the Armenian bishopric in Jerusalem has been recognized and maintained as a national community, together with other church groups. During the period of the Crusades the Armenians have continued to live in Jerusalem on friendly terms with the Latin princes and the Roman Church. With the conquest of Salahaddin, the position of Armenians was enhanced, their head was known as Patriarch and their rights and privileges were recognized by the sultans of the Arab dynasty, as attested by historians of the time. In the thirteenth century we find the Armenians holding a prominent position in the Holy Places. At that time, the Cathedral of

St. James was the seat of the Armenian Patriarchate, exercising custodianship over the Holy Places in common with other communities. After the advent of Memlouks of Egypt, Armenians continued to maintain their position in the Holy City and in A.D. 1311 the Memlounk Sultan confirmed formally the established rights of the Armenian Church on the holy shrines. After the Memlouks, when the Ottomans occupied Jerusalem (A.D. 1517), Sultan Selim in his turn confirmed by edict the same rights, which have been preserved and maintained by the Armenian Church in the Holy Places up to the present time. In A.D. 1720 the Armenians participated in an equal share with the Greek and the Latin Patriarchates in the work of restoration of the Church of the Holy Sepulchre which they have continued to use equally with them ever since. After the great fire of the Church of the Holy Sepulchre, in A.D 1808, bitter and prolonged dissensions arose among the three Patriarchates, and although Sultan Mahmoud II adjudicated between them in A.D. 1812, the disputes did not subside until A.D. 1853, when the *status quo ante* was finally established, regulating the determination of the rights of the three principal communities and others in the Holy Places, and making for peaceful relationship between the three communities.

Necessity of continuing the maintenance of the status quo

The Armenian Church, as represented by the Armenian Patriarchate of Jerusalem, firmly believes that it is absolutely necessary to maintain the principle of the *status quo* in the Statute to be drawn by the Trusteeship Council of the United Nations for eventual adoption by the authorities of the United Nations Organization for the care and responsibility over the Holy Places. During the British Mandate over Palestine this principle was judiciously maintained, and all the interested communities enjoyed their rights and privileges peacefully to the benefit of all concerned. Any new and radical disposition concerning the maintenance and the use of the Holy Places would undoubtedly re-create among the Christian communities of the Holy Land dissensions and disputes, which for many years have been

gradually eliminated by the continued application of the *status quo*, resulting in harmonious agreements and accords. We believe that rights and privileges which have prevailed for over a thousand years should be respected to the extent to which they are exercised at present. Countless generations of the members of the Churches sharing the use and the responsibilities in the Holy Places have made heavy sacrifices in order to be able to worship the Lord in accordance with their own religious rite the very places which have been hallowed by the acts of His earthly life; any disregard of this fact would result in grave injustice. Therefore, we believe, that the centuries-old principle of the *status quo* is and should continue to be, the sole legal basis for the disposition of the Holy Places provided in the future status of Jerusalem. The *status quo* should further be the guiding principle in any adjustments and accommodations in the use of the Holy Places which may be made in the future owing to the eventual structural repairs and alterations in the various edifices on the Holy Sites.

Desirability and justice of the eventual internationalization of Jerusalem

The Armenian Church, through the Armenian Patriarchate of Jerusalem, hereby voices its support, together with other churches concerned and other nations, of the resolution of the General Assembly of the United Nations in favour of the internationalization of Jerusalem. Considering the international character of the Holy Places in Jerusalem, and its sacredness to the three great religions of the world, it is wholly appropriate that the Holy City should not be ruled by any one nation, or should not be under any one regime. It is requisite that free access to and use of the Holy Places should be safeguarded by an international authority. It is further appropriate that the international status of Jerusalem should be a symbol of international amity and harmony befitting a city of religious shrines.

Armenian Patriarchate entitled to a place on the administrative council

In this connexion, the Armenian Patriarchate *of* Jerusalem wishes to state that in view of its past and present position in Jerusalem, it is entitled to have its seat, along with other Patriarchates or communities in Jerusalem, in any future council or governing body which may be formed and established in the Holy City.

(Signed) Bishop Tiran NERSOYAN

4. CABLEGRAM DATED 29 JANUARY 1950 FROM THE
LOCUM TENENS OF THE ARMENIAN PATRIARCHATE OF
JERUSALEM TO THE PRESIDENT OF THE TRUSTEE-SHIP
COUNCIL

We have delegated Bishop Tiran of New York as the authorized representative of our Patriarchates See of Jerusalem -- locum tenens, Armenians Patriarchate Jerusalem.

5. LETTER DATED 3 JANUARY 1950 FROM THE DIRECTOR OF
THE COMMISSION OF THE CHURCHES ON INTER NATIONAL
AFFAIRS TO THE PRESIDENT *OF* THE TRUSTEESHIP
COUNCIL, AND TWO ATTACHED MEMORANDA

As director of the Commission of the Churches on International Affairs, I submit to you herewith two documents which bear upon the work of the Trusteeship Council in giving effect to the General Assembly action on the internationalization of Jerusalem. The Churches' Commission is jointly constituted by and represents the World Council of Churches and the International Missionary Council.

The first document, entitled "The protection of religious interests and activities in Palestine", has been formally endorsed by our Commission's Executive Committee This memorandum was transmitted to the united Nations Palestine Conciliation Commission

at Lausanne last spring in response to an invitation by the General Assembly and was subsequently communicated to all delegates serving on the *Ad Hoc* political Committee at the General Assembly's fourth session. It stresses particularly the necessity of protecting the *contemporaneous* interests and activities of all religious faiths. We respectfully submit that the three minimum conditions advanced on pages 16-18 of the memorandum be explicitly met in the Statute by which Jerusalem is to be internationally administered.

The second document is a memorandum on "The future of Jerusalem", prepared by the Archbishop of Canterbury and supported by leaders in the Church of England. Since the proposals in this memorandum were compiled only a short time before the General Assembly's debate on Jerusalem, the Churches' Commission had no opportunity to review them or to act upon them. They should therefore be construed as representing the judgment of one segment within the Commission's constituency. In submitting to you the memorandum by the Archbishop of Canterbury, I fully realize that its provisions do not comply with the terms which the action of the General Assembly requires. However, I trust that you will not consider inappropriate my view that, during the work of drafting the Statute for Jerusalem and seeking measures for its implementation, variant plans or elements thereof may profitably receive consideration.

(Signed) O. Frederick Nolde

The protection of religious interests and activities in Palestine

The *Ad Hoc* Political Committee of the third session of the General Assembly, part II, in its report on the "Application of Israel for Admission to Membership in the United Nations" took note of requests by representatives of various Governments that the United Nations Conciliation Commission should, "when studying the question of the internationalization of Jerusalem and the problem of the protection of the Holy Places and free access thereto", take into account the views of the Holy See, the Orthodox Patriarchate, Moslem

religious authorities and the Commission of the Churches on International Affairs (United Nations document A/855, 10 May 1949). The report of the *Ad Hoc* Political Committee was adopted by the General Assembly on 11 May 1949.

In pursuit of the opportunity thus afforded, the Commission of the Churches on International Affairs submits this memorandum to the Palestine Conciliation Commission established by the United Nations General Assembly at its third session in Paris.

The Commission of the Churches on International Affairs has been formally constituted as the joint agency of the World Council of Churches and the International Missionary Council. The World Council of Churches includes in its membership one hundred and fifty-five churches in forty-four lands; its offices are in Geneva, New York and London. The International Missionary Council is composed of fifty-two national organizations, conferences and committees in sixty-eight countries and territories; its offices are in New York and London.

I. Manifest concern about settlements in Palestine as they bear upon religious interests and activities

Numerous expressions of opinion by segments of the constituency represented in the Commission of the Churches on International Affairs testify to the concern which Christians entertain about settlements in Palestine and particularly in Jerusalem. Some of these have been in the form of statements by recognized Christian leaders, acting in their personal or representative capacity. Others have been incorporated in formal resolutions by member bodies of the World Council of Churches or the International Missionary Council.

A few illustrations of such statements and resolutions are here presented to emphasize the importance which is attached to the

Jerusalem settlement and to indicate the nature of the political arrangements which many believe to be imperative.

1. Excerpt from a letter (April 1948) to the Patriarch of Jerusalem signed by the five Presidents of the World Council of Churches (Dr. Marc Boegner, President of the *Fédération Protestante*; Dr. Erling Eidem, Archbishop of Upsala; Dr. Geoffrey Fisher, Archbishop of Canterbury; Dr. S. Germanos, Archbishop of Thyateira; Dr. John R. Mott, United States of America.

"Your Beatitude may rest assured that we shall constantly bear in mind, and seek to forward the following aims:

"(1) We desire that Christian people throughout the world should continue in prayer for the peace of the Holy Land, and especially for their fellow Christians.

"(2) We desire that the land of our Lord's earthly ministry shall be a land where men can live in peace and quietness and where the status of the Holy Places shall be secured and access to them freely maintained.

"(3) We desire to see the human rights and liberties of all men in Palestine guaranteed, and fully embodied in whatever settlement of provisions are eventually effective, and especially the right to worship God according to conscience, and to teach and preach the faith in which they believe.

"Your Beatitude is well aware that the political settlement of this matter rests with the United Nations. The attitude of Christian people to that Organization may be deeply affected by the action resolved upon. We shall take every step open to us to ensure that the decisions of the United Nations, or of other authorities concerned, may agree with these ends."

2. Excerpt from a statement (April 1948) submitted to the Honorable Warren R. Austin and approved by the Executive Committee of the Federal Council of the Churches of Christ in America

"Christian people are profoundly disturbed at the prospect of an increase of violent warfare in Palestine upon the withdrawal of British troops on 15 May. Our concern for the lives of all those involved -- Christians, Moslems and Jews -- and our conviction that adjustment of differences should be sought by peaceful methods lead us to urge with all our strength that the present effort of the United Nations to arrange a truce be supported by the responsible leaders on both sides.

"We have an especially deep concern for the Holy City of Jerusalem, sacred around the world to those of all three faiths, and containing places whose destruction we cannot accept as permissible. Under the partition proposal of last fall Jerusalem was to be a trust territory. It is obviously a part of the trust territory under the recent trusteeship proposal. Surely it should have a trust status under any arrangement, and it should be given now the character of an 'open city'."

3. Resolution (dated 27 April 1949) by the Near East Christian Council, a constituent member of the International Missionary Council (the Near East Christian Council is a body which unites the Protestant missions and churches of the following areas: Arabia, Balkans, Egypt, Ethiopia, Iran, Iraq, Lebanon, North Africa, Palestine, Sudan, Syria, Jordan and Turkey)

"The Near East Christian Council unanimously urges you to transmit to the highest authorities its belief that it is essential for the preservation of peace:

"1. That the greater Jerusalem area be placed under United Nations administration so as to constitute a centre of religious freedom for all faiths, and

"2. That speedy provision be made for the rehabilitation of the Palestine refugees, including where possible their return to their former homes and in other cases their resettlement with full compensation for property lost."

4. An appeal to the United Nations on 6 May 1949 by the Ecumenical Patriarch

"It is with a vivid interest that the Ecumenical Patriarch is following the sincere endeavours made by the United Nations during the negotiations held for the protection of the Holy Places.

"The Ecumenical Patriarch believes that the only appropriate solution of the problem is the application of an international status, under the guardianship of the United Nations, over the whole City of Jerusalem and the sacred shrines of Palestine as well."

II. Conditions to be met in the Palestine settlements in order that religious interests and activities may be appropriately safeguarded

From the various statements made by different parts of our world-wide constituency, we draw the basic conditions which we believe must be met by the political arrangements under which Palestine, and more particularly Jerusalem, shall be governed. In citing these conditions, we are confident that they reflect the view of our constituency as to the minimum requirements to be observed and that they will command the active support of the member churches and councils in the World Council of Churches and the International Missionary Council.

1. Human rights and fundamental freedoms, and, particularly, full religious liberty must be safeguarded for all without distinction as to race, sex, language or religion

When Governments are, to any considerable extent animated by special religious conviction and committed to the predominant protection of its expression, there exists the danger of discrimination against those who hold other convictions and desire to give expression to them. This danger is present in all Palestine and is most acute in areas where historic religious monuments are concentrated and where current religious work is most actively pursued by adherents of a faith differing: from that represented in the Government.

In order that the religious interests of all men and of the religious communities with which they are affiliated -- Christian, Jewish, Moslem -- may be adequately protected, arrangements for Jerusalem, and in fact, for all Palestine should include specific provisions to safeguard human rights and fundamental freedoms.. The religious issues at stake call for the full application of these articles in the Universal Declaration of Human Rights which bear on religious liberty, particularly articles 18 and 19:

"Article 18. Everyone has the right to freedom of, thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

"Article 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

The presence in Palestine of adherents of three faiths requires explicit safeguards for observing the traditional right of religious freedom, including freedom to extend one's faith by processes of persuasion and the appeal to reason and conscience.

2. The protection of Holy Places, religious buildings and sites in Palestine and free access thereto should be recognized as a matter of international responsibility

Our primary concern is with people, not places, and therefore we have stressed first of all the rights and freedoms of all men. Nevertheless, we cannot ignore buildings and sites which are monuments of sacred events in the past and which stand indeed as Holy Places for people today and for generations to follow. Their combined significance transcends any single faith or nationality. Their protection and the opportunity of free access to them should be accepted as an international responsibility.

We do not presume to define the political mechanisms by which this international responsibility shall be fulfilled. We do, however, express the strong conviction that artificial separation of historic religious sites from the community in which they are located -- particularly in the Jerusalem areas where such sites are numerous -- would be an inadequate method of exercising international responsibility. Whatever plan is devised it should reckon with the current life of the three faiths represented in the population as well as with the historic interest which a large part of the world professes. This will require, we believe, political arrangements wherein measures for the protection and world-wide use of the Holy Places are integrated with the guarantee of human rights and freedoms for all inhabitants.

3. All church-owned and mission-owned properties in Palestine that have been occupied by either Arabs or Jews should be returned to their owners

During the period of disturbance in Palestine, numerous ecclesiastical properties have been seized for governmental or military purposes. Practically all the reported violations have occurred in areas occupied by Jewish authorities.

At the third session of the United Nations General Assembly in Paris, the Government of Israel submitted a memorandum to a number of Member States wherein it stated:

"One matter under discussion with certain church authorities concerns properties which were formerly requisitioned by the British military forces and are now in the occupation of the Israeli Army. It has been made clear that these properties will be returned to their rightful owners as soon as the military situation makes it possible for them to be derequisitioned. There is not, and there never has been, the slightest intention to expropriate church properties."

A similar commitment was subsequently made to various Christian leaders, including officials in the World Council of Churches and the International Missionary Council.

We respectfully submit that the Palestine Conciliation Commission should establish the principle that all ecclesiastical properties in Palestine that have been occupied by either Arabs or Jews should be returned to their owners, and further, should take appropriate steps to see to it that the property claims are promptly and justly settled.

In advancing the above minimum conditions for effecting a settlement in Palestine which will be adequate to protect religious interest and activities, we disclaim competence as to the specific political arrangements whereby they can satisfactorily be met. At the same time, we believe that the political arrangements can be designed to comply with these requirements and that their acceptability must be appraised by the extent of such compliance.

Submitted by:

Kenneth G. GRUBB
Chairman
O. Frederick NOLDE
Director
May 1949

ADDENDUM

An additional illustration may be cited in connexion with those listed under section I, *Manifest concern about settlements in Palestine as they bear upon religious interests and activities*, page 7.

7. Extract from the minutes of a meeting of the Near and Middle East Committee of the Conference of British Missionary Societies, Friday, 4 March 1949

"It was proposed by the Rev. Dudley Dixon, seconded by the Right Rev Bishop L. H. Gwynne and *Resolved* that:

"The Committee recommends to the Standing Committee that every possible action should be taken by the British Council of Churches and the Churches Commission on International Affairs to secure by negotiation with the Government and United Nations that:

"1. Jerusalem should be preserved as an international zone.

"2. There should be guarantees from the Israeli Government that they will uphold the Declaration of Human Rights.

"3. That negotiations should be continued which would lead to the return of church properties now in the hands of the Israeli Government."

The future of Jerusalem

Private memorandum by the Archbishop of Canterbury
31 October 1949

I. *The present plan*: The proposal at present before the United Nations is that of the Conciliation Commission, which divides the area which is to be under international control into two municipal zones, one

Jewish and one Arab. It is proposed that the demarcation line between the two zones shall be the present armistice line, without prejudice to the establishment of a final definitive line at a later stage.

The proposal is open to very serious criticisms as follows:

(a) The essential thing is that a settlement should be made now which can be upheld as final and binding. But a demarcation line between zones within the international enclave establishes an abiding element of uncertainty and friction. The present armistice line bears the marks of its derivation from military operations and is not the product of reasoned thought. For many reasons it is unsatisfactory. But if it is declared that it may be adjusted later, at once an element of uncertainty and jockeying for position is introduced which must cause jealousy and friction.

(b) Whether, as is most likely, the demarcation line remains unaltered for an indefinite period or whether it is adjusted, the fact will remain that there is an artificial boundary separating the two zones across which Jews and Arabs will confront one another. Even if the international control were moderately effective, it would not allay Arab fears of Jewish designs upon the Old City, while to those Jews who are determined to possess themselves of the Old City the sight of it just beyond their zone across an artificial line would be a constant irritant.

(c) Even moderately effective control would be possible only if the plan had the real goodwill of Jews and Arabs; but that goodwill is not to be expected. The plan is not welcome to the Arabs and has already been rejected outright by spokesmen for the Israeli Government who claim for the Israeli State the large Jewish population resident in the New City.

(d) Without such goodwill and full co-operation by Jew and Arab, the position of the international authority responsible for the enclave would be certainly difficult and in all probability would become impossible. Prevention of breaches of the peace along the artificial boundary line would be a constant worry. The detection of offenders against the peace, who could find refuge among their own people, would prove as exasperatingly difficult as it has proved in the past. Extremists on either side would escape detection and punishment. It is hard to believe that the international authorities could exercise a really efficient control. If, by the employment of sufficient forces, they were able to do so, they would be sitting permanently on a volcano: and past bitter experience goes to show that from time to time the volcano would erupt.

For such reasons it ought to be said that a plan of municipal zones separated by a demarcation line is unwise in itself and since it has not the goodwill necessary to make it in any degree workable, is unworkable also.

II. *A new start:* It is urgently necessary to discover a new plan which may break the present deadlock, which may be presented to Jew and Arab as a fair and reasonable settlement, which may again give room for manuvre on an assured basis and which may then be adopted by the United Nations with conviction as a permanent and definitive solution.

Let it be said first that if Jerusalem is to take its rightful place as a spiritual centre for the whole world, Jew, Moslem and Christian should play their full part in making it a living city in which adherents of all three faiths would take their share in the building up of cultural and spiritual life. There must be from the nature of the case an international enclave. It must be of such a kind as to win the goodwill of the three great faiths and give room for them to develop worthy religious and cultural institutions so that visitors, tourists, scholars and pilgrims who come to Jerusalem from all parts of the world may see

and perceive a city which while embracing members of three faiths is yet at unity in itself. The problem is to discover an international enclave which may be accepted with reasonable goodwill by all concerned.

III. A new *plan*: The areas of Jerusalem which are here considered are those lying immediately to the north, west and south of the Old City.

(a) It is proposed that the large Jewish residential area in the north and west should not be a part of the international enclave but should be incorporated in the Israeli State. The area may be defined as that lying to the north and west of a line beginning from the junction of the Nablus Road with St. Paul's Road and running south-west along St. Paul's Road, then west along the Street of the Prophets and then south along King George Avenue as far as Terra Santa College.

In this area a large number of Jews live. Its exclusion from the international enclave and its inclusion in the Israeli State is reasonable in itself and should be a cause of satisfaction to the Jews.

(b) With this exception, the whole area original assigned to the international enclave should remain under international authority, but without any division into zones. Within the enclave Jews and Arabs would dwell together with equal rights. But there are certain points which call for special comment.

(i) The area lying south and east of the roads mentioned under (a) above and between those roads and the Old City constitutes the main shopping centre of the modern city. It also contains a large number of public buildings such as Barclays Bank, the General Post Office, King David Hotel, the International Young Men's Christian Association, the electric power station, the railway station. Moreover, it contains the big Arab cemetery and a number of religious buildings.

Thus, this area serves in a special degree the Whole region and should most properly be in the international enclave. Even more important, it would thus interpose an international area between the limits of the Israeli State (as defined above) and the Old City.

The present plan perpetuates two irritant demarcation lines, one between the Israeli State and the international enclave, another inside the enclave between the Jewish municipal zone and the Arab municipal zone. This new plan has only one demarcation line, that between the Israeli State and the enclave, and drawn as here suggested it should be widely acceptable to the Jews as at least an improvement on the present plan. At the same time by putting the line as here suggested at some distance from the walls of the Old City, it should greatly diminish fears of aggression on the one side and covetous aspirations on the other.

(ii) Mount Scopus and the Mount of Olives, with the Hebrew University, would be in the international enclave where Jew and Arab have equal rights, but not (as in the present plan) in an Arab municipal zone. Thus Jews will have free access to the University. They should be encouraged to consider this University as their most important intellectual contribution to the international city, functioning side by side with Moslem and Christian higher institutions of learning, and so contributing to make Jerusalem a great spiritual centre for the world.

(iii) The area to the south of Terra Santa College bounded by Mamillah Road, King George Avenue and the Bethlehem Road would be in the international enclave, but not (as in the present plan) in a Jewish municipal zone. It was, before the departure of the British, an Arab residential area; on their departure it was immediately occupied by Jewish forces; the Arab population has mostly gone away and their homes have been largely occupied by Jewish families. Under international control every facility should be given for the development of an Arab residential population in this area.

(iv) Finally, in the Old City itself, removed as one would hope forever from strife and contention, facilities should be given for the return of Jews to the former Jewish quarter from which they have gone. And once again the Old City would contain its Moslem, Jewish and Christian quarters.

IV. In short, the proposal is for a return to an international enclave without division into Jewish and Arab zones. By handing over the area of the New City described above to the Israeli Government a great cause of contention is removed. Within the international zone control could be complete and effective. Old wounds could be healed, and Jerusalem set free to fulfil its great message to mankind. If such a proposal found general support in the United Nations it could be carried through with conviction as a fair and a hopeful plan of action. The deadlock must be broken. The interminable process of discussions must come to an end. Here is suggested a plan which (after discussion and with any necessary modification of details but without any change of its principles) the United Nations could promote strongly and unitedly, thereby setting Jerusalem apart for all time from world strife and giving fresh hope and encouragement to those who strive for the cause of peace on earth.

V. A note should be added on Nazareth. With the international enclave in Jerusalem it would be easy to arrange some degree of international supervision of Nazareth or of any other Holy Place outside Jerusalem as a safeguard against any possible misuse of these Holy Places.

6. LETTERS DATED 18 AND 19 JANUARY 1950 FROM AN UNOFFICIAL FACT-FINDING MISSION OF THE AMERICAN CHRISTIAN PALESTINE COMMITTEE TO THE PRESIDENT OF THE TRUSTEESHIP COUNCIL

The undersigned have just completed an extensive visit to Israel as an unofficial, completely independent Fact-Finding Mission of the American Christian Palestine Committee. We have observed conditions existing in both Jewish and Arab areas. Cities and localities covered include Tel-Aviv, Jaffa, Haifa, Jerusalem, Nazareth, Tiberias, Beer-Sheba, and many intervening points in the Negev, Judea and Galilee. We discussed the problem of the internationalization of Jerusalem with representatives of the Government of Israel, the Coptic church, the Greek Catholic church, the Copt Catholic church, the Roman Catholic church, Protestant churches, and with Arabs (both Christian and Moslem), as well as with many city officials and administrative officers. From these discussions, we have come to the following conclusions:

1. We believe that the plan to internationalize the Jerusalem area is dangerous and unnecessary. The overwhelming majority of leaders of religious groups we interviewed expressed the belief it would not work. Many held it was impractical and certain to add confusion and impede peace negotiations now in progress.

Total internationalization is not necessary for the protection of the Holy Places. Neither the Arabs nor Israelis have any other plan or purpose than to protect and preserve them. Moslems have kept these places inviolate for many centuries, and virtually all of them are now in Arab hands. There is not the slightest evidence that Israel will molest or limit the use of any religious institution or shrine.

There is complete religious freedom in Israel. The many leaders of religious institutions interviewed all declared they were in no wise interfered with in their functions.

2. The prevailing conviction was that when the bitterness created by the recent war will have diminished, Israel and the Arabs would yet come to an agreement in these controversial matters, provided external interference did not complicate the problem.

An illustration of such adjustability between Arabs and Israelis is to be found in Nazareth. A predominantly Moslem community, with a Moslem mayor (Yousef Fahoum), this city nevertheless has about three thousand Roman Catholics, three thousand Orthodox, and several thousand Protestants. This city is under Israeli military administration. However, the mayor assured us that he was free in the exercise of his functions. Thus, in a city the Arab authorities of which had wisely decided that the people would remain in their homes and not flee to Arab Legion territory, the same peace, harmony and freedom exist which are characteristic of all Israel. This area is represented in the Knesset (Parliament) by three Arabs! It is our conviction that the co-operative and harmonious relationship existing between Israeli officials and Christian institutions in Nazareth is the strongest possible evidence against any need for the maximal internationalization of the Jerusalem area.

3. We regard as utterly false and without any factual support the report that Israelis have desecrated religious institutions, churches, or shrines since the fighting ceased. The Government of Israel has established a Department of Religious Affairs dealing constructively and fairly with the complex religious communities in the territory. A special division concerns itself with Christian organizations to see that Christian communities and activities are protected and to maintain agreeable relationships with the Government of Israel. The actions of this division are greatly encouraging to all religious leaders. We would add with conviction and appreciation that the prevailing spiritual attitude of the people and Government of Israel is a further guarantee of all religious rights. These people have undergone the trials of a bitter war. They are building a society, established on the principles of

full equality and liberty, and they should be encouraged and sustained by all Americans who believe in these principles not only for the Middle East, but for all the world.

Numerous Christian and Moslem institutions have been protected by express orders of the Government of Israel, with signs conspicuously posted, and it was evident from our inspection of the premises that these orders are carefully obeyed. In many cases, where the building has been caught in the line of fire, restitution has been made and restoration is in process.

4. On the basic issue of internationalization, we would caution against the drafting of a Jerusalem Statute by the United Nations that would interfere with the just territorial sovereignty of any nation, in this case the territory of Israel and Jordan. Both of these nations properly object to the United Nations plan on this ground. Freedom of access and protection of the Holy Places can easily be secured without the internationalization of territory or people.

5. The Garreau plan for internationalization is, in our opinion, a decided improvement over previous maximal schemes but is still too inclusive.

It is hardly justifiable to exclude so obvious a Holy Place as the Mosque of Omar of the Old City from an internationalized zone, and then to include a portion of the business district of the New City, and the entire Mount Scopus where absolutely no legally established Holy Places are to be found. To advance such a plan on the ground that the territory to be taken from Israel and Jordan must be equalized is to condemn the plan by demonstrating that the major consideration is not concern for the Holy Places.

The greatest criticism advanced against all plans outlined to date is that they were drafted without regard to the wishes of the citizens of the Old and New Jerusalem, but rather from the political

considerations of the various Member Governments of the United Nations and by outside interests. The one exception is to be found in that part of the Garreau plan dealing with Bethlehem. There, the wishes of the people seem to have been considered, for it is proposed that the Church of the Nativity alone be internationalized and that the remainder of the city remain under the administration of Jordan.

6. While this Fact-Finding Mission had as its purpose the study of the internationalization of Jerusalem we could not escape the human problems arising out of the tragedy of war, such as homelessness, the displacement of peoples and the psychological problems besetting both peoples. We believe that these human tragedies must be alleviated in the spirit of attaining the maximum justice for both Jews and Arabs. It was apparent to us that these human problems cannot be resolved in any permanent fashion except as a part of an over-all peace signed between the several Arab States and Israel. It is therefore of overwhelming importance, both for this purpose and for any permanent adjustment concerning the sacred sites, to effect a speedy peace settlement.

7. The plan we, as fact-finders, now propose is the setting up of a United Nations Commission, with no territorial sovereignty, but with full right to seek the removal of existing limitations of access to the Old City of Jerusalem and the Holy Places, all of which are in Arab territory. Guarantees should be given to such a commission by both Jordan and Israel assuring the freedom and sanctity of the sacred places within their territories. This is all that the Christian world has a right to require of two sovereign States, which we believe will in time compose their differences. This making of the peace will be accomplished all the more speedily if Israel and Jordan are encouraged in their negotiations by the western Powers.

Accordingly, we call upon our Government to press for a reconsideration of the United Nations Assembly decision and to urge the adoption of a plan such as outlined above. We would point out to

all who are justifiably interested in the prestige and power of the United Nations that the reconsideration of its decision is within the prerogatives of the international Organization, and that the formulation of a just and workable plan for guaranteeing the sanctity of the Holy Places will enhance its prestige and power.

(Signed) Dr. John W. BRADBURY
Dr. Victor OBENHAUS
Mrs. M. E. TILLY
Dr. Samuel Guy INMAN
Dr. Ralph W. RILEY
Dr. Charles J. TURCK

The following introductory paragraph was inadvertently omitted from the letter on the internationalization of Jerusalem sent to you on 18 January by the American Christian Palestine Committee Fact-Finding Mission:

"We find ourselves in hearty agreement with the action of the American delegation at the last meeting of the United Nations Assembly in opposing the internationalization of Jerusalem and the Holy Places and regard it as a wise position for our Government to have taken. We are in accord with the statement of the Honorable Francis B. Sayre, the United States representative on the Trusteeship Council, that 'the United States favoured a practical solution of the Jerusalem problem and that no solution is practical that has to be enforced with the aid of an American Army'."

(Signed) Dr. Samuel Guy INMAN
Dr. Charles J. TURCK
Mrs. M. E. TILLY
Dr. Ralph W. RILEY
Dr. John W. BRADBURY
Prof. Victor OBENHAUS

7. LETTER DATED 13 JANUARY 1950 FROM THE REVEREND
CHARLES T. BRIDGEMAN TO THE PRESIDENT OF THE
TRUSTEESHIP COUNCIL, AND ATTACHED MEMORANDUM

Having lived in Jerusalem for twenty years prior to 1944, I beg leave to draw the attention of your Council to the enclosed memorandum, which brings out what I believe to be a neglected aspect of the Jerusalem problem.

The vast majority of the 24,000 Christians and a good proportion of the 23,000 Moslems who live outside the walls of Jerusalem had their homes, businesses and charitable institutions in that portion of the Jerusalem area now held by the Israeli forces. Though the report appearing as of today in the *New York Times* suggests that your Council is considering a new arrangement of the international area which is an improvement on the suggestions made by Israel and the Kingdom of Jordan, I think the plan as reported still falls short of what is required, as it cuts up the city into too many sections and leaves too much of the area occupied normally by non-Jews in the Israeli sector.

Although not being on the spot I have been unable to check all details of my map,* I believe that you will find it substantially correct.

(Signed) Charles T. BRIDGEMAN

* Map not attached to the present document

The internationalization of Jerusalem and the Christian population

by Charles T. Bridgeman

The Assembly of the United Nations has reaffirmed its decision of 1947 to place Jerusalem, Bethlehem and an adjacent region of about 100 square miles under international control.

Israel and the Hashimite Kingdom of the Jordan, whose respective military forces now occupy the western and the eastern halves of the area, have expressed their determination not to surrender the parts they hold international administration; and Israel has gone so far as to begin making Jerusalem the capital of the State of Israel.

In the face of this defiance of the Assembly's action, the world is wondering whether the United Nations the moral and military forces sufficient to impose its plan. Moral force springs from the strength of moral conviction. At the moment the strength of the case for partition rests not alone upon the trouble it would cause to have to impose the plan against possible military opposition, but also on the popular ignorance *of* what partition *of* the city of Jerusalem would really mean to the people living there and to the world at large.

Foremost among the popular misconceptions about Jerusalem are:

- (1) That the Jews have a greater claim to the city than anyone else;
- (2) That there are really two separate Jerusalems: the old Walled City occupied by Arab forces; and the "New Jewish City" mainly populated and created by Jews;
- (3) That in such a case as this, where rival nations make a claim to the same city, and agree to divide it between themselves, it is but right to allow them to make this mutual compromise.

This paper is designed to bring out some neglected considerations concerning the actual situation, with the purpose of showing that in fact Jerusalem is one indivisible city, and that the existence of a large Christian population in Jerusalem makes the proposed division of the city into predominantly Israeli and Moslem Arab parts highly inequitable.

1. *History*: 1950 marks approximately the three thousandth year since the Israelites under David took Jerusalem from the Jebusites. Out of that long period the Israelites and the Jews have governed the city for only about 600 years, even including the years when Herod ruled as a vassal of Rome (see Exhibit A). Even as the main element in the population the Jews largely disappeared after the wars of A.D. 70 and A.D. 135. Benjamin of Tudela, a Jewish pilgrim who visited the Holy Land about A.D. 1170-71 found but 1,440 Jews in all Palestine; and Nahman Gerondi, in A.D. 1267, found only two Jewish families in Jerusalem.

Christians began to appear in the first century, and under Christian Byzantine rule became a predominant element. Christians under the Roman Empire and the Crusades ruled the city for almost 500 years. Moslem Arabs conquered the country in A.D. 639 and ruled it for 425 years, being succeeded by the Moslem Turks who ruled it for 420 years.

The historical association of Christians and Moslems with Jerusalem is just as significant as that of the Jews; and the Christians, who have lived in the city continuously for 1,900 years, have as weighty a claim to consideration as any others. And on religious grounds Jerusalem is a Holy City of great importance to Christians and to Moslems as well as to Jews. It is a city of three faiths.

2. *The geography of Jerusalem*: The ancient Walled City is bounded on the east and the south by steep valleys which cut it off from the adjacent hills. On the north and west opens a plateau which in modern times as in antiquity serves to provide room for expansion outside the historic walls.

In the middle of the last century Christians and Moslems as well as Jews began to expand into this suburban extra-mural area. Jewish settlers coming from Europe could find no place inside the small Jewish quarter of the Walled City and so built outside. The better-

class Christians and Moslems sought the suburbs to find more room and a healthier atmosphere. The greater proportion of the many Christian communities coming to Jerusalem in the past century have also settled outside the walls. Meanwhile, the Mount of Olives to the east of Jerusalem has been occupied by Christian churches and convents and Jewish cemeteries and Mount Scopus to the north has become the site of the Hebrew University and the Hadassah Hospital.

No-man's-land and the present military line between the two rival nations cut the city in half, leaving almost the whole of the western suburban area in Israeli hands and the walled city in Arab hands.

3. Population elements in the enclave and in Jerusalem: In the Jerusalem-Bethlehem enclave as a whole there were, before the recent fighting began, about 100,000 Jews, 65,000 Moslems and 40,000 Christians. The vast majority of the Christians were native stock commonly called Christian Arabs.

In Jerusalem itself, the Mandatory Government estimated in 1946 that there were 99,320 Jews, 33,680 Moslems and 31,350 Christians.

Today we are informed that there are but 1,000 Arabs in the Israeli-held western part of the city. Such was not the case prior to the fighting. The following estimate, though necessarily sketchy for lack of exact figures, gives a fair picture of the condition before the fighting started.

	<i>Jews</i>	<i>Christians</i>	<i>Moslems</i>
Living within the walls	4,000	7,000	10,000
Living outside the walls...	95,000	24,000	23,000

(For the basis of this estimate see Exhibit B.)

Forty-seven thousand Christians and Moslems then occupied the extra-mural area, most of which is now in Israeli hands and has but 1,000 Arabs.

Economic and social life of Jerusalem: Under the Turks and the British, extra-mural Jerusalem grew up as a community in which people could buy land where they wished and settle where they liked. All three religious communities lived side by side and intermingled. There was a certain tendency for communities to settle in distinct quarters but they were not contiguous, being separated by quarters of the other communities.

All communities shared in the migration to outside the walls. The homes of the better-class Arabs, Christians and Moslems alike, were all found in the extramural area, leaving only the poorer families and the members of religious establishments inside the walls. This area was not therefore exclusively or mainly Jewish. All modern shops, hotels and factories, a goodly number of which are owned by the Arabs, are found in the part outside the walls.

Those who lived inside the walls went outside to do business in a bank, to attend a hospital, to attend school, or to buy at the modern shops. By the same sign, those who lived in the extra-mural area went inside the walls to worship at the shrines, Jewish Moslem and Christian, to buy vegetables in the old market and to visit friends living in the old houses.

If the city were to be partitioned along the line of the present no-man's-land it would run a sword through the living body of a unified city, and erect an international frontier between people and their banks, schools and hospitals, places of business and places of worship. For example, the Jews of the western part would be cut off from the old Jewish quarter, the sacred Wailing Wall, the Hadassah Hospital and the Hebrew University, as well as all the Jewish cemeteries. And the Moslem and Christian inhabitants now refugees from their homes, schools and places of business in the extra-mural area would be deprived of the very substance of their lives; and the ones normally living in the Walled City would be cut off from access to the essential shops and hospitals outside.

5. *The international character of Jerusalem:* Jerusalem is not just an Arab-Jewish city. It is international in its very constitution.

Practically all of the sixty living languages spoken in Palestine are represented in Jerusalem. Christians in Jerusalem come from thirty different countries. Moslems speak seventeen different languages. The Jews themselves, though now seeking to stress the need for speaking Hebrew and taking Israeli nationality, come from many countries and speak twenty-six different languages as their native tongues.

Foremost among the foreign Christian nations were the French, the Italians, the Russians and the old German settlers. Of course, the British community has shrunk to small proportions since the giving up of the Mandate; and the Christian American community has been less than 100 persons. But the international character of the city is proclaimed by the many different styles of architecture used by the different nationalities, and heard in the babel of tongues in the streets.

6. The inter-confessional character of the city: It is hardly necessary to observe that Jews and Moslems of every important sect are found in Jerusalem. But the same is true of Christians. The following figures taken from the census of 1931, though much smaller than they would have been in 1946 when the city was much larger, suggest something of the variety and importance of the various Christian bodies.

Orthodox Patriarchate of Jerusalem (Native	13,595
Arabs, Greeks, Russians, Romanians,	979
Bulgarians etc.)	2,154
Syrian Orthodox (Jacobite)	90
Armenian Orthodox (Gregorian)	93
Coptic (Egyptian Christians)	
Abyssinian Church	
Roman Catholic:	
Latin Rite	8,756
Greek Rite	351
Maronite	130
Armenian Catholic	273
Syrian Catholic	142
Assyrian Catholic	46 9,698
Anglican:	
British	about 1,000
Arab	1,391
Presbyterian	34
Lutheran	67
German Temple Society	200
Unclassified, including American Protestants,	2,292
Armenian	
Protestants, Pentacostal, Baptist, Methodist,	
Hebrew- Christian etc.	

By 1946 the total number of Christians had increased to 31,350.

7. The Christian stake in the Holy City: The real Christian stake in the Holy City lies in the lives of the 31,000 Christians who normally inhabit the city and constitute the oldest Christian community in the world.

The attempt has been made to becloud this fact by speaking as though the only interest Christians had in the Holy City lay in a few Holy Places whose protection could be assigned to a small commission of the United Nations.

There are indeed certain very sacred "international shrines," among them the Church of the Holy Sepulchre, the Temple Area and the Wailing Wall, which have preoccupied the attention in turn of the Turkish and British Governments because, being owned by several different religions, they have been the object of special attention. Even these are but a fraction of the recognized places of religious interest. The situation in the international shrines has for nearly two centuries been stabilized by a recognized *status quo*. The proper administration of this *status quo* is, of course, an important matter for the United Nations.

But still more important to every Christian community is the wholesome life of its members and the continuance of the Christian community as a vital part of the complex life of the Holy City.

At the present moment the vast majority of the Christians are refugees from their homes' their businesses, their churches, their schools and their hospitals, and if under a partitioned Jerusalem they are prohibited from repossessing the homes now occupied by new immigrants they will have been permanently dispossessed of their stake in the Holy City.

8. Christian institutions in Israeli-held areas: How considerable is the share which Christians have in the Israeli-held parts of the city can be seen from the following long, but still incomplete list of important institutions. See map for numbers showing approximate locations.

It will be noted that all six Christian hospitals, caring in a normal year for 7,000 patients (including 1,000 Jews), are in the Israeli-held area. So also are twelve parish churches, fourteen convents, sixteen schools,

including almost all the high schools used by Christians and Moslems, and other such institutions as the American YMCA, the Jesuit Biblical Institute, and the like.

1. English Hospital
2. German Hospital
3. Italian Hospital
4. Ophthalmic Hospital of the Order of St. John of Jerusalem
5. Moravian Leper Hospital
6. French Hospital
7. American Y.M.C.A.
8. American Protestant Church (Armenian Protestant)
9. The American Church (C. & M.A.)
10. The American Pentacostal Church
11. The Newman School of Missions (Methodist)
12. American Baptist Mission
13. Russian Church and Convent
14. Abyssinian Church and Convent
15. Scottish Church of St. Andrew
16. German Temple Church
17. St. Paul's Arab Anglican Church
18. Greek Church of Nicophoria
19. Greek Convent of St. Simeon the Just, Katamon
20. Greek Church of Abu Tor
21. Ratisbon Convent and School (RC)
22. Terra Santa College (RC)
23. Jerusalem Girls' College (Anglican)
24. Schmidt's Girls High School (RC)
25. Convent of the *Surs de Marie Réparatrice* (RC)
26. Convent and School of the *Surs du Rosaire* (RC)
27. Convent, School and Orphanage of the *Surs de Charité* (RC)
28. School of the Sisters of Zion (RC)
29. Convent and Hospice of the Sisters of St. Charles (RC)
30. French Sisters' School in Talbiyeh (RC)
31. Convent of the Sisters of St. Claire (RC)

32. Convent and School of the Sisters of St. Joseph (RC)
33. Syrian Orthodox School
34. Greek Orthodox Lay School
35. Greek School in Katamon
36. Bishop Gobat Junior School (Anglican)
37. Talitha Kumi School (Luth.)
38. Jesuit Biblical Institute
39. Greek Orthodox Convent of the Holy Cross The American (Protestant) Cemetery
41. The Benedictine Convent with the Church of the Dormition of the Blessed Virgin
42. The Armenian Church of the House of Caiaphas
43. The Cenacle (Moslem Tomb of David) where Franciscans have rights)
44. The residence of the Apostolic Delegate
45. The British-German Cemetery
46. The Orthodox Cemetery
47. The Latin Cemetery
48. The Armenian Cemetery
49. The Hospice of Notre Dame (French RC)
50. The Greek Convent of Mount Zion
51. The Italian School
- 52A. The Syrian Orphanage (Lutheran)
- 52B. The Romanian Orthodox Church

Christian institutions in no-man's-land

The Franciscan Boys' School

The Swedish School

The Syrian Orthodox Patriarchate

The Church and Convent of the Assumptionist Fathers at Church of St. Peter of the Cock Crowing

9. *Christian institutions in Arab-held area north of city:* There are also many Christian institutions in the Arab-held areas outside the walled city. Those in the northern suburb are here treated separately because possession of this area by the Arabs cuts off the Israelis from access to their highly important Hebrew University and Hadassah Hospital on Mount Scopus. If an effort were made to secure this area for the Israelis, it would affect the following institutions in part or whole:

53A. St. George's Anglican Cathedral and Hospice 53B. St. George's Junior and High School for Boys

54. St. Stephen's Church and the Dominican (RC) Convent with its *Ecole Biblique*

55. Convent and school of the *Surs Franciscaines de Marie* (RC)

56. The "Garden Tomb", considered by many Protestants the real tomb of Christ

57. The Lazarist Convent and former school building

58. The American Colony

59. The Augusta Victoria Foundation on the Mount of Olives (German Lutheran)

60. The American Colony Cemetery

61. The British War Cemetery (World War I)

10. *Other Christian institutions in Arab-held areas outside the walls:*

62. The Garden of Gethsemane, with the Franciscan Church of the Agony (RC)

63. The Tomb of the Blessed Virgin (Orthodox, Armenian, Syrian and Moslem)

64. Russian Gethsemane and Church of St. Mary Magdalene with convent

65. The Greek Orthodox Shrine of the Stoning of St. Stephen

66. The Greek Orthodox Convent of "Ye Men of Galilee"

67. The Russian Orthodox Convent on the Mount of Olives

68. The Carmelite Sisters Convent, with the Churches of the Creed and the Lord's Prayer

69. The Church of the Sacred Heart on the site of the Eleona
70. The Church of the Ascension (now a Moslem mosque in which
Latins, Orthodox, Armenians and Syrians have rights to hold services
at times)

11. *Jewish and Moslem institutions cut off from their people:* The
partition of the city along the present unnatural line would affect Jews
and Moslems as well as Christians.

(a) *Jewish institutions in Arab-held areas*, inside and outside the
Walls

The Wailing Wall, part of the old Jewish Temple
The Hebrew University
The Hadassah Hospital with its laboratories
The Jewish Quarter of the Old City with its old synagogues
All the Jewish cemeteries on the slopes of the Mount of Olives and
Mount Zion

(b) *Moslem institutions in Israeli hands*

The great Moslem Cemetery of Mamillah
The building of the Moslem Charities foundation
Numerous Moslem villages with their mosques including the
infamous Deir Yassin.

12. *The practical consequences of partition:* The above-mentioned
Christian institutions are not mere buildings but the core of a living
community. They are part of the life of the 31,000 Christians who
normally inhabit Jerusalem, and more especially of the 24,000 who
live outside the walls.

Partition means the erection of an international frontier down the
middle of the city. Passage across this line, if allowed, would mean at
least the carrying of passes and customs controls.

Furthermore both the Hashimite Arabs and the Israelis base their claim to their share of the city upon military necessity. Each says it is a vital element in their defence system. This means the permanent militarization of Jerusalem.

Israelis and Hashimite Arabs alike lay claim to the whole of the undivided city. Each regards partition as a temporary expedient. Eventually the fanatics in one camp or the other will precipitate a crisis when they think conditions favour their side and fighting will break out again in the City of Peace.

Partitioned Jerusalem will be a city of confusion ripe to become again a city of war.

13. *The inadequacy of the current Israeli proposals:* The Israeli Government, while proposing partition, suggests that Christian interests be protected by creating an international commission to supervise the "international shrines". Enough has been said to show how unrealistic this is from the Christian viewpoint.

But they have a second proposal: that the old Walled City be emptied of its inhabitants and the whole made into an international shrine.

This is both cynical and impracticable. The Israelis suggest that while they be allowed to keep all their share, the Arabs be forced to surrender their share. Moreover the suburban area in Arab hands adjacent to the city is unsuitable for extensive erection of new homes for the 17,000 people who would be displaced.

14. *The plea that internationalization against the will of the Israeli and Moslem Arab inhabitants would be undemocratic:* Did we hear this argument put forward by the Arabs, who for years have been protesting, on democratic principles, for the right to have their voice heard in the disposition of Palestine, in which they had a two-thirds

majority, one might be inclined to listen. But the Zionists, who have been replying to the Arabs that it was by right of the international judgment of the League of Nations and the United Nations that the Arabs' inherent rights have been set aside in favour of the Jews, now hasten to assert the principles of self-determination.

It is by no means certain that all the Jews and all the Moslems in Jerusalem, faced with the fell consequences of partition, are in favour of the plan. But, even if they were, it should be noted (1) that they will not under internationalization lose their citizenship; and (2) they will have almost complete autonomy in local inter-communal affairs.

If in either an Israeli or a Moslem community the advantages of living in the Holy City are outweighed by the annoyance of being under international supervision, they are not compelled to remain there. But, in fact, one wonders whether many would indeed leave.

Meanwhile, under international control all the three communities and the citizens of the many countries could enjoy a peace and security which otherwise would be unknown, and with it free access to the whole of the indivisible city.

15. *The bogey of predominant Vatican influence:* The Israelis have made a direct bid for Protestant support for partition. Ben Gurion recently was reported to have said that the supporters of internationalization were the Arabs, the Communists and the Roman Catholics.

Protestant leaders in America have been told that internationalization means that the Vatican will soon dominate the Holy City; while Orthodox Christian leaders in Jerusalem are warned that under internationalization the Vatican will take away their rights in the international shrines.

This unworthy suggestion is easily answered.

The respective rights of the various Christian communities who share the international shrines, such as the Holy Sepulchre and the Church of the Nativity at Bethlehem, were established nearly two centuries ago by the Ottoman Turks and have been sedulously maintained by the British. Any international commission, on which Orthodox and Protestant as well as Roman Catholic countries, and Moslem States as well as the State of Israel, would be represented, would make it their primary duty to see that no painful changes were made in the well-established *status quo*. Nor would the Vatican wish to be placed in the vicious position of altering so delicate a situation.

But granted such a thing were possible, what Christian is there who would prefer handing the holiest shrines of the Christian religion and the welfare of the Christian community over to non-Christians in preference to seeing them in the hands of fellow-Christians even of a different tradition?

16. *The question of force:* In view of the fact that spokesmen for Israel and also for Jordan suggest that they would oppose by force the attempt to internationalize the Holy City, the question arises whether the United Nations has the military force to impose its decision. As one pro-partition spokesman expressed it: Who among the Christians is ready to die to make Jerusalem an international city?

No realistic person can think that, if the United Nations is firm in supporting its decision to create the enclave, the Hashimite Arabs and still less the Israelis would dare to defy with armed force the considered judgment of the nations.

Israel is too dependent upon public opinion to risk such a calamity, which would ruin its much-valued reputation for fairness and international decency. And both Israelis and Hashimite Arabs could quickly be brought to terms by the mere application of those economic sanctions which lie within the power of the United Nations. Of the two Israel is even more vulnerable in this respect than the Arabs.

But there is a force stronger than that of military might.

Israelis and Moslem Arabs as well as Christians realize that mere nationalistic fervour must yield place to the superior claims of international brotherhood and religion. Jerusalem, sacred to the three great monotheistic religions, stands for something higher and more sublime than nationalism. It stands for the ideal which lies behind the very creation of the United Nations itself. Any attempt to oppose by force the internationalization of Jerusalem would be an affront to civilized men everywhere. It would be tantamount to the assertion that international goodwill, brotherhood and toleration were dead, and that force alone ruled the destinies of men.

An international enclave where the three religions could live side by side in peace and the nations of the world lay aside their nationalism in the interests of something nobler and grander would be indeed an inspiration to men of good will everywhere.

New York, 6 January 1950.

EXHIBIT A

<i>The dominant Governments in Jerusalem 3000 B.C.-A.D. 1950</i>			<i>Years</i>
Israelites	Davidic Kingdom to Fall of	1050-586 B.C.	464
Babylonians	Jerusalem	586-538 B.C.	50
Persians	Fall of Jerusalem to fall of Babylon	538-332 B.C.	206
Greeks	Cyrus to Macedonian conquest of Persia	332-166 B.C.	166
Jews	Alexander's conquest of Jerusalem	166-63 B.C.	93
Pagan	to		
Romans	emancipation of city by Maccabees	63 B.C.-	386
	Maccabean Kingdom	A.D.373	

	Roman conquest of Jerusalem to fall of	37 B.C.-A.D.643	
Christian	paganism	A.D. 323-614	291
Romans	Herod as vassal of Rome and his	A.D. 614-628	14
Persians	heir:	A.D. 628-637	11
Romans	semi-independent Jewish rules	A.D. 637-	435
Arabs		1072	20
Turks	From Constantine to Persian	A.D. 1072-	7
Arabs	conquest	1092	88
Christians	Period of Persian rule	A.D. 1092-	42
Arabs	Reconquest of city by Byzantines	1099	10
Christians	Conquest by Moslem Arabs	A.D. 1099-	278
Arabs	Rule by Moslem Turks	1187	400
Moslem	Reconquest by Arabs	A.D. 1187-	30
Turks	Crusading Kingdom	1229	3
Christians	Reconquest by Arabs	A.D. 1229-	
	City ceded by treaty to Frederick II	1239	
	Revived Arab rule	A.D. 1239-	
	Jerusalem under Ottoman Turks	1514	
	British conquest and mandate	A.D. 1517-	
	Jerusalem seized by Israelis and	1917	
	Arabs	A.D. 1917-	
		1947	
		A.D. 1947-	
		1950	

EXHIBIT B

The Population of Jerusalem outside the walls

All figures for the population of Jerusalem since the careful 1931 census are estimates. At that time the population of Jerusalem was given as follows:

	<i>Total</i>	<i>Moslems</i>	<i>Christian^s</i>	<i>Jews</i>
Within the walls	25,183	12,201	7,759	5,222
Outside the walls	65,320	7,693	11,576	46,000

Since that date there has been a steady movement away from the Walled City, Moslems and Christians as well as Jews seeking better quarters outside.

In 1946, the British Mandatory Government estimated that the population of Jerusalem was 164,350, and included 33,680 Moslems, 31,350 Christians and 99,320 Jews. Allowing therefore for a small decline in the population within the Walled City, this gives us for this date, prior to the fighting which made refugees of most of the Moslem and Christian inhabitants of the extra-mural area, the following rough estimate for the numbers living inside and outside the Walled City:

	<i>Moslems</i>	<i>Christians</i>	<i>Jews</i>
Within the walls	10,000	7,000	4,000
Outside the walls	21,000	24,000	95,000

Of the 45,000 non-Jews living then in extra-mural Jerusalem, the greater proportion lived in the area now occupied by Israeli forces. Included in these Israeli-held areas are the fine modern quarters of Talbiyeh, German Colony, Katamon, Upper and Lower Beka's and Abu Tor.

8. LETTER DATED 16 JANUARY 1950 FROM MRS. FRED A KIRCHWEY, PRESIDENT OF THE NATION ASSOCIATES TO THE PRESIDENT OF THE TRUSTEESHIP COUNCIL

On the eve of the meeting of the Trusteeship Council, I am taking the

liberty of bringing to your attention and, through you, to the members of the Trusteeship Council, a plan offering a solution for the Jerusalem question entitled, "A proposal for an international curatorship for Holy Places".

This proposal was submitted by the signatories, a group of distinguished Americans, to the General Assembly recently concluded. This proposal, like many others, failed to receive detailed study for reasons with which you are familiar and which need no recounting at this time.

I invite your attention to the plan at this moment in view of a disposition on your part and seemingly of other members of the Trusteeship Council to look for solutions of the Jerusalem question on a basis different from the resolution of 9 December.

This plan calls for the establishment of a United Nations' Commission composed of representatives of the principal faiths for the purpose of:

1. Authenticating the Holy Sites in Palestine.
2. Assuming responsibility for their preservation.
3. Ensuring freedom of access at all times.
4. Supervising the restoration of such Holy Sites, if any, as may have been damaged in the Palestine war.

The Commission to be established would be responsible to the Security Council and be authorized to employ guards.

In the judgment of the signatories, this plan is in accord with the general purposes of the United Nations respecting the Jerusalem question. It does, in fact, protect the Holy Places, since any violation of their sanctity would immediately become subject to the action of

the Security Council. It is in accord with the basic principles of the Charter. It would, we believe, find acceptance on the part of Jordan and Israel.

It would be possible under the plan proposed to fly the United Nations flag over each Holy Site so designated and to proclaim the area occupied by each a demilitarized zone.

The principle underlying this proposal is precisely the same under which you, as we understand it, have proposed that the Church of the Nativity in Bethlehem should be internationalized and demilitarized. In the case of Bethlehem and the Church of the Nativity, you have not suggested either the internationalization of the city as a whole or the internationalization of its population. We see no reason why the same principle is not equally applicable to all other Holy Sites.

On behalf of- the signatories, may I ask that consideration be given to this plan as fulfilling the basic purposes of the United Nations regarding this question.

(Signed) Freda KIRCHWEY

9. TELEGRAM DATED 5 FEBRUARY 1950 FROM A NUMBER OF CATHOLIC INTERNATIONAL ORGANIZATIONS TO THE PRESIDENT OF THE TRUSTEESHIP COUNCIL

The undersigned Catholic international organizations assembled at Luxembourg for their annual conference declare on behalf of their millions of members in 71 countries in 5 continents their support for United Nations General Assembly resolution of 9 December 1949 concerning internationalization Jerusalem stop They express their confidence that the Trusteeship Council will ensure its full and faithful implementation.

-- International Catholic Association of Girls' Friendly Societies, International Christian Welfare Association, Catholic Children's

International, International Bureau Catholic Youth, Caritas Catholica, Catholic Associations of Nurses, Editors Catholic Newspapers, Catholic Young Women, Pax Romana, International Movement Catholic Intellectuals, International Catholic Cinema Office, Associations Catholic Medical Practitioners, Joc International St. Vincent de Paul Society, International Catholic Bureau of Broadcasting, Catholic Employers' Associations, Catholic Union International Study, Catholic International Union Social Service, International Union Catholic Women's Leagues, Men's Catholic Action.

10. CABLEGRAM DATED 7 FEBRUARY 1950 FROM THE SECRETARY OF THE NETURE KARTA COMMUNITY TO THE PRESIDENT OF THE TRUSTEESHIP COUNCIL

We beg Your Excellency to take into consideration the wishes of the Jewish Orthodox population Neture Karta in Jerusalem stop They have expressed in many ways their wish to live under the international protection of the United Nations and not under the sovereignty of the State of Israel stop This has been clearly stated in their memorandum of 18 July 1949 to the United Nations signed by Rabbis Aron Katzenelenbogen and Amram Blau, in accordance with the note to the United Nations of Rabbi Joseph Dushinski the late Orthodox Chief Rabbi of Jerusalem stop The same view was expressed by the present Chief Rabbi Ruben Bengis, when giving evidence before the Anglo-American Commission of Enquiry in Jerusalem stop We therefore beg Your Excellency to use your utmost influence that the area of Mea Shearim, where the Orthodox population is mostly concentrated be included in the international zone of administration or in any international scheme of supervision which may be created stop This is a life question for them stop they feel strongly that only under international pro. section their rights will be safeguarded stop We would also beg Your Excellency to request the authorities of the State of Israel not to enrol forcibly the Orthodox youth of Jerusalem for army services stop With the resolution of the United Nations

Assembly Jerusalem is at present non-Israeli territory and it would be against the Charter of Human Rights to decide against their will stop Please be sure that this is the real Orthodox Jewish view although not openly expressed at the present moment because of various factors and above all the domination of Zionist propaganda who possess all the media to intimidate and belittle all those who are not prepared to share their ideals stop In the name of defenceless and at the moment helpless Orthodox Jews, and in the name of humanity and eternal justice, we appeal to the United Nations to embody these points in their final decision with regard to Jerusalem stop May God bless your work stop Tomchei, Neture Karta 123 Manor Road London-1\'-16 Rabbi Israel Domb, Secretary.

Annex II

STATUTE FOR THE CITY OF JERUSALEM

**APPROVED BY THE TRUSTEESHIP COUNCIL AT ITS 81ST
MEETING HELD ON 4 April 1950**

Preamble

Whereas the General Assembly of the United Nations in its resolution 181 (II) of 29 November 1947, laid down that the City of Jerusalem, as delimited in that resolution, should be established as a *corpus separatum* under a special international regime and should be administered by the United Nations,

Whereas the General Assembly designated the Trusteeship Council to discharge the responsibilities of the Administering Authority on behalf of the United Nations:

Whereas the special objectives to be pursued by the United Nations in discharging its administrative obligations were set forth in the

aforesaid resolution as follows:

"(a) To protect and to preserve the unique spiritual and religious interests located in the City of the three great monotheistic faiths throughout the world, Christian, Jewish and Moslem, to this end to ensure that order and peace, and especially religious peace, reign in Jerusalem;

"(b) To foster co-operation among all the inhabitants of the City in their own interests as well as in order to encourage and support the peaceful development of the mutual relations between the two Palestinian peoples throughout the Holy Land; to promote the security, well-being and any constructive measures of development of the residents, having regard to the special circumstances and customs of the various peoples and communities",

Whereas the General Assembly in the aforesaid resolution directed the Trusteeship Council to elaborate and approve a detailed Statute for the City and prescribed certain provisions, the substance of which should be contained therein,

Whereas the Trusteeship Council prepared on 21 April 1948 the draft Statute for the City of Jerusalem (T/118/Rev.2),

Whereas the General Assembly of the United Nations, in its resolution 194 (III) of 11 December 1948, resolved that a special treatment separate from that accorded to the rest of Palestine should be accorded to the Jerusalem area and that it should be placed under effective United Nations control,

Whereas the General Assembly of the United Nations, in its resolution 303 (IV) of 9 December 1949 re-stated "its intention that Jerusalem should be placed under a permanent international regime, which should envisage appropriate guarantees for the protection of the Holy Places, both within and outside of Jerusalem", and requested the

Trusteeship Council to "complete the preparation of the Statute of Jerusalem, omitting the now inapplicable provisions" and, "without prejudice to the fundamental principles of the international regime for Jerusalem set forth in the General Assembly resolution 181 (II) of 29 November 1947 introducing therein amendments in the direction of its greater democratization, approve the Statute, and proceed immediately with its implementation",

The Trusteeship Council,

In pursuance of the aforesaid resolutions,

Approves the present Statute for the City of Jerusalem.

Article 1

Special International Regime

The present Statute defines the Special International Regime for the City of Jerusalem and constitutes it as a *corpus separatum* under the administration of the United Nations.

Article 2

Definitions and interpretations

In this Statute unless the contrary is stated or the context otherwise requires:

(a) "City" means the territory of the *corpus separatum*;

(b) "Governor" means the Governor of the City, and includes, to the extent of his authority, any officer authorized by or in pursuance of this Statute to perform the functions of the Governor;

(c) "Instructions of the Trusteeship Council" means any instructions, whether of a general or special character, which are given by the Trusteeship Council in relation to the application of this Statute;

(d) When a duty is imposed or a power is conferred, the duty shall be performed and the power may be exercised from time to time as occasion requires;

(e) When a power is conferred to make any order, or to enact any legislation, or to give any instruction or direction, the power shall be construed as including a power to rescind, repeal, amend or vary the order, legislation, instruction or direction;

(f) When a duty is imposed or a power is conferred on the holder of an office, the duty shall be performed and the power may be exercised by the holder of the office or by a person duly appointed to act for him.

Article 3

Authority of the Statute

This Statute shall prevail in the City. No, judicial decision shall conflict or interfere with its provisions, and no administrative act or legislative measure which conflicts or interferes with its provisions shall be valid.

Article 4

Boundaries of the territory of the City

1. The territory of the City shall include the municipality of Jerusalem, as delimited on 29 November 1947, together with the surrounding villages and towns, the most eastern of which is Abu Dis; the most southern Bethlehem; the most western Ein Karim (including also the

built-up area of Motsa) and the most northern Shutfat.

2. The precise boundaries of the City shall be delimited on the ground by a Commission to be nominated by the Trusteeship Council. A description of the boundaries so delimited shall be transmitted to the Trusteeship Council for its approval and a description of the approved boundaries shall be annexed to this Statute.

Article 5

Functions of the Trusteeship Council

The Trusteeship Council, by virtue of the authority conferred upon it by General Assembly resolutions 181 (II) of 29 November 1947 and 303 (IV) of 9 December 1949, shall discharge the responsibilities of the United Nations for the administration of the City in accordance with this Statute.

Article 6

Territorial integrity

1. The territorial integrity of the City and the special regime as defined in this Statute shall be assured by the United Nations.

2. The Governor, appointed by the Trusteeship Council in accordance with the provisions of article 12 of this Statute, shall inform the Trusteeship Council of any situation relating to the City the continuance of which is likely to endanger the territorial integrity of the City, or of any threat of aggression or act of aggression against the City, or of any other attempt to alter by force the special regime as defined in this Statute. If the Trusteeship Council is not in session and the Governor considers that any of the foregoing contingencies is of such urgency as to require immediate action by the United Nations, he shall bring the matter to the immediate attention of the Security Council through the Secretary-General of the United Nations.

Article 7

Demilitarization and neutrality

1. The City shall be, and remain, neutral and inviolable.
2. The City shall be demilitarized and no paramilitary formations, exercises or activities shall be permitted within its borders. No armed forces, except as may be provided under article 15 of this Statute or under the authority of the Security Council, shall be allowed in the City.

Article 8

Flag, seal and coat of arms

The Legislative Council, constituted in accordance with the provisions of article 21 of this Statute, may approve a flag, a seal and a coat of arms for the City.

Article 9

Human rights and fundamental freedoms

1. All persons are entitled to all the rights and freedoms set forth in this Statute, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
2. All persons shall enjoy freedom of conscience and shall, subject only to the requirements of public order, public morals and public health, enjoy all other human rights and fundamental freedoms, including freedom of religion and worship, language, education, speech and Press, assembly and association, petition (including petition to the Trusteeship Council), migration and movement.

Subject to the same requirements no measure shall be taken to obstruct or interfere with the activities of religious or charitable bodies of all faiths.

3. All persons have the right to life, liberty and security of person.

4. All persons are equal before the law and are entitled without any discrimination to equal protection of the law. All persons are entitled to equal protection against any discrimination in violation of this Statute and against any incitement to such discrimination.

5. No person may be arrested, detained, convicted or punished, except according to due process of law.

6. No person or property shall be subjected to search or seizure, except according to due process of law.

7. All persons are entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of their rights and obligations and of any criminal charge against them.

8. All persons charged with a penal offence have the right to be presumed innocent until proved guilty according to law in a public trial at which they have had all the guarantees necessary for their defence.

No person shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

9. No person shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. All persons have the right to the protection of the law against such interference or attacks.

10. All persons have the right to freedom of thought, conscience and religion; this right includes freedom to change their religion or belief; and freedom, either alone or in community with others, either in public or in private to manifest their religion or belief in teaching, practice, worship and observance.

11. All persons have the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and part information and ideas through any media.

12. The legislation of the City shall neither place nor recognize any restriction upon the free use by any person of any language in private intercourse, in religious matters, in commerce, in the Press or in publications of any kind, or at public meetings.

13. The family law and personal status of all persons and communities and their religious interests, including endowments, shall be respected.

14. All persons, as members of society, have the right to social security and are entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of the City, of the economic, social and cultural rights indispensable for their dignity and the free development of their personalities.

15. Without prejudice to the provisions of the preceding paragraphs, the Universal Declaration of Human Rights shall be accepted as a standard of achievement for the City.

16. At such time as the proposed United Nations Covenant of Human Rights shall come into force the provisions of that Covenant shall enter into force also in the City in accordance with the provisions of article 37 of this Statute.

Article 10

Definition of residents

For the purposes of articles 11, 17, 21, 22 and 42 of this Statute, the following persons shall be deemed to be residents of the City:

(a) Persons who were ordinarily resident in the City on 29 November 1947 and have remained ordinarily so resident since that date;

(b) Persons ordinarily resident in the City on 29 November 1947, who, having left the City as refugees, subsequently return for the purpose of residing there;

(c) Persons who do not qualify as residents under paragraphs (a) or (b) of this article but who, after 29 November 1947 have been ordinarily resident in the City for a continuous period of not less than three years, and have not ceased to be ordinarily so resident: provided that the legislation of the City may make provision for the registration of persons ordinarily resident in the City, and that subject to such exceptions as are provided for in that legislation, persons shall be deemed not to be ordinarily resident in the City for the purposes of paragraphs (a), (b) and (c) of this article during any period in which they are in default in complying with the requirements of the legislation as to registration.

Article 11

Citizenship

1. All persons who at the date of coming into force of this Statute are residents of the City within the meaning of article 10 of this Statute shall become *ipso facto* citizens of the City: provided that:

(a) All such residents who, at the date of coming into force of this Statute, are citizens of any State and who give notice in such manner and within such period as the Governor shall by order prescribe of their intention to retain the citizenship of that State shall not be deemed to be citizens of the City;

(b) Unless a wife gives notice on her own behalf within the period prescribed by order of the Governor, she shall be bound by the decision of her husband in either submitting or not submitting notice as prescribed by sub-paragraph (a) above;

(c) A notice given by a parent or legal guardian in accordance with the provisions of sub-paragraph (a) above shall bind his or her children of minor age of whom he or she has custody: provided that such a minor, on attaining his majority, may opt for the citizenship of the City by giving notice in such manner as the Governor may by order prescribe.

2. Subject to the provisions of paragraph 1 of this article, the conditions for the acquisition of citizenship of the City by persons who become residents after the date of the coming into force of this Statute and for the loss of citizenship of the City shall be laid down by legislation.

Article 12

Selection and term of office of the Governor

1. The Governor shall be appointed by and responsible to the Trusteeship Council.
2. The term of office of the Governor shall be three years from the time of his appointment: provided that:
 - (a) The Trusteeship Council may extend the term of office of the Governor in any particular case for such period as it may deem fit;
 - (b) The Governor may resign his appointment upon due notice to the Trusteeship Council and the Trusteeship Council may terminate his appointment for due cause at any time
3. At the expiration of his term of office a Governor shall be eligible for re-appointment.

Article 13

General powers of the Governor

1. The Governor shall be the representative of the United Nations in the City.
2. The Governor, on behalf of the United Nations, shall exercise executive authority in the City and shall act as the chief administrative officer thereof, subject only to the provisions of this Statute and to the instructions of the Trusteeship Council. He shall be responsible for ensuring the peace, order and good government of the City in accordance with the special objectives set out in the Preamble to this Statute.

3. The Governor shall be responsible for exercising such supervision over religious or charitable bodies of all faiths in the City as may be required for the maintenance of public order, public morals and public health. He shall exercise such supervision in conformity with existing rights and traditions.

4. The Governor shall negotiate with the States concerned agreements to ensure, in conformity with the resolutions of the General Assembly, the protection of the Holy Places located in the Holy Land outside the City.

5. The Governor and his official and private property shall not be in any way subject to the jurisdiction of the Legislative Council or of the Courts of the City.

Article 14

Power of pardon and reprieve

The Governor may grant to any offender convicted of any offence in any Court of the City a pardon, either free or conditional, or may grant remission of the sentence passed on such offender, or any respite of the execution of such sentence, for such period as the Governor deems fit, and may remit any fines, penalties or forfeitures which may accrue or become payable to the City by virtue of the judgment of any Court of the City or of the operation of any legislation of the City.

Article 15

Preservation of order

1. The Governor shall be responsible for the organization and direction of the police forces necessary for the maintenance of internal law and order.

2. The Governor shall organize and direct a special police force, of such numbers as he may deem necessary for the maintenance of internal law and order, and especially for the protection of the Holy Places, religious buildings and sites.

Article 16

Emergency powers of the Governor

1. If, in the opinion of the Governor; the administration is being seriously obstructed or prevented by the non-co-operation or interference of persons or groups of persons, the Governor, during the period of the emergency, shall take such measures and enact by order such legislation as he may deem necessary to restore the effective functioning of the administration, and such orders shall have effect notwithstanding anything to the contrary in any legislation in force.

2. The circumstances in which the Governor may have exercised any power conferred on him by this article shall be reported to the Trusteeship Council as soon as may be practicable.

Article 17

Organization of the administration

1. The Governor shall be assisted by a Chief Secretary who shall be appointed by the Trusteeship Council on the recommendation of the Governor.

2. The Governor shall appoint an administrative staff, including an Attorney General, the members of which shall be selected on a non-discriminatory basis for their competence and integrity and, whenever practicable, from among the residents of the City. Subject to any instructions of the Trusteeship Council and to any legislation of the City, the appointments of members of the administrative staff may be terminated by the Governor at any time.

3. There shall be a Council of Administration consisting of the Chief Secretary and such other principal officers and residents as the Governor may appoint. The Governor may also, if he considers it desirable, add to the Council other persons chosen by him. The Council of Administration shall advise and assist the Governor in the administration of the City.

4. In the performance of their duties, the Governor, the members of the Council of Administration and administrative staff, including members of the police forces, shall not seek or receive any instructions from any Government or any authority other than the Government of the City or the Trusteeship Council.

Article 18

Disqualification from public office

A person shall be disqualified from holding any public office, central or local, in the City, including membership of the Council of Administration and of the Legislative Council, if he holds any office under any other Government: provided that the Governor may appoint to any public office in the City for a limited period, any person seconded from the service of another Government.'

Article 19

Oaths of office

The Governor, the Chief Secretary, members of the Judiciary, members of the Council of Administration, members of the Legislative Council, members of the special police force and such other officers as the Governor may determine, shall take such oaths and make such affirmations as are specified in the instructions of the Trusteeship Council.

Article 20

Acting Governor

If the office of Governor is vacant, or if the Governor is absent from the City or is unable to exercise his-powers or perform his duties, the officer holding substantively the appointment *of* Chief Secretary, or, *if* there is no such officer or he is absent from the City or unable to act, such persons as may have been authorized to act in the circumstances by the instructions of the Trusteeship Council, may exercise all the powers and perform all the duties of the Governor so long as the office of Governor is vacant or the Governor is absent from the City or unable to exercise his powers or perform his duties.

Article 21

The Legislative Council

1. A Legislative Council, consisting of a single chamber, shall have power to legislate, consistent with the provisions of this Statute, upon all matters affecting the interests of the City except such matters as are included within powers specifically granted by this Statute to the Trusteeship Council or to any other authority.
2. The Legislative Council shall be composed of citizens or residents of the City, twenty-five years of age and over, elected or designated in accordance with the provisions of this article and of article 22 of this Statute.
3. The Legislative Council shall consist of twenty-five elected members and of not more than fifteen non-elected members.

The twenty-five members shall be elected by four electoral colleges: a Christian college, a Jewish college, a Moslem college and a college which shall be composed of the residents of the City who declare that

they do not wish to register with any of the other three colleges. The Governor shall make all the necessary arrangements for opening and keeping the electoral registers in each of these four colleges.

The first three colleges shall each elect eight members to the Legislative Council and the fourth college one member.

The non-elected members of the Council shall be designated by the Heads of the principal religious communities of the City: the number of these members representing the Christian religion, the Jewish religion and the Moslem religion being equal. The Governor shall submit to the Trusteeship Council a plan for the number and allocation of the non-elective seats.

4. The legislation of the City may make provisions as to the disqualifications from, election to, and membership of, the Legislative Council, resulting from loss of legal capacity.

5. The legislation of the City shall provide for the remuneration of the members of the Legislative Council.

Article 22

Elections to the Legislative Council

1. The elected members of the Legislative Council shall be elected by residents of the City, twenty-one years of age and over, irrespective of nationality or sex, on the basis of universal and secret suffrage and proportional representation in each electoral college. For this purpose every resident of the City may register with the college of his own community, or with the fourth college; he may be registered at only one college.

Article 23

Duration of the Legislative Council

1 The term of the Legislative Council shall be four years from the date of its election, unless it is earlier dissolved.

2. If, at the end of a four-year term of the Legislative Council, it is the opinion of the Governor that circumstances are inappropriate for the conduct of a general election, the Legislative Council may vote the prolongation of its term for a period not exceeding one year. The Governor shall forthwith submit a report to the Trusteeship Council which may issue such instructions as it may deem necessary.

3. If a serious political crisis arises in the City and if, in the opinion of the Governor, the dissolution of the Legislative Council would be justified, he shall report the circumstances to the Trusteeship Council which may, after examining the Governor's report order such dissolution and at the same time fix a date for holding of new elections.

Article 24

Legislation and resolutions

1. Bills and resolutions may be introduced in the Legislative Council by any member thereof.

2. The Governor, or any officer appointed by him, may make statements or answer questions before the Legislative Council, introduce any bill or resolution and participate without vote in all deliberations of the Legislative Council.

3. A bill adopted by the Legislative Council shall become law only upon promulgation by the Governor.

At any time within a period of thirty days after the transmission to him of any bill the Governor may disapprove the bill if, in his opinion, it is in conflict with the provisions of this Statute or it would impede the Administration of the City or inflict undue hardship on any section of the inhabitants of the City and he shall then inform both the Legislative Council and the Trusteeship Council of the reasons for his disapproval.

If, at the expiration of the period of thirty days, the Governor has not disapproved the bill, he shall forthwith promulgate it as a law.

Article 25

Legislation by order of the Governor

1. At any time when there is no Legislative Council, the Governor may legislate by order which shall have the force and effect of law. All such orders shall be laid before the Legislative Council as soon as may be practicable and shall remain in force until and unless repealed or amended in accordance with the provisions of paragraph 3 of article 24 of this Statute.
2. When the Legislative Council is in session but fails to adopt in time a bill deemed essential to the normal functioning of the Administration the Governor may make temporary orders.
3. The Governor shall forthwith report to the Trusteeship Council any action taken by him in accordance with the provisions of this article and the Trusteeship Council may issue such instructions as it may deem necessary.

Article 26

Standing orders of the Legislative Council

1. The Legislative Council shall adopt such standing orders for the conduct of its business, including the election of a President (who may or may not be a member of the Legislative Council), as it may deem appropriate.
2. The Governor shall convene the first session of each Legislative Council and may at any time convene an extraordinary session.
3. Subject to the provisions of article 23 of this Statute, subsequent sessions of the Legislative Council shall be convened in accordance with the standing orders of the Legislative Council.
4. Subject to the provisions of article 23 of this Statute, the Governor shall convene an extraordinary session of the Legislative Council upon the request of a majority of the members.
5. A majority of the members of the Legislative Council shall form a quorum.
6. Decisions of the Legislative Council shall be taken by a majority of those present and voting. Members who abstain from voting shall not be counted as voting.

Article 27

Immunity of members of the Legislative Council

1. No member of the Legislative Council shall be liable to any judicial or administrative penalty, or be called to account in any other way outside the Legislative Council, by reason of anything which he may have said, or of any vote which he may have cast, in the course of his duties as a member of the Legislative Council.

2. No member of the Legislative Council shall be liable during the sessions of the Council to criminal, administrative or disciplinary proceedings, nor shall he be deprived of his liberty without the permission of the Legislative Council: provided that he may be apprehended in the act of committing a crime and detained if his detention is or becomes imperative in the interests of justice, but in any such case his apprehension shall be reported as soon as may be practicable to the Legislative Council and he shall be released without delay should the Legislative Council so request.

Article 28

Judicial system

1. There shall be a Supreme Court which shall consist of such number of judges, not being less than three or more than five, as the Trusteeship Council may determine, of whom one shall be President and shall be styled Chief Justice. They shall be appointed by, and their appointments shall be terminated only by, the Trusteeship Council.

2. The legislation of the City shall provide for an independent judicial system for the City, including such subordinate and other Courts as may be deemed appropriate. Such legislation shall establish the jurisdiction of the Courts and provide for their organization.

3. All persons shall be subject to the jurisdiction of the City, except and in so far as such persons may enjoy immunity as provided for in this Statute.

4. Judicial personnel of subordinate Courts shall be appointed by and may be suspended or dismissed by, the Chief Justice with the approval of the Governor in accordance with any instructions of the Trusteeship Council.

5. Subject to the special objectives set out in the preamble to this Statute and to social evolution in the City, the existing status and jurisdiction of religious Courts in the City shall be respected. In the case of any conflict regarding jurisdiction between religious Courts or between religious Courts and civil Courts, the Supreme Court shall consider the case and decide in which Court the jurisdiction shall lie.

6. Decisions by the Supreme Court shall be made by a majority of its members: provided that, if in any case the opinion of the Court be equally divided, the opinion of the Chief Justice shall prevail.

Article 29

Constitutionality of legislation and administrative acts

1. In cases brought before the Courts of the City this Statute shall prevail over any legislation or administrative act. The Supreme Court shall have original and appellate jurisdiction in all cases involving claims that such legislation or act is incompatible with the provisions of this Statute.

2. In any case in which the Supreme Court decides that any legislation or administrative act is incompatible with the provisions of this Statute such legislation or administrative act shall be void and of no effect.

Article 30

Access to and immigration into the City

1. Subject only to the requirements of public order, public morals and public health:

(a) Freedom of entry into and of temporary residence in and of exit from the City shall be ensured to all foreign pilgrims and visitors without distinction as to nationality or faith;

(b) The legislation of the City shall make special provisions to facilitate entry and exit from the City for inhabitants of adjoining areas.

2. Immigration into the City for the purposes of residence shall be controlled by order of the Governor under the instructions of the Trusteeship Council having regard to the absorptive capacity of the City and the maintenance of equality between the various communities.

Article 31

Official and working languages

Arabic and Hebrew shall be the official and working languages of the City. The legislation of the City may adopt one or more additional working languages be required.

Article 32

Educational system and cultural and benevolent institutions

1. All persons have a right to education. Education shall be directed to the full physical, intellectual, moral and spiritual development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall be directed to the promotion of understanding, tolerance and friendship among all national, racial and religious groups. It shall *in* particular be directed to the furtherance of the activities of the United Nations, to the establishment Of peace and to the attainment of the special objectives set out in the preamble to this Statute.

2. Education, in its elementary stages, shall be free and compulsory. In its secondary stages, it shall in so far as may be practicable be free. Technical and professional educational facilities shall be provided in so far as may be practicable and those supported by public funds shall be equally accessible to all on the basis of merit.

3 The City shall maintain or subsidize and supervise a system of primary and secondary education on an equitable basis for all communities in their respective languages and in accordance with their respective cultural traditions: provided that such communities have a sufficient number of pupils to justify a separate school.

4. Subject to the provisions of paragraph 1 of this article and to such educational requirements of a general nature as the legislation of the City may impose, any community or any specific group within any community may maintain its own institutions for the education of its own members in its own language according to its own cultural traditions.

5. Subject to the provisions of paragraph 1 of this article and to the legislation of the City, private or foreign educational establishments may be maintained in the City: provided that existing rights shall continue unimpaired.

6. Educational and cultural establishments, charitable institutions and hospitals already in existence or founded after the coming into force of this Statute shall enjoy the fiscal privileges provided for in paragraph 6 of article 38 of this Statute.

7. At the request of a parent or legal guardian, any child may be exempted from religious instruction in any school supported in whole or in part by public funds.

Article 33

Broadcasting and television

1. Radio broadcasting and television shall be reserved to the City administration and shall be controlled by a Joint Broadcasting Council which shall be appointed by, and shall be responsible to, the Governor

and which shall include an equal number of representatives of each of the three principal religions: Christian, Jewish and Moslem.

2. Representatives of the Christian, Jewish and Moslem religions shall have equal opportunities of access to the broadcasting and television facilities of the City.

3. The principle of freedom of expression shall apply to broadcasting, but it shall be the responsibility of the Joint Broadcasting Council to ensure that the radio is used to further the interests of peace and mutual understanding between the inhabitants of the City and of the objectives of this Statute and of the Charter of the United Nations.

Article 34

Economic provisions

1. The plan for the economic and financial organization of the City adopted by the Trusteeship Council in accordance with the provisions of paragraph 4 of article 43 shall form an annex to this Statute.

2. In the economic and social fields the rights and interests of the inhabitants shall be considered as of primary importance. Subject to this provision, all economic, industrial and commercial matters shall be regulated on the basis of equal treatment and nondiscrimination for all States, nationals, and companies or associations controlled by their nationals; and an equal treatment and non-discrimination shall be ensured in respect of freedom of transit, including transit and navigation by air, acquisition of property, both movable and immovable, protection of persons and property and the exercise of professions and trades.

Article 35

Budgets

- 1.. The Governor shall be responsible for the preparation of the annual and supplementary budgets of the City and only the Governor or any officer appointed by him shall introduce budgets in the Legislative Council.
2. The financial provision made by the Governor in the budgets for the maintenance of the special police force shall not be altered by the Legislative Council. The Trusteeship Council may determine other services for which the financial provision made by the Governor in the budgets shall not be altered by the Legislative Council.
3. The Governor may authorize, in anticipation of approval by the Legislative Council, expenditure for which there is no provision in the budgets, if in his opinion such expenditure becomes a matter of urgency.

Article 36

Local autonomy

1. Existing local autonomous units and such new local autonomous units as may be created shall enjoy wide powers of local government and administration in accordance with the legislation of the City.
2. The plan for local autonomy adopted by the Trusteeship Council in accordance with the provisions of paragraph 5 of article 43 shall form an annex to this Statute.

Article 37

External affairs

1. Subject to the provisions of this Statute and to the instructions of the Trusteeship Council, the Governor shall conduct the external affairs of the City.
2. The Governor may ensure by means of special international agreements, or otherwise, the protection abroad of the interests of the City and of its citizens.
3. The Governor may accredit representatives to foreign States for the protection of the interests of the City and its citizens in those States.
4. Representatives may be accredited to the Governor by any State if he so permits.
5. The Governor, on behalf of the City, may sign treaties which are consistent with this Statute and shall adhere to the provisions of any international conventions and recommendations drawn up by the United Nations or by the specialized agencies referred to in article 57 of the Charter of the United Nations which may be appropriate to the particular circumstances of the City, or would conduce to the achievement of the special objectives set out in the preamble to this Statute.
6. Such treaties and international undertakings entered into by the Governor shall be submitted for ratification to the Legislative Council. If the Legislative Council does not ratify any such treaties or international undertakings within six months of the date of signature by the Governor, the matter shall be referred to the Trusteeship Council which shall have the power to ratify them.

7. Foreign Powers shall enjoy immunities no less than those in force on 29 November 1947 in respect of their property within the City.

Article 38

Holy Places, religious buildings and sites

1. The protection of Holy Places, religious buildings and sites shall be the special concern of the Governor.

2. The Governor shall decide any question which may arise as to whether any place, building or site, not hitherto regarded as a Holy Place, religious building or site, is to be regarded as such for the purpose of this Statute. For the purpose of deciding any such question, the Governor may appoint a Committee of Inquiry to assist him.

3. If any dispute arises between different religious communities or between different confessions and faiths in connexion with any Holy Place, religious building or site, the Governor shall decide on the basis of existing rights. For the purpose of deciding any such dispute, the Governor may appoint a Committee of Inquiry to assist him. He may also, if he shall deem fit, be assisted by a consultative council of representatives of different denominations acting in an advisory capacity.

4. At the request of any party to a dispute under paragraphs 2 or 3 of this article, the Governor shall seek an advisory opinion of the Supreme Court on points of law, before he takes a decision.

5. If at any time it appears to the Governor that any Holy Place, religious building or site is in need of urgent repairs, he may call upon the community or denomination or section of the community concerned to carry out such repairs. If the repairs are not carried out, or are not completed within a reasonable time, the Governor may arrange for repairs to be carried out or completed and the expenses of

so doing shall be a charge on the revenues of the City but may be recovered from the community or denomination or section of the community concerned, subject to existing rights.

6. No form of taxation shall be levied in respect of any Holy Place, religious building or site which exempted from taxation of that form on 29 November 1947. No change in the incidence of any form of taxation shall be made which would either discriminate between the owners or occupiers of Holy Places, religious buildings and sites, or would place such owners or occupiers in a position less favourable in relation to the general incidence of that form of taxation than existed on 29 November 1947.

7. The Governor shall ensure - that the property rights of churches, missions and other religious or charitable agencies shall be confirmed and respected. He shall ensure, further, that all such property which since the outbreak of the Second World War had been seized without equitable compensation but which has not already been returned or, for one reason or another could not be returned to its original owners, shall either be restored to them or be transferred to another church, or mission or other religious or charitable agency representative of the same confession.

8. The Governor shall by order ensure that:

(a) His decisions taken in accordance with the provisions of paragraphs 2 and 3 of this article are carried into effect and that provision is made for the recovery of sums recoverable in accordance with the provisions of paragraph 5 of this article;

(b) Existing rights in respect of Holy Places, religious buildings and sites shall not be denied or impaired;

(c) Subject to the requirements of public order, public morals and public health, free access is maintained to Holy Places, religious

buildings and sites and that free exercise of worship therein is secured in conformity with existing rights;

(d) Holy Places, religious buildings and sites are preserved;

(e) No act is committed which may in any way impair the sacred character of Holy Places, religious buildings or sites;

(f) Provisions of this article generally, and the special objectives set out in the Preamble to this Statute in so far as they relate to Holy Places, religious buildings and sites, are carried into effect.

9. An order made in accordance with the provisions of paragraph 8 of this article may contain penal provisions and shall have effect notwithstanding anything to the contrary in any legislation.

10. The Governor shall transmit a copy of every order made in accordance with the provisions of paragraph 8 of this article to the Trusteeship Council as soon as may be practicable and the Trusteeship Council may give such instructions to the Governor in relation a thereto as it may deem fit.

Article 39

Protection of antiquities

Legislation of the City shall provide for the protection of antiquities.

Article 40

Capitulations

Foreign Powers whose nationals have in the past enjoyed in the City the privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by

capitulation or usage in the Ottoman Empire, are invited to renounce, if they have not already renounced, any right pertaining to them as regards the re-establishment of such privileges and immunities in the City. Any privileges and immunities which may be retained shall be respected.

Article 41

Entry into force of the Statute

This Statute shall come into force at a date to be determined by a resolution of the Trusteeship Council.

Article 42

Re-examination of the Statute

1. This Statute shall remain in force, in the first instance, for a period of ten years, unless the Trusteeship Council amends it before the expiration of this period.
2. On the expiration of this period of ten years, the whole Statute shall be subject to re-examination by the Trusteeship Council. The residents of the City shall then be free to express by means of a referendum I their wishes as to possible modifications of the regime of the City. The Trusteeship Council shall in due course lay down the procedure by which this referendum shall be conducted.

Article 43

Transitory provisions

1. *Flag*

Unless the Legislature of the City decides otherwise, the flag of the United Nations shall be flown from official buildings.

2. First elections to the Legislative Council

The first elections of members to the Legislative Council shall be held as soon as possible after the entry into force of this Statute at such date and in such manner as shall be provided by order of the Governor in accordance with the provisions of articles 21 and 22 of this Statute and of the instructions of the Trusteeship Council,

3. Provisional President of the Legislative Council

The Provisional President of the Legislative Council shall be appointed by the Governor and shall remain in office until the election of a President by the Legislative Council.

4. Economic provisions

The Governor shall take prompt steps to formulate, with the advice and help of such experts as may seem to him desirable, the economic and financial principles upon which the government of the City is to be based. In doing so he shall take into consideration the desirability of meeting the costs of the administration of the City from rates, taxes and other local revenues, and the possibility that any advances from the United Nations towards such expenditure will be in the form of loans. The Governor, within six months of the date of his appointment, shall submit to the Trusteeship Council for its consideration a plan for the economic and financial organization of the City.

Pending a decision by the Trusteeship Council in this matter, the Governor may temporarily take such economic and financial measures as he may deem necessary for the proper administration of the City.

Commercial concessions, or concessions in respect of public services, granted in the City prior to 29 November 1947 shall continue to be

valid according to their terms, unless modified by agreement between the Governor and the concession holder.

5. Local autonomy

The Governor, after consultation with the Legislative Council and, if possible, within six months of the date of his appointment, shall submit to the Trusteeship Council for its consideration a plan for dividing the City into local autonomous units and for the allocation of powers between the City authorities and the authorities of those autonomous units.

6. Continuity of legislation

The legislation in force in the City on the day preceding the termination of the Mandate, in so far as it is not inconsistent with the provisions of this Statute, shall be applicable in the City until such time as it may be amended or repealed by legislation.

7. Refugees

Having regard to any decisions or recommendations which have been, or may be, made by organs of the United Nations or to any agreements which have been accordingly concluded between the States concerned regarding the problem of the Palestine refugees, the Governor of the City, as soon as this Statute enters into force, shall facilitate the repatriation, resettlement and economic and social rehabilitation of persons who, on 29 November 1947, were ordinarily resident in the City and have left the City as refugees, as well as the payment of any indemnities which may be due to them.

Annex III

REPORT BY THE PRESIDENT OF THE TRUSTEESHIP COUNCIL ON THE MISSION ENTRUSTED TO HIM BY VIRTUE OF RESOLUTION 232 (VI) OF THE TRUSTEESHIP COUNCIL OF 4 APRIL 1950

The Trusteeship Council, in its resolution of 4 April, requested its President: (1) to transmit the text of the Statute for Jerusalem to the Governments of the two States at present occupying the area and City of Jerusalem; (2) to request from the two Governments their full co-operation in view of paragraph II of the General Assembly resolution of 9 December 1949; (3) to report on these matters to the Trusteeship Council in the course of its seventh regular session.

In accordance with these instructions of the Trusteeship Council, I transmitted the text of the Statute for Jerusalem to the Government of Israel and Jordan on 6 April and requested them to send a representative to Athens to consider with me the conditions for the implementation of the second paragraph of the above-mentioned Trusteeship Council resolution. The proposed meeting was to be held on 17 April.

The Government of Israel immediately acknowledged receipt of this communication and informed me through Mr. Ginossar, its diplomatic representative to the Italian Government, that it would be prepared to discuss the question referred to in paragraph II of the General Assembly resolution with me at Athens, but that the proposed place would hardly be propitious for a discussion of this kind, which would be greatly facilitated by a direct exchange of views between the Government of Israel and the President of the Trusteeship Council. His Excellency Mr. Sharett, Minister of Foreign Affairs of Israel, proposed that I should come personally to Tel-Aviv to consult with him, and I immediately stated my willingness to accept this kind

invitation, subject to the reply that I was expecting from the Government of the Hashemite Kingdom of the Jordan.

As I had not yet received this reply at Rome on 15 April, I got into touch with the Minister of the Hashimite Kingdom of the Jordan in that city, Mr. Edmond Roch, who had represented his country on the Trusteeship Council during the debates concerning the internationalization of the Holy City at our last session at Geneva, and I asked him to make representations to his Government in order to hasten a decision on the steps it wished to take as a result of my *démarche*. During the fortnight between my first interview with Mr. Edmond Roch and my departure from Rome, I had several more interviews with him and urged him to draw his Government's serious attention to the strangeness of a silence which would make it impossible for me to proceed with the task entrusted to me by the Trusteeship Council. I have no doubt that the representative of the Hashimite Kingdom of the Jordan at Rome, to whose understanding and courtesy I wish to pay a most sincere tribute, 'duly informed his Government of my repeated *démarches* and of my suggestions. Unfortunately, these remained unavailing, and I have to state with the deepest regret that up to yesterday, when my term as President of the Trusteeship Council came to an end, the Government of the Hashimite Kingdom of the Jordan had not seen to break its silence.

In those circumstances, I considered it preferable to refrain from going to Palestine, whither I was to be accompanied by Mr. Victor Hoo, Assistant Secretary-General of the United Nations, who assisted me throughout my mission and whose experience was of great value to me. There would have been obvious disadvantages in my only being able to confer on the spot with the Israeli authorities, while the other party concerned avoided any exchanges of views.

I therefore pursued my consultations with the Government of Israel alone, first at Rome through the aforementioned Minister of Israel and with a special representative, Mr. Gideon Raphael, member of the

Israeli permanent delegation to the United Nations, whom his Excellency Mr. Sharett had kindly sent to me; then at Paris, through the Israeli Legation; and finally at New York, where, after my last consultations with Mr. Eban, the latter sent me, on 26 May, the memorandum which I am about to communicate to you.

Throughout these delicate negotiations, the Government of Israel showed a spirit of conciliation which led it to submit to the Trusteeship Council certain new proposals which, although they are far removed from the terms of General Assembly resolution of 9 December 1949 and of the Statute adopted by the Trusteeship Council on 4 April last, nevertheless represent a considerable advance towards a settlement of the various aspects of the problem of Jerusalem and the Holy Places in comparison with the proposals submitted to the General Assembly by the Government of Israel last autumn. For my own part, I regret my inability to obtain more concrete results from the two States which now exercise *de facto* authority over the City and area of Jerusalem: the results of the mission entrusted to me by the Trusteeship Council have proved disappointing and the implementation of the Statute would seem to be seriously compromised under present conditions. But at least there is still ground for hope that the understanding and benevolent attitude of one of the two Governments concerned towards the legitimate demands of all the parties concerned for a just and therefore a lasting solution of the difficult problem that the Trusteeship Council has honestly endeavoured to solve in accordance with the General Assembly's instructions will finally persuade the other Government, which possesses virtually all the Holy Places, to take the wishes of the United Nations into consideration and to collaborate loyally with it in ensuring justice, peace and permanent security in the City of Jerusalem as well as the protection of and free access to the Holy Places.

(Signed) Roger GARREAU

Enclosure

LETTER DATED 26 MAY 1950 ADDRESSED TO THE PRESIDENT OF THE TRUSTEESHIP COUNCIL BY THE PERMANENT REPRESENTATIVE OF ISRAEL TO THE UNITED NATIONS

1. I have the honour to enclose herewith a memorandum of the Government of Israel on the question of Jerusalem. This memorandum is submitted in reply to your letter of 6 April 1950, enclosing the text of a Statute for Jerusalem approved by the Trusteeship Council on 4 April 1950.
2. During the sixth session of the Trusteeship Council my Government expressed its readiness "to explore with the Council and with other parties concerned any avenue which may lead to the effective fulfilment by the United Nations of its responsibilities for the Holy Places". It was in this spirit that the Israel delegation participated in the work of the Trusteeship Council in Geneva. In further pursuit of its desire to seek an agreed solution within the framework of the United Nations, my Government was glad to respond to Your Excellency's invitation to consult with you in Europe. The Minister of Israel in Rome was instructed by the Government of- Israel to keep Your Excellency informed of all developments in our thinking on the substance of the question and on the procedural steps which we envisaged. On 20 April an emissary from the Government of Israel, Mr. Gideon Rafael, called on you officially in Rome to convey the compliments of the Israel Foreign Minister and to acquaint you with such progress as we had made in formulating the principles for a solution.
3. Moreover, on 17 April the Government of Israel, taking note of the functions which the Trusteeship Council had allotted to its President in its resolution of 4 April 1950, and being keenly aware of the importance of first-hand knowledge of the current situation in

Jerusalem, extended to you a cordial invitation to visit Israel for the purpose of consultations with the Government and a direct view of the present Jerusalem situation. My Government regrets that this visit did not materialize, principally, we understand, owing to the lack of a similar readiness on the Arab side.

In this connexion I would also express my Government's regret that no member of the Trusteeship Council found it possible to accept its invitation to visit Jerusalem for a first-hand study of the position during the Council's recess. The fact that the Statute cannot be implemented, while the proposal herewith outlined by my Government is capable of swift realization, could have been tested most convincingly by such a direct survey.

4. The Government of Israel, earnestly desiring to secure adequate and effective protection of the Holy Places, will continue its efforts to assist the United Nations to reach an agreed solution. For that purpose it now offers the enclosed memorandum for the study Of all interested parties and authorizes me to be at the Council's disposal for any clarification that may be required.

*(Signed) A. S. EBAN
Permanent Representative of
Israel to the United Nations*

THE QUESTION OF JERUSALEM

Memorandum submitted by the Government of Israel to the
Trusteeship Council
on 26 May 1950

I

Introduction

1. The Government of Israel has given careful consideration to the text of the Statute for Jerusalem approved by the Trusteeship Council on 4

April 1950 (T/592) and to the resolution of the Trusteeship Council adopted on the same day (T/564).

2. This Government will offer its full co-operation in seeking and implementing a solution of the Jerusalem question whereby the responsibility of the United Nations for the Holy Places may be reconciled with the freedom and independence of the City and its inhabitants. At the same time the Government of Israel regards the consent of the people of Jerusalem as indispensable to the effective functioning of the City's institutions. The right of a mature population to select and maintain its own government cannot be challenged by any consistent adherent of democratic principles. Moreover, the preservation in Jerusalem of a regime based on the initiative and consent of its own population is not only an unassailable political ideal; it is also a dictate of practical statesmanship, with a direct bearing on the issue of implementation. The idea that any regime for the protection of religious interests can endure amidst a discontented, aggrieved and turbulent population will be instantly rejected by any serious mind. Religious peace cannot be secured by political suppression. Thus, considerations of justice and of practicability combine to make the will of Jerusalem's population the essential basis for the City's political institutions.

3. In Jerusalem, the Holy Places of the three world religions are gathered in a unique concentration. These sanctuaries command a world-wide reverence, far transcending their purely local environment. The protection of the Holy Places and of free access thereto, and the maintenance of existing religious rights, constitute an international trust for which the responsibility of the United Nations should be universally recognized. The Government of Israel believes that the United Nations should be enabled effectively to exercise that responsibility, which should also be expressed in appropriate juridical form.

4. Accordingly, any solution which the Government of Israel can command or support must simultaneously fulfil two objectives: it should satisfy the principle of United Nations responsibility for all matters directly affecting the Holy Places and free access thereto; and it must leave the population of the City free to express their ineradicable national loyalty through the democratic institutions which they have helped to create in Jerusalem and in their own State.

Political effects

5. The Government of Israel has examined the Statute for Jerusalem in the light of these two objectives. It has given special attention to the political institutions described in the Statute and to their potential effect on the life of New Jerusalem. It will be recalled that the Statute was originally drafted in 1948 in order to provide the immediate succession to an expiring mandate, at a time when the people of Jerusalem had not yet integrated their political life into that of a sovereign State commanding their entire allegiance. At that time, Jerusalem was completely detached from the territory of the future Jewish State and was surrounded by Arab territory on all sides. Apart from the basic question of the Holy Places, the problem of affording effective protection to 100,000 Jews had to be faced by the Statute; indeed, it was this consideration which led to the proposal for internationalizing a large secular area apart from the Holy Places. Today, however, these conditions no longer hold good. The Statute must now be judged, both in principle and in terms of implementability, by its effect on an area totally and willingly bound up with the life and sentiment of the State of Israel. Jerusalem now has its own institutions of government, security and law -- institutions deeply rooted, effectively administered and tenaciously upheld. It is now impossible to establish a governorship or a legislature, a council or a court, without first disrupting institutions already functioning by popular consent, and severing ties and connexions firmly cemented. For, in sharp contrast to its position in 1947, Jewish Jerusalem is today firmly linked to the State of Israel by a broad territorial bridge and

forms an integral part of it in the physical and geographical sense, as well as in its constitutional allegiance.

6. Thus, the implementation of the Statute would involve the United Nations in the process of destroying free and stable democratic institutions in Jerusalem as a prelude to the imposition, against the popular will, of an authoritarian regime introduced from outside. The Trusteeship Council, having been unable two years ago to provide Jerusalem with security, administration and subsistence when they were urgently needed, would now come on the scene to liquidate the security, administration and subsistence which the people of Jerusalem and of Israel have established amidst cruel suffering and sacrifice of life.

7. Implementation of the Statute would have drastic effects on the life of every man and woman in Jewish Jerusalem. On the day the Statute came into effective force, all the sources and centres of authority in the City would lose their power. All threads of administrative, fiscal and judicial connexion would be severed. All existing courts would lose their jurisdiction. One hundred and ten thousand Israel citizens would awake that first morning to find themselves disfranchised and dispossessed of their fundamental political rights. In retaining their national allegiance they would become foreigners in their own City. The flag of their people would no longer be there as the focus of their loyalty or inspiration. Political barriers would arise outside their City to separate and mark them off from their own kin in Israel. A *numerus clausus*, reminiscent of the practices of racial discrimination, would prevent the Jews of Israel from freely taking up residence in the very City which the Jewish people immortalized in this history of mankind. From having complete control of the life of the New City which they had built and defended with their own hands, the Jewish population would be reduced to the level of having no power or authority whatever in the affairs of Jerusalem. For under the operation of the Statute, the Jews of the New City, who form the considerable majority of the entire population of Jerusalem, would now have less than one-

third of the representation in an impotent and uninfluential "Legislative Council" (article 21) Faced by this assault on their political liberties, the Jews of Jerusalem would simultaneously find themselves cut off from the jurisdiction of the State which provides their very subsistence. To complete the story of this political and economic mutilation, they would also be stripped of their vital defence. Their lives would suddenly become subject to the arbitrary enactments of a constitution which was neither formulated by them nor evolved out of their consent and experience For the Statute itself, with its omnipotent Governor and . its artificially constituted Legislative Council, is modelled precisely on the absolutist forms of government which used to be applied in backward regions in the days before the elementary principles of self-government began to secure a foothold even in the dependent areas of the world.

8. The Government of Israel does not know of any standard of international ethics whereby this political upheaval in Jerusalem can be justified, or of any method whereby it can be implemented. The fact that scarcely a house or a street in the Israel part of Jerusalem even existed eighty years ago makes it absurd to contend that this area is of such venerable historical significance that it must be withdrawn from the hands of the people which has created it out of a wilderness. Of the more than thirty sites marked as Holy Places in the authorized map prepared by the United Nations for the Trusteeship Council (United Nations Map No. 229, November 1949) only two -- at the very extremity of the New City -- fall within the Israel zone of Jerusalem. Thus, the elimination throughout this large and heavily populated urban area of all its elected institutions and political rights and its forcible severance from the State to which it belongs cannot be justified in terms of any universal or religious characteristics affecting the New City.

9. It is a patent fact that the population of Jerusalem is opposed -- as would be the people of any other city -- to a project for uprooting its institutions and separating it from the State with which it is identified

in all its activity and sentiment. This fact alone destroys the moral validity and the practical relevance of the Statute. It is true that the proposed Governor is equipped with a police force of 500 men for the imposition upon the City of a regime which the entire population is unwilling to recognize. Yet this measure, far from solving any problem, serves only to emphasize the unimplementability of the Statute. For a police force can only function in civilized societies as the agent of the entire community against a few individuals who defy its recognized law. No police force can ever be effective if it stands in isolation from or in opposition to the majority will of the community. Thus, the political regime of the Statute, lacking any support, can neither be implemented by consent nor be enforced by any available means.

Economic effects

10 During the sixth session of the Trusteeship Council the representative of Israel explained in detail the effects of the Statute upon the economic life of the City (T/SR.260). Jewish Jerusalem, as an integral part of the Israel fiscal and economic systems, depends upon the State for its food and water, its communications, its educational, health and social services, its development budget, its subsidies, its foreign currency assets, in short for all the sources of its subsistence and employment. The City is not even remotely self-supporting, either agriculturally or industrially, and would never in all its history have been able to maintain its population, except as part of a wider and more productive political unit in the resources of which it could proportionately share. In 1947 it was proposed to maintain the economic integration of Jerusalem with its hinterland by the operation of the Economic Union of which the State of Israel was to be the only solvent partner. The Economic Union is no longer feasible, as the resolution of the General Assembly on 9 December 1949 admits; and the Statute is now drafted on the assumption of Jerusalem's complete separation from the jurisdiction and economic influence of Israel. Thus all the arteries which bring the life-blood to the heart of

Jerusalem are now to be severed by the creation of the *corpus separatum*. The City is to become like a diver whose air line is cut. Yet the Statute is completely devoid of a single provision for replacing the manifold sources of livelihood which Jerusalem loses by its severance from the State of Israel. The Statute legislates for Jerusalem's economic and financial isolation without even beginning to consider how an area with a population of 160,000 can subsist for a single day in a state of land-locked economic isolation. Article 34 states frankly that the economic implications of a *corpus separatum* have not been faced. The Israel arguments were not met in any respect. The Statute would undoubtedly involve economic strangulation as well as political disintegration.

Security effects

11. The security of Jerusalem is at present governed in practice and in international law by the Israel-Jordan General Armistice Agreement concluded at the behest of the United Nations, under which Israel exercises responsibility for the maintenance of order in Jewish Jerusalem and for the defence of that area against external attack. Thus, provisions of the Statute, such as article 7 imposing the demilitarization of the area, are in conflict with this Agreement, which may not be altered in any respect except by negotiations between the parties. It is no contribution to Jerusalem's security to undermine the authority of hard-won agreements which have enabled the City to regain a large measure of normality and which have made possible substantial withdrawals and reductions of troops. Apart from formal considerations, the withdrawal of Israel's troops from the New City of Jerusalem, even if accompanied by a simultaneous withdrawal of the Arab Legion from the Old City -- itself a highly improbable contingency -- would not result in an equal security for both parts of the City. New Jerusalem would be left surrounded on three sides by Arab forces: and thus the exact situation which nearly brought about the extinction of the City and its Jewish inhabitants in the spring of 1948 would be reproduced.

Juridical aspects

12. The Statute presumes that the General Assembly has power, in pursuance of its own resolution, to impose its administrative and executive control over the Jerusalem area, irrespective of the wishes of its population or the consent of a government now responsible for its administration. The Charter of the United Nations offers not the slightest support for any such legal theory. The conditions in which the General Assembly, through the Trusteeship Council, may assume the administration of any area are exhaustively laid down in Chapter XII of the Charter. Whatever its position in 1947, when it was a "territory under mandate", Jerusalem no longer falls into any of the categories defined in Article 77, to which any form of international trusteeship may legally be applied. Moreover, the procedures of agreement required by Articles 79 and 81 have not been applied and are not feasible in this case. Apart from being legally ineligible for the operation of a trusteeship regime in the sense of Article 77, Jerusalem is, by its very nature, the exact antithesis of any territory to which any system of tutelage may properly apply. For the object of the Trusteeship System is to promote the advancement of backward territories towards self-government, and not to effect the transformation of mature and independent democracies into subject areas. Thus, the letter of the Charter, as well as its fundamental spirit, is subjected to comprehensive violation by this unconstitutional proposal.

Resolution of the Trusteeship Council

13. The Government of Israel has pointed out on every suitable occasion these objective difficulties which render the Statute incapable of implementation, and is therefore not in any degree responsible for the insoluble deadlock which is inherent in the Statute. Indeed, there is a clear disparity between the Statute itself and the resolution adopted by the Trusteeship Council on 4 April 1950. The

Statute allocates no functions or responsibilities to Israel at all. Indeed, it declines even to mention Israel's existence and requires in effect that the Government of Israel be disengaged from anything affecting the life of Jerusalem. The suggestion that Israel is nothing to Jerusalem and Jerusalem is nothing to Israel may appear fantastic; yet this bewildering thesis is explicitly upheld by the Statute. In these circumstances, it is difficult to understand what is meant by inviting Israel's "full co-operation", in the Trusteeship Council's resolution of 4 April 1950. On the one hand, the Statute requires the complete disassociation of Israel from the life of Jerusalem and implies that it is the duty of the inhabitants of Jerusalem to ignore Israel's will or authority. On the other hand, the Trusteeship Council invites Israel's "full co-operation" in its task. Surely the consequences of the Statute must be faced and one cannot have it both ways. If Israel is to be dispossessed of legal and political power in the City, it obviously cannot be asked to exercise its influence or authority with the population of Jerusalem, should the latter be indisposed to accept the Statute. It is an axiom that Israel cannot be regarded as a factor in the implementation of a regime based on the disappearance of its own authority. The Trusteeship Council must alone confront the sentiment of the population of Jerusalem and estimate its chances of imposing upon tens of thousands of people a regime to which they are plainly opposed.

14. Since the Statute would plunge Jerusalem into political suppression and economic decline, while causing grave disturbance of its religious and secular peace and involving a manifest breach of the Charter, the Government of Israel is amongst those who share the view that it is inherently unimplementable.

II

An alternative proposal

15. Faced with this situation, in which the Statute is doomed to fail through its own defects of principle' and practice, the Government of Israel has been concerned to examine whether the basic objectives of the United Nations in Jerusalem may yet be rescued from their association with an extremist and illusory scheme. This Government has reached an affirmative conclusion. Everything that is truly universal and international in Jerusalem can be brought within the purview of direct United Nations responsibility without any disturbance of the City's political freedoms or of its established institutional life.

16. The real objective of the international community in Jerusalem is the protection of the Holy Places by the direct exercise of international responsibility, not the imposition of international rule on a city, a territory or a population. It is needless to emphasize that the problem of the Holy Places is not only a problem of preservation but also one of access. Closely linked with the issues of preservation and access, there is the question of "existing rights" hallowed by the traditions and compacts of succeeding generations. High central institutions of many faiths, including four Patriarchates, have their abode in Jerusalem in close proximity and relation to the Holy Places themselves. Thus the preservation of the Holy Places, the assurance of facilities for access and pilgrimage, the peaceful settlement of religious disputes, the maintenance of existing rights under international sanction, and the unhampered pursuit of the religious life revolving around the Holy Places are all matters of recognized international concern. If the United Nations brings these vital matters under its active and direct control, it will thereby achieve the fullest expression of universal responsibility for Jerusalem's religious associations ever recorded.

17. The Government of Israel believes that the responsibility of the United Nations should operate in this universal religious domain leaving the political and secular life of the City to the free determination of its people, as democratic principle requires. The experience of three years has proved that extreme doctrines of internationalization, excluding populations and areas from their natural allegiance, defeat their own purpose because they cannot be fulfilled, with the result that the United Nations remains absent even from its own recognized sphere of responsibility.

18. Since nearly all the Holy Places in Jerusalem are located within a small area of one and one-half square miles within the Walled City and its immediate environs, the Government of Israel and also many leading Christian authorities have from time to time considered the question of an international regime confined to that limited area, in the administration which the three monotheistic faiths should have acknowledged status. This project has, however, encountered insurmountable obstacles in view of the opposition of the Hashimite Kingdom of the Jordan which occupies the entire area of the Old City. The Government of Israel is ready even now to co-operate in the creation of an international regime of such limited territorial scope, but it must point out that the practicability of such a solution depends entirely on the Hashimite Kingdom of the Jordan.

19. Moreover, the Government of Israel recalls that the Western Wall (Wailing Wall), which is the main Jewish shrine, hallowed by religious associations for thousands of years, as well as two other places holy to Jews and held in deep reverence by them over countless generations -- Rachel's Tomb near Jerusalem and the Cave of Machpela in Hebron -- are also in territory controlled by Jordan. Under any international arrangement, Jewish rights regarding these places and access thereto must be fully and effectively safeguarded.

20. In view of all these difficulties, the Government of Israel has consistently upheld the only practicable alternative principle, namely? the direct application international responsibility, not to any continuous area, but to the Holy Places themselves. At the fourth session of the General Assembly in 1949 this Government offered to conclude an agreement whereby the United Nations would be represented in Jerusalem by a representative accredited to the Governments concerned for the purpose of ensuring the protection of the Holy Places and of free access thereto. During the sixth session of the Trusteeship Council the representative of Israel affirmed his Government's readiness "to explore with the Council and with other parties concerned any avenue which may lead to the effective fulfilment by the United Nations of its responsibility for Holy Places". The Israel delegation took an active part in that stage of the Council's deliberations which culminated in the drafting of article 38 of the Statute, dealing with "Holy Places, religious buildings and sites". The Government of Israel has also given consideration to the proposals submitted to the General Assembly by other delegations which sought various means of establishing United Nations control in the Holy Places. Draft resolutions or suggestions in this sense were submitted to the fourth session by the delegations of Bolivia, Cuba, the Netherlands, Sweden and Uruguay.

21. As a result of this mature consideration and out of a desire to satisfy universal religious sentiment, the Government of Israel is ready to give its earnest attention to any plan which would, in suitable form, make possible effective United Nations control of the Holy Places in Jerusalem. For its own part, the Government of Israel would now propose a plan which takes into account article 38 of the Statute and the spirit of the draft resolutions sponsored by certain other delegations in the General Assembly. The main features of this plan would be as follows:

(a) A Statute should be adopted whereby the rights of the United Nations in respect of the Holy Places in Jerusalem would be derived directly from the General Assembly and accepted by all parties concerned. The authority of the United Nations in the Holy Places would thus take statutory form and not depend upon a Contractual agreement, as in the Israel plan submitted to the fourth session.

(b) There should be appointed a United Nations representative, or other such organ as may be found appropriate, for the discharge on behalf of the United

Nations of the functions prescribed regarding the Holy Places in Jerusalem. This representative or organ should constitute an independent authority deriving its powers solely and exclusively from the General Assembly itself and exercising those functions in the international right without dependence on any individual Government or accreditation thereto.

(c) The United Nations representative thus appointed (or the United Nations organ thus set up) should carry out the following main functions in respect of the Holy Places in Jerusalem: viz., supervision of their protection; adjudication of disputes between communities as to their rights in the Holy Places; the maintenance of existing rights in connexion with the Holy Places; the initiation of their repairs; assurance of their exemption from taxation; questions relating to the maintenance of free access subject to the requirements of public order; facilitation of pilgrimage movements; issuing of reports to the appropriate United Nations organs on all the above matters. This list of matters covers practically all the functions enumerated with respect to the Holy Places and religious matters in the Statute (article 38).

(d) The definition of Holy Places as laid down and applied up to the termination of the Mandate shall continue to prevail (Cf. United Nations Map No. 229, November 1949). All Governments and parties concerned should negotiate on the definition and demarcation of these

places in order to achieve agreement on the exact sites within which the above-mentioned functions of the United Nations representative shall operate.

(e) Apart from their statutory sphere of authority concerning the Holy Places in Jerusalem, the United Nations representative or organ could negotiate agreements with both Governments concerned, in conformity with the resolutions of the General Assembly, for the protection of Holy Places located outside the City of Jerusalem. This would follow the principle laid down in article 13(4) of the Statute, for Holy Places outside Jerusalem. The United Nations representative or organ could also negotiate, if required, on behalf of any Church organization submitting views or claims with respect to religious buildings, institutions or property.

22. Apart from the specific functions allotted by the Statute to the United Nations representative or organ, it would be appropriate for the Governments concerned to signify their recognition of universal religious interests in Jerusalem and elsewhere in their territories by voluntarily giving certain undertakings. Thus they might pledge themselves to:

(a) Observe human rights and fundamental freedoms, in particular "freedom of worship and freedom of education".

(b) Respect the immunity and sanctity of the Holy Places.

(c) Guarantee free access to Holy Places in their territories and facilitate movements of pilgrimages.

(d) Observe and maintain all the existing rights of churches and religious foundations, especially those concerned with Holy Places in their territories.

(e) Levy no tax in respect of any Holy Place which was exempt from such taxation on 14 May 1948.

(f) Co-operate fully and in good faith with the United Nations representative or other organ in the exercise of all the functions allotted to them (as enumerated in paragraphs 21 above).

These undertakings would be complementary to the functions exercised statutorily by the United Nations representative with respect to the Holy Places in Jerusalem, as laid down in paragraph 21.

23. In outlining these broad principles for a solution, the Government of Israel reserves the right to make more detailed proposals in appropriate form at any future meetings of the General Assembly at which these matters may be discussed. The two chief merits of this proposal are on the levels of principle and implementability. Under a plan elaborated on those lines, the United Nations would exercise full jurisdiction in respect of matters which are the object of international and religious concern; and all this would be achieved without the drastic process of political and economic disintegration envisaged by the Statute, and without any violence to democratic principle or to the provisions of the Charter. At the same time, the simplicity of these arrangements and the degree of consent which would be confidently anticipated for them would secure their swift and certain implementation. Instead of sterile resolutions, fraught with political bitterness and resulting in no effective action in its own sphere of responsibility, the United Nations could achieve by the end of this year an adequate fulfilment of its recognized responsibilities.

24. The implementation of this proposal would also be a significant landmark in the institutional development of the United Nations and in the application of international authority. Jerusalem would become the first place in the world where the United Nations would be permanently and directly represented for the purpose of carrying out functions on behalf of the international community.

25. The Government of Israel hopes that these proposals, which reconcile all legitimate interests, may assist the United Nations to reach a solution which could be carried into immediate effect in a spirit of harmony and consent.

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<i>Source of document</i>
http://unispal.un.org/UNISPAL.NSF/0/00862D2CA15A99EC85256257006DC39E

Draft Resolution Concerning an International Regime for the Holy Places, Proposed by Sweden, A/AC.38/L63, 5 December 1950

*At the Fifth General Assembly, a draft Resolution was proposed by Sweden for an International Regime for the Jerusalem Area and the Protection of the Holy Places Israel supported the proposal which, however, failed to win a majority in the Political Committee. A Belgian proposal, reiterating the idea of a **corpus separatum**, was adopted by the Political Committee, but failed to muster the necessary two-thirds majority in the Assembly. In December 1952, the Philippines proposed an amendment to a draft Resolution, calling for direct negotiations, mentioning specifically the principle of the internationalisation of Jerusalem. The amendment was not accepted. From 1952 until 1967, the question of the status of Jerusalem was not on the agenda of the United Nations. Following is the text of the Swedish proposal:*

Question of an International Regime for the Jerusalem Area and Protection of the Holy Places

The General Assembly,

Recognising the unique spiritual and religious interests of the world community in the Holy Land,

Desiring to preserve the peace of Jerusalem,

Considering its resolutions 181(II) of 24 November 1947, 194(III) of 11 December 1948 and 303 (IV) of 9 December 1949,

Having regard to the special Report of the Trusteeship Council on the question of an International Regime for the Jerusalem Area and Protection of the Holy Places (Document A/1286),

Considering that it has so far not been possible to carry into effect the resolutions of the General Assembly with regard to Jerusalem and the Holy Places,

Considering that any further delay in ensuring international protection of the spiritual and religious interests of the world community in the Holy Land is undesirable and that, therefore, awaiting the taking of final measures, it is appropriate to take such measures as will henceforward ensure the respect of those interests,

Determining that for the purpose of this resolution:

"Holy Land" means the former mandated territory of Palestine;

"Holy Places" means those Holy Places and religious buildings or sites which were regarded in Palestine on 14 May 1948 as Holy Places;

"Free access" means those rights of access and visit to which individuals and religious denominations were entitled on 14 May 1948 together with facilities of transit to and from Holy Places, whether these Holy Places are situated within or outside the territory of the State granting facilities, subject always to the requirements of public health, public security and decorum;

"Existing rights, immunities and privileges" means such rights, immunities and privileges as existed on 14 May 1948;

"Jerusalem area" means the city of Jerusalem as defined in Part III Section B of the Plan set out in resolution 181(II) of the General Assembly of 29 November 1947;

"Commissioner" means the United Nations Commissioner appointed under article VI of Section B of this resolution;

Resolves

A. To invite the Governments of the States in the Holy Land to pledge themselves before the United Nations to:

(a) observe human rights and fundamental freedoms and in particular freedom of thought, conscience and religion as set forth in article 18 of the Universal Declaration of Human Rights;

(b) refrain from any act that would endanger the Holy Places in their territories;

(c) guarantee to nationals of their States as well as aliens, without distinction as to nationality, free access to Holy Places in their territories;

(d) observe and maintain all the existing rights, immunities and privileges as provided in article 11 of Section B of this resolution;

(e) levy no tax in respect of any Holy Places which were exempt from such taxation on 14 May 1948 and to make no change in the incidence of any form of taxation which would either discriminate between the owners and occupiers of different Holy Places or would place such owners and occupiers in a position less favourable in relation to the general incidence of that form of taxation than existed on 14 May 1948;

(f) maintain and respect the property rights of religious bodies;

(g) reduce their armed forces in the Jerusalem area in progressive stages with a view to their limitation to normal peacetime requirements as provided in article VIII of Section B of this resolution;

(h) to carry out in good faith the obligations and provisions laid down in Section B of this resolution; and to co-operate fully with the Commissioner in the task imposed on him by this resolution.

B. To lay down, in order to ensure the protection of and free access to the Holy Places and the maintenance of existing rights, immunities and privileges of religious denominations, the following articles:

Article I

The Holy Places throughout the Holy Land shall be preserved and no act shall be permitted which may in any way impair their sacred character.

Article II

Rights, immunities and privileges of religious denominations with respect to Holy Places, as well as the rights, immunities and privileges of religious bodies with respect to monasteries and missionary, educational and welfare establishments now maintained by them, shall be preserved as they existed on 14 May 1948.

Article III

1. The supervision of the protection of and free access to the Holy Places and the maintenance of the rights, immunities and privileges referred to in article II shall be the responsibility of the United Nations.

2. The Commissioner appointed pursuant to article. VI shall exercise this supervision on behalf of the United Nations and shall make arrangements with the Governments concerned regarding the implementation of the provisions of this resolution.

3. For the Jerusalem area such arrangements shall be subject in particular to the provisions of articles VIII, IX, XI and XII. The Commissioner shall negotiate and conclude agreements with the Governments concerned in order to ensure that the appropriate provisions of this resolution are carried into effect also in the Holy Land outside the Jerusalem area. He shall report the results of his negotiations to the Secretary-General of the United Nations.

Article IV

1. The Commissioner shall draw up an authoritative list of Holy Places which were regarded as such on 14 May 1948. If any question arises as to whether any place, building or site was regarded as a Holy Place on 14 May 1948, the Commissioner shall decide;

2. If any question arises between any religious denominations in connection with any Holy Places, the Commissioner shall decide on the basis of existing rights;

3. Before taking any decision under paragraphs 1 and 2 of this article, the commissioner shall consult with members of the panel of advisers as provided in article XIV. His decision shall be final.

4. If a place, building or site not regarded as a Holy Place on 14 May 1948 is claimed by a religious denomination to be a Holy Place of such character that it is entitled to enjoy the protection of this Statute, the Commissioner may propose to the Government concerned that such a place, building or site be brought under the provisions of this resolution. In the event of the Commissioner and the Government concerned failing to reach agreement, the matter shall be referred to the arbitration tribunal as provided in article XV,

Article V

Should a visitor or pilgrim or a group of visitors and pilgrims be denied free access to any Holy Place, the Government denying access shall inform the Commissioner of the reason therefor.

Article VI

1. There shall be a United Nations Commissioner to be appointed for a period of three years on the nomination of the Secretary-General by a Committee of the General Assembly consisting of the eleven members of the Security Council. This Committee shall decide by a majority of the members present and voting. The Commissioner shall be responsible to the General Assembly and may be dismissed by it. He shall report annually to the General Assembly and may also make special reports to the appropriate United Nations organs whenever he deems necessary. His headquarters shall be the former Government House in Jerusalem.

2. There shall be appointed in the same manner a Deputy Commissioner who shall be subject to the same terms of office, and shall be responsible to the Commissioner. The Deputy Commissioner shall assist the Commissioner and shall replace him in the event of his absence or disability.

3. The Commissioner and the Deputy Commissioner shall not be selected among nationals of the State of Israel or of the Arab State or from among residents of the Jerusalem area.

4. The Commissioner shall be authorised to appoint and employ under temporary contracts the auxiliary administrative personnel necessary for the carrying out of his functions.

Article VII

The functions of the Commissioner shall be to exercise the powers conferred upon him by this resolution and to ensure its implementation.

Article VIII

1. The Governments of the States administering the Jerusalem area shall gradually reduce their armed forces in that area in conformity with article VII of the General Armistice Agreement between the Hashemite Jordan Kingdom and Israel of 3 April 1949, and shall limit them not later than three months after the coming into effect of a peace settlement between the States administering the Jerusalem area to normal peacetime requirements;

2. Should the Commissioner be of the opinion that the forces maintained by either party under paragraph I are above normal peacetime requirements, he shall make representations accordingly to the Government concerned,

In the event of the Commissioner and the Governments concerned failing to reach agreement in the matter, it shall be referred to the Security Council.

Article IX

The jurisdiction and control of each part of the Jerusalem area shall be exercised by the States concerned, subject to the powers of the Commissioner with regard to this area and without prejudice to the rights and claims of either party in the ultimate peaceful settlement for the area.

Article X

1. The Commissioner shall be empowered:

(a) To request the Government in the Jerusalem area to modify, defer or suspend such laws, ordinances, regulations and administrative acts pertaining to the area, which in his opinion impair the protection of and free access to Holy Places or the rights, immunities and privileges referred to in article II;

(b) To request the Governments to take such action or to make such orders or regulations for the maintenance of public security and safety as he deems necessary to ensure the protection of and free access to Holy Places or the safeguarding of the rights, immunities and privileges concerned.

2. The Governments shall carry into effect without delay any such action which the Commissioner, in accordance with the provisions of paragraph 1 of this article, deems necessary for the protection of and free access to Holy Places and safeguarding of the rights, immunities and privileges concerned.

3. If a Government objects to a request made by the Commissioner under this article, the matter shall be referred for a final decision to the arbitration tribunal provided in article XV. The tribunal shall decide not later than within a month from the submission of a dispute. Without prejudice to the final decision of the tribunal, provisional effect shall be given by the Government concerned to the action requested by the Commissioner.

4. The Commissioner shall immediately inform the Secretary-General of the United Nations of any objection of a Government to a request made by him under this article.

Article XI

The Commissioner shall be empowered to employ under temporary contracts a limited number of guards for the performance of his functions in the Jerusalem area as well as to assure his own security and that of his staff. These guards shall not be selected from among nationals of the State of Israel or of an Arab State. The salaries, allowances and administrative expenses of the Commissioner, Deputy Commissioner, and the staff of the Commissioner, including guards and administrative personnel, shall be included in the annual budget of the United Nations. These salaries and allowances shall be exempt from local taxation.

Article XII

The Governments in the Jerusalem area shall upon the Commissioner's request direct their respective police forces to assist the Commissioner in the performance of his duty.

Article XIII

If at any time it appears to the Commissioner that any Holy Place is in need of urgent repair, he may call upon the religious denominations or bodies concerned to carry out such repair. If, in the opinion of the Commissioner, the repair is not carried out or is not completed within a reasonable time, he may arrange for repairs to be carried out or completed. The expenses incurred shall be borne by the religious denominations or bodies concerned. The Commissioner shall decide after due investigation on the basis of existing rights which denominations or bodies are responsible for the repair.

Article XIV

The Commissioner shall appoint a panel of advisors consisting of representatives of the religious denominations and of the Governments in the Holy Land. These advisors shall be nominated by the religious denominations and Governments concerned. If a disagreement arises in connection with the provisions of this resolution, the Commissioner shall consult advisors from the panel representing such religious denominations or religious bodies and Governments as are concerned with the dispute. No representative of a religious denomination shall be consulted on questions relating to a Holy Place belonging wholly to another religious faith.

Article XV

1. Any dispute between the Commissioner and one of the Governments of the States in the Holy Land concerning the interpretation or implementation of this resolution or of any supplementary agreements or arrangements, which is not settled by negotiation, shall be referred for final decision to an ad hoc tribunal or arbitrators, one to be nominated, as the case may be, either by the Hashemite Kingdom of Jordan or by the State of Israel, and one to be nominated by the Secretary-General of the United Nations. In the event of two arbitrators being unable within seven days to agree on the choice of an umpire, the latter shall be nominated by the President of the International Court of Justice.

2. In case of a dispute between the Commissioner and both Governments concerned, two arbitrators will be nominated by the respective Governments concerned, and two by the Secretary-General. In the event of their inability within seven days to agree on the choice of the fifth arbitrator, the latter shall be nominated by the President of the International Court of Justice.

3. The decision of the arbitration tribunal shall be binding on the Governments concerned.

Article XVI

Nothing in this resolution shall apply to purely Moslem Holy Places, religious buildings or sites and Moslem religious interests within territory controlled by the Hashemite Kingdom of Jordan, or purely Jewish Holy Places, religious buildings or sites and Jewish religious interests within territory controlled by the State of Israel.

Article XVII

The terms of this resolution can be reviewed only by the General Assembly.

<i>Source of document</i>
http://www.mfa.gov.il/MFA/ForeignPolicy/MFADocuments/Yearbook1/Pages/9%20Draft%20Resolution%20Concerning%20an%20International%20Reg.aspx

Blue-Print for Peace, statement to the Ad Hoc Political Committee of the United Nations by Ambassador Eban, 1 December 1952

Israel's Permanent Representative to the United Nations outlined in a comprehensive address before the Ad Hoc Political Committee of the General Assembly a plan of progress towards peace between Israel and the Arab States. Text.

The problem before this Committee has now been considered by the General Assembly of the United Nations in eight consecutive sessions. Public controversy between Israel and the Arab States is fast becoming a tradition of international life. By now we have developed fixed patterns of argument, familiar slogans and well-tried formulas. Each year as the season of this debate approaches, conciliatory processes have been suspended so that private statesmanship may yield to public denunciation.

Looking back over the voluminous records in recent months, we have noticed how much they have been concerned with the past, how little with the future. Their central theme has been not the contemporary life and future destiny of the Middle East, but the wording of documents, their interpretation and the degree of binding force to be attributed to them. There is now a whole exegetical literature revolving around every paragraph and every phrase.

This year once again the theme of Arab speeches has been: "Who is to blame for these difficulties," not "How can these problems be constructively and justly solved?" A preoccupation with grievances rather than with solutions is characteristic of many discussions now taking place in the United Nations, especially on Middle Eastern and Mediterranean affairs. The political and psychological implications of this attitude are interesting, but they do not help us to come face to face with the factors which govern the life of our region and determine the future of its peoples. For meanwhile, during these years in which

the content and tone of this debate have remained singularly unchanged, the people of the Middle East have lived the life of a region alive with movement and innovation; a region in which countries and peoples, regimes and political systems, economic processes, social structures and international relationships have undergone swift transformations from year to year.

Having followed the speeches of distinguished Arab representatives with deep care and attention, I believe that it would be accurate to define their essential purport as follows: The only just and reasonable way, they say, in which the Arab States and Israel can adjust their relationships for 1953 and thereafter is to revive and "implement" the recommendations which the Arab Governments themselves vehemently rejected and destroyed by armed violence in 1947 and by obstruction and boycott since 1948. In other words the only recommendations which can produce agreement in the future are precisely those which have been the subject of all the disagreements of the past.

I respectfully submit to this Committee that if this is all that we have to say about the Near East in its hour of opportunity and destiny; if we refuse to seek new solutions of old deadlocks, then we shall be living far below the level of our responsibilities and opportunities.

But I am confident that the General Assembly is not satisfied to perpetuate failure. In recent months the air of the Near East has been astir with a spirit of change. We have a feeling that the United Nations, too, in its relationship to this problem is ready for innovation and renewal, for the pursuit of direct and simple courses related to the challenge of tomorrow, and not to the unsuccessful remedies of yesterday. I do not doubt that the international community strongly desires to see Israel and the Arab States engaged earnestly and together in an attempt to solve their differences by the exercise of their own judgement and responsibility through the normal processes of international intercourse. And this desire to see the kindred peoples of

our region in free and fraternal discussion has been widely expressed around this table ever since the representative of Mexico opened our discussions on such a high note of elevation. If there was ever a time when it could be assumed that an Arab-Israel settlement might be evolved, either in general principle or in detail, by external parties or international organs without the direct interplay and confrontation of Arab and Israel minds, then that belief cannot be seriously held today. Nobody can help Israel and the Arab States solve problems which they will not discuss freely and directly between themselves.

My Government and delegation have given much thought and enquiry to the prospect and implications of a freely negotiated peace, and I should like to associate the members of the United Nations in the results of our thinking.

The State of Israel has faced many heavy and intense pre-occupations in the first five years of its national independence. A host of varied concerns have competed for priority of its effort and concentration. First, there was the struggle for physical survival. Then came the quest for international recognition. These accomplishments which together established our statehood were succeeded by an epic process of rescue, in which we gathered the tormented remnants of our people into the shelter and freedom of our State, thus inheriting awesome burdens as well as high exaltation. As a result of this swift growth of population, we were soon plunged into an intensive struggle for economic productivity. And all the time we were building the structure of our democracy, developing its constitutional forms and mapping out the great journey which faced us in the domain of cultural and scientific endeavour. Although these concerns have all pressed upon us simultaneously and together, we have never lost sight of our chief remaining unfulfilled objective -the attainment of peace in our region.

Today Israel is prepared to make the attainment of peace in its region a primary theme of its national policy, and to bring all its resources of

thought and effort to bear upon that task. There are special reasons which lead us to believe that an active quest for peace now holds more promise than ever before. In speeches and in the draft resolutions we have seen evidence that the United Nations now regards peace as the responsibility of Israel and, of Arab States, to be pursued by them in perfect freedom, limited only by their obligations under the Charter. There are also signs that Arab statesmanship in its best expressions is awakening to a new constructive impulse. This is therefore a moment to embark upon the earnest contemplation of a peace settlement based on neighbourly relations between Israel and the Arab States.

Every circumstance of history and geography, of regional advantage and universal interest speaks on behalf of the peaceful and neighbourly relations which we aspire to establish. While we shall make every effort for peace compatible with our fundamental national rights, we assert without hesitation that peace with Israel is also a debt which the Arab countries also owe to history and to the world.

We are discussing this morning an area which extends over an expanse of a million and a half square miles. In the whole of this vast region, teeming with natural and mineral resources, full of latent and potential Wealth, eight separate Arab sovereignties have arisen where not a single independent Arab State existed three decades ago. Any constructive imagination would be awed and elevated by the sight of the national opportunity which the Arab people have inherited in so short a time. In a world where few peoples ever attain their total ambition it must be admitted that none has ever been blessed with such political good fortune, or secured a greater measure of its national aspiration so rapidly. The blood and sacrifice of victorious coalitions in two world wars contributed much to this Arab liberation. International opinion through the United Nations has helped to free many of these countries from foreign occupation, while only recently the United Nations established a new and eighth sphere of Arab sovereignty, in an area twenty times the size of Israel, through the establishment of the United Kingdom of Libya - a decision to which

Israel gave full and important support. From the Arab people, thus endowed with every prospect of greatness and of broad opportunity, the United Nations, I suggest, has the right to expect a modification of an unyielding and vengeful attitude towards a small neighbouring state. Indeed, it was this huge expanse of Arab sovereignty which stood before the eyes of the United Nations when the question of Israel's right to statehood first came before it. The nations of the world could not fail to perceive a simple truth. They said: "If it is right for the Arab peoples to possess their vast continent, it cannot be wrong for the Jewish people to enjoy the tranquil and secure possession of its cherished home." No balanced conscience could withhold from Israel, in its smaller domain, the rights and opportunities with which the Arab people were so abundantly endowed.

Thus the starting point of our discussion must be that national freedom and full sovereign rights are the inheritance of all peoples in our area, not the monopoly of one. Each people has a right to its own area, whether large or small, in this vast globe, in which its life and spirit can develop under its own control in perfect freedom. To a solution of the problems which prejudice the security and prosperity of the region, all its sovereign governments must contribute in proportion to the objective limits of their capacity. The State of Israel, living on the narrowest margins of territorial and economic resources, can make its contribution only in the closest and most direct unity with the efforts of Arab governments.

Mr. Chairman, I have not alluded to the broad scope of Arab freedom in order to suggest that it should be begrudged, or regarded as beyond the bounds of merit. We hope that the Arab people will consolidate its political freedom and move on towards social and economic advances commensurate with its success in the attainment of institutional liberty. It is important, however, to correct the atmosphere of these debates. The Arab people should not appear here as a party wronged or aggrieved, injured by a malevolent history, deprived of something which others possess in larger freedom, and therefore entitled to heap

bitter denunciation upon Israel and upon the United Nations. It is that denunciation which I should like to avoid as we go forward to examine the prospects of peace.

The problem before us is that Israel and four contiguous countries: Egypt, Syria, Jordan and Lebanon, have entered into armistice treaties. These treaties, secured by direct and unfettered negotiations, have for four years given us a minimal stability, which, however, falls short of the positive relations which should govern the intercourse of sovereign States, Members of the United Nations. The task then is to develop the present provisional armistice relationship, resting upon signature and consent, into a new relationship, also to be achieved by signature and consent, conforming with the best examples of regional co-operation in the present world and age.

With each or any of the four governments bound to us by armistice treaties the Government of Israel is prepared to negotiate a final settlement for the establishment of peaceful relations. We would neither impose nor accept any preconditions for such negotiation, in which each party should be free to make its proposals. The parties can by mutual consent use available United Nations machinery or other good offices, to help them in their negotiations if they desire.

I should now like to present rather fully the views of my Government on three major questions which arise in connection with a negotiated peace settlement.

First: Who shall define and shape the peace settlement? Is this the task of the Arab States and Israel themselves, or does it fall within the competence of other States, individually or collectively? Linked to this question of objective is the question of method. Can the settlement arise from any procedure other than from direct negotiations between the States concerned through their accredited representatives?

Second: What are to be the contents and attributes of the peace settlement? More specifically, are the parties entitled to reach any agreements to which their own consent shall lead them? Must they not be able to let their minds move freely over the entire range of alternative solutions and programs? To this question the attitude of the United Nations is closely related. Does past experience and present evaluation persuade the United Nations that it has revealed a successful and final formula for agreement in the form of its past resolutions; or should all parties admit that the truth may still have to be found, the formula for agreement still to be discovered?

Third: Does the Government of Israel have a clear view even ill general outline of the nature of the peace settlement which it seeks in advocating direct and unfettered negotiations? Does it have reason to think that the problems at issue are capable of being swiftly and justly resolved without sacrifice of honour or of legitimate interest by either side and with full alleviation of human suffering? In discussing this question I shall expound in comprehensive form the views to which my Government has come on the main elements which should guide us in the quest for peace, prosperity and regional co-operation in the Near East.

At first sight, it should be unnecessary to offer proof that a peace settlement between Israel and the Arab States is the primary responsibility of their governments. Indeed, the right of states to conclude agreements with each other is the corollary of their sovereignty. If we deny a state that right, or qualify its free exercise of it, we encroach upon the very essence of its statehood. Along with the acquisition of the right, there goes the acceptance of responsibility. For it is our conviction that all members of the United Nations have not merely a right, but a moral responsibility and duty to establish normal and peaceful relations with all other states. If it is not in their power to achieve agreements, it is surely their minimal duty to attempt to achieve that.

Let me illustrate this point by reference to the general practice of the United Nations in emphasising the responsibility and freedom of sovereign governments in concluding their own agreements.

The United Nations, as the Committee will recall, has had an influence of varying degrees in the processes leading up to the independence of Indonesia, Israel and Libya. But once the sovereignty of those states was universally recognised, in two cases by their admission to membership in the United Nations, in the third case by a vote of the General Assembly recognising Libya's sovereignty, their right to conclude any international agreements they chose became absolute. I recall an incident at our last session when the General Assembly, taking note of the independence of the United Kingdom of Libya, correctly rejected a recommendation, ostensibly quite an innocuous one, that that country, once it became independent, should seek economic assistance from the Economic and Social Council. It was correctly ruled that from the moment of sovereignty this had become a matter for the decision of the Libyan Government alone.

Again there had been an Egyptian item requesting the General Assembly to become interested in a boundary adjustment between Egypt and Libya. The General Assembly refused to become involved. It held this to be a matter for the states concerned, notwithstanding its own direct part in the establishment of one of those states. Here we saw an accurate application of one of the most fundamental aspects of international relations.

There could be no dispute of the State of Israel's right to sign a Treaty of Friendship, Commerce and Navigation with the Government of the United States, a financial treaty with the United Kingdom, a compensation treaty with the Federated Republic of Germany, commercial treaties with Argentina and Mexico, and a great range of treaties with many other states; and in each case the content of the agreement was a matter of exclusive concern for the signatory governments to such a degree that no other state or international organ

could have or claim a right to limit or qualify the shape of the agreement. Similarly, there should be no attempt to influence or qualify the right and obligation of Israel and any Arab state to achieve their own agreements on any conditions upon which they agreed. However, if the United Nations believes that international peace and security would be advanced by such agreements, then it should encourage and recommend the process of direct negotiation which alone could lead to such agreement.

I have stated these elementary principles with some care, because the fundamental change which took place with Israel's sovereignty in the responsibility of the United Nations on the one hand, and that of Near Eastern governments on the other, in all matters affecting their relationship, is perhaps not fully reflected in all our past discussions and resolutions. What is called the "Palestine" problem bears no resemblance now to the nature of that problem when it first came before the United Nations. At that time the issue was the attempt of the General Assembly, at the invitation of the mandatory power, to recommend a form of government for a territory in which the United Nations had greater responsibilities than it has in relation to sovereign states. The problem now is of a different character. It is the normal problem of relations between sovereign states, and has thus become assimilated in its nature to the normal and general pattern of international relationships and practices and procedures.

Thus, when we say that Israel and the Arab states are alone responsible for reaching agreement on their relations, we are doing nothing more, but also nothing less, than affirming their statehood both in the context of their rights and in the context of their duties.

But here are also many compelling reasons relating to this particular moment which should lead us to advocate a direct and unfettered peace negotiation. The experience of five years must surely be registered in the continuing process of our work. These years have conclusively proved that the availability of mediating and conciliating

agencies cannot itself have any substantial effect on inter-state relations unless the parties meet in free negotiation. The Palestine Conciliation Commission has expressed this conclusion more than once. Its report to the General Assembly dated 23 October 1950 states:

"The Conciliation Commission considers that the present situation requires that the parties undertake the discussion of all questions outstanding between them. The Commission believes that the General Assembly should urge the parties to engage without delay in direct discussions under the auspices of the United Nations and with its assistance in order to arrive at a peaceful settlement. The Commission considers that within the framework of these negotiations the refugee question should be given priority of consideration. The Commission does not doubt that the parties will be able to arrive, through procedures, consistent with established international practice, and the obligations of members of the United Nations, at peaceful relations which should prevail among them. "

It will be seen from this authoritative utterance that the General Assembly was authoritatively advised over two years ago to take the very step which the joint draft resolution before us now advocates. It will also be noticed that the Commission stated two years ago what the representative of Norway re-affirmed last week: that a consideration of the refugee question must be a part of the general negotiation and not a condition precedent to it.

Thus we have the authority of the Conciliation Commission itself for the very doctrine that international organs of conciliation cannot fulfil a responsibility which rests upon the governments concerned.

When we assert that only the governments concerned, by direct and unfettered negotiations, can settle their outstanding questions, we do more even than affirm the statehood of the parties, the experience of five intensive years, and the conclusions of expert authority. We also

record an inescapable legal and political fact: All the relations now existing between the parties affecting their provisional frontiers and their security relationships are embodied in four armistice agreements which derive their validity from the consent of the parties and which prevail until they are revised over any other proposals not embodied in those agreements under the terms of the armistice treaties. Nothing in them can be changed in any degree except by a further act of agreement between the parties, who may, at their mutual discretion, amend those treaties, or develop them into peace treaties. This provisional relationship resting upon consent can never be changed except by a new settlement arising from a further process of consent. This means that no measures affecting such fundamental matters as frontier demarcations, passage and communication from one state to another, whether of civilians or goods, by land or sea or air, can have any status in law unless or until the armistice agreements are amended or replaced.

It is significant that the governments of the Near East have been under exhortation by the General Assembly and the Security Council since 1948 to extend the scope of the armistice agreements "and to seek agreement by negotiations with a view to the final settlement of all questions outstanding between them." There is no doubt in our minds that the conclusion of armistice agreements which could be altered only by mutual consent finally ruled out any possibility that peace ever could be negotiated except by a further act of mutual consent.

The call for a direct settlement by free and unconditional negotiation would be fully in accord with the purposes of the United Nations and with the entire development of international relations in our time. It was never the purpose of the United Nations to replace or supersede direct diplomacy. It was never envisaged that member states would consider themselves entitled to refuse contact or negotiation with other states, and yet complain to an international organ because no agreement had been reached. In this question, and indeed, in many others, the United Nations is being weakened by the premature and

comprehensive submission of items, before any honest attempt has been made to exhaust the resources of direct diplomacy. This Organisation was intended to supplement and to co-ordinate, not to replace, the well-tried and traditional concepts of international life. We too often find the submission of items and disputes with no serious attempt to settle them directly, in circumstances wherein the submission or discussion is calculated to prevent and delay rather than to facilitate and expedite a settlement.

The Committee should also reflect that the refusal of Arab governments so far, which we hope is short-lived, to negotiate unconditionally for a settlement with Israel is something unique in the life of the contemporary world.

This absence of contact between Israel and the Arab states has become such a familiar part of the international scene that we sometimes fail to realise what an extraordinary and solitary event it is. The period which has elapsed since the Second World War has not been a triumph for international conciliation, yet there have been marked achievements. A peace treaty has been signed between Japan and the governments of its former enemies. Agreements liquidating a state of war and establishing relations have been established between Germany and its former enemies - and here is the one special case where the process in our view has been precipitate. The United Nations is seized of other disputes, which all its members follow with deep sympathy and concern, such as the questions outstanding between India and Pakistan. But in all these cases full political and economic relations exist, and disputes which arise are periodically discussed and reviewed within the framework of those normal and diplomatic relations. Thus the failure of Arab governments to meet with Israel brings them into conflict with the whole tendency of international relations in our generation.

How sharply this situation in the Middle East conflicts with the most developed systems of regional co-operation in our times! The concept

of international relations, to be by direct settlement, is impressively enshrined as an example to all other regions by the states of the American continent in the various instruments which they have signed. Thus, the Charter of the Organisation of American States, signed at Bogota on 30 April 1948, stated with lucid simplicity:

"Article 20: All international disputes that may arise between American states shall be submitted to the peaceful procedures set forth in this Charter before being referred to the United Nations.

"Article 21: The following are peaceful procedures: direct negotiations, good offices, mediation, investigation and conciliation, judicial settlement, arbitration and those which the parties to the dispute may especially agree upon at the time.

"Article 22: In the event that a dispute arises between two or more American states, which in the opinion of one of them cannot be settled by the usual diplomatic channels, the parties shall agree on some other peaceful procedure that will enable them to reach a solution."

The Committee will notice here the absolute priority of direct negotiation over all other means of settlement. There is no just reason at all why the United Nations should not recommend to our region the application of principles of international conduct which find their expression in these texts and indeed in the Charter of the United Nations.

Mr. Chairman, I have spoken so far on the central theme that a simple recommendation by the General Assembly for a directly negotiated settlement is not merely appropriate now, but in the light of experience and previous advice, is long overdue. It has been fully established that a recommendation which includes any alternative to a direct and unfettered negotiation is, in effect, an assurance that no negotiations of any kind will take place. Some of our resolutions in the past have invited the Arab States and Israel to negotiate either

directly or with an international commission. Is it not obvious that in a problem where the issue is the absence of direct negotiation, such phrases actually give United Nations sanction for evading normal international intercourse? These formulations actually condone non-recognition by some member states of others. They encourage some governments to think of others as being somehow infected to the point where absence of contact is a fully justified attitude. It is no satisfaction to us to recall that we warned against this outcome when it was first suggested, as in 1950, when the Chinese amendment diverted the General Assembly from recommending direct negotiations and thereby contributed to the prolongation of our present deadlock for two further years. Surely there is something inherently fallacious in the idea that State A can settle a dispute with State B by "negotiating with" States C, D and E. Our differences are between Israel and the Arab States; and it is no wonder that the Conciliation Commission has repeatedly endeavoured to make us all understand that even its capacity to use good offices depends upon the prior establishment of direct contacts between the states which are the objects of the dispute.

The reports before us show that the entire and exclusive progress reported by the Commission during the past year arises from weeks of close and laborious co-operation between the Commission and the Government of Israel to produce a result of which the Arab countries were the sole and full beneficiaries. Mr. Chairman, after five years of independence and full international recognition, my Government feels that it has a right no longer to co-operate with an attitude or procedure which implies that Israel is not fit to be approached by Arab states in matters of concern to those states and to Israel. Henceforward, we feel fully entitled to require that if Arab governments have any requests or claims to submit for our consideration, they do so directly.

Mr. Chairman, having dealt with the matter of direct negotiations, I come to discuss whether an agreement to be reached between Israel and the Arab states must necessarily conform with previous resolutions of the General Assembly.

I do not believe that we have ever thrashed this problem out with sufficient clarity and frankness to reveal that a provision, which may sound innocuous, is in actual fact a vast system of roadblocks on the path to peace. First, I am forced to take issue with one impression which my Arab colleagues may have left in some minds. If I could believe the evidence of my ears, the distinguished representative of Syria told this Committee that the Arab governments "have always accepted United Nations resolutions". Now, with all due allowance to the exigencies of debate, this goes beyond any conceivable definition of truth. What we call the Palestine problem is, in essence, nothing but the result of the decision of Arab states to overthrow General Assembly resolutions, not by peaceful non-compliance which they may consider to be their right under the Charter, but by the use of armed force. I recall that the first resolution of the General Assembly was a recommendation to the mandatory power and to the peoples of Palestine to carry out certain provisions for the establishment of partition. The record states, in the report of the United Nations Commission responsible for supervising the implementation of that resolution, that:

"Arab opposition to the plan of the Assembly has taken the form of organised efforts by strong Arab elements, both inside and outside Palestine, to prevent its implementation and to thwart its objectives by threats and acts of violence, including repeated armed incursions into Palestine territory. The Commission has had to report to the Security Council that powerful Arab interests, both inside and outside Palestine, are defying the resolution of the General Assembly and are engaged in a deliberate effort to alter by force the settlement envisaged therein. "

In response to this definition, the representative of Egypt elevated this particular resistance to a general creed and said:

"No one," he said, "could say that compliance is imperative or that the countries which did not comply are acting against the Charter or

undermining the structure of the United Nations. We, the Egyptian Government, do not choose to comply with the General Assembly's Resolution on Palestine. This is our privilege under the Charter. "

The next substantive resolution was that of 1948. I should point out that the 1948 resolution, whose text I would strongly advise my colleagues to read, does not address itself to the existence of the State of Israel. The central theme of that resolution, as I have once mentioned, was Paragraph 5, calling upon the parties to settle their outstanding differences. On this the Conciliation Commission has recorded that the Arab governments in their contacts with the Commission "have shown no readiness to discuss a peace settlement with Israel as envisaged in that resolution."

Mr. Chairman, I could but will not speak at length on the Security Council Resolutions of May 18 and May 22, 1948, calling for a cease-fire which the Arab states rejected; of the Resolution of July 10 calling for a renewal of the truce, which they rejected, leading the Security Council to invoke Chapter VII of the Charter for the first time; of the proposal for a ten day breathing space, a cease-fire which they rejected; of the Security Council's Resolution of September 1, 1951, calling for a cessation of blockade practices which Egypt still disregards. But in the light of this record, the Arab insistence on the absolute infallibility of resolutions rings strangely in our ears. I am not attempting here to reprove Arab governments for actions; but do not their representatives owe us the candour and honesty of not appearing as the virtuous exponents of the unvarying sanctity of resolutions? If we are to be as frank as the gravity of this problem and the solemnity of this moment requires, it can be shown that all governments concerned with the Palestine problem since the mandatory power submitted it to the United Nations have on some occasions not found themselves able to comply with resolutions of the General Assembly in certain circumstances.

What is unique and distinctive in the Arab record is that four of their acts of non-compliance have had a very special attribute which does not mar the record of Israel or of any other state. On three occasions Arab opposition to resolutions has taken the form of armed attack and on one occasion it has taken the form of a stubborn maintenance of a warlike blockade. Nobody has any record of non-compliance with resolutions in the slightest degree comparable to this. Their practice, I fear, has been to oppose resolutions at the time and in the conditions when their implementation was possible, and then to invoke implementation when it has been quite safe to assume that they were no longer capable of being put into effect.

It reminds me of the practice which some of us indulged in our early youth of ringing doorbells and then running away when there was the least chance of the door being opened. Like the Arab references to previous Resolutions in the present context, this practice caused amusement to some, annoyance to others and practical advantage to nobody at all. It is in the Jerusalem case that the Arab habit of ringing doorbells is most vividly illustrated. If you ring the Jerusalem bell, two doors open: one towards the United Nations statute for the Holy Places, which was advocated here two years ago; the other looking out on an international enclave around the main Holy Places. Each of these would have offered honourable access to the central objective of the United Nations, which was the expression of United Nations' concern for universal religious interests. But by the time either of these doors were opened, our Arab colleagues had fled so far down the street that they were completely lost from sight; and some of them are still so unobtrusive that Mr. Shukeiri has had to pretend that he has rung the bell on Jordan's behalf.

Mr. Chairman, the Government of Israel, on the other hand, has always shown a serious attitude to whatever proposals appeared able at any given time to express and fulfil the interests of the international community in the protection of holy shrines and free access to them. This earnestness and constructive spirit represents our constant and

reverent concern for the sacred associations which hover over Jerusalem and the Holy Land.

The argument against tying a negotiated settlement to past resolutions is more substantial even than the reference to the record. It is because past resolutions, individually and together, have not produced an agreement or a settlement that we are discussing this question in the Committee today. Let us think of the great transformations which have come upon the region since the original resolutions were adopted. The emergence of a sovereign state in place of an international territory; a vast influx of population into Israel from Europe and the Arab world, adding a population of one million people to the population of Israel since the time when the first refugee resolution was proposed; the initiation of great works projects for the employment and integration of refugees in Arab countries; the conclusion of armistice treaties creating relationships and circumstances completely unprovided for in the resolutions which preceded their signature; the annexation of large parts of western Palestine by Jordan and Egypt in place of the establishment of a separate Arab state economically federated with Israel; five years of boycott and blockade instead of the close economic co-operation originally envisaged; the rise and fall of regimes and political systems; the emergence, as we hope, of new dispositions and tendencies of thought in all countries of the area: - how can all these vast and revolutionary changes have occurred and be deemed to have no effect upon the unchanging validity of recommendations which were regarded as effective in totally different circumstances prevailing years ago?

If we are to be faithful craftsmen in the greatest of all arts - construction of world peace - we must continually perfect our instruments and sometimes not hesitate to change them.

In the light of all these vast changes of circumstances and outlooks of changes for which the Arab governments are no less responsible than

anybody else, the need for "solutions, not for resolutions" as Secretary Acheson has expressed it, should be frankly affirmed. I could not think of anything more negative, more hostile to our prospect of success in the great adventure of direct negotiations on the threshold of which we may now stand, than to stultify its prospects at the very outset by requiring the new vision of the Middle Eastern future to conform with unfulfilled proposals of the past.

Nor can we afford at this grave moment to employ vague and ambiguous language which for the sake of transitory harmony in this Committee would perpetuate deadlocks and discords in the area itself. In the opinion of my Government, any measures to limit the parties in their sovereign power of agreement by preconditions of any kind relating to the need of conformity with any preconceived programs, would be an error of historic proportions, which at one stroke would shut off and render inoperative the prospect of a peaceful Middle East on the lines which I would now like to submit to this Committee. For in the expectation that the General Assembly will take the historic step of recommending a direct and freely negotiated peace, my Government has instructed me to submit its views on the scope and shape of such a settlement.

It is our view, Mr. Chairman, that the relations between Israel and the Arab states have six major aspects all of which should be amongst those figuring in the agenda of the direct Peace negotiation. In presenting this outline I am, of course, not suggesting that the General Assembly should burden itself with a direct discussion of these detailed provisions. My Government has merely deemed it fitting that the Committee, seized now by an Eight-Power proposal for a directly negotiated settlement, should see for itself the broad vistas of common interest which the adoption of that Resolution would open out for the parties. I should like to summarise these questions under the following headings:

1. Security questions.

2. Territorial questions.
3. Refugee questions.
4. Economic questions.
5. Regional co-operation
 - a. Communications
 - b. Social and Health Questions
 - c. Scientific and Cultural Questions
 - d. Technical Assistance Co-operation
6. Questions of diplomatic and juridical relations.

There is no significance at all in the sequence or priority of these items. They are merely chosen as a convenient method of creating a continuous picture.

The starting point of this discussion is the system of armistice agreements which were concluded between Israel and the Arab states between February and August of 1949, and which have governed our relations ever since.

The states of the Near East owe to these Armistice Agreements whatever peace and stability they have been able to enjoy in the past four years. The armistice agreements have proved their capacity to solve, within their own framework, all disputes, including disputes resulting in armed action, which have arisen from time to time. Where such solutions could not be secured in the first instance by the parties themselves, they have been reached by appeal to the Security Council, acting under its duty to deal with situations likely to cause a breach of international peace. In all cases except one, the directives of the Security Council have been successfully fulfilled. The one exception relates to the Security Council's injunction of September 1, 1951, for the cessation by Egypt of all acts of belligerency and blockade. Here too, of course, my Government retains the right to redress the matter by further appeal to the Security Council, should it so decide, or by any other legitimate means.

Now, the armistice agreements, while preferable to whatever preceded them and completely irreplaceable except by a peace settlement, do not constitute a satisfactory basis for the relations between Israel and the Arab states in the realm of security. They leave the military forces of both states in close and vigilant scrutiny of the frontiers. They require security provisions of a sternness and caution which would not be necessary if frontier disputes could be settled at a diplomatic level, through the normal civil network of controls with the frontier and customs officers of both parties working together every day. The unsatisfactory nature of the position is reflected in a great series of incidents involving frequent loss of life, and many dangerous tensions especially on the long and intricate frontier between Israel and territory of the Kingdom of Jordan.

There are other features of a general armistice position which distinguish it from a normal, peaceful relationship. There is a necessity, after our experience of sudden invasion four years ago and in the light of continued infiltrations, to receive more binding guarantees against aggression than those contained in the agreements. I would recall that the armistice agreements were meant to be succeeded after a short time by peace settlements: they are described in their own texts as transition between armistice and permanent peace. Their maintenance for so long a period puts them under strain. It is therefore appropriate that the peace settlement which succeeds them should contain strong affirmations of non-aggression. Moreover, there is no doubt that the governments of the Near East in the present situation are maintaining higher military budgets than they would in other circumstances. Thus there is a permanent danger of an arms race and excessive sums are being diverted to security in its narrower sense at the expense of the paramount needs of economic and social progress.

Moreover, while each state tries to be strong in its relation to the other, the area of the Middle East as a whole remains vulnerable in the contingency of wider international conflict, and no steps are possible

which would enable the region to consult and concert all its action to strengthen peace in the Middle East as a whole and to contribute to international security.

It is, therefore, my Government's belief that a peace negotiation should contain four elements under the security heading:

First, the peace settlement should include a non-aggression clause. I wish to emphasise that in our view a non-aggression undertaking should be an element of a total peace settlement and not a substitute for it. We have heard assertions that the Arab states on their part allege a fear of Israel expansion. Here I would give assurance that these fears are quite unfounded. Moreover, a country which has a genuine fear of its neighbour's expansion should welcome a peace treaty embodying non-aggression guarantees and treaty obligations recognising the territorial integrity of each state. It is surely quite inadmissible to assert a fear of aggression and, at the same time, to refuse the exchange of non-aggression guarantees and of measures to implement them within a total peace settlement.

Second, such a settlement would enable a reasonable limitation of military budgets and the avoidance of competitive re-armament. At present we face both the dangers of an arms race and heavy financial burdens at the expense of economic progress and financial stability. If a peace settlement of the kind we are now discussing were achieved, the question of arms supplies to the area could be examined by both parties in direct relation to the defence needs of the region as a whole and with a proper regard for a balance between its security on the one hand and its economic and financial interests on the other.

Third, the transition from armistice to a peace settlement would eliminate the local outbreaks and violence along the frontiers through armed incursions and infiltrations. The peace negotiations should consider practical measures to that end.

Fourth, the settlement here envisaged would enable the states of the Near East to survey methods of regional co-operation for strengthening peace in the area as a whole within the terms of the United Nations Charter.

In summarising the value of these four security provisions under the first item of the proposed peace negotiations, I should like to point out that the advantage accruing from a settlement of these matters would be mutual and would not benefit one side alone. So far as possible we have tried to establish this concept of mutual benefit. Both parties would feel the advantage of a sense of tranquillity arising from non-aggression pacts within the framework of a peace settlement. Both parties would benefit from the elimination of factors which draw their governments into arms purchases beyond their capacities at the expense of their social, economic and financial recovery and progress. Also, the United Nations would benefit by being relieved of a difficult and expensive responsibility in maintaining a large and cumbersome machinery of armistice supervision. Both parties would benefit from a new framework of relations which would eliminate the tensions, outbreaks and periodic explosions which now take place at the armistice frontier. And finally a co-operative effort to plan the defence of our area would enable all its peoples to contribute more effectively to the strengthening of international peace in the Middle East.

I have already recalled that the armistice treaties have established, by mutual consent of the parties, provisional frontiers within which they have crystallised their national life throughout the past four years. These frontiers can only be changed by a process of negotiation and agreement. The peace negotiation would enable the parties to exchange proposals on the manner in which the armistice frontiers might be mutually adjusted for a peace settlement. One of the problems to be considered would be the elimination of demilitarised zones, where division or obscurity of authority has caused great tensions at critical times. It would also enable adjustments to be made,

by suitable exchanges, for reuniting certain villages with their lands and fields in cases where the armistice frontiers now separate them.

This position in favour of adjusting frontiers only by mutual consent has been accepted by the parties in the armistice treaties themselves. I would point out that the tradition of the United Nations has always insisted that frontier adjustments, above all other matters, lies in the exclusive responsibility of the governments concerned, [provided only that they are sanctioned by their joint agreement and do not rest on unilateral force. Agreed territorial adjustments in development of the armistice treaties would give a sense of stability to all parties and contribute to the pacification of the whole region, and especially the border areas.

The views of my Government on the refugee question were outlined fully by myself in the discussion of our first agenda item of this Committee. I would state again that this tragic suffering is the legacy of the war against Israel and, therefore, the responsibility of those who initiated that war. However, this consideration in no way affects the profound anxiety and concern with which the Government and people of Israel have observed the maintenance of these unhappy victims in a refugee status without any integration into the lives of communities in which they would feel materially, spiritually and culturally at home.

My Government supported the resolution which was adopted by the General Assembly earlier this month with reference to the United Nations' Works and Relief Projects. We do not doubt that if that program is carried out with the sincere co-operation of all the governments concerned, a humane and just solution of the refugee problem will be rapidly facilitated. The State of Israel, which has exceeded the efforts and sacrifices of any state in history on behalf of refugees coming to it from outside, regards this problem as one of deep and urgent humanitarian concern.

The peace negotiation which I am outlining should discuss earnestly the question of international co-operation for the solution of the refugee question. Nothing could be more inspiring than for the two negotiating parties to make joint proposals to the United Nations for international assistance in a solution of this problem which both the Arab states and Israel have defined as international in its scope.

My Government has seized every opportunity, even within the present context of political tension, of responding to requests made to it by international organs on behalf of refugees. We were approached last year for assistance in three matters affecting the welfare of refugees, two of them involving, and the other portending, great strain on our economy, which is already extended to the utmost degree. The Conciliation Commission invited our agreement to the release of blocked accounts held by Arab refugees in Israel Banks. It is not usual for governments to arrange the flow of foreign currency into countries which are doing everything possible to strangle their economy by boycott, and which even sometimes maintain a claim of the existence of a state of war. However, we did take this unusual step, because we saw the plight of the refugees first, and the political attitude of the Arab governments second. I renew my expression of appreciation for the words of gratitude which the Palestine Conciliation Commission has expressed in response to this illustration of Israel's goodwill. We were informed that acts of this kind would make a profound impression upon Arab opinion; and we are scrutinising the records of this debate in an effort to discover whether or not this expectation is fulfilled.

Moreover, at the request of the United Nations Relief and Works Agency, my Government agreed this year to take over full responsibility for the integration into Israel of 19,000 refugees. Until recently the same humanitarian consideration guided my Government in facilitating the uniting of families under an agreed program, thus facilitating the passage of thousands of refugees across the lines,

notwithstanding the continued existence of a condition far short of peace.

The latest Progress Report of the Conciliation Commission describes my Government's co-operation in making available the records on which a study of the compensation question may be pursued. This Committee will recall that notwithstanding our view that a settlement of the refugee question is an integral part of the establishment of normal relations, as indeed the Conciliation Commission has reported, my Government agreed to the request of the Conciliation Commission to embark on a separate discussion of the compensation question. My Government has accepted the obligation, which it now instructs me to renew, to pay agreed compensation for lands abandoned by Arab refugees, and it will co-operate with the United Nations organs concerned in working out a plan to that effect in accordance with the statement made by the Foreign Minister of Israel in the Knesset on November 6, 1951. I would draw the attention of the Committee here to the following position: One of the chief factors which affect Israel's capacity of payment is the boycott and blockade imposed by Arab states. Thus, the negotiation of this peace settlement, by removing those abnormal conditions, would have a direct bearing on the degree and rate of progress in payment of compensation. In the meantime, however, we shall continue to co-operate with appropriate United Nations organs in making plans and detailed arrangements for that contingency.

In summarising this question, I would observe that the refugee problem arose from war and has been perpetuated by the failure to institute relationships, in which it might be solved by co-operative regional effort with international aid. The peace negotiations which I am now outlining would enable representatives of Israel and of Arab states to exchange their views on this subject, in a spirit of sincere concern for the plight of these innocent victims. The benefits which would flow from such a settlement would release the Arab states as

well as Israel from the tensions and frustrations which this problem has brought to both.

I suggest, Mr. Chairman, that it is no less important for Israel and the Arab states to restore their economic relationships than it is for them to achieve political co-operation. The Middle East as a region suffers greatly from the fact that its economic progress has not kept pace with its rate of political advance. The contrast between political progress and economic inertia is responsible for many of the dissatisfactions which afflict our area, and have weakened democratic institutions within it almost to the point of disappearance outside of Israel. It would be inspiring and fruitful to have Arab and Israel representatives in the negotiation of a peace settlement allow their minds to range over economic problems, nearly all of which are relevant to all Near Eastern countries, and related to the region as a whole, to its political stability as well as to its prosperity.

I should like to suggest here five examples to be considered by the negotiators of the manner in which co-operation between peaceful states could enhance the economic welfare of the Middle East. First, of course, comes the replacement of the present boycott and blockade by normal economic relations. It is, perhaps, not sufficiently realised that the benefits of such a step would be felt no less by the Arab than by the Israel economies. Some Arab states, notably Jordan and Lebanon, suffer considerably from the boycott as their own press is beginning eloquently to reveal. Israel, especially with its recent growth of population and its industrial development, offers a market for Arab products many of which do not find an easy outlet farther from home. I refer especially, in the light of experience, to the perishable agricultural products of Syria, Jordan and Lebanon, the meat of Iraq, the cotton of Egypt. So far I have referred to Israel as a market for exports from Arab countries. But in addition, there is no doubt that our own manufacture could yield a varied range of products to be available to Arab countries from close at hand. The end of the

boycott and restoration of trade would thus be a mutual, and not a unilateral benefit.

Secondly, the industrial revolution in Israel is accompanied by similar processes in Arab states. It is clear that Near Eastern countries, especially those with dense populations, can only achieve a reasonable level of prosperity by supplementing their agricultural production by industrial growth. Industrial progress in each country could be facilitated if there were processes of co-operation in the development of markets, in order to assure best results for the area as a whole.

Thirdly, there are projects for exploiting raw materials that could be greatly improved by inter-state co-operation. The Dead Sea, a great source of mineral wealth, extends over Israel and Jordan territory. The electrical power scheme in the North was originally envisaged as an inter-state project and could again so become. Successful measures which have been taken by Israel to develop its phosphate and other mineral resources in the Central Negev have advantages to offer both as regards geological data and mining methods, which would be available for similar developments in neighbouring countries, into which those mineral resources extend. Such success as Israel has managed to achieve by its own efforts is merely an augury of the far wider benefits which all countries of the area could derive from co-operative efforts in the field of the exploitation of raw materials.

Fourthly, the water problem is the key to our region's economic destiny. In its totality the Middle East possesses water resources which would enable a vast increase of population, of power and of industrial and agricultural activity. However, the international frontiers do not correspond with any rational distribution of those water resources. The peace negotiation, in its economic aspect, could give serious consideration to regional irrigation schemes, which are only possible by inter-state arrangements and without which no rational utilisation of rivers is possible. Israel, Syria, Jordan and Lebanon could all derive great benefits from such co-operation.

Fifthly, an economic problem common to the whole region is the age-old encroachment of the desert upon the cultivated area. Modern science has taught us not to regard any desert as permanent. Not only can the advance of the desert be stopped, its existing domination can be turned back and reduced - by afforestation, by conservation methods, and by irrigation. The necessity to create extensive economic opportunities in a small area has caused Israel to develop its research and activity in this field to a significant degree. There would be great advantage in the exchange of knowledge and co-operation between all governments in the area, which face the problem of turning sandy wastes occupying great stretches of their national territory into flourishing gardens.

In the last months of his life, President Weizmann reached the conclusion that this perhaps was the most fruitful field in which the resources of science could be applied to the economic progress and, therefore, the political stability of our region. From his initiative, there arose the plan for the Conquest of the Desert Exhibition, which will take place in Jerusalem in the summer of 1953. Many governments, especially those which have had the experience of conquering the desert in the American, European and Asian continents, and in North Africa, will be represented at an interchange of views and experiences, leading, we hope, to practical co-operation. As a prelude to this occasion, and also at Dr. Weizmann's initiative, there was held in May 1952 under the auspices of the United Nations' Economic, Social and Cultural Organisation a symposium of eminent scientists from all over the world to consider the problem of cultivating and settling and zones. Owing to the present state of political relations, this discussion, so relevant to the central problem of improving living standards in the area, was not attended by a single Arab representative. Can anybody make sense out of a system of relationships which prevents us from freely exchanging our efforts and experiences in the battle against poverty and disease, which are the common enemies of our region as a whole?

I should like to discuss under four headings the manner in which regional co-operation could benefit all countries in the area, beyond the field of direct economic development, which I have just discussed.

The absence of normal and peaceful relations between the Arab states and Israel provides no greater anomaly than the absence of any direct communication by land, sea and air amongst the countries of the area. In the dawn of its history, at a time when communications were halting and primitive, the Middle East was an area of active inter-communication which accounted for much of its material and cultural primacy.

The life of our region suffers badly in every sphere through a break in the chain of communication, and the peace negotiation should give urgent thought to ways and means of overcoming to mutual advantage this unnatural heritage of the way. If you imagine railway communications running from Haifa to Beirut, Damascus and Istanbul in the North, to Amman and beyond in the East, and traffic resumed on the Haifa-Cairo line, you can see at once how the trade and commerce of the area, as well as its cultural interchange, would be strengthened beyond measure. Similarly, resumption and expansion of road communications between Cairo, Jerusalem and Beirut, and between Haifa and Baghdad, would stimulate the life and the commerce of the Middle East above any level so far attained.

In the context of a peace settlement there would be no justification for portraying the southern part of Israel as though it were some kind of a "wedge" between various parts of the Arab world. Our very wedge-like position should compel the region to seek a more complete system of integration and to aspire to a permanent security in an all-round peace settlement. Indeed, within the context of the settlement which I am here presenting, Israel would regard itself in this area as a bridge and not as a wedge. There are many ways, without prejudice to the territorial sovereignty of any state, in which expression could be given to that concept in the sphere of inter-state communications.

It would also be fruitful for the peace negotiation to give thought to problems of maritime communication, including the use of ports. The armistice system requires, and I have no doubt will secure a suspension of active blockade practices. But a peace settlement can carry maritime co-operation into more positive spheres than the mere agreement, to which we are already pledged, to leave each other's shipping alone. As a result of the present boycott policy some Arab states inflict great damage upon themselves by their own exclusion from access to the coast. This is especially true of the Kingdom of Jordan which is completely land-locked as regards the Mediterranean, and is therefore dependent upon intricate and artificially long communications through other ports. In a peace negotiation my Government would again give consideration to the provision of free port facilities at Haifa, thus creating a direct commercial link between the Mediterranean and the hinterland of the Fertile Crescent.

On the Red Sea, in the South, appropriate arrangements of inter-communication could take place between the Israel Port Development at Eilat and those ports in the Gulf of Akaba which lie in the territory of Egypt and Jordan.

The freedom of the region from the present blockade would have reassuring effects, on the maritime world in general, and produce lower insurance rates for shipping proceeding to all Middle Eastern ports.

The discussion on communications could also deal with the institution of radio, telephone and postal cables in a continuous network throughout the countries of the Near East. At this time, the artificial attempt to circumvent Israel imposes, we understand, upon the Arab states long and circuitous routes to the increase of cost, and the reduction of efficiency.

The tourist traffic between Israel, Egypt and Lebanon, which was once a productive source of income for all countries, could again be

reopened, while the area as a whole with its historic monuments and scenic beauty would attract greater volumes of tourists from outside itself if the present dislocations and difficulties were eliminated in all the spheres of inter-communication.

I would summarise this item by saying that the peace settlement would, in the sphere of communications, re-establish the continuity of our area, produce an atmosphere of integration and harmony, and eliminate what is both a cause and an acute symptom of the present regional conflict.

The Committee will be aware that one of the chief handicaps of the Middle East in all its enterprises is its low standard of public health and a lack of progress in social organisation. In some of these spheres, there is room for exchange of information and experience; in others we envisage practical co-operation to be worked out in the negotiation to which I refer. Surely, the battle against malaria in Huleh, the Jordan valley and elsewhere, against quarantine pests and traffic in narcotics are matters of mutual concern in which indeed the absence of regional co-operation is a prejudice to the general human welfare. The medical centres in Israel and in the Arab countries have accumulated a great store of knowledge on those health problems which arise from the special conditions of our region, its climate, its soil and its endemic diseases. The medical traditions of each people are long and distinguished. But the average health standards in Middle Eastern populations are not yet sufficient to enable the area to succeed even in the defence of its security, still less in its tasks of social, economic and intellectual revival.

But the health problem is only one of many which speak in favour of a regional approach to questions of social welfare. One of the acute problems in the Middle East is that of agrarian reform. We have observed with sympathy the recent efforts of the governments of Egypt and Syria to correct this long-standing disability. Israel, on its side, has experimented actively in this field, in the search of new

forms of co-operative and smallholder settlements, and in the application of legislative and social restraints against the accumulation of large estates and the creation of an agricultural proletariat without property or leasehold rights.

A new research project now being carried out under the United Nations Technical Assistance for the establishment of suitable rural housing out of a mechanical processing of soil is now in full progress. If successful, it will prove the possibility of providing rural housing without the import of expensive building materials at the cost of foreign currency.

Labour organisation is another field in which the countries of the Middle East could with benefit, beginning from the peace negotiation, exchange their experience and create procedures of co-operation. To sum up this item I would say that the development of society in our countries which are all at an early stage of their political growth could profit by the institution of co-operative procedures in health control and social organisation.

There have been periods in history when the interaction of the Hebrew and Moslem minds has produced a great flowering of cultural and scientific talent. Anyone who contemplates the common elements in the Hebrew and Arabic cultures will see their profound depth and high elevation when they achieve their best expressions. The sources of Israel's culture nourished the great streams of Christianity and Islam, whilst keeping its own native source perennially strong. Each culture is now faced by the common problem of adapting its ancient language to the expanding needs of modern affairs.

The interchange by governmental agreement of students and of university personnel would have great effect in reminding both peoples of the common elements in their own traditions, thus removing perhaps more than anything else the unnatural estrangement which has come over our relationship in recent decades. There is no

doubt that a reconciliation between Israel and the independent Arab states would be reflected in wider spiritual fraternity in Jewish-Moslem relations everywhere else in the world.

Research projects such as we have established in the Weizmann Institute of Science and the University of Jerusalem are investigating problems of relevance to the area as a whole. The representatives of governments should exchange ideas on pooling and co-ordinating research.

The efforts of the United Nations and all friendly governments to assist our region in many aspects of its life have been frustrated by the character of our political relations. The peace negotiations should rapidly reach agreements releasing the area from this deprivation. It has been impossible to hold a regional Committee Meeting of the World Health Organisation since 1950. The International Labour Office Employment Seminar to be held in Teheran had to be cancelled in November 1951. Where we do not have cancellation, we have expensive and wasteful duplication. Thus such enterprises as the Food and Agricultural Organisation Bank and the United Nations Joint Training Centre for economic development were set up in Istanbul in 1951 for non-Arabs, and in Beirut in 1952 for Arabs. The International Civil Aviation Organisation has actually had to set up an Air Traffic Co-ordination Centre in Cyprus at a high cost, both for maintenance and installation and with impaired efficiency because Beirut refuses to communicate weather reports or give flight information to aircraft bound to and from Israel airports. Are there no human solidarities which prevail over political rancorous? Do not the unlimited expanses of sea and air appeal to anything common in our human personality?

Air development could be a great source of wealth for the Middle East with its advantageous position astride three continents. The airlines of very many great aviation countries, of the United States, Great Britain and France, of the Netherlands, Switzerland, Italy and the

Scandinavian countries and the Philippines, as well as the Israel National Airline, pass in and out of the airport of Lydda, as they do of Cairo and Beirut, by separate and parallel channels. Egyptian and Israel Airlines would have much advantage from normal facilities.

Important technical assistance programs are at work in the Near East, both under the auspices of the United States and of the United Nations. All the countries in the region suffer from the absence of technical assistance co-operation in regional water problems, health, organisational problems as well as in meteorology and plant production. Israel would welcome full participation by the neighbouring states in the United Nations' Technical Assistance projects now being carried out in Israel, such as the pilot plant for adobe housing, and the F.A.O. Soil Conservation School. We on our part would welcome participation in the United Nations' Statistical Centre at Beirut, and the UNESCO Fundamental Education Centre in Cairo.

The considerations which I have outlined apply to similar regional problems, such as locust control. All of these measures could be carried forward with permanent advantage by the establishment, so far prevented by Arab reluctance, of the United Nations' Regional Economic Commission, which could duplicate and, I hope, even exceed the successes of similar economic regional commissions which operate for Europe and Latin America. My Government is prepared to support the establishment of this Commission and to co-operate in its work.

These are merely illustrations of the wide variety of co-operative efforts on which the negotiators could build a strong foundation for regional prosperity.

Mr. Chairman, this final item in the proposed pattern of new relations is the framework for all the others. The establishment of normal relations, in all the manifold fields which I have outlined, should be

given formal effect in diplomatic and international instruments. There should be a declaration abandoning the unilateral theory of a state of war, for a people at war with another can make no claims on that state's consideration or assistance in any matter whatsoever. A Treaty of Peace should be succeeded by Trade Treaties and Transit Agreements. A Treaty of Commerce, Navigation and Friendship should replace the ostracism and silence which mark our relationship today. Air Agreements, Visa Agreements and the Conventions which normally exist between sovereign states at peace with each other should be negotiated. The peaceful relations to be thus established would have their reflection in the work of this Organisation upon which also the boycotts and enmities of the Arab-Israel war have cast a persistent shadow. Liberated from the burden of this ceaseless and sterile controversy, freed from this contemplation of old resolutions and old conflicts, our delegations could make a much more purposeful and co-operative contribution to the common effort of the United Nations in defence of universal peace and human progress and the advancement of legitimate aspirations in the area. Such is the general outline of a peace negotiation: security guarantees and co-operation; agreed territorial adjustments; economic co-operation including joint water projects and development schemes; regional co-operation including the opening of access to ports and renewal of intercommunication between all parts of the Arab world; joint consideration of the refugee question with immediate preparatory work on compensation; formulation of peace treaties and trade pacts.

It should not be said that there is anything utopian or visionary in the prospects which I have delineated here. This is just the Israel view of a possible agenda for a direct peace negotiation between Israel and the neighbouring Arab states. We should wish to meet with each Arab state as we met with each Arab state to conclude armistice agreements, in order to discuss the application in each relationship of the principles and procedures which I have described. It should be understood that any negotiations between two states should not

encroach upon the interests of any third state, or upon those of the international community in the Holy Land.

It would be natural in view of the varied nature of the subjects which engage our mutual interest, that some simultaneous discussion should proceed of each main category. The conclusions should be formally consolidated in the treaty which should emerge as their result. I must say again that both the list of subjects and their order are purely illustrative. Negotiation in each case should start with an agreed agenda, composed of the suggestions and proposals of both parties.

In conclusion, Mr. Chairman, for those who consider that this is a prospect beyond realisation I would point out that but a few years ago there existed, in simpler and less ambitious forms, a process of interchange between the Jewish people in Palestine and the neighbouring countries. The countries around us derived full benefit from our work when it was on a much smaller scale. Our immigrant population, which began to be fully productive only after a time lag, provided a steady and growing market for their agricultural produce and industrial raw materials. Palestine headed the list of export markets from all the neighbouring countries. Interest was evinced all around in our scientific achievements and social innovations. Experts of the Hebrew University of Jerusalem went to Iraq by invitation to draw up plans of afforestation and combating locusts and to organise an entomological service. Emissaries from Iraq were amongst us to investigate commercial organisation and rural production. Syria sent missions to study workers' housing. Lebanon despatched agricultural officials to study methods of botanic research. Governmental missions from Egypt carried out comprehensive studies of agricultural co-operation and experimentation in Jewish Palestine which were embodied in printed reports. From all Middle Eastern countries patients flocked to Jerusalem for medical treatment and Jerusalem doctors were called to neighbouring capitals for consultations and operations. On the other side of the picture, our own experts and

emissaries travelled in the Arab countries to contemplate, to study and to learn.

Today, with the great dynamism of newly won independence and swift industrial progress, we could achieve together, each within its own limits and in co-operation with others, a development of the area with its vast human and material resources, on a scale and spirit commensurate with the great renaissance which came upon the American continent when its communications were opened up a century ago. This is the prospect which the United Nations would inaugurate if it would recommend to Israel and the Arab states that they enter into direct free and unfettered negotiations for the establishment of peaceful and neighbourly relations. The blueprint of peace which I have here outlined is different in many respects, sometimes fundamentally different, from that envisaged in past circumstances and in past resolutions. If it does not conform with our past conception, it does I think accord with the requirements of our common future. The General Assembly and all governments, especially Arab governments will we hope, give their most mature and serious and deliberate consideration to this approach.

I would say that Eight Powers have given us perhaps the most solemn moment in the development of this question. If we seize it we shall assemble next year and be able to echo the words which the Pilgrim Fathers of the American Continent said with thankfulness after enduring the rigors of their first arduous year. We shall say as they said: "We have made a clearing in the wilderness, and another year will see a larger clearing, a better garnering. We have made a beginning in a hostile world."

When these proposals are translated into reality as a consequence of the actions of the United Nations in calling for a free and direct peace negotiation, the prestige of this Organisation will be enhanced by the fact that it adopted a Resolution at the instance of forward looking governments, looking towards the establishment of peace in the proud

and venerable area where the arts of civilisation were born and whence the call for universal brotherhood came down through the ages to successive generations of men.

<i>Source of document</i>

http://www.mfa.gov.il/MFA/ForeignPolicy/MFADocuments/Yearbook1/Pages/14%20Blue-Print%20for%20Peace-%20statement%20to%20the%20Ad%20Hoc%20P.aspx

**Statement at the Western Wall by Defence Minister Dayan,
7 June 1967**

On 7 June 1967, the Israel Defence Forces liberated the Old City of Jerusalem and nineteen years of Jordanian rule came to an end. The Defence Minister, accompanied by the Chief of Staff and senior officers, arrived at the Western Wall at noon on that day. The Minister made the following statement:

This morning, the Israel Defence Forces liberated Jerusalem. We have united Jerusalem, the divided capital of Israel. We have returned to the holiest of our Holy Places, never to part from it again.

To our Arab neighbours we extend, also at this hour - and with added emphasis at this hour - our hand in peace. And to our Christian and Muslim fellow citizens, we solemnly promise full religious freedom and rights. We did not come to Jerusalem for the sake of other peoples' Holy Places, and not to interfere with the adherents of other faiths, but in order to safeguard its entirety, and to live there together with others, in unity.

<i>Source of document</i>
http://www.mfa.gov.il/mfa/foreignpolicy/mfadocuments/yearbook1/pages/11%20statement%20at%20the%20western%20wall%20by%20defence%20minist.aspx

**Prime Minister Levi Eshkol's Address to the Spiritual Leaders of
all communities in Jerusalem, 7 June 1967**

Before proceeding to the Western Wall, the Prime Minister invited the Chief Rabbis and spiritual leaders of other communities to his office and read the following declaration.

Honourable Chief Rabbis, Honourable Community Leaders:

I have taken the liberty to call you to this meeting in order to enable you to share with me the news of the events taking place these last few days in Jerusalem, the Holy and Eternal City.

On the Monday of this week, after the Egyptian aggression against Israel began, I announced in a radio broadcast that Israel would take no military action against any State that did not attack it. Despite this statement, the Government of Jordan - under Egyptian command - declared war upon the State of Israel and its forces and embarked upon hostile action by land and in the air. Our forces were compelled to take the necessary military steps in order to put an end to this aggression and to protect human lives. By its actions, the Government of Jordan, with the agreement of Egypt and following upon pressure from Cairo, violated international law, the United Nations Charter, and the neighbourly relations between our two countries.

In its aggression Jordan made no distinction between civilians and soldiers.

Crime was piled upon crime by Jordan when it carried war into Jerusalem, thus desecrating the eternal peace of this city, which has always been a source of hallowed inspiration to mankind. As a result of Jordanian aggression, dozens of people were killed and many hundreds were wounded. Blood was shed in the streets of Jerusalem and hundreds, perhaps thousands, of dwellings were hit. There was shelling specifically directed at hospitals, synagogues, Yeshivoth, the

President's residence, the Hebrew University, the Israel Museum and Government buildings. Likewise a large number of schools in the city were hit. The shelling continued uninterruptedly from Monday until today, Wednesday. Out of consideration for the sanctity of the city, and in accordance with our policy of avoiding casualties among the civilian population, we have abstained from any answering action inside the city, despite the casualties incurred by our soldiers and citizens.

The criminal actions of Jordan's Government shall stand before the court of international opinion and before the judgement of history.

Peace has now returned with our forces in control of all the city and its environs. You may rest assured that no harm whatsoever shall come to the places sacred to all religions. I have requested the Minister of Religious Affairs to get in touch with the religious leaders in the Old City in order to ensure regular contact between them and our forces, so as to make certain that the former may continue their spiritual activities unhindered.

Following upon my request, the Minister of Religious Affairs has issued the following instructions:

- a) arrangements in connection with the Western Wall shall be determined by the Chief Rabbis of Israel;
- b) arrangements in connection with the Moslem Holy Places shall be made by a council of Moslem clerics;
- c) arrangements connected with the Christian Holy Places shall be made by a council of Christian clergy.

With the aid of the Rock and Salvation of Israel, from Jerusalem, a symbol of peace for countless generations, from this Holy City now returned to its peace, I would like to have you join me in this call for peace among all the people of this area and of the whole world.

<i>Source of document</i>
http://www.mfa.gov.il/mfa/foreignpolicy/mfadocuments/yearbook1/pages/12%20prime%20minister%20levi%20eshkol-s%20address%20to%20the%20spi.aspx

Protection of Holy Places Law 5727 (1967)*

1. The Holy Places shall be protected from desecration and any other violation and from anything likely to violate the freedom of access of the members of the different religions to the places sacred to them or their feelings with regard to those places.
2.
 - a. Whosoever desecrates or otherwise violates a Holy Place shall be liable to imprisonment for a term of seven years.
 - b. Whosoever does anything likely to violate the freedom of access of the members of the different religions to the places sacred to them or their feelings with regard to those places shall be liable to imprisonment for a term of five years.
3. This Law shall add to, and not derogate from, any other law.
4. The Minister of Religious Affairs is charged with the implementation of this Law, and he may, after consultation with, or upon the proposal of, representatives of the religions concerned and with the consent of the Minister of Justice make regulations as to any matter relating to such implementation.
5. This Law shall come into force on the date of its adoption by the Knesset.

LEVI ESHKOL

Prime Minister

ZERACH WARHAFTIG

Minister of
Religious Affairs

SHNEUR ZALMAN SHAZAR

President

* Adopted by the Knesset on 27 June 1967.

<i>Source of document</i>
http://www.knesset.gov.il/laws/special/eng/HolyPlaces.htm

**2253 (ES-V). Measures taken by Israel to change
the status of the City of Jerusalem**

The General Assembly,

Deeply concerned at the situation prevailing in Jerusalem as a result of the measures taken by Israel to change the status of the City,

1. *Considers* that these measures are invalid;
2. *Calls upon* Israel to rescind all measures already taken and to desist forthwith from taking any action which would alter the status of Jerusalem;
3. *Requests* the Secretary-General to report to the General Assembly and the Security Council on the situation and on the implementation of the present resolution not later than one week from its adoption.

<i>Source of document</i>
http://domino.un.org/unispal.nsf/0/a39a906c89d3e98685256c29006d4014

**Letter from Foreign Minister Eban to Secretary-General U Thant
on Jerusalem, 10 July 1967**

This was the official Israeli reaction to Resolution 2253. In it, the Foreign Minister explained the nature of the legislation passed by the Knesset on 27 June 1967. Text:

Dear Mr. Secretary-General,

My Government has given careful consideration to your letter of 5 July 1967, concerning resolution 2253 (ES-V) of the General Assembly. Israel's position on Jerusalem was explained by me at the plenary meetings of the General Assembly on 21 and 29 June 1967. In response to your letter, the Government of Israel now takes the opportunity of reviewing recent developments in the city.

As a result of aggression launched by the Arab States against Israel in 1948, the section of Jerusalem in which the Holy Places are concentrated had been governed for nineteen years by a regime which refused to give due acknowledgement to universal religious concern. The city was divided by a military demarcation line. Houses of worship were destroyed and desecrated in acts of vandalism. Instead of peace and security there was hostility and frequent bloodshed. The principle of freedom of access to the Holy Places of all the three monotheistic religions was violated with regard to Jews, but not to them alone. The Jordan Government informed the *Ad Hoc* Political Committee at the fourth and fifth sessions of the General Assembly, on 6 December 1949 and 11 December 1950, that it would not agree to any special arrangements for the Holy Places. This policy was the subject of a reference by the President of the Trusteeship Council, Mr. Roger Garreau, in his report on the mission entrusted to him by virtue of the Trusteeship Council resolution of 4 April 1950 (T/681), in which he stated:

"...I have to state with the deepest regret that up to yesterday, when my term as

President of the Trusteeship Council came to an end, the Government of the

Hashemite Kingdom of Jordan had not seen fit to break its silence...

... the Government of Israel showed a spirit of conciliation which led it to submit

to the Trusteeship Council certain new proposals which... represent a considerable

advance towards a settlement of the various aspects of the problem of Jerusalem

and the Holy Places ..."

On 5 June 1967, the Jordanian forces launched a destructive and unprovoked armed assault on the part of Jerusalem outside the walls. This attack was made despite Israel's appeals to Jordan to abstain from hostilities. Dozens of Jerusalem citizens were killed and hundreds wounded.

Artillery bombardment was directed against synagogues, the Church of Dormition, hospitals, centres of secular and religious learning, the Hebrew University and the Israel Museum. Intensive fire was directed against institutions and residential centres from positions in and near the Holy Places themselves, which were thus converted into military positions for shelling Jerusalem.

Since 7 June, the entire City of Jerusalem has experienced peace and unity. The Holy Places of all faiths have been open to access by those who hold them sacred.

The resolution presented on 4 July by Pakistan and adopted on the same date evidently refers to measures taken by the Government of Israel on 27 June 1967. The term "annexation" used by supporters of the resolution is out of place. The measures adopted relate to the integration of Jerusalem in the administrative and municipal spheres, and furnish a legal basis for the protection of the Holy Places in Jerusalem.

I now come to specify the character and effect of the measures adopted on 27 June:

(1) The Holy Places

The Protection of Holy Places Law, 5727-1967, provides that "the Holy Places shall be protected from desecration and any other violation and from anything likely to violate the freedom of access of the members of the different religions to the places sacred to them or their feelings with regard to those places. Whoever desecrates or otherwise violates a Holy Place shall be liable to imprisonment for a term of seven years . . ." During the previous nineteen years there had been no such legislation to protect the Holy Places in Jerusalem. Since 27 June, sacred buildings desecrated since 1948 have been restored, and houses of worship destroyed during the Jordanian occupation are being rebuilt.

(2) Civic Co-operation

One of the most significant results of the measures taken on 27 June is the new mingling of Arabs and Jews in free and constant association. The Arab residents within the walls had been cut off for nineteen years from all contact with the residents of the newer parts of the city.

Today they are free to renew or initiate contacts with their Jewish neighbours in Jerusalem and elsewhere in Israel. The residents of the city outside the walls now visit the Old City. There is a profound human and spiritual significance in the replacement of embattled hostility by normal and good neighbourly relations. It is especially appropriate that ecumenical habits of thought and action should take root in the city from which the enduring message of human brotherhood was proclaimed with undying power in generations past.

(3) Municipal Services

In the hills of Judea, where Jerusalem is situated, there is an acute shortage of water. The Old City is now connected with the general water supply system, and all houses are receiving a continuous supply of water, double the quantity available to them in the past.

All hospitals and clinics are already functioning. In the past, no health services existed for the young within the framework of the school system, nor were there any health stations for mother and child care. These services are now being established.

There was no social welfare system in the Old City. Today all the inhabitants of Jerusalem now enjoy the same welfare rights. The municipality has already begun extending its welfare services to those for whom none have been available in the past.

School buildings are being prepared for the resumption of studies at the beginning of the new school year. Teachers are being located and arrangements made for them to return to their work. Their salaries are paid by the municipality.

Compulsory education regulations have been extended to all parts of the city. None of those arrangements affect the existing private education network.

If these measures had not been taken, the Holy Places would be without legal protection. The unified public utilities services would not exist. Municipal and administrative facilities would not be extended to some sections of the city, and Jerusalem's residents would still be divided, hermetically confined in separate compartments.

The Universal Interest

The measures taken by my Government to secure the protection of the Holy Places are only a part of Israel's effort to ensure respect for universal interests in Jerusalem. It is evident from United Nations discussions and documents that the international interest in Jerusalem has always been understood to derive from the presence of the Holy Places. Israel does not doubt its own will and capacity to secure the respect of universal spiritual interests. It has forthwith ensured that the Holy Places of Judaism, Christianity and Islam be administered under the responsibility of the religions which hold them sacred. In addition, in a spirit of concern for historic and spiritual traditions, my Government has taken steps with a view to reaching arrangements to assure the universal character of the Holy Places. In pursuance of this objective, the Government of Israel has now embarked on a constructive and detailed dialogue with representatives of universal religious interests. If these explorations are as fruitful as we hope and expect, the universal character of the Holy Places will for the first time in recent decades find effective expression.

The changes which have affected Jerusalem's life and destiny as a result of the measures recently adopted may therefore be summarised as follows:

Where there was hostile separation, there is now harmonious civic union. Where there was a constant threat of violence, there is now peace. Where there was once an assertion of exclusive and unilateral control over the Holy Places, exercised in sacrilegious discrimination, there is now a willingness to work out arrangements with the world's

religious bodies - Christian, Muslim and Jewish - which will ensure the universal religious character of the Holy Places.

The Government of Israel is confident that world opinion will welcome the new prospect of seeing this ancient and historic metropolis thrive in unity, peace and spiritual elevation.

Please accept, Mr. Secretary-General, the assurances of my highest consideration.

Abba Eban
Minister for Foreign Affairs

<i>Source of document</i>
http://www.mfa.gov.il/mfa/foreignpolicy/mfadocuments/yearbook1/pages/16%20letter%20from%20fm%20eban%20to%20secretary-general%20u%20thant%20on%20jerusalem.aspx

**REPORT OF THE SECRETARY-GENERAL UNDER
GENERAL ASSEMBLY
RESOLUTION 2254 (ES-V) RELATING TO JERUSALEM**

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INTRODUCTION

1. In its resolution 2254 (ES-V) adopted on 14 July 1967 relating to Jerusalem, the General Assembly requested the Secretary-General to report to the Security Council and the General Assembly on the situation and on the implementation of the resolution. In a note dated 14 August 1967, which was circulated to the Security Council (S/8121 and Corr.1) and to the General Assembly (A/6785 and Corr.1), the Secretary-General announced that he had appointed Ambassador Ernesto A. Thalmann of Switzerland as his Personal Representative in Jerusalem for the purpose of obtaining information on the situation as a basis for his report to the Security Council and the General Assembly.

2. The terms of reference for the mission which was entrusted to Ambassador Thalmann were laid down in the Secretary-Generals letter of 12 August 1967, as follows:

"I am glad to know that you are willing to undertake, and that your Government is prepared to make you available for, the special ad hoc assignment as my Personal Representative in Jerusalem for the purpose of obtaining information in order to facilitate my report to the Security Council and the General Assembly. The General Assembly, in paragraph 3 of its resolution 2254 (ES-V) of 14 July 1967 'requests the Secretary-General to report to the Security Council and the General Assembly on the situation and on the implementation of the present resolution' ... That part of my report relating to the implementation of the resolution will consist of the written reply to my note about the resolution dated 15 July 1967... which the Government of Israel has promised to address to me. Your concern, therefore, will be exclusively with the gathering of information 'on the situation' in

Jerusalem which I may, in turn, use in my report to the Council and the General Assembly.

"I would wish you to gather as much information as you reasonably can within a period of two weeks on the situation in Jerusalem, by which is meant specifically conditions relating to the assumption of control by Israel authorities over the entire city of Jerusalem. Thus, a major part of your attention would be directed to the situation in the Old City of Jerusalem, with specific reference to the status and treatment of Arab residents and their property and the situation of all of the Holy Places in Jerusalem.

"Your function, thus, is to obtain information only and involves no responsibility on your part for any negotiations or for the implementation of the General Assembly resolution.

"At my request, the Government of Israel has given assurance that it will co-operate with your mission and will give you all necessary facilities and information."

3. Ambassador Thalmann's mission constitutes the sole independent source of information of the Secretary-General for the report on the situation in Jerusalem requested of him by the General Assembly and, therefore, part one of this report is based upon the information gathered by Ambassador Thalmann during his visit to Jerusalem.

4. Part two of the report, dealing with the implementation of General Assembly resolution 2254 (ES-V), is based on the information supplied by the Government of Israel.

PART ONE. THE SITUATION IN JERUSALEM
I. MISSION OF THE PERSONAL REPRESENTATIVE

A. Delimitation of the inquiry

5. In accordance with the terms of reference, the Personal Representative restricted his inquiry to Jerusalem. For the purposes of the investigations, Jerusalem was understood to include both those parts of the city which were under Jordanian control before June 1967 and those under Israel control. It was also understood to include the former no man's land and the rural areas which Israel has included in the municipality of Jerusalem. For exclusively practical reasons particularly brevity, and with no other connotations, the expressions "East Jerusalem" and "West Jerusalem" are used to designate the parts formerly under Jordanian and Israel control, respectively.

6. It would no doubt have been desirable to set current conditions in Jerusalem against their historical background. This was not possible, however, in the short time available.

7. During the Personal Representative's visit to Jerusalem, Arab personalities handed him a number of memoranda, petitions and statements, some of which went beyond the purely factual conditions and consequently beyond his terms of reference. It is nevertheless considered appropriate to reproduce some of these documents as annexes because, taken as a whole, they reflect an attitude which forms a part of the facts that are the subject of the investigations (see annex I).

8. The Israel authorities supplied a substantial amount of documentation, which could not be fully evaluated in this report. Some documents, which are helpful for an understanding of the factual conditions, are also annexed to the report (see annex II).

9. It should be noted that conditions in Jerusalem are in a state of rapid flux. Certain of the observations in this report may therefore have been partially overtaken by events.

B. Conditions under which the mission was carried out

10. The Personal Representative arrived at Tel Aviv on 21 August 1967 and proceeded the same day to Jerusalem. He was able to carry out his investigations in an orderly atmosphere and the Israel authorities offered him various material facilities such as transportation and technical arrangements.

11. The Personal Representative was free to move about and to meet the various personalities whom he wished to see and to talk with them privately when he desired to do so. He met a great number of Israel officials, Arab personalities and representatives of the various religious communities. The most important names are contained in the lists in annex III.

12. Ambassador Thalmann left Jerusalem on 3 September and arrived in New York on the evening of 4 September.

II. GEOGRAPHY AND EXTERNAL ASPECT OF THE CITY

A. Geography

13. As a result of the assumption of control by the Israel authorities over East Jerusalem, the municipal area of West Jerusalem was expanded by over 60 square kilometers to a total exceeding 100 square kilometres. A map prepared at the Personal Representative's request by the Israel municipal authorities and annexed to this report shows the claimed boundaries of the extended municipality and other lines relevant to an understanding of the present situation.

B. Population

14. Since the occupation, a census was carried out in East Jerusalem by the Israel authorities. This shows that the approximate population of the area is 70,000, of whom 28,000 (or 40 per cent) reside in the Old City and 42,000 (or 60 per cent) outside the walls.

15. The distribution of population according to religious denomination is as follows:

Muslims 81.0 per cent
Catholics 8.1 per cent
Orthodox 6.5 per cent
Armenians 2.4 per cent
Others 2.1 per cent

16. The population of West Jerusalem is approximately 200,000, practically all of whom are Jews.

17. According to the International Committee of the Red Cross, about 7,000 refugees left the Jerusalem area. So far only a few persons have returned.

18. According to the figures of the Jordanian Census of 1 and 3 July of this year, 7,791 persons (including 1,201 householders) left the Jerusalem area. Arab sources consider that these figures are too low and that they represent only about 70 per cent of the real total of the refugees.

C External aspect of Jerusalem

19. During his visit, the Personal Representative was struck by the great activity in the streets of the city.

20. The uniforms were few and the weapons fewer. The military policemen went about their duties in a matter-of-fact way. They appeared to be mostly concerned with directing the traffic, which was quite heavy. The picture of the crowd in the Old City was dominated by the tourists. Arabs and Jews were mingling. To the destruction of the war new destruction had been added. Bulldozers had cleared the walls which separated the firing lines, as well as many houses in the area of the former no man's land. Also in the walled city one could see the debris of levelled houses.

21. There was direct access to the Old City through many newly made roads and through the reopened gates. Outside the walled city the scars of battle were more noticeable. Also a number of shops were closed. Most of the hotels had reopened Before dawn and during the day the muezzin could be heard as well as the church bells.

III. STRUCTURE OF THE MUNICIPAL AUTHORITIES

A. Situation in the Jordanian sector of Jerusalem before June 1967

22. Every citizen who had reached the age of eighteen and who paid municipal taxes of at least one Jordanian dinar a year was eligible to vote in the municipal elections.

23. Twelve representatives were elected to the Municipal Council on a non-party basis. Candidates had to be Jordanian citizens over the age of twenty-five, literate and have committed no crime. The Government, through the Minister of the Interior, appointed the Mayor from among the twelve Council members. The Council chose the Assistant Mayor from among its members by a simple majority vote; the Assistant Mayor deputized for the Mayor in his absence. The Council appointed from among its members the members of auxiliary

committees, which were usually headed by the Mayor. The Council served as an advisory body to the Mayor and usually convened once a week, though a meeting could be called at the request of two-thirds of its members.

24. Elections for Mayor and Council members were held every four years. The Mayor received his salary from the Municipal Council. Members received no remuneration.

25. The current term of office was to have ended on 31 August 1967.

B. Situation since June 1967

26. The Israel authorities stated that they had offered the members of the Municipal Council of the Old City the opportunity to apply for new positions in the framework of the Israel administration, which they refused to do. Several members had left Jerusalem; at present there were only eight in the city.

27. The Municipal Council of the Old City had been superseded by the Municipal Council of West Jerusalem, which is composed of twenty-one members, all Israelis, who were elected on 2 November 1965.

C. The administration of the municipality

28. The Israel authorities further stated that the municipality of West Jerusalem began operations in East Jerusalem the day after the fighting ceased. In the beginning it acted as the agent of the Military Government, but from 29 June municipal processes started to function according to Israel law.

29. The Arab personnel of the Old City was absorbed in the equivalent departments in the Israel municipality, so that at present, for example, all the engineers and staff of the municipality of East Jerusalem were

employed in the City Engineer's Department, the Water Supply Department, etc.

30. Practically all municipal employees included in a list comprising some 370 names provided by the Assistant Mayor of East Jerusalem, immediately after the take-over by the Israel authorities, were now employed by the municipality.

31. The question of the pension rights of pensioners in East Jerusalem had not been fully settled. In the meantime the pensioners had received an ex gratia payment on account of the pension for the month of June, pending a decision on the matter.

32. The Israel Authorities stated that they were not interfering with the functioning of the Muslim Waqf which is responsible for all resources designated for the upkeep of religious and welfare institutions. Moreover it had offered to assist the Waqf authorities to exercise direct control over the property. In addition, immediately after the hostilities, it had granted the Waqf a loan of 25,000 Israel pounds.

IV. MEASURES TAKEN BY THE ISRAEL GOVERNMENT IN ORDER TO INTEGRATE THE PARTS OF THE CITY EYEWASH WERE NOT UNDER ISRAEL CONTROL BEFORE JUNE 1967

A. Preliminary remarks

33. In the numerous conversations which the Personal Representative had with Israel leaders, including the Prime Minister and the Minister for Foreign Affairs it was made clear beyond any doubt that Israel was taking every step to place under its sovereignty those parts of the city which were not controlled by Israel before June 1967. The statutory bases for this had already been created, and the administrative authorities had started to apply Israel laws and regulations in those

parts of the city. However, for practical reasons - for example, because the texts of the laws had not been translated into Arabic - but also with the intention that the Arab population should become familiar with the new situation step by step, not all Israel laws and regulations were as yet been enforced; nevertheless, it was the declared objective of the Israel Government to equalize the legal and administrative status of the residents of those parts of the city which were not previously controlled by Israel with that of the Israel citizens as soon as possible.

34. The Personal Representative was repeatedly assured by the Israel side that every attention was being paid to the well-being of the Arab population and that the Arab residents would have the opportunity to bring their standard of living up to the level prevailing in Israel.

35. The Israel authorities stated unequivocally that the process of integration was irreversible and not negotiable.

36. Some information concerning the manner in which Israel is proceeding at the governmental and municipal Level is given in two statements, which are to be found in annex II.

37. It is considered appropriate to discuss below in greater detail the measures taken by Israel in the various fields, placing particular stress on those questions which are especially vital to the life of the population. It is in the nature of the following account that the information is drawn for the most part from Israel sources.

B. Israel legislation affecting East Jerusalem

38. The Personal Representative was supplied by the Israel authorities with the text of certain laws and orders which had been adopted with a view to including Old Jerusalem and certain surrounding areas previously under the control of Jordan within the State of Israel.

39. Under the Law and Administration Ordinance (Amendment No. 11) Law of 27 June 1967 it was provided that the law, jurisdiction and administration of the State should apply in any area of the State of Israel designated by the Government by order. Under this provision the Government issued an order dated 28 June 1967 which declared that a territory defined in an annex was an area in which the law, jurisdiction and administration of the State of Israel were in force. The area described in detail in the annex included the Old City, Sur Baher, Sheich Jarakh, the Kalandia airport, Mount Scopus and vicinity and Sha'afat.

40. Similarly under the Municipal Corporations Ordinance (Amendment No. 7) of 27 June 1967, the Minister of Interior was empowered at his discretion to enlarge, by proclamation, the area of a particular municipal corporation by the inclusion of an area designated under the Law and Administration Ordinance as just amended. By an order dated the following day, the Minister declared that the boundaries of the Jerusalem Municipal Corporation would be extended by the inclusion of the area described in the previous paragraph.

41. It was explained that the Jerusalem Municipality had refrained from enforcing the municipal by-laws to the eastern sector immediately after reunification because they had not as yet been translated into Arabic.

42. When the by-laws became available in Arabic the Municipality began to enforce sanitation and public health laws and the ordinance forbidding peddlers to operate without a licence. In order to enforce the by-laws throughout the larger area, thirty-five new inspectors had been hired.

43. The policy of the Municipality was to introduce the by-laws in stages, out of consideration of the need to familiarize the population with them in a gradual manner.

C. Physical measures and civilian services

44. The opening of means of access to the Old City and the destruction of barriers started almost immediately after the end of hostilities. By the end of August all former access roads had been reopened.

45. Alongside this activity went on the destruction of former Jordanian military fortifications and the removal of mines, principally in the old no-man's land, in the Jerusalem area.

46. The Israel authorities stated that buildings in a slum area outside the Temple Wall had been destroyed; the inhabitants had been provided with alternative housing. Fifty to seventy families, however, had been put in houses left by refugees who had since returned, so they had to find their own accommodation; they were being given key money and their rent would be subsidized for two years through the city welfare agency. Loans for seven years would also be made to fifty-five families in the Old City whose houses had been damaged by shelling, so that they might repair them before the winter. Dilapidated and dangerous houses along the Old City walls had been demolished (these houses had mainly been in no-man's land) and it was planned to build a park round the walls. The land was mostly church property and compensation would be paid. Houses in no-man's land, where there were many mines, had been de-mined and demolished; they had been uninhabited since 1948. These houses were in a dangerous condition and there was a risk of squatters with the existing housing shortage. It had not been possible to do anything about them before, as they were in no-man's land.

47. The Israel authorities further stated that there were no plans for the construction of buildings in East Jerusalem. There was a ban on all buildings within the Old City walls, except for the reconstruction of several streets in the Jewish Quarter. These would be kept in the same style as before as far as their exteriors were concerned, but would be

modernized inside.

Water

48. According to the Israel authorities, the water supply network of East Jerusalem was connected with the Western system one day after the end of hostilities.

49. In the past, East Jerusalem had received its water from sources at Ein Fara, Ein Pohar and Wadi Kelt, which together were capable of supplying 3,000 cubic metres a day, or fifty litres per inhabitant. Because of the water shortage it was necessary to supply water only intermittently. The city was divided into three areas, each of which received water twice a week.

50. During the war, several pumping stations and waterpipes were damaged. The damage was repaired and the water supply resumed. After it became apparent that the water supply was insufficient, three connexions were made with the system in West Jerusalem. During the first weeks the demand doubled, and the need was three times what it had been before the war (9,000 cubic metres a day); two thirds of this amount came from West and one-third from East Jerusalem.

51. It was explained by the Israel authorities that the cost of water in East Jerusalem had been more than twice as high as that in West Jerusalem. With the merger of the systems, the cost was lowered to that prevailing in the west, which would lead to an annual deficit of half a million Israel pounds in the budget of the Water Department (which must cover all expenses through fees). An equalization fund had been established.

Sanitation

52. The Israel authorities stated that the Sanitation Department had begun its work immediately after the war. During the first period it was mainly concerned with removing the rubble accumulated during the fighting. Once this was completed, it concentrated its efforts on the improvement of services, which included the acquisition of sweeping machines, machines to collect garbage, 5,000 garbage cans to be distributed to houses and 150 large garbage receptacles, at a total cost of more than one million Israel pounds.

53. While checking waste-water, thirty malaria sources were found. They were now being eliminated. Efforts were also being made to stop the use of unpurified sewage water for irrigation.

54. Veterinary control had been increased and, within this context, renovation had begun at the municipal abattoir, which had been partially destroyed during the hostilities.

55. The entire Sanitation Department had been transferred to the Old City Municipal Building.

Roads parks and public property

56. According to the Israel authorities, the City Engineering Department had begun work on the beautification of public parks, and the improvement of roads and lighting. The budget for East Jerusalem allots approximately four million Israel pounds for the execution of various works.

Welfare

57. The Personal Representative was informed that on 7 August 1967 a Welfare Bureau was opened to the public in East Jerusalem. At present the Bureau was primarily occupied with the distribution of aid to past recipient families, and with the investigation of the new cases applying for assistance by means of interviews in the office, home visits by social workers and contact with friends and local leaders who knew of their situations.

58. A programme has been prepared to distribute 3,337 food packages contributed by UNICEF to needy cases in East Jerusalem.

59. UNRWA has an important Field Office and a Ration Distribution Centre in Jerusalem and it takes care of the refugee camp in Kalondia.

60. The Catholic organizations in East Jerusalem are supporting up to 2,000 families a month, at a cost of \$3.00 per person on average.

D. Budgetary figures for East Jerusalem

61. According to Israel authorities the municipal budget for-East Jerusalem for the period from July 1967 to April 1968 amounts to approximately 8 million Israel pounds for regular and non-recurrent expenditures and to an additional 8 million pounds for development schemes.

62. The break-down of the budget is as follows:

In Israel pounds

General administration	310,000
Sanitation	1,609,000
Financial administration	395,000
Fire-fighting	263,000
Construction plans	440,000
Property maintenance	1,416,000
Tourism and economic activity	200,000
Municipal Central	418,000
Education	1,258,000
Youth and sport activities	100,000
Cultural activities	100,000
Public health services	188,000
Public welfare	10,000
Water	1,731,675

	8,498,675
=====	

63. The breakdown- of the development budget is as follows:

Equipment for sanitation services	1,000,000
Public property	4,000,000
Improvement of school buildings	400,000
Water installations and supply	2,500,000

	7,900,000
=====	

E. Economic measures

General situation

64. The Israeli authorities provided the Personal Representative with a substantial amount of information on the present economic situation in East Jerusalem both in the form of an oral briefing by a high official of the Economic Department of the Ministry of Foreign Affairs and of written material. In general, while admitting the existence of serious economic problems of adjustment, they maintained that in many respects the economy of the area was in a prosperous state due to the constant flow of Israel shoppers and sightseers and that the adverse effects of the cessation of tourism should not be unduly protracted.

65. The Personal Representative was told that many of the economic problems were the result not of the reunification of the City but of the dislocation caused by the war, which had been fought within the boundaries of Jerusalem. There was the physical damage to buildings, equipment and, particularly, vehicles, as well as the fact that goods had been taken over by the Israel army for its own use. An instruction had been issued that all private property should be returned immediately, but it was sometimes difficult to locate it. Absentee property was handled by the Custodian of Absentee Property.

66. It was explained that previously Amman, not Jerusalem, had been the economic and financial centre of Jordan. East Jerusalem had had no industry except for tourism and its related small industries; there were in all about 200 small workshops. On the other hand, there were over 1,500 shops and a variety of service establishments.

67. It was reported that from the time that access from Israel to East Jerusalem had become free, the shopkeepers there had been unusually active, selling at the rate of 2 million Israel pounds a day in the first month and at a steady rate of 1 million Israel pounds a day at present. As a result, stocks had run down quickly in many instances and were

being replenished in part from Israel sources and in part from supplies in the west bank and in unoccupied Jordan. Service establishments were reported to have greatly increased their activities. The workshops, after an initial period of dislocation, were said to have all reverted to routine and normality and to be going through a process of adjustment to new marketing conditions.

68. In general, the Israel authorities stated that unification had meant that the "underdeveloped" economy of the eastern sector had come into contact with the more developed economy of the western sector. That had caused an economic shock, but would not necessarily be detrimental to the population, which could enjoy a higher standard of living.

69. The Personal Representative was informed that everything was being done not to cut East Jerusalem off from its source of supply on the west bank, in particular in respect of fruit and vegetables and other agricultural supplies. It was true that certain measures had been taken to avoid the overflow of agricultural produce so as not to affect the price and markets for frozen vegetables in Israel; some produce, however, had gone from Jerusalem to other markets in Israel.

70. It was stressed that agricultural produce from the west bank was untaxed on entry into the city. Customs check-points had been set up near Sha'afat and Bethlehem and other imports were in law subject to Israel customs duty; in practice, however, no customs duty was being collected on any product.

71. Under a customs order published on 28 June, wholesalers were liable to pay on goods previously imported the difference between the duties already paid to Jordan and the higher Israel tariff. Stocks had been inventoried, but the Custom Department had not yet sent out any debit notices, which would in any case only be served on wholesalers with stocks of a value exceeding 1,000 dollars.

72. On the other hand, the Israel system of excise duties was being applied not only to East Jerusalem but throughout the Israel-controlled areas and was being collected at the factory. Duties were accordingly payable on tobacco, alcoholic beverages, spirits, petrol and cement.

73. As a result of these measures, retailers had raised the prices of products in stock. The question of the increased cost of living was being studied by a committee; figures had been asked from the Bureau of Statistics. All salaried officials - municipal employees, etc. - had had their salaries increased, though they were not yet receiving the Israel scale, which would bring them a fivefold increase in the higher grades, a twenty-fourfold increase in the lower.

74. It was stated that citizens of East Jerusalem would be required to pay income tax in accordance with the legislation of Israel as from 28 June 1967. From the end of August, deductions for tax payment would be made from the salaries of public servants, whether of the Government or of the municipality.

75. It was explained that the system of municipal taxation in Israel differed in many respects from what was in force in East Jerusalem. It would seem that in general the municipal taxes in West Jerusalem are more varied, and levied at a higher rate where comparable, than those in East Jerusalem, though water charges were less than half. On the other hand, it was maintained that the services previously supplied by the municipality of East Jerusalem could not bear comparison, in scope and efficiency, with the standard attained by local government in Israel.

76. It was stated that no municipal taxes had been paid in East Jerusalem since the unification, except for abattoir fees and market dues, which continued to be collected at the previous rates.

77. Finally, the information provided by the Israel authorities showed that motor vehicle licences in Israel were higher than those previously imposed by Jordan.

78. It was explained that serious obstacles to economic recovery had been caused by monetary problems. The eight banks previously operating on the west bank of the Jordan, with nine branches in East Jerusalem, had had their headquarters and kept their reserves in Amman. The cash actually held by the banks was only enough to cover 6 per cent of the public's deposits, and it had, therefore, been impossible to open them. In East Jerusalem, those deposits amounted to 5.7 million diners, which meant that the bank closure immobilized more than half of the monetary assets in the hands of the public. The closure also prevented businessmen from getting the credit which they needed for the resumption of their affairs. The economic integration of East and West Jerusalem had been accompanied by a rise of prices in East Jerusalem which had brought about at the outset a further diminution of the real value of the liquid assets of the inhabitants.

79. On the other hand, the contraction of liquidating had been offset to a certain extent by such factors as the fact that borrowers did not at any rate for the time being have to repay bank loans, amounting to 3.9 million diners and that purchases in East Jerusalem by Israelis had added considerably to its liquid assets.

80. It was stated that before long five Israel banks had opened branches in East Jerusalem and were granting loans to firms so that they could refloat their activities. Moreover, Israel was involved in negotiations, through the International Monetary Fund, to have Jordan transfer the assets of the closed banks back to them and was working to facilitate their reopening.

81. Arrangements had been made for the citizens of East Jerusalem to convert their holdings of Jordanian currency. They were reported to have so far exchanged 400,000 dinars into Israel pounds; that represented from 10 per cent to 15 per cent of the cash in their hands.

82. It was stated that, on the special question of the rate of exchange of the diner, the criterion in fixing the rate had been the value of the currency on the free Swiss market (7.50 Israel pounds to the diner). So as to avoid curtailing purchasing power, Israel had subsequently decided to raise the rate of exchange of the dinar.^{1/} As far as possible that would be done retroactively. Those who had exchanged more than 100 diners - of which a record would be available in the bank - would receive a refund. For smaller amounts, of which no record existed, the differences would be placed at the disposal of the community for social purposes.

^{1/} The current rate is 8.40 Israel pounds to the dinar.

Information supplied by the Israel Chamber of Commerce

83. At a meeting which was arranged by the President of the Israel Chamber of Commerce and which included several Arab personalities, it was stated that individual Arab businessmen from East Jerusalem were being given all possible assistance by the Jerusalem Chamber of Commerce and other West Jerusalem businessmen to enable them to obtain agencies and distribution rights of Israel industries and to aid them to obtain raw materials for their industries; some of these materials were already on their way to the Jordan port of Aqaba and some still in European or overseas ports, awaiting consignees' instructions. The Chamber of Commerce helped them to obtain Israel import licences, allocations of foreign exchange to pay for their imports, and in matters of procedure.

84. The President of the Israel Chamber further stated that the Arab Chamber of Commerce, Jerusalem, had been contacted in order to assist Arab businessmen in their adjustment to the new conditions, and in the re-establishment of normal business life in Jerusalem. The Committee of the Arab Chamber of Commerce had expressed its gratitude and indicated its willingness to co-operate.

Tourism

85. As regards the hotel industry, the Personal Representative was informed by the Israel Ministry of Tourism that all except four of the thirty-four hotels (with 3,726 beds) recommended for tourists in East Jerusalem had reopened. (The corresponding figures in West Jerusalem were twenty-three hotels with 2,244 beds). The question of ownership had not been fully established but the hotels were being run by substantially the same personnel. As a result of rising cost room rates had been raised an average of 14 per cent. which still was lower than rates in West Jerusalem.

86. Of the fifty-five tourist agencies in East Jerusalem, forty-seven had already applied for temporary licences and thirty-eight had already received them. Similarly, fifty-nine out of the 192 guides operating in East Jerusalem had already applied for temporary licences.

87. While there had been an influx of Israel visitors, the ordinary tourist trade, which had come to a standstill, was only just beginning again. From an analysis of tourism before the hostilities it was maintained that any possible loss from tourists in transit to other Arab countries was likely to be balanced by the opening up of East Jerusalem to Jewish tourists to Israel, as well as local tourists from Israel.

Transportation

88. The Personal Representative was informed that there were 300 taxis in the Old City for a population of 70,000 compared with 150 in West Jerusalem for a population of 200,000. Those taxis were mainly operated on long journeys to Beirut, Amman and Petra, from which they were now cut off. The Israel authorities planned to license about forty to fifty general taxis and had offered others the status of tourist taxis (the drivers could not pick up ordinary cab fares, but could act as guides to tourists), but that had been refused. Consequently, the problem had not yet been solved.

89. There were still unsolved problems with bus companies, of which there were some thirty in the Old City, each one owning one to six buses. It appears that the Israel authorities had difficulties coming to terms with those companies and had allowed the Egged Bus Company from West Jerusalem to operate in the Old City. Matters had been further complicated when the East Jerusalem bus companies had gone on strike.

Integration of East Jerusalem workers into the activities of the Histadrut (Israel Federation of Labour)

90. A branch of the Histadrut has been opened in East Jerusalem. A certain number of Arab workers have already registered, and the Israel authorities expect that the number will increase substantially as more and more East Jerusalem employers approach the Histadrut to safeguard the rights of their workers.

91. The number of Arab workers is estimated at between 12,000 and 14,000.

92. The Personal Representative was told that the policy will be to pay Arabs employed in Israel enterprises salaries equal to those received by their Israel counterparts' As regards Arab enterprises, salaries would be calculated according to the economic solvency of the enterprise. Salaries would be raised gradually so as not to disrupt the Arab economy and to allow it to adjust to the conditions prevailing in Israel.

93. At present over 2,000 workers from East Jerusalem (including some 400 employees of the Municipality) are employed in the Jewish sector of the economy. They are employed in various branches, including construction, industry, hotels and other services.

94. The Personal Representative was informed that the Histadrut plans to establish various welfare and health institutions in East Jerusalem including a loan fund, a community centre for girls and women offering vocational training, a branch of "Working Youth" (a youth movement), and a branch of the "Rapoel" (sports club).

95. In the economic sphere, the Histadrut planned to initiate several enterprises in East Jerusalem which would provide employment for the local workers. The establishment of printing plants and a daily newspaper was under consideration.

96. A special authority for east Jerusalem would be established, whose task would be to initiate new enterprises and strengthen existing ones.

F. Measures concerning the judiciary

97. The High Rabbinical Court (the highest Jewish authority in religious matters) has been moved to East Jerusalem. A municipal court, presided over by an Israel municipal magistrate, deals with infringement of by-laws. It was stated that so far no Arabs had been charged before this court.

98. The Israel authorities stated that with the application of Israel law to East Jerusalem, the appointment of a Kadi (judge in the religious court) would be governed by the procedure provided in the relevant Israel law. However, the Government of Israel has decided to allow the situation prevailing before 5 June 1967 to continue. Muslim courts were functioning and handing down judgements in the same manner as in the past.

G. Educational situation

99. The Israel Authorities stated that at the end of the 1966/1967 school year there had been twenty-eight public educational institutions in East Jerusalem with 12,500 pupils, and twenty-four private institutions with 8,000 pupils. The structure of education had been very different from that in Israel.

100. It was intended to introduce as soon as possible in East Jerusalem all the educational laws and regulations applicable in Israel to Arab children, using the curriculum and textbooks already available for that purpose. While Arabic would be maintained as the basic language of instruction, Hebrew would be introduced gradually as a subject in grades 4 to 12.

101. Kindergartens, which had not previously existed, would be gradually introduced. Grade 9, which in Israel was part of the secondary school system, in which tuition was charged, would continue for 1967/68 in East Jerusalem to be part of the tuition-free intermediate schools. All the other pupils in grades 10 to 12 would be incorporated in the Graded Tuition System. In that system, the contribution of parents to tuition varied from nil to 1,000 Israel pounds and was determined by their economic status. Since most Arab families had large numbers of children most of them would not have to pay tuition; the Government and the municipality would cover their children's tuition.

102. The Israel authorities further reported that the Jerusalem Municipality was rapidly restoring all damaged school buildings. All previously employed teachers had been invited to continue their work for the next academic year, which was expected to open on time in the second half of September.

103. From information available to the Personal Representative from other sources, it seemed doubtful whether the teachers would be prepared to co-operate with the Israel authorities in reopening the schools. Reports subsequent to the Personal Representative's departure tend to confirm this. 104. It was further stated that private schools would be subject to a "pedagogic control" only.

H. Press

105. It was stated that the two Arab newspapers which were published before June 1967 in East Jerusalem had disappeared.

V. THE SITUATION IN JERUSALEM AS DESCRIBED BY ARABS

A. Preliminary remarks

106. It should be noted, first of all, that there is a certain disproportion between the volume of the information which the Personal Representative received from the Israel aide and that of the information from Arab sources. This was due partly to the fact that his investigations were carried out in an area under the control of the Israel Government, but partly also to the fact that his Arab interlocutors, in contrast to the Israelis, were not involved in an action, but simply expressed their reactions. In addition, the Arabs in Jerusalem - again in contrast to the Israelis - at present lack any extensive administrative machinery.

107. Israel Government representatives stated that the Arab personalities whom the Personal Representative met at his own desire were, with few exceptions, members of the National Council of the Palestine Liberation Organization, headed by Mr. Ahmad Shukairy, and that they did not truly represent the Arab population. Naturally, it is impossible to delve into that argument. The Personal Representative noted that the memoranda, statements, resolutions, and other communications handed to him by the Arabs also bore the signatures of a wide range of Arab personalities, including many officials of the previous Jordanian administration and recognized religious leaders.

108. The Personal Representative also remarked that he had met not only Arab personalities who are opposed to the Israel Government but also some who were co-operating with the Israel authorities.

B. Arab information on population figures

109. According to Arab sources, the population of Old Jerusalem prior to 5 June 1967 was about 75,000. If the population of the immediately surrounding areas (Sha'fat, Beit Ranima, Ram, Kalendia and Tours) was included, the figure was about 130,000. Of this hereditary population, many had fled to Jordan as a result of the hostilities, while others were working abroad (in Kuwait, Saudi Arabia, Libya, Qatar, Bahrein, Abu Dhabi, etc.). These temporary emigrants alone were said to number about 60,000.

C. Arab complaints

110. The Arab personalities whom the Personal Representative met put forward both orally and in the written communications a number of detailed complaints against the Israel authorities (see annex I). The most important of these are summarized below. A description is also given of certain steps taken by Arab notables to establish an organization representative of Arab interests.

Desecration of Muslim Holy Places and other acts

111. Most of the Arabs interviewed by the Personal Representative stated that the Muslim population was shocked by Israel acts which violated the sanctity of the Muslim shrines. It was regarded as a particular provocation that the Chief Rabbi of the Israel Army, with others of his faith, conducted prayers in the area of the Haram Al-Sharif. (The Israel Government has in the meantime put a stop to the offering of further prayers by members of the Jewish faith in the area of the Holy Mosque.)

112. Statements by Israel official representatives and Jewish personalities concerning Jewish claims and plans in the Temple area had had an alarming effect.

113. The dynamiting and bulldozing of 135 houses in the Maghrabi Quarter (in front of the Wailing Wall) had also aroused strong feelings. This action involved the expulsion of 650 poor and pious Muslims from their homes in the immediate vicinity of the Mosque of Omar and the Aksa Mosque. The houses, which also included two small mosques, belonged partly to the Waqf and partly to Arab individuals.

114. It was charged that the Israel authorities had taken over the so-called Jewish Quarter and evicted 3,000 residents at short notice.

115. It was also pointed out that the Israel authorities had chosen a government school for girls near the Aksa Mosque as the seat of the High Rabbinical Court, without consulting the Waqf.

116. It was repeatedly emphasized that further encroachments by the Israel authorities would lead to serious unrest among the Muslim population and might have grave consequences.

Application of Israel laws

117. The Personal Representative was told that the Israel authorities claimed jurisdiction over the Muslim religious courts and control over the sermons preached from the Aksa Mosque, and that that was rejected as contrary to the precepts of Koranic Law and of Muslim theology.

118. It was also stated that the application of Israel civil law was unacceptable to the Arabs, not only because the laws of Israel would supersede the existing Jordanian laws, but because they were alien to Koranic Laws.

119. Judges and attorneys had therefore refused to co-operate with the Israel judicature.

Arab municipal authorities

120. The dissolution of the elected Municipal Council of East Jerusalem and the taking over of its buildings, furnishings and archives by the Municipal Council of West Jerusalem was described by Arabs as a violation of international law.

121. In a letter of 24 July 1967, the Israel Military Governor for the West Bank was informed that the twenty-four signatories of the letter had "constituted themselves as the Muslim body in charge of Muslim affairs on the West Bank, including Jerusalem".

122. This "Higher Muslim Council", as it is also called, on the same date designated four Arab personalities to carry out the responsibilities of public administration, with express instructions to exercise their jurisdiction on the West Bank, including East Jerusalem, in accordance with the applicable Jordanian law.

123. In communications (of which the Personal Representative received copies) to the President of the Council, the representatives of the following organizations expressed their support for the "Higher Muslim Court":

- The Women's Organizations and Institutions on the West Bank
- The Union of Doctors
- The Union of Dentists
- The Union of Pharmacists
- The Union of Lawyers
- The Union of Engineers
- The Union of the Officials and Labourers of the Electricity Board in Jerusalem
- The Union of Scaffolding Workers in Jerusalem
- The Labourers in Printing Houses
- The Workers in the Jerusalem Municipality Councils
- The Workers in Exchange Offices
- The Union of Workers in Hotels and Cafes
- The Union of Workers and Chauffeurs
- The Union of Bakers
- The Union of Builders
- The Union of Tourist Guides
- The Union of Tailors
- The Union of Shoemakers

124. The Personal Representative was also given a copy of an appeal on the subject by Arab Women on the West Bank.

125. The decisions taken by the "Higher Muslim Council", which has not been recognized by the Israel authorities, are made known to the Arab population through Amman Radio.

Economic situation

126. The Personal Representative was told that the measures already introduced or announced by Israel with respect to taxes, customs duties, licences, absentee properties, and other economic matters, were considered oppressive by the Arab population and that there was a growing feeling of economic strangulation. Even if the present dislocations in economic life should cease in due course, the Arabs feared that they would be permanently at a disadvantage in comparison with the Israelis, who were at a more advanced stage of economic development.

127. On the other hand, the Personal Representative had an opportunity to speak to a few Arab businessmen who considered it to their advantage to co-operate with the Israelis and had already entered into business relations with them. They stated that they were satisfied with the accommodating spirit shown by the Israelis.

Situation in the cultural and educational field

128. Where the schools were concerned, the Personal Representative found a pronounced aversion to the efforts of the Israel authorities to apply their own educational system to Arab schools. He was told that the teachers would refuse to resume their duties under the given conditions. It remains to be seen, in mid-September or late September, when the Arab schools are scheduled to reopen, to what extent the parents will likewise refuse to send their children to school.

129. From the cultural standpoint, the fear was expressed that the Arab way of life, Arab traditions and the Arabic language would suffer permanent damage under the influence of the Israel majority. It was also pointed out in this connexion that from the standpoint of customs and origin the Israel community formed a heterogeneous society which might have an adverse effect on strict Arab morals.

D. General objections

130. The following observations relate in part to considerations of international law, and thus go beyond a presentation of facts. At the same time, however, they reflect an attitude and a state of mind which are vital to the evaluation of the factual conditions.

131. The Personal Representative was told that the Arabs recognized a military occupation regime as such and were ready to co-operate with such a regime in dealing with current questions of administration and public welfare. However, they were opposed to civil incorporation into the Israel State system. They regarded that as a violation of the acknowledged rule of international law which prohibited an occupying Power from changing the legal and administrative structure in the occupied territory and at the same time demanded respect for private property and personal rights and freedoms.

132. It was repeatedly emphasized that the population of East Jerusalem was given no opportunity to state for itself whether it was willing to live in the Israel State community. It was claimed that the right of self-determination, in accordance with the United Nations Charter and the Universal Declaration of Human Rights, had therefore been violated.

133. In conclusion, it was pointed out that the Arab population places its trust in the United Nations and relied on the resolutions adopted by the General Assembly.

VI. THE ATTITUDE OF THE REPRESENTATIVES OF THE VARIOUS RELIGIOUS COMMUNITIES

134. All representatives of the various religious communities whom the Personal Representative met agreed that the Holy Places needed special protection and that their believers should have free access to those places. They felt that the prime prerequisite for this was peace and stable political conditions. Their objective was to be able to perform their spiritual duties in peace without constantly having to fear that international conflicts or State interference could jeopardize their traditional tasks.

135. One detected among the religious dignitaries a feeling of relief that a cease-fire was in effect and that material damage to the Holy Places was relatively minor. It was acknowledged by all, with thankfulness, that the combatant parties obviously had it in mind to spare the Holy Places as much as possible. On the other hand, one detected concern for the future. Would the situation remain as it was, or were further convulsions to be expected? What would be the consequences if the Holy Places were under the sovereignty of a State which identified itself with one religion and which had never concealed the fact that, where Jerusalem was concerned, its political objectives coincided with the religious objectives?

136. One eminent member of the Christian faith expressed this concern as follows: Jerusalem must retain its universal religious character. The well-established rights of the three major religions must be protected in toto. History had shown that whenever a religion tried to assert its hegemony in the politico-religious field serious and sometimes bloody conflicts ensued.

137. Shortly after the cessation of hostilities, reassuring statements were already being made by the Israel side in this connexion.

138 Prime Minister Levi Eshkol, meeting on 7 June with the spiritual leaders of all communities, declared:

"Since our forces have been in control in the entire city and surroundings, quiet has been restored. You may rest assured that no harm of any kind will be allowed to befall the religious Holy Places. I have asked the Minister of Religious Affairs to contact the religious leaders in the Old City in order to ensure orderly contact between them and our forces and enable them to pursue their religious activities unhindered. At my request the Minister of Religious Affairs has issued the following instructions:

(a) The arrangements at the Western Wall shall be determined by the Chief Rabbis of Israel.

(b) The arrangements in places sacred to the Moslems shall be determined by a Council of Moslem religious dignitaries.

(c) The arrangements in places sacred to the Christians shall be determined by a Council of Christian religious dignitaries."

139. Meeting with them again on 27 June) the Prime Minister declared:

"It is my pleasure to inform you that the Holy Places in Jerusalem are now open to all who wish to worship at them - members of all faiths, without discrimination. The Government of Israel has made it a cardinal principle of its policy to preserve the Holy Places, to ensure their religious and universal character, and to guarantee free access. Through regular consultation with you, Heads of the communities, and with those designated by you, at the appropriate levels, for this purpose, we will continue to maintain this policy and to see that it is most faithfully carried out. In these consultations, I hope that you will feel free to put forward your proposals, since the aims I have mentioned are, I am certain, aims

that we share in common. Every such proposal will be given full and sympathetic consideration. It is our intention to entrust the internal administration and arrangements of the Holy Places to the religious leaders of the communities to which they respectively belong: the task of carrying out all necessary procedures is in the hands of the Minister of Religious Affairs."

140. The same day, the Knesset passed the "Protection of Holy Places Law" 5727-1967, as follows:

"PROTECTION OF HOLY PLACES

"1. The Holy Places shall be protected from desecration and any other violation and from anything likely to violate the freedom of access of the members of the different religions to the places sacred to them or their feelings with regard to those places.

"2. Whoever desecrates or otherwise violates a Holy Place shall be liable to imprisonment for a term of seven years.

"3. This law shall add to and not derogate from any other law.

"4. The Minister of Religious Affairs is charged with the implementation of this law and he may after consultation with or upon the proposal of representatives of the religions concerned and with the consent of the Minister of Justice make regulations as to any matter relating to such implementation.

5. This law shall come into force on the date of its adoption by the Knesset."

141. These statements and statutory measures were very favourably received. Various religious representatives in fact told the Personal Representative spontaneously that so far the Israel authorities had

conformed to the principles which had been laid down and that there was therefore no ground for complaints. They hoped that whatever difficulties still existed or were feared - mostly of a practical and physical nature - would be resolved in a spirit of co-operation.

142. Although the attitude of representatives of other Christian denominations was, rather, one of "wait and see", they also described the present situation as satisfactory.

143. Apart from the Muslims, whose position was discussed earlier in connexion with the attitude of the Arabs generally, it was essentially only the Catholic Church which adopted a systematically divergent attitude. As is well known, the Holy See remains convinced that the only solution which offers a sufficient guarantee for the protection of Jerusalem and of its Holy Places is to place that city and its vicinity under an international regime in the form of a corpus separatum.

144. The Vatican has had talks with the Israel authorities on this and other questions, and the talks are reported to be continuing.

145. Various religious representatives expressed the hope that their links with the outside world, including the Arab countries, would remain open. These links are of particular importance to the religious communities as they relate to contacts with the corresponding religious centres abroad, the influx of pilgrims and the exchange and replacement of clergy, monks, nuns, and so forth.

146. The Personal Representative was assured by the Israel side that a liberal practice would be pursued in this respect. It was stated that, so far as entry from Arab countries was concerned, it was for those countries to issue the relevant permits.

147. Other religious leaders displayed some concern that their privileges, including exemption from taxes, should be respected. These privileges are of particular importance to those religious

communities whose income is derived entirely or partially from landed property, houses and shops.

148. With respect to religious schools, which now come under the "pedagogic Supervision" of the Israel Ministry of Education, the feeling generally expressed. Was that no undue interference with the form of education was to be expected. Schools which have students from Arab countries feared that they might no longer be able to attend.

149. Lastly, mention should be made of a special case which was submitted to the Personal Representative by the representative of the Syrian Catholic Church. Since 1948, the church and vicariate of the Syrian Catholic parish had been in no man's land and had remained intact throughout. It was stated that on 30 June and 2 July the buildings had been completely destroyed by the Israelis, without the parish's having been informed. The Vicar General of the Syrian Catholic Patriarchate had lodged a protest concerning this with the Military Governor of Jerusalem and claimed compensation. It was stated, however, that his demands had not yet produced any result.

150. The continuing interdenominational disputes with respect to the possession and custody of the Holy Places were mentioned by the religious representatives on a number of occasions, but the Personal Representative did not believe that they should be dealt with in his report.

VII. THE SECRETARY-GENERAL'S REMARKS

151. In conclusion, I would like to express my warm appreciation to Ambassador Thalmann for having gathered this very useful and important information on the situation in Jerusalem, in the brief space of time available to him. The information thus gathered has formed the sole basis for part one of this report.

152. I would also like to express my sincere thanks to the Government of Switzerland for having so readily responded to my request to make Ambassador Thalmann available for this specific ad hoc assignment, thus facilitating my report to the Security Council and the General Assembly.

PART TWO IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 2254 (ES-V)

153. On 15 July 1967, following the adoption of General Assembly resolution 2254 (ES-V), the Secretary-General addressed the following letter to the Minister for Foreign Affairs of Israel:

Sir,

"At its 1554th plenary meeting, on 14 July 1967, the General Assembly adopted resolution 2254 (ES-V), a copy of which is attached.

"In operative paragraph 3 of that resolution the Secretary-General is requested to report to the General Assembly and the Security Council on the situation and the implementation of the resolution.

"I should be grateful if you would kindly bring the above-mentioned resolution to the attention of your Government as a matter of urgency.

"Accept, Sir, the assurances of my highest consideration.

"(Signed) U Thant"

154. Subsequent to the despatch of the above letter, the Secretary-General informed the Permanent Representative of Israel that the part of his report relating to the implementation of the resolution of the General Assembly would necessarily consist of the response to be received from the Government of Israel. The Permanent

Representative of Israel assured the Secretary-General that a reply from his Government on the question of implementation of the resolution would be forthcoming in time for the Secretary-General to include it in his report. 155 On 11 September 1967, the Secretary-General received from the Minister for Foreign Affairs, transmitted by the Permanent Representative of Israel to the United Nations, the following reply to his letter of 15 July:

"Dear Mr. Secretary-General,

"After the adjournment of the emergency special session of the General Assembly on 21 July, the Government of Israel was consulted by you on the appointment of a personal representative entrusted with the mission of obtaining information for your report to the Security Council and the General Assembly.

"Ambassador Thalmann visited Jerusalem from 21 August to 3 September. The Government of Israel extended to him all the assistance necessary for the discharge of his responsibilities. He had detailed conversations with the Prime Minister and me, and with heads of the religious communities represented in Jerusalem. He also met leading personalities of all communities and heard the frank expression of their views.

"A salient fact of Jerusalem's life today is the intrinsic necessity of ensuring equal rights and opportunities to all the city's residents by extending to them the same public services and facilities. No international or other interest would be served by the institution of divisions and barriers which would only sharpen tension and generate discrimination. This does not foreclose the final settlement of certain important aspects of the Jerusalem situation which lie at the origin of the international interest in the city. I refer to the need to secure appropriate expression of the special interest of the three great religions in Jerusalem. It is our urgent desire to promote this objective in co-operation with the universal

interests concerned. I am confident that in an atmosphere of international tranquillity substantial progress could be made towards this aim, which has hitherto had no concrete fulfilment.

"We are now concentrating on this task. It is our policy to ensure that the Moslem, as well as the Christian and Jewish Holy Places, should be scrupulously respected and revered, and placed under the responsibility of a recognized Moslem authority.

"I should like to assure you that the report based on the information obtained by your Personal Representative will receive our close study and on its publication I shall make a further clarification of our policies.

"Please accept, Mr. Secretary-General, the assurances of my highest consideration.

(Signed) Abba Eban
"Minister for Foreign Affairs"

ANNEX I
DOCUMENTS SUBMITTED TO THE PERSONAL
REPRESENTATIVE OF THE
SECRETARY-GENERAL BY ARAB PERSONALITIES
A. Letter from Sheikh Abd al-Hamid al-Sayeh and thirteen other
personalities received by the Personal Representative on
26 August 1967

Sir,

On the occasion of your arrival in Jerusalem in the capacity of a personal representative for Mr. U Thant, the Secretary-General of the United Nations, to investigate and inform yourself on the steps the Israeli authorities have taken to implement the two resolutions adopted on the 4th and 17th of June 1967, in the course of the Emergency Session of the General Assembly of the United Nations, calling upon the Israeli authorities to rescind the measures it took to merge and annex Arab Jerusalem, we, the undersigned, both Muslims and Christians, have the honour to direct your attention to the following:

1. The Israeli authorities so far have not taken the slightest steps to indicate that they intend to comply with the resolutions of the General Assembly concerning Jerusalem. On the contrary, they have positively announced that they will not implement the aforesaid resolutions, and have taken more measures to demonstrate clearly their determination to annex Arab Jerusalem, revealing, in their actions, a complete disregard for the resolutions of the United Nations and the wishes of the inhabitants of Arab Jerusalem and their rights to self determination.

2. In support of the above statement, the following measures, though not Comprehensive, may nevertheless demonstrate the trend of their policy:

1. The occupying power dissolved the duly elected Arab Municipality Council in Jerusalem and dismissed the Mayor and other officials.
2. It placed Arab Jerusalem under the administration of the Municipality Council of Israeli Jerusalem which, in turn, confiscated the movable and immovable property of the Arab Council.
3. It subjected Arab Jerusalem to Israeli laws and regulations, and thus abrogated all the Jordanian laws previously applied in the City.
4. It imposed upon the inhabitants of Arab Jerusalem the heavier taxes and municipal rates applicable in Israel, thus causing undue hardship and additional heavy financial burdens.
5. It constructed physical barriers between Jerusalem and the rest of the West Bank, and restricted passage between the two sectors to special permits to be issued by the authorities.
6. It dissolved the Jordanian civil administration in the City, and dismissed most of its officials.
7. It dissolved the Jordanian Courts of Justice in Jerusalem, and subjected the City and its inhabitants to the province and jurisdiction of the Israeli Courts.
8. It replaced the Jordanian currency by Israeli currency as the only legal tender in the City, and compelled the inhabitants to change their currency into Israeli tender at rates which were far lower than the official rates and rates prevalent in world markets, thus causing many of the Arab inhabitants to suffer substantial losses.
9. It subjected the inhabitants of Arab Jerusalem to heavier rates of income taxation, and thus burdened them to further material losses to those already sustained in consequence of the war and the occupation.
10. It erected customs barriers around Arab Jerusalem and imposed and collected excise duties on all the goods imported from the West Bank, while allowing free entry of Israeli imports.

11. It imposed customs and duties based on Israeli laws on Arab Jerusalem, and collected such duties even on the goods already in stock which were imported before 5.6.67 and already paid for under Jordanian laws.

12. It refused to recognize Jordanian license permits for vehicles and other trades or professions, thus compelling people to obtain Israeli permits under threat of punishment, and further exerted great economic pressure, especially on travel offices and their agents.

13. It integrated the government schools in Arab Jerusalem into the Israeli Municipality Council's educational system, and replaced the Jordanian curriculum by an Israeli one, and further closed the office of the Director of Education in Arab Jerusalem.

14. It neglected the usage of the Arabic language in most of its measures and dealings, although it is the language of the inhabitants.

15. It placed the property of Arab absentee landlords under custodianship, as a preliminary step to confiscating it, as previously done with Arab property in Israel.

16. It attempted to place the religious courts and Muslim Waqf (property) under the jurisdiction of the Ministry for Religious Affairs in Israel, and apply the laws relating to personal status in Israel to Muslims.

17. It interfered with the personal freedom of citizens in that it exiled and committed to prison a number of Arab citizens who have expressed their views relating to the unacceptability to the Arabs of the annexation of Jerusalem.

Furthermore, the Israeli authorities have taken many arbitrary and provocative measures of which the following list, though not comprehensive, may give an idea:

1. The razing to the ground of the entire Mughrabi Quarter in the Old City comprising 153 houses and involving 650 persons, who were unable even to retrieve furniture because they were not given sufficient warning, and the destruction of two small mosques in that quarter.
2. The expulsion and rendering homeless of the 3,000 inhabitants of Sharif Quarter, on the pretext that Jews had lived in the Quarter in the past, although most of the houses in the area had been inhabited by Arabs throughout and owned by Muslim Waqf.
3. The destruction of many Arab houses and properties outside the walls of the Old City.
4. The occupying Israeli authority has also applied strong economic pressure against the inhabitants of Arab Jerusalem, with a view to reducing their resistance and forcing them to leave.
5. It confiscated a large number of private and public cars, pullman buses, and occupied a number of hotels.
6. It introduced Israeli bus companies into Arab territory to compete with or replace Arab companies.
7. It did not respect the sanctity of Muslim and Christian religious shrines, and thus forced the custodian of the holy places to close some of the churches. Moreover, the Chief Rabbi of the Israeli Army' Brigadier Goren, conducted a prayer together with some followers in the Haram Al-Sharif (Holy Mosque), thus blatantly offending the Muslim's susceptibilities and infringing upon their established rights, while the Minister for Religion in Israel announced that the Muslim Mosque is Jewish property, and that sooner or later they will rebuild their temple there. Finally, the Ministry for Religion announced its intention of expanding the Wailing Wall again thus destroying some of the Muslim buildings surrounding it, and constructing a synagogue

there, in contravention of the status quo, and an outright violation of the rights of Muslims and Muslim Waqf.

It is quite clear that all these measures contradict basic principles of international law and international conventions governing the state of war and the treatment of civilians in occupied territories, which preclude the annexation by the occupying power of any territory or its division into administrative units to serve political purposes as long as the state of war still stands, and moreover do not give the occupying power the right to change or modify existing laws and administrations in occupied territories. On the contrary, international law and conventions call upon the occupying power to apply existing laws and administrative structures, and to protect private property, religious beliefs, and personal liberties, and to refrain from imposing new taxes and fees on the inhabitants under occupation.

The Israeli authorities, instead, have replaced the structure of Jordanian Arab administration in the city by a direct Israel administration in all aspects, and caused an exorbitant rise in the standard of living creating difficulties for Arab inhabitants.

Although some of these measures were taken before the two resolutions of the General Assembly of the United Nations in its emergency session, the majority were taken after the resolutions. Thus, the Israeli authorities did not only mean to challenge the United Nations and the Muslim and Christian world, but also to violate the rights of the Arab inhabitants of the city, particularly their right to self-determination, contravening in this the Charter of the United Nations, the Declaration of Human Rights, and the principles of justice and equity.

Naturally, the inhabitants of Arab Jerusalem will not accept this situation or recognize its status, and strongly protest against the annexation of their city by Israel.

In the light of this, we pray that Your Excellency will take the earliest convenient opportunity to meet with the undersigned and others in Arab circles in the city to discover their views regarding the annexation of their city, and we, in turn, are perfectly willing to forward any information or other details that you may wish to obtain.

Please accept our deepest regards.

SIGNED:

1. Sheikh Abdal-Hamid al-Sayeh, Chief of the Moslem Supreme Court and Kadi-al-Kudah (Chief Justice)
2. Rubi al-Khahib, Mayor of Jerusalem
3. Bishop Nagib Aub'em, Arab Anglican Bishop in Jordan
4. Sheikh Sa'd al-Dein al-Alami, Mufti of Jerusalem
5. Auton Atallah, Senator and ax-Foreign Minister for Jordan
6. Muhamed Is'ak Darwish, Member of the Higher Arab Committee
7. Yusef Khouri, for the Union of Engineers
8. Anwar Nusseih, ex-Jordanian Ambassador in London, Member of Parliament for Jerusalem, and ax-Minister of Defence for Jordan
9. Dr. Nabih Mu'mer, for the Union of Dockers
10. Sheikh Ali al-Taziz, President of the Chamber of Commerce for Arab Jerusalem
11. Taysiv Kan'an, President of the Court of First Instance in Jerusalem
12. Na'im al-Ashaf, Representative for Trade Unions
13. Fouad Abd al-Had), Senator
14. Sa'ed Ala al-Deiu, ax-Jordanian Minister for Economic Affairs

B. Memorandum concerning the measures taken by Israel with respect to

the City of Jerusalem, submitted by Mr. Rauhi El-Khatib on 26

August 1957

The Israel occupation authorities have not complied with the two United Nations resolutions on Jerusalem. Notwithstanding these directives, they have proceeded with and given effect to annexationist measures without heeding world public opinion and against the wishes of the Arab inhabitants, thus violating fundamental and elementary international laws relating to occupied countries. These measures, the ultimate goal of which - territorial expansion - the occupation authorities have not succeeded in concealing, include the following:

(a) Basic measures

1. They have torn down the barriers separating the two sectors of the city, and they have tacitly authorized their army and their people to, harass the civilian population by pillaging houses, shops and vehicles, by seizing hotels, and by restricting the freedom of the population for a long period of time.

2. They have tacitly authorized the desecration of Christian and Muslim Holy Places and have permitted access to them during hours of prayer. We must also protest the complete lack of decorum shown by both men and women in dress and behaviour. This complete lack of respect has grossly offended the religious sensibilities of the faithful of both religions.

3. One hundred and thirty-five houses in the Mughrabi Quarter adjoining the Wailing Wall and adjacent to the two Mosques of Omar and Aksa, which are Muslim Holy Places, have been dynamited and razed by bulldozers. Because of this, 650 Muslim, all of them poor and pious persons living near the Muslim Holy Place, were removed from their homes and driven away, after having been allowed no more than three hours to evacuate their homes, which they had to do while

the curfew was in effect. One can easily imagine the consternation of these families, who had to see to the removal of their property and take care of their children and their aged. One part of these buildings, comprising some houses and two small mosques, belongs to the Muslim Waqf. The other part was private property over which the Jews had no rights. They razed these buildings in order to make room for a Jewish religious institution.

4. The occupation authorities also took over some houses in the area known as the Jewish Quarter inside the boundaries of the Old City. They forced the evacuation of 3,000 residents after a one to three day period of grace and during non-curfew hours. Many therefore had to abandon their property when they fled and thus swelled the number of the refugees, many of whom are still completely destitute. We should bear in mind that most of these houses were Arab property.

5. They applied several oppressive measures to the remaining inhabitants of the city, depriving them of their means of subsistence and preventing the arrival of relief supplies from abroad. All this was done to force them to leave the city and thus reduce their number.

6. They proceeded to take a general census of the city and its environs lying within an arbitrary demarcation line which they established to limit the population of the City of Jerusalem. Closed shops and houses were marked with a distinctive sign. Absentee owners were, as a result, liable to summary requisitions.

(b) Measures taken against the Municipality of Jerusalem

1. The Israel Parliament adopted a decision authorizing the occupation authorities to annex to the State of Israel whatever they deemed necessary without regard to international law or to the will of the inhabitants. Accordingly, their Minister of the Interior ordered the annexation of Arab Jerusalem and several neighbouring villages to the Jewish sector of the city and the placing of the entire area under the administration of the Jewish Municipal Council.

2. Consequently, their authorities dissolved the Arab Municipal Council and dismissed the Mayor and the members of the Council after having seized their files and their movable and immovable property.
3. The Jewish municipal authorities later dismissed some officials of the Arab Municipality and transferred others to the Office of the Mayor of the Jewish sector.
4. The unified Jewish Municipality continues to carry out Israel administrative measures, which are wholly at variance with the Jordanian administrative policies which the residents are supposed to continue to follow under the most recent resolutions of the United Nations and under international law.
5. The Jewish Municipality demolished many Arab buildings both inside and outside the walls of the Old City and it is continually taking similar measures in order to erase the last trace of the demarcation lines between the two sectors and to create a fait accompli while at the same time weakening the Office of the Arab Mayor as a separate authority in order ultimately to do away with it entirely.

(c) Measures taken against the Arab administration

1. The Jordanian postal and telegraph, income tax, health and customs services, police system, cadastral survey and other city offices have been abolished. This administrative structure has been placed under the authority of the administrative centres of the other sector.
2. Officials have been subjected to pressure to sign work applications bearing the seal of the State of Israel. Most of them have refused to sign them or to co-operate, although previously during the military regime they had done their work out of a spirit of solidarity with their colleagues in the so-called "occupied" areas.
3. All the Jordanian laws in force in the Arab sector of the city have been repealed and replaced by Israel measures and laws, in violation of international law, which stipulates that the laws in force in occupied territories must be respected.

4. The occupation authorities have erected barriers between Jerusalem and the other Arab villages on the West Bank and have obstructed the free movement of its inhabitants by instituting a system of passes issued by the occupying forces.

5. They have set up customs posts on the boundaries of the City of Jerusalem for the purpose of taxing merchandise originating in the occupied Arab areas, while merchandise of Israel origin is left tax-free, in order to compel the Arabs to buy Israel products.

6. They have asked owners of private vehicles to renew their licences and have required them to turn in their Jordanian "plates" for Israel plates and to insure themselves with Israel insurance companies, claiming that they do not recognize the validity of prior insurance and permits.

7. They have disregarded the Arabic language and, consequently, all their correspondence and documents have been drawn up in Hebrew.

8. Courts of justice have been suspended and made subordinate to the Israel courts. The judges have been asked to serve outside Jerusalem; they have refused, and continue to refuse, to do so, in order not to collaborate.

9. Government schools in the Arab sector of Jerusalem are now under the jurisdiction of the Jewish Municipality, which has forced them to adopt the Israel curriculum. The occupation authorities have requested some of the Arab teaching staff to transfer to the municipality and some to the Ministry of Education. Following the refusal of the teachers to co-operate, seals were affixed to the educational offices of the Jordanian Government.

(d) Matters relating to the Holy Places

1. Following repeated desecration of the Christian Holy Places, the Custodian of the Holy Places ordered the closing of some churches under his authority in the Arab sector and refused to open them to visitors. These Holy Places include the Church of Gethsemane, or Church of the Nations, the Church of Bethany, and the Church of the Prison of Christ on the Via Dolorosa.

2. The failure of the occupation authorities to prevent desecrations of the Holy Places has led to the burglary of one of the largest and holiest churches in the world. The priceless, diamond-studded crown of the Statue of the Virgin, Our Lady of Sorrows, on Calvary itself was stolen some ten days ago.

3. Armenian and Latin priests have been victims of aggression or offences committed by Jews, including, in some cases, Jewish religious officials, as well as by Israel soldiers or police.

4. The Chief Rabbi of the Israel Army, Brigadier Goren, with his escort and other Jews, on 15 August 1967 mounted to the Dome of the Rock with liturgical vestments and prayer-books. They conducted a prayer lasting two hours within the confines of the Mosque of Omar, thus infringing the inviolability of a Holy Place venerated by all Islam. Far from stopping at this provocation, they made known their intention of repeating such religious acts. At an official meeting held in Jerusalem on 12 August 1967, the Israel Minister for Religion stated that the occupation authorities considered the Mosque of Omar and its outlying buildings as their property either by past acquisition or by recent conquest. He also expressly proclaimed that those authorities were determined sooner or later to rebuild their temple on the Dome of the Rock itself. That statement shows how far their aggressive intentions against the Muslim Holy Places in Jerusalem extend, and no Muslim, or any honest man, could ever accept that statement.

5. The occupation authorities are constantly drawing up plans for the expansion and erection of religious buildings near "Borg"; one of the most recent statements, reported in the Jerusalem Post of 8 August 1967, tells us that the occupying forces will continue to demolish other buildings belonging either to the Muslim Waqf or to Arab owners.

6. They have occupied a government school for girls which was built on Waqf land in the Mughrabi Quarter near the Aksa Mosque with a view to transforming it into a supreme religious tribunal without having asked the permission of, or even informed, the Muslim Waqf. They have even planted Jewish and religious emblems on them.

7. They have claimed jurisdiction over the Muslim religious courts and control over the sermons preached from the Aksa Mosque; those claims were rejected by the Muslim judiciary of the City of Jerusalem as contrary to the precepts of Koranic Law and the commands of Muslim theology. The situation is still very tense between the occupation authorities and the Muslim Committee concerning this very important religious issue.

(e) Economic matters

1. The local banks were closed, their assets confiscated and their work suspended.
2. On the other hand, five of the main stores in the Arab sector were confiscated and turned into branches of Israeli banks.
3. The Israel authorities abolished transactions in Jordanian currency and forced the inhabitants of the Arab sector to change their money into Israel currency at a rate much below that recognized in the free world markets and even further below the official rate, thus causing the Arab inhabitants and other residents heavy losses.
4. The occupying forces destroyed a large plastics factory inside the Walls, where 200 manual and clerical workers were employed. The goods produced there were marketed in Jerusalem, in other towns on the West Bank and in some neighbouring Arab countries. The buildings were demolished and the machinery was pillaged before the owners had time to remove it. By this action, the occupation authorities deprived the inhabitants of one of the major projects on the West Bank.
5. The tax authorities began to notify the inhabitants officially that motor vehicles and telephones would be subject to taxation in accordance with Israel law. They would also collect income tax. Practical measures were taken to impose customs duties on all merchandise in Arab shops and warehouses, although the owners had already paid Jordanian duties.
6. The occupying forces seized the Pullman buses belonging to a Jerusalem tourist company and to date have not returned them. Thus,

the employees of the company are denied the earnings they could have derived from tourism in Jerusalem.

7. The authorities recently declared that the law concerning absentee property would be applied, and they appointed a custodian for "absentee" property. This notoriously severe law gives the Israel Government the right to confiscate the movable and immovable property of Arabs who are absent from the country and to use it as they see fit. The property in question includes enormous tracts of land and buildings, shares in companies, movable property and a variety of merchandise, the whole amounting to millions of Jordanian diners. This law is applied only to the Arab sector of Jerusalem, which is considered by the occupation authorities to form an integral part of the State of Israel. It would not have been applied if this sector of Jerusalem had been considered an "occupied area" of the West Bank of the River Jordan.

8. In the Arab sector of Jerusalem there are a number of holy and historic places. A large number of tourist companies and Arab guides are established there. There are many hotels, souvenir shops and motor vehicles catering to the tourist trade. There was a very close link between all these businesses and Jerusalem Airport, which thus represented the main source of income for the inhabitants of the Arab sector of Jerusalem. With the annexation of this sector to Israel, however, tourist agencies and companies are landing their aircraft at Lod Airport, and Israel tourist companies transport companies, guides, hotels and souvenir shops are monopolizing the tourist trade. Only a small minority in the Arab sector is allowed to engage in these activities concurrently with their people. If this situation continues any longer, it will cause many persons employed in the tourist trade to close down their businesses and leave the country. This is the opinion of all those who still remain. The purpose of Israel's policy of annexation will then have been achieved.

Social affairs

1. The annexation of Jerusalem to Israel separates those Arabs who remained inside the city limits from their brethren living on the West Bank and from those in the other Arab countries.
2. This annexation creates complicated situations for the inhabitants of Jerusalem and for those who work there. For instance, many city officials, workers and tradesmen reside outside Jerusalem, either in the Bethlehem or Jericho area or in the Ramallah and Bireh area. As in every large town in the kingdom and throughout the world, these persons come into town in the morning and leave in the evening. The separation of the city where they work from the areas where they reside causes them inconveniences, the least of which is the tremendous waste of time at the frontier posts or the trouble of having to set up homes inside the city, as a result of which they incur additional expenses and have to abandon their properties or sell them at ridiculous prices, not to mention the many cases where the members of a family are separated.
3. Until 5 June 1967, the population of Jerusalem was about 75,000, and if the population of the surrounding areas - Sha'fat, Beit Hanina, Ram, Kalandia and Tour - is included the figure was about 130,000. All these people were natives of the country, and many of these inhabitants had relatives who had temporarily taken refuge in Jordan, having fled at the time of the last incidents; similarly, many of them have members of their families working for a fixed period in Kuwait, Saudi Arabia, Libya, Qatar, Bahrain or Abu Zabi, or in other Arab countries. With what they earn, these emigrants help their relatives in the annexed country, thus ensuring their subsistence. They even managed, with the help of their savings, to purchase land or housing in anticipation of their return to the country. In the meantime, they were receiving the rentals for these properties. Some had invested their whole fortune in various companies in the country to provide for their old age. These emigrants alone number more than 60,000. They have rights in the city, like all the other present citizens; yet the annexation of Jerusalem to Israel will prevent them from returning and enjoying

their property and will also deprive their relatives here of the help they were providing. This situation will inevitably force some persons to leave the country to seek a livelihood elsewhere, and this alone will further reduce the number of emigrants included in the population figure by 190,000. This number probably exceeds the figure for the Jewish inhabitants of the other sector - with this difference, that the Arabs are natives of the country, while the Jews are mostly recent immigrants.

4. The Jews are beginning to unveil their projects for the construction of great buildings in the town and its surroundings to increase the number of the Jewish inhabitants to 500,000. The Arabs are afraid that these projects may be carried out at the expense of their properties and of their possessions by confiscation or under pressure. Likewise they fear that Jews may become the majority of inhabitants of Jerusalem, thus appropriating the city, of which the Arabs would retain only memories.

5. The occupation authorities have infringed the individual liberty of the Arabs of the city by arresting certain members of the national committees who proclaimed their opposition to the annexation of the Arab sector of Jerusalem to the Jewish sector. They have also imprisoned other members of these committees for the same reason. The inhabitants of the Arab sector of Jerusalem and those of the West Bank resolutely proclaim their opposition to all the measures which the Israel occupation authorities have taken and which those authorities regard as constituting a *fait accompli* not subject to appeal or reversal, namely, the unification of the two sectors of the City of Jerusalem. They proclaim to the whole world that this annexation, even camouflaged under the cloak of administrative measures, was carried out against their will and against their wishes.

In no event shall we submit to it or accept it.

Abdel Mughni El Natshe Faek Barakat Nihad Abu Gharbieh
Khader Abu Swai Ali El Taziz Dr. Rashi El Nashashibi
Members of the Municipal Council

Rauhi El-Khatib Dr. Ibrahim Tleel
Mayor Deputy Mayor

C. Message dated 24 July 1967 addressed to the Military Governor
for the West Bank by Mr. Anwar El-Khatib and
twenty-three other personalities

Jerusalem 24.7.67

H.E. The Military Governor for the West Bank,
Whereas it is in the nature of an occupation by any country or any territory belonging to any other country that this occupation does not endow the occupying country with proprietor's rights over the occupied territory, nor does it endow it with sovereignty over such territory, but enjoins it to foster the interest of the occupied territory and to respect its laws and to protect the lives of the citizens as well as their rights and property, ensuring at the same time the freedom of conscience and worship, we therefore hereby declare that the orders issued by the legislative and executive authorities in Israel annexing Arab Jerusalem and its environs are null and void for the following reasons:

- (a) Because Arab Jerusalem is an integral part of Jordan and because Israel is precluded by virtue of section 4 of clause 2 of the United Nations Charter from taking any action against the physical safety and political independence of Jordan territory and has therefore no right to annex any part of Jordan territory to Israel.
- (b) Because the Assembly of the United Nations has resolved that the annexation is unlawful, such resolutions having been taken by the said Assembly in the course of its Emergency Session on 17.6.1967 and 21.7.1967 respectively.

(c) Because the Israeli Knesset has no authority that can enable it to annex territory belonging to another State.

(d) That while we declare that the inhabitants of Arab Jerusalem and its environs had already exercised their right of self-determination together with the inhabitants of the West Bank in full freedom when they had opted for Union with the East Bank thus constituting the Hashemite Kingdom of Jordan, in accordance with the unanimous resolution of the Jordan Parliament dated 24.4.1950.

And that in placing on record that the annexation of Arab Jerusalem is illegal and unilaterally imposed by the occupying power contrary to the wishes of the inhabitants of the city who oppose the annexation and who uphold the integrity of Jordanian territory.

We, at the same time, place on record that the Israeli occupying authorities had interfered illegally and in a manner which is contrary to Islamic Law in Muslim religious matters of which the following are some examples:

(a) The supervision by the Ministry for Religions in Israel over the Friday Sermon which is usually delivered in the Aksa Mosque in Jerusalem and the deletion from the sermon of much of its contents including chapters from the Holy Quran.

(b) Allowing Israeli visitors, men and women, to enter the Aksa Mosque while unsuitably dressed and in a manner which is inconsistent with religious belief and Arab and Islamic traditions.

(c) The destruction of two Muslim Mosques in the Maghrabi Quarter in Jerusalem in addition to the destruction of the whole quarter which is entirely owned by charitable Muslim Waqf property.

(d) Violation of the sanctity of the Ibrahimi Mosque in Hebron and its closure thus preventing Muslims from visiting it throughout the week, with the exception of a few hours on Friday, while at the same time allowing Israelis to visit it throughout the week and perform within it certain ceremonies which are not allowed by Muslim Religious Law.

(e) The interference by the Ministry for Religious Affairs in Israel in matters pertaining to Muslim Waqfs.

- (f) The appropriation of Waqf Land known as Al-Nather and situated on the Tour Road in Jerusalem without the knowledge of the Waqf Department and against the interests of the Waqf administration.
- (g) The attempt by the Israeli Ministry for religious affairs to interfere in the Muslim Religious Courts including the Supreme Religious Court in Jerusalem.

In view of all the above we request the following:

1. To refrain from infringing upon the safety and political independence of territory belonging to the State of Jordan and to respect the Charter of the United Nations and the principles of Public International Law and the two resolutions of the United Nations Assembly which were adopted during its recent session and which declared as illegal the act of annexation and which called upon Israel to annul the annexation of Arab Jerusalem and its environs to Israel.
2. To desist from interfering with Muslim religious matters including matters of personal status and the system of Muslim Religious Justice and matter pertaining to religious guidance, and to respect the sanctity of the religious ceremonies and Holy Places and not to interfere with Muslim Waqf
3. To respect Arab Judicial religious or administrative and municipal institutions in Arab Jerusalem and to allow the same to undertake all their responsibilities which they have performed before the occupation.

And whereas the principles of Islamic Jurisdiction are clear and enjoin Muslims to undertake all their religious responsibilities in Person in circumstances such as those existing now, and whereas the principle of Muslim Jurisprudence precludes non-Muslims from taking charge of Muslim religious matters, and whereas we, the representative Muslim citizens in the West Bank including Jerusalem have met on this day in the Hall of the Muslim Court of Appeal in Jerusalem, and after discussing the problems relating to Muslim matters in every way in the light of Muslim jurisprudence, we have resolved as follows:

1. The signatories hereunder have constituted themselves as the Muslim Body in charge of Muslim affairs on the West Bank including Jerusalem. Until such time as the occupation lapses.

2. The said body has decided as follows:

- (a) Empowering His Eminence Sheikh Abd Al-Hamid Sayeh with the authority enabling him to undertake responsibilities of Chief Justice in the West Bank as defined in the Laws of Jordan.
- (b) Empowering the Muslim Court of Appeal in Jerusalem to undertake all the responsibilities of the Council of Islamic Waqfs, the Council empowered to repair Al-Aksa Mosque and the Holy Dome of the Rock as defined in the Laws of Jordan, as well as all the responsibilities and powers vested in the Director-General of Muslim Waqfs.
- (c) Empowering Sheikh Hilmi El-Muhtaseb to assume the responsibilities of Director of Muslim Law in addition to his present office as member of Islamic Court of Appeal.
- (d) The appointment of H.E. the Mufti of Jerusalem, Sheikh Sa'ad El-Din El-Alami as an additional member of the Muslim Court of Appeal in addition to the present office.
- (e) The appointment of H.E. The Muslim Religious Judge of Jerusalem, Sheikh Sa'd Sabri to the membership of the Waqf and Islamic Affairs Council aforesaid and to the Council for the repair of the Mosques as aforesaid.
- (f) The above persons shall exercise their jurisdiction and responsibilities in accordance with the Jordan Law applicable on the West Bank including Arab Jerusalem until the occupation lapses.

Signed by:

Anwar El-Khatib Rauhi El-Khatib
Governor of Jerusalem Mayor of Jerusalem

Abd El-Hamid Sayeh Hilmi Al Muhtaseb
President of the Supreme Member of the Supreme
Religious Court Religious Court

Sa'd Sabri Sa'd Ed-Deen El-Alami
Religious Judge in Jerusalem Mufti of Jerusalem

Lawyer Kamal Dajani Lawyer Ibrajim Baker

Aref El-Aref Foud Abd Hadi
Director of the Jerusalem Lawyer and Senator
Muslim

Abd Rahim El-Sharif Lawyer Hafez Tablob
Lawyer and Senator

Lawyer Sa'd Ala' Eddin Lawyer Omar Wa'ri

Lawyer Abd El-Muhsen Abu Mizer Ishaq Darwish

Ishaw Duzdar Hasan Tahtub
Director of Jerusalem Waqf

Dr. Daoud Husseini Dr. Subhi Ghosheh

Lawyer Anwer Zaki Nusseibeh Ali Tazziz
President of the Chamber of Commerce

Faek Barakat Nihad Abu Gharbieh

D. Resolutions adopted by the Higher Waqf Council and
the Committee for Muslim Affairs on 14 August 1967

The Higher Waqf Council and Committee for Muslim Affairs read in its meeting held on 9 August 1967 the report published by the Jerusalem Post in its issue of 8 August 1967 under the heading "The need to clear 82 metres in the area of Al-Baraq Wall" and discussed the evolution of the question of the Wailing Wall in its different phases and adopted the following conclusions.

1. The Jews have right of access to the Holy Place called the Wailing Wall, which is the Western Wall to the Holy Mosque, and the Muslims have preserved the Wall throughout the centuries and saw to it that no damage ever occurred.

2. The Jews enjoyed full freedom in using their rights of access to this Wall to conduct prayers and supplications until the 1948 war.

3. The Jews' rights in the Wailing Wall have been established by status quo and tradition.

4. In 1927 during the British Mandate Government, the Jews tried to go beyond their rights, and a bloody incident ensued between them and the Arabs. An official paper (The Western of Wailing Wall) was published by H.M. Mandatory Government in Palestine in 1931, following the resolution adopted by the League of Nations on 14 January 1930 and this paper announced the formation of a judicial Commission to consist of three non-British members. This International Commission, after investigations, gave the following ruling:

(a) The Western Wall is exclusive Muslim property, and Muslims exercise right in rem over the Wall since it is part of the area of the Holy Mosque which is muslim Waqf. Muslims also have right of property over the rasif facing the Wall and over the Maghrabi Quarter in the vicinity of the Wall since they are charitable Muslim Waqf.

(b) The Jews have right of access to the Wall where they can conduct prayers and supplications subject to the following rules.

(c) The door at the northern end of the Wall should be kept closed at certain hours which have to be decided upon and become binding, seeing to it that the Muslims' right of passage on the rasif in the customary way is respected and preserved.

(d) It is prohibited for any person to use the area in front of the Wall or the area adjoining for speeches or political demonstrations of any type.

(e) Since the Wall is an historical site, the Administration in Palestine should undertake its reconstruction and preservation after consultation with the Higher Muslim Council and the Rabbinical Council.

(f) Failing any action by the Muslim authorities to reconstruct the rasif, the Administration in Palestine should then take the necessary steps to reconstruct it.

(g) The wooden door leading from the rasif to the corner in the northern end of the Wall should remain closed on Saturdays and on Jewish Feast days ... etc.

Reference: Palestine Laws 1933, Volume 4, Page 3397 and following - Arab Edition.

5. When the Israeli Authorities occupied Arab Jerusalem with other Arab territories after the June war, they contravened all local and international law or conventions. In the Wailing Wall area they destroyed two Muslim Mosques and a whole quarter, the Maghribi Quarter, rendering its population homeless, although the quarter is a charitable Muslim Waqf, in order to expand.

6. It is established in international laws, and conventions that it is not allowed to infringe upon other peoples' rights in an attempt to expand one's own through the exercise of acclaim to expand. Therefore the above-mentioned actions contravene all laws and conventions.

7. The Israeli Authorities went further in the publication of a story in the Jerusalem Post under the heading "The need to clear 82 metres in the Area of the Al-Baraq Wall" which contained the following:

It is possible to settle the dispute which arose over the issue of decent behaviour in the area facing the Wall, and specially as regards the separation of women from men in the Area, if the plan drawn up in the Ministry for Religious Affairs to clear 82 metres is executed.

A Committee for Education attached to the Knesset toured the Jewish Holy Places yesterday, and was informed by Chief Rabbi Torin, an official in the Ministry of Religion, that the concerned area is concealed by a number of buildings adjoining the Wall, and that it is possible to destroy these buildings and thus clear 48 metres for those who wish to pray whilst the rest of the area will remain open to the general public.

Chief Rabbi Torin also said that it has been proved that the northern part of the Wall also existed but was concealed by a number of buildings constructed over the centuries, and that the excavations carried out by the Jordanian Authorities showed that the Eastern part of the Wall existed in its entire length, and it is thought that the site for the Southern part also exists, and thus the Walls surrounding the Temple should extend for 480 metres.

In view of all this.

The Higher Council for Muslim Waqf in the Western Bank, in its mentioned capacity and in its capacity as a Muslim Committee responsible with the Director of the Office of Muslim-Waqf, has convened and discussed the dangerous situation referred to by the aforementioned paper, and has decided to put the following on record:

1. The Muslim Committees in the occupied territories on the West Bank do not deny the Jews their traditional rights in the Western Wall.
2. The Muslim bodies, though, point out that the actions referred to in the Jerusalem Post, if accurate, imply the destruction of the honorary corner adjoining the Blessed Aksa Mosque, which is a Holy Muslim Shrine, together with other buildings, the destruction of the Tankizi School, the site of the Old Religious Court, where a Mosque stands, the destruction of the Institute for Muslim Studies and the Secretariat of the General Islamic Conference, all are religious and historical Muslim sites and charitable Muslim Waqf.

The above-mentioned Muslim bodies hope that the Authorities will take into consideration the consequences of such actions and its repercussions Muslim and international communities, and the damage which such actions cause to the Aksa Mosque, and that it will further take into consideration that it is not permissible to infringe upon the rights of Muslims or to violate the sanctity of their Holy Shrines, and that such actions would contravene all international laws and conventions.

We hope that the Israeli Authorities will reassure the Muslim Community that-it does not contemplate hurting Muslims' susceptibilities concerning their Shrines, Waqf and charitable institutions, and further that the story published in the Jerusalem Post

is not accurate and has no support from the Ministry of Religious Affairs or any other Official body.

We have asked the Director of the Office of Muslim Waqf to inform the Military Governor of this meeting and the resolutions adopted in it.

Signed:

Said Sabri: Member of the Waqf Council and Judge of the Muslim Religious Court in Jerusalem

Hilmi Al Muhtaseb: Member of the Waqf Council and Member of the Supreme Muslim Religious Court

Abdel Hamid El Sayeh: President of the Waqf Council and President of the Supreme Muslim Religious Court

Hassan Tahboub: Director of the Muslim Waqf in Jerusalem.

Sa'd El-Din Alami: Member of the Waqf Council and Mufty of Jerusalem

E. Document dated 22 August 1967 submitted by

Sheikh Abd Al-Hamid Al Sayeh and twenty-eight other personalities

In the Name of God the Merciful the Compassionate
Ruling by the Muslim Jurists

In view of the publication of an article in the Jerusalem Post on 8 August 1967 under the heading: "The need to clear 82 meters adjoining the (Baraq Wall)" which stated that the Ministry for Religious Affairs in Israel had drawn up a plan to clear that area, and that the Committee for Education in the Knesset has toured the Holy Places and was informed by Chief Rabbi Torin, an official in the Ministry for Religion, that the area concerned was hidden by the buildings adjoining the Wall, and that the southern end of the Wall had existed before but was covered by buildings erected over time etc....

And in view of the prayer conducted by the Chief Rabbi of the Israeli Army, Brigadier Goren with some followers in the area of the Al-Aksa Mosque on 15 August 1967, and his statement that he intends to conduct other prayers in the area, and to build a synagogue there, on the pretext that it is some distance from the Al-Aksa Mosque, and Holy Dome of the Rock, and further his statement that the aforementioned area is part of Mount Mora, as alleged in Haaretz in its publication on 16 August 1967.

And in view of the statement by the Minister for Religion in a conference held by Jewish Rabbis for Jewish communities outside Israel in support of Jerusalem, which was held in the Hall of "The Suleiman Temple" in Jerusalem, and which was attended by the world Mizrahi party, representing Jewish communities in Britain, Canada, France and America, and in which the speakers included Dr. Samwel Yorsky, the Chief Rabbi of New York, and its Zionist leader, the Minister for Religion, and Dr. Mitchin, the Chief Rabbi in Britain.

And in view that the aforesaid statement of the Minister contained the following:

"The Liberation of Jerusalem has placed all the Christian Holy Places' and an important part of the Muslim Holy Places, under the province of Israel, and has returned to the Jewish their Holy Places. But Israel has other Holy Places in East Jordan, and the Holy Mosque in Jerusalem, though Holy to other religions (referring to Islam) is a Jewish shrine, but we are not thinking at the present of building our temple there, though we will do all we can about it, and we will build all the Jewish Synagogues in the Old City and enlarge the area of Al-Baraw Wall as soon as possible.

"As to the Holy Ibrahimi Mosque, the Cave is a Jewish shrine which we have bought, in the same way we have bought the Holy Rock in the days of David and the Yabusins, and our rights in the Cave and the Rock are rights of Conquest and acquisition."

And in view of what was reported in a talk with the Minister for Religion in the 18 August 1967 edition of Haaretz that the Cave of Makfila and the Beraq Wall are Jewish by right of conquest and acquisition.

And in view of the far-reaching consequences of the above statements and actions for Jerusalem and the Holiest Muslim Shrines.

We, the Muslim Jurists, Ulama, and Mufties in Jerusalem and the rest of the West Bank in the Hashemite Kingdom of Jordan announce and declare the following rulings:

1. That the Al-Aksa Mosque and the blessed Ibrahimi Mosque are Muslim Mosques which are Holy to Islam.
2. That the Aksa Mosque is the first place towards which the Muslims turn their faces in prayer, and the third Holiest Mosque in Islam the pilgrimage to which is imperative on all Muslims according to the Hadith of the prophet, may God's blessings and peace be upon him as reported by the Imam Bakhari and others. (The pilgrimage of Muslims should be directed to three Mosques only, this my Mosque (the Prophet's Mosque) and Al-Aksa and Al-Haram Mosques.)

And that the blessed Al-Aksa Mosque was the terminal point of the Prophet's Holy journey, may God's blessing and peace be upon him, and the starting point Of his Holy passage, and that it is imperative on all Muslims throughout the world to safeguard the sanctity of Jerusalem and the blessed Mosque with the same care they safeguard the sanctity of Mecca and its Mosque and protect it from aggression, so that the two terminal points of the Prophet's Holy passage are cared for and cherished, and seem to that easy access to those Mosques is guaranteed to all Muslims throughout the world.

God the most high has ordained; (Mighty is He who transported His Servant at night from El-Haram Mosque to El-Aksa Mosque which We have blessed, as We have blessed the area surrounding it) - from Surat Al-Isra.

3. That the Aksa Mosque referred to includes all the Mosque, which is the Mosque, the surrounding walls, and the doors, which today includes Al-Aksa Mosque, the Holy Dome of the Rock, and the adjoining area.

And that any violation of the sanctity of the area contained within the walls of the Holy Mosque is a violation of the sanctity of the Holy Mosque itself.

And that the jurists and historians have ruled that this area concerned extends 700 pies in length and 455 pies in breadth, whilst others maintained that the area was larger, because of the controversy over the principle of measurement used and the exact measure of a pie.

And that during the Mandatory period it was established after detailed study that the aforesaid area was 140 dunums and 900 metres.

References: Ibn Al-Fakih in 903 AD, Ibn Abd Rabboh Al-Andalusi in his book: Al-Ukd Al-Farid 913 AD, Al-Makdasi in 985 AD, and the Map of the Holy Mosque published in 1944 by the Survey Department, the British Mandate Government.

4. That the Jews have rights in the Wailing Wall established by the status quo and tradition, both during Muslim-Turkish rule and Christian Mandate Government, and that they had fully and freely utilized these rights until the Arab-Jewish war in 1948.

And that the Jews wished to expand these rights in 1929, causing bitter conflict with the Muslims and Arabs, leading to violence and revolution in 1929, and that, as a result of that bloody incident an official paper "The Western or Wailing Wall "was published in Palestine in 1931 by Britain following the resolution adopted by the League of Nations on 14 January 1930, and that this paper announced the appointment of an International Commission to consist of three non-British jurists, and that the Commission after the hearings from leading Muslim and Jewish lawyers, concluded the following ruling:

(a) That the Western Wall is exclusively Muslim property on which Muslims exercise right in rem, since it is contained within the area of the Holy Mosque which is Muslim Waqf, and that Muslims have rights of property over Al-Rasif, which stands before the Wall and before the area known as Moghrabi Quarter adjoining the Wall, since it is, according to Muslim jurisdiction, a Waqf property dedicated to charity.

(b) That the Jews have right of access to the Western Wall to conduct prayers and supplications subject to the following rules.

(c) To keep the door on the tip of the Southern Wall closed on certain hours but to respect the right of access and passage to Muslims on Al-Rasif as customary.

(d) To refrain from using the area before the Wall or its surroundings for speeches or political demonstrations of any kind.

Reference: Palestine Laws 1933, Fourth Volume, page 3397 and following in the Arabic translation editions.

And that this ruling has settled that Arab-Jewish dispute concerning this Holy Place, and has become an international document which has universal application, and under no circumstances should this dispute be allowed to arise again, in the same way that judicial ruling should settle any other dispute.

Thus the expansion in the area of the Wailing Wall is a violation of the right of Muslims in the Moghrabi quarter which is a Muslim Charity Waqf, and the intended expansion, reported in the Jerusalem Post, will imply the destruction of the adjoining corner to the Holy Mosque, and includes a Mosque amongst other houses and buildings, and the destruction of the Tankizi School, on the site of the old Muslim Jurisdiction Court, on which a Mosque, the Institute of Muslim Studies, and the office of the Muslim Conference stand, all of which belong to Muslim Charity Waqfs, and are historical sites which should not be tampered with or touched, and that the aforesaid intention violates Muslim rights and is in ~ contravention to international laws.

5. That the rights of property over the Holy Rock and the Makfila Cave in the Holy Ibrahimi Mosque, established by old traditions and rulings after the passage of fourteen centuries during which the Muslims exercised these rights, are undisputed and that to dispute them is not permissible by any religious convention or rule, or any local or international law, and that to dispute these rights will subject personal and international rights to grave dangers, especially since the Muslims, on entry into this country after the Roman rule, have never Violated the sanctity of the Temple or its relics but acted as custodians for Jews and offered them refuge from the aggression which they suffered throughout to non-Muslim world and that, finally, the site of

the Temple has not been established categorically in any religious text, and is controversial issue amongst historians and archaeologists. In view of all this, and following the juridical rulings and historical facts, we declare the following:

Any violation of any part of the area of the Holy Mosque is a violation of the sanctity and holiness of the Mosque itself.

2. That the Ibrahimi Mosque in Hebron, is a Muslim Mosque in its entirety, and that any violation of any part of the shrine is a violation of its sanctity.

3. That the area surrounding the Status of the Wailing Wall, which is the Western Wall to the Holy Mosque, has been settled in the International Ruling mentioned above, and published by the International Commission in 1931, as Muslim property, and this ruling is categoric and binding.

4. That to change the status quo in the Holy Mosque and the Ibrahimi Mosque, or to expand the area of the Wailing Wall is a blatant violation of the sanctity of the Muslim shrines, and constitutes a naked aggression which will have far-reaching consequences not only within the Muslim community in Jerusalem, but throughout the Muslim world and the international community.

5. That the Muslims offer free access to Jews and non-Jews to the Muslim holy places, subject to the condition that this access is treated with the behaviour and decency imperative in respecting the sanctity of these Holy shrines.

Signed by: Jerusalem, 22 August 1967

1. Abd Al-Hamid Al Sayeh Chief Jurist in the Western Bank and President of the Court of Appeal

2. Said Abd Allah Sabri Chief Judge of Jerusalem and Member of the Muslim Institute

3. Suleiman Al Ja'bari Religious Instructor in the Ministry of Education

4. Mustafa Tahbub Chief Judge of Hebron
5. Wasef Abdo Chief Judge of Jennin
6. Sufian Al-Khalidi Chief Judge of Tulkarem
7. Abd Al-Hai Arafah Mufti of Hebron
8. Rashad Al-Hilwani Tamimi Member of Muslim Institute and Teacher at the Ibrahimi Mosque
9. Yasin Sadeq Al-Pakri Imam and Teacher at the Al-Aksa Mosque
10. Abd El-Kader Abdeen Teacher at the Aksa Mosque
11. Ahmad El-Khatib Roving Preacher for the Ramallah area
12. Yunis Abu Rab Preacher for Jennin
13. Fath Allah Salmudi Preacher and Imam of Silwad Mosque
14. Saleh El-Silwadi From the Ulama
15. Rateb Al Duwick Chief Clerk in the Court of Bethlehem
16. Hilmi Muhtaseb Member of the Court of Appeal
17. Said Eddin Alami Mufti of Jerusalem
18. Mohd. As'ad Imam Husseini Chief Judge in Ramallah
19. Jum'ma Al-Silwadi Chief Judge in Nablus

20. Rajab Bayood Tammimi Chief Judge in Bethlehem
21. Mohd. Said Al-Jamal Assistant Chief Judge in Jericho
22. Tawfiq Jarrar Mufti of Jennin
23. Jamil El-Khatib Preacher and Imam of the Aksa Mosque
24. Mohd. Khalil El-Takruri Imam and Teacher at the Aksa Mosque
25. Akramah Sabri Teacher at the Muslim Institute
26. Yousef El-Silwadi Chief Preacher in Ramallah Area
27. Mohd. Khalawi Jolani Chief Preacher in Bethlehem
28. Abd El-Sam'eh Hasan Rifa'ei Imam and Preacher in Mosque of Bethlehem
29. Mahmoud Al-Habeeh From the Ulama

ANNEX II

DOCUMENTS SUBMITTED TO THE PERSONAL REPRESENTATIVE OF THE SECRETARY-GENERAL BY ISRAEL AUTHORITIES

A. Survey of Activities Undertaken by Government Ministries to Implement the Reunification of Jerusalem

This survey summarizes the activities undertaken by the Government Ministries in charge of services and economics after the reunification of Jerusalem. These activities were primarily concerned with the renewal and establishment of vital services to the civilian population and the return to normal of economic and commercial conditions.

During this period preparations were also made for the expansion of government services, such as preparations for opening the schools for the new academic year beginning September 1, arrangements for introducing student medical services and opening of social welfare offices under the auspices of the Ministry for Social Welfare and the Jerusalem Municipality.

I. Activities of Service Ministries and the Jerusalem Municipality

1. Ministry of Health

a. Activation of Services

All health services functioning before June 5 have been reinstituted with the former medical, administrative and maintenance staffs remaining at their posts under the supervision and professional direction of the Ministry of Health.

Because organisation and level of services are of a lower standard than those in Israel, the Israeli supervisory staff is working with the local employees to improve gradually the quality of services.

b. Institutions Operating

1. Government hospital with a 104 bed capacity.
2. Health Bureau which sponsors a general clinic offering basic medical services to the population without charge.

In addition to its role as a professional and administrative authority, the Bureau is also concerned with general questions of public health, prevention of malaria, enforcement of work safety ordinances and registration of births and deaths.

3. A blood bank serving the city hospitals and, at present, the hospitals of the West Bank.
4. A central laboratory which provides services for the hospitals of the region (ramallah, Jericho, Bethlehem and Hebron).
5. A Tuberculosis Prevention Centre serving the city and the West Bank.
6. The Ministry assists the Mother and Child Welfare Stations by supplying midwives to some of the stations and granting other forms of aid according to need.

c. Health services functioning with the help of the Ministry of Health :

Jerusalem has six philanthropic-public hospitals with a 383 bed capacity. Attached to these hospitals are clinics offering ambulatory and consultative services. The Ministry of Health provides these institutions with laboratory and blood bank services, vaccines, etc.

d. The licensing of medical personnel is in process, on the basis of a list compiled by the Health Bureau.

e. Standard inoculation given to the Israeli population will be extended automatically to East Jerusalem residents.

f. The Minister of Health appointed a Commission to study East Jerusalem health services and submit a comprehensive health programme including recommendations on organisation and activities of health services and delineation of areas of responsibility of the various service bodies involved.

g. The Hospital Authority is at present examining the question of hospital facilities available in United Jerusalem, including those of East Jerusalem and Mt. Scopus.

2. Ministry of Posts

a. Mail and Telegraph Service.

On July 5, 1967 the first East Jerusalem Post Office branch was inaugurated across from Herod's Gate. All branch workers are former employees of the Jordanian Postal Services. The branch is open 7 days a week and offers a complete range of postal services. These include telegram delivery to all of East Jerusalem, with the exceptions of Shufat and Beit Hanina where branches are to be opened shortly.

b. Telephone

After the East Jerusalem telephone system was repaired, the lines were connected to the national network on July 31, 1967. All services, including international connections, are now available in East Jerusalem. Some lines are still undergoing repairs, but the Ministry of Posts hopes to have the entire network completed within 4 weeks.

3. Ministry for Religious Affairs

a. Activities of the Department for Moslem and Druze Affairs.

This Department is in contact with the various Moslem institutions in East Jerusalem, including the Shari's Court of Appeals, the Shari'a Kadi, the School for the training of Religious leaders and the administrators of the Moslem religious sites.

The Ministry for Religious Affairs has allotted the sums requested by the Moslem leaders to pay the June salaries of their employees.

The Minister for Religious Affairs has met with the Moslem Kadi to discuss various problems concerned with the Shari'a Courts. Arrangements have been made to continue with the repair work at the al-Aksa Mosque.

In response to the request of the Kadis, and in consultation with them, an agreement concerning visits to the Moslem Holy Places has been reached.

b. Activities of the Department of Christian Affairs.

Immediately after the cessation of fighting, contact with Church leaders residing in East Jerusalem was resumed. It should be pointed out that most of the Jerusalem Patriarchs and Bishops remained in

communication with the Ministry for Religious Affairs over issues including the unification of Jerusalem during their visits to Church institutions in Israel,

The Ministry assisted the Church leaders with such problems as war damages, exemption from taxation, travel permits and documents for travel abroad.

In consultation with Christian leaders, arrangements were made concerning access to the Christian Holy Places.

The Ministry for Religious Affairs, in cooperation with the Police and the Ministry of Labour, cleared the approach to the Western Wall. Necessary improvements of paths leading to the Wall have been made, as well as plans for the paving of existing and constructing of new approaches.

4. Ministry of Education and Culture

a. Children and Schools

Establishing of compulsory kindergartens -

The Jordanian Compulsory Education law does not include kindergarten attendance for children above the age of five. To remedy this, the Ministry of Education and Culture has prepared a programme for the gradual introduction of compulsory kindergarten education and the establishment of such kindergartens. At the commencement of the 1967 academic year, parents will be informed of the opening of kindergartens attached to government elementary schools as is done in the Arab schools in Israel.

During the coming academic year, the Ministry of Education will retain the educational structure prevailing in East Jerusalem before the

War. Accordingly, Junior High School comprises the 7th, 8th and 9th years of schooling. the Ministry will administer examinations for passing into the 10th grade as was done under the Jordanian regime, and will set graduated school fees for the 10th, 11th and 12th years.

The Ministry of Education has made arrangements to retain the teaching and administrative staff formerly employed by the Jordanian Government. Nine former officials of the Regional Education Office of Jordan are assisting with the necessary preparations for the opening of the academic year.

b. Department of Antiquities and Museums

Immediately after the War, the Department of Antiquities and Museums was entrusted with the responsibility for the Rockefeller Museum and its collection. The Department immediately began examination of the exhibits and has taken the necessary steps to safeguard the building and collections. Though the building and some of its exhibits were damaged during the war, the museum was reopened to the public on July 11; 1967. The Dead Sea Scrolls which were removed to safety before the fighting were found. A number of former Jordanian employees have resumed their work at the Museum.

Archeological work in East Jerusalem has been renewed; and, Kathleen Kenyon, the British archeologist, has resumed with her 4 excavations in East Jerusalem.

5. Ministry of Police

The activities of the Ministry of Police may be divided into two major periods:

- end of hostilities until reunification (June 29, 1967);
- from reunification onward.

During the first stage, the police was primarily occupied with assisting the military forces in protecting the historical and holy sites, preventing looting, directing traffic, supervising traffic between the two sectors of the city, etc.

With the transfer of Jerusalem from military to civilian responsibility, the police were given the task of controlling traffic to the Holy Places. To date 36 local policemen and officers have been hired out of a total of 100 planned to be added to the Israeli Police Force. Former regional

police personnel are now working with the Israeli force. Thirty policemen will be placed at the Church of the Holy Sepulchre, the Mosques of Omar and al-Aksa and the Western Wall.

6. Ministry of Justice

The Ministry has taken over the existing Land Register Books in order to allow continuation of land transactions.

According to regulations promulgated by the Minister of Justice, East Jerusalem lawyers may continue to practice without the need of additional examinations.

7. Ministry for Social Welfare

The Ministry for Social Welfare conducted a study of welfare institutions in East Jerusalem to facilitate continuation of their food distribution activities. In coordination with the Juvenile Court and the Police, arrangements were made for probation Officers to continue their work with children under their care.

In coordination and cooperation with the Jerusalem Municipality, the Ministry is basing its activities upon the following:

Continuation of welfare payments at their previous standard, to persons deemed needy by the Jordanian Government;

Registration of new welfare cases since the War;

Opening of a Welfare Bureau in the Old City;

Employment of 5 former Jordanian welfare workers who previously served in East Jerusalem.

The Regional Bureau of the Ministry of Social Welfare and the Municipal Social Department are drawing up a programme for the gradual improvement of welfare services to the level in West Jerusalem.

8. Ministry of Labour

a. Surveys of the various areas within the Ministry's sphere of responsibility are being carried out. These cover cooperative enterprises, vocational education institutions, industrial plants, trades, services and labour relations. With completion of the surveys in the

near future, a comprehensive programme of activity will be formulated.

b. Legal aspects concerning the labour situation are being studied - - for example, corporations which were registered under Jordan as cooperative societies, or labour contracts which were registered as collective agreements.

The Ministry will make special budgetary allotments for implementation of its services in eastern Jerusalem.

d. Services offered to the public:

1. A Labour Bureau was opened which operates according to the 1959 Labour Services Law and handles registration of job-seekers. centralization of requests for labour and notification of suitable job-seekers and provision of relief work.

2. Establishing contact with employers (governmental and public bodies during the first stage) to bring to their attention the responsibilities of employers toward their workers and the work-safety regulations (work accidents, building activities, overtime-work hours, etc). The distribution of such information has already started, though communication problems related to the difference between the spoken and written language have arisen.

3. Investigations of work accidents and safety-inspection visits have begun.

4. The Ministry's Public Works Department is executing the following:

Building for the Ministry for Religious Affairs near the Western Wall;

Repairing of the Church at David's Tower;

Repairing of war damage to the Rockefeller Museum;

Completing of government hospital (at Sheih Jarra);

Repairing of war damage to Old City Walls near Damascus Gate;

Constructing of Post Office;

When possible the Department responds to request from various government ministries (Toursim, Prime Minister's Office, etc.) and at present is negotiating with UNRWA concerning work on their buldings.

9. Ministry of the Interior

On June 26, 1967 a census was taken by the Ministry of the Interior, in cooperation with the Central Bureau of Statistics.

The Ministry has opened a Bureau for registration of citizens and offering necessary services, principally distribution of identity cards.

10. Ministry of Transport

a. After a survey, the Ministry of Transport issued new automobile and drivers licenses (private and commercial vehicles) to East Jerusalem residents. With the exchange of licenses, third person liability insurance was also arranged. The Ministry is preparing qualifications regulations for public transportation.

b. Licenses for operation of buses in East Jerusalem have been issued. Permits are valid for a three-month period, until vehicles are inspected and the traffic schedule organised.

c. The Ministry has made the necessary arrangements for testing all vehicles in the city.

d. The Ministry is conducting a survey of all automobile owners in East Jerusalem. When the survey is completed; the Ministry will decide upon issuance of licenses to East Jerusalem residents, according to the criteria applied in West Jerusalem.

e. The Ministry has permitted the operation of two car rental agencies and, in coordination with the Ministry of Tourism, of touring cars.

f. The Minister of Transport appointed a Commission to study transportation problems resulting from the reunification of the city. The Commission's recommendations will be implemented by the Ministry of Transport, in cooperation with the Ministry of Finance and the Jerusalem Municipality.

11. The Jerusalem Municipality

With the decision to reunite Jerusalem, the Municipality extended all its services to East Jerusalem, though, in reality, vital services were provided immediately after the War.

a. Municipal Services

The Supply of water, the most important municipal service, was resumed with the connection of the water networks of both parts of the city shortly after the War ended. The water allotment of East Jerusalem was increased and a plan for further expansion of the water supply is being executed. The Jerusalem Municipality accepted responsibility for the maintenance of its water sources though these lay outside the municipal area. The Municipality also improved and repaired the water supply system in the villages within her jurisdiction (Shufat and Sur Bahar).

Sanitation and Public Health services were considerably expanded and the Municipality ordered new mechanized equipment and trash containers. The Public Health Department conducted anti malaria examinations and improved municipal health installations.

The Central Bus Station has been repaired and the fire-fighting services reorganised.

The Municipality is devising a plan for those areas which were previously "no-man's-land". As the first step, it has torn down several structures and cleared roads for passage between the 2 parts of the city.

b. Reorganisation of Administration in the United City

1. Municipal departments have been merged and their employees have joined the unified departments. The Departments of Public Health and Sanitation and Municipal Supervision have moved to the East Jerusalem Municipality building.

2. Former employees whose jobs were eliminated by the department mergers were placed in a "pool" and efforts are being made to find them other employment.

3. Absorption of workers in government services transferred to the municipality has begun (education, welfare, public health).

4. Labour procedures and registration rules have been set.

II. Activities of Government Ministries concerned with Economic Conditions

1. Ministry of Finance

The Ministries of Finance and Commerce and Industry are working toward the resumption of normal economic activity as rapidly as possible. The Foreign Currency Department has instituted the procedures necessary to handle the requests of East Jerusalem residents. Sections of the Foreign Currency Act are being translated into Arabic, particularly those dealing with tourism in order to facilitate resumption of tourist activities in Jerusalem. The Income Tax and Import Tax Departments have also take all necessary action to permit normal functioning within their spheres of responsibility.

2. Ministry of Commerce and Industry

The Ministry of Commerce and Industry is conducting a survey of trade in East Jerusalem. The Ministry is in contact with the Jerusalem Chamber of Commerce which has a membership of 1, 500. Ministry controllers have visited factories and workshops and have advised their owners on such subjects as acquisition of raw materials, import licenses, etc. Food wholesalers are being informed that they must hold permits from the Ministry in order to continue their trade,

3. Ministry of Tourism

The Ministry surveyed and registered all persons connected with tourism in Jerusalem. Representatives of the Ministry met separately with all those involved in the tourist industry in order to gather information and clarify existing problems.

a. Hotels

A general survey of hotels was conducted, including establishing the number of rooms and level of services offered. Once hotels were classified according to the system prevailing in Israel, they were permitted to accept tourists. Hotel owners met with Ministry officials and decided upon price levels, which were then published in Israel and abroad. The Ministry of Tourism is processing requests for loans for hotel renovations. Negotiations on the Inter-continental Hotel have been concluded and management will pass to the company within a few days.

b. Publications

A new map of Old Jerusalem and a pamphlet on Christian and Moslem Holy Places have been published, as has a booklet on the Jewish Holy Places. A revised pamphlet on Jerusalem is in the final stage of execution and a new publication on Christian pilgrimage is being prepared.

c. Travel Agencies

Temporary permits have been issued to travel agencies which will gradually be exchanged for permanent licenses once the agencies fulfill the Israeli requirements.

d. Tourist Guides

East Jerusalem guides will be able to escort tourists on the basis of a temporary permit. To receive the permanent license, a guide is required to undergo instruction according to existing regulations.

e. Stores

Registration of East Jerusalem stores is in process.

f. Tours

Tours which include all the historical and holy places of the three religions have been organized.

August 25, 1967

B. Activities Report of the Joint Municipality in East Jerusalem - July 1967

Municipal services have been in full operation since 29 June. In fact, they began to function right at the beginning of June, when the municipality was acting as the agent of the Military Government. In providing the services, the following principles were observed:

- a. Union of the two parts of the city.
- b. Equalisation of services.
- c. A standard of services compatible with the needs of the capital of Israel.

The municipality did not confine itself to the services which it is required by law and custom to supply. It also dealt with such other matters as care of refugees, repairing war damage, tackling economic and employment problems, transportation, and the safeguarding of the Holy Places.

I. Plans, Surveys and Coordination

1. A provisional programme of activities and a draft budget has been drawn up. After the financial committee had reviewed the draft budget, it was submitted to the Ministry of Finance and the Ministry of the Interior and by the end of the month items of its several sections - an ordinary, extraordinary and a development budget - were generally approved.

2 A Population and Housing Census was carried out to gather the data necessary for planning municipal operations and drawing up the tax assessment schedule and the overall system of taxation.

3. A Business Census is being planned for the purposes of statutory commercial taxes and licensing processes.

4. Meetings were held with institutions interested in statistical material, and Jordanian statistical sources, dispersed as a result of the War, were located.

5. Meetings were also held with organs interested in physical and mapping data and again Jordanian sources of information were located and made available.

6. A survey of municipal lands and buildings was conducted and an inventory drawn up. The former municipality's assets and liabilities, were checked, contracts and the system of taxation were examined.

7. A water supply scheme, to be operated until 1969, was prepared.

8. The Falk Project for Economic Research was asked to prepare a medium-term economic, social and cultural development plan, and a "brains trust" was assembled to help the planners in their work.

9. A commission of sculptors and painters, architects and graphic artists was set up to draft directives for "street furnishings" in the Old City such as street signs and lighting.

10. A survey of school premises was conducted with a view to opening the new school year in September.

11. A transport survey was carried out and road building priorities were determined in the light of transport problems arising out of the unification of the City.

12. The municipality was represented in planning teams formed to restore the Jewish quarter of the Old City.

II. Administrative Reorganisation

1. The unification of Departments and the redistribution of workers were completed. The Sanitation and Street Cleaning Department and the Municipal Inspection Department were shifted to the Old City municipal offices.

2. Workers were integrated into Departments; those awaiting integration have been placed in a "pool" and efforts are being made to find suitable employment for them.

3. Integration was begun of Old City civil servants in municipal departments such as education, social welfare, and public health.

4. Work and registration procedures were laid down.

III. Municipal Services

1. Street Cleaning and Sanitation - Garbage disposal was partly rationalised and mechanised. Over 150 people were taken on in this department. New mechanical equipment, garbage containers and dust-bins were ordered. The Sanitation Department of West Jerusalem carried out anti-malarial tests and found many anopheles-infested drains. The abattoir is being overhauled and the garbage dump has been transferred to an empty site east of Anatot.

2. Maintenance of Public Property - Damaged street lamps were repaired and part of war-damaged roads; public parks were put in shape again and repairs of the central bus terminal were started. The fire brigade was reorganised and a temporary station set up at the airport.

3. Town Planning - The demolition of buildings in the former no-man's land was completed. Bubble was cleared away, and dividing barriers were taken down in the Jaffa, Mamilla, St George, Hebron and Bethlehem roads, and Pope's - Mount Zion-Gate Road, and in a temporary track next to Suleiman Road, all of which are now open to traffic. Traffic regulations have been laid down and entry of vehicles into the Old City is barred.

4. Stores and Supplies - The municipal stores were transferred to suitable buildings in the eastern part of the City.

5. Municipal Inspection - Inspection of compliance with municipal by-laws began. At first, municipal inspectors were posted at the entrances to the El Aqsa mosque and the Church of the Holy Sepulchre to ensure that visitors behave with due respect, but the Police are now in charge.

6. Miscellaneous - Hebrew names were given to twenty-two streets in the Old City. The by-laws of West Jerusalem were translated into Arabic.

7. Tourism - The Citadel is being cleared so that it may be opened to the public. A Tourist Information Office run by the municipality and the Ministry of Tourism jointly has been opened at Jaffa Gate. The Cave of Zedekiah is under preparation for tourists' visits. Plans for a "son et lumiere" spectacle are under way. The municipality has attended discussions between the Ministry of Tourism and the agencies and parties concerned to deal with the problems of the tourist industry.

8. Water - The networks of the two parts of the city were joined and the amount of water supplied to East Jerusalem was greatly increased. Expansion of the system in East Jerusalem is proceeding according to an approved development programme; consumers were registered and meters are being installed. Besides current maintenance of the sources outside the city Ein Farrah, Ein Fuar, Ein Kelt and Solomon's Pools - the supplies to the villages of Shaafat and Tsur Baher, which are under municipal jurisdiction, were repaired and improved.

IV. National Services

1. Education and Culture - The necessary arrangements were made in coordination with the Ministry of Education and Culture for the commencement of the school year on 1 September. Buildings were prepared, furniture was examined and textbooks were ordered. Meetings were held with the administrative staff and school inspectors, and the public libraries were checked.

2. Youth and Sports - A basketball match has already taken place between teams from East and West Jerusalem.

3. Social Welfare - The Social Welfare Department are to begin operations shortly: funds and instructions are awaited from the Ministry of Social Welfare.

4. Public Health - Preparations were made for school health services to be extended once the new school year begins. Ten nurses and two doctors will be required. It is also proposed to open at least two Mother-and-Child Clinics in East Jerusalem, and one in Silwan.

V. Public Relations

Meetings between corresponding professional and social organizations in East and West Jerusalem were arranged, and meetings and tours in the villages incorporated within the municipal bounds were held. Contact was maintained with ecclesiastical and other organizations principally to assist them in repairing war damage that may have been caused to their buildings. The mayor and his officers made the acquaintance of the new Arab employees of the municipality at a special meeting.

Steps were taken to obtain loan funds for commercial enterprises suffering from a shortage of working capital. Workers referred to the municipality by the Labour Exchange were employed on relief allocations.

ANNEX III

LIST OF PERSONALITIES INTERVIEWED BY THE PERSONAL REPRESENTATIVE OF THE SECRETARY-GENERAL

Israel officials and other personalities

Mr. Levi Eshkol, Prime Minister of Israel

Dr. Y. Herzog, Director of the Prime Minister's Office

Mr. Abba Eban, Minister for Foreign Affairs

Rabbi Warhaftig, Minister for Religious Affairs

Mr. A. Levavi, Director-General, Ministry of Foreign Affairs

Mr. A. Lourie, Acting Director-General, Ministry of Foreign
Affairs

Mr. Y. Tekoah, Deputy Director-General, Ministry of Foreign
Affairs

Mr. Teddy Kollek, Mayor of Jerusalem

Mr. J. Gadish, Director of the Arab Department at the
Ministry of Education

Mr. D. de Shalit, Ministry of Tourism

Mr. I. Zuriel, Ministry of Tourism

Ambassador A. Chelouche, Director of the Economic
Department at the Ministry of Foreign Affairs

Mr. Menashe Eliachar, President of the Chamber of
Commerce

Dr. Carpas, Acting Director of Hadassa Hospital

Mr. Raphael Levi, Assistant District Officer

Arab personalities

Abd Al-Hamid Al Sayeh, President of the Sharia Court of
Appeal

Hilmi Al-Muhtaseb, Member of the Sharia Court of Appeal

Sa'ad El-Din Alami, Mufti of Jerusalem

Mr. Anwar Zaki Nusseibeh, Lawyer, Member of Parliament
for Jerusalem, ex-Minister of Defence, and former Jordanian
Ambassador to London

Mr. Anton Attallah, Senator and former Minister for Foreign
Affairs

Mr. Rauhi al-Khatib, Mayor of East Jerusalem

Dr. George Farah, Director of Augusta Victoria Hospital

Mr. Ayoub Musallam, ex-Minister, ex-Mayor of Bethelam

Mr. Hassan Abdul Fattah Darwish, ex-Member of Jordanian Parliament

Mr. Jalil Harb, Cinema and hotel owner

Religious authorities

Rabbi Y. Untermann, Chief Rabbi of Israel

Patriarch Benedictus of the Greek Orthodox Church

Patriarch Gori of the Latin Church

Patriarch Deridian of the Armenian Church

Monsignor Sepinski, Apostolic Delegate

Archimandrite Antony, Head of the Russian Orthodox Mission in Jerusalem

Archbishop McInnes of the Church of England

Abbot Rudloff (Benedictine), Dormition Monastery

Bishop A. Yossef of the Abyssinian Church

Bishop Bazileus of the Coptic Church

Bishop Qubaim (Arab) of the Anglican Church

Bishop Elias Ziade of the Maronite Church

Monsignor Naoum, Syrian Catholic Church

Father Joseph Alliot (Franciscan), First Assistant to the
Custodian of the Holy Land

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**LETTER DATED 5 MARCH 1968 FROM THE PERMANENT
REPRESENTATIVE OF ISRAEL TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL**

On instructions from my Government I have the honour to refer to the letters addressed to you by the Permanent Representative of Jordan on 23 and 28 February 1968 (A/7057 and Add.1, S/8427 and Add.1 and A/7058, 3/8423) and to state as follows:

The allegations contained in the two letters are without foundation. They follow logically on the destructive attitude adopted by the Jordanian authorities towards the City of Jerusalem and its Holy Places. It was Jordan which, in defiance of the United Nations Charter, attacked the City in 1948, placed it under siege, and opened indiscriminate fire on its inhabitants and on its historical and religious sites. It was the Jordan Government which then relentlessly set about destroying the Jewish Quarter, including its synagogues and places of learning and the venerated Cemetery on the Mount of Olives. The inhabitants of the Jewish Quarter were uprooted, transformed overnight into refugees and forcibly prevented from returning to the homes inhabited by themselves and by their ancestors. It was Jordan which prevented free access to the Jewish Holy Places and the cultural

and humanitarian institutions on Mount Scopus, in flagrant violation of its international obligations solemnly undertaken.

Colonel Abdullah el-Tal, one-time commandant of the Jordanian Arab Legion, in describing the destruction of the Jewish Quarter, wrote in the volume of his Memoirs (Cairo, 1959):

"... The operations of calculated destruction were set in motion.... I knew that the Jewish Quarter was densely populated with Jews who caused their fighters a good deal of interference and difficulty.... I embarked, therefore, on the shelling of the Quarter with mortars, creating harassment and destruction.... Only four days after our entry into Jerusalem the Jewish Quarter had become their graveyard. Death and destruction reigned over it...."

"As the dawn of Friday, May 28, 1948, was about to break, the Jewish Quarter emerged convulsed in a black cloud - a cloud of death and agony."

After the cease-fire had entered into force and normal civilian administration had been restored in Jerusalem last June, a shocking picture was unfolded of the results of this policy of wanton vandalism, desecration and violation perpetrated during the period of Jordan occupation from 1948 onwards. In the Jewish Quarter all but one of the thirty-five Jewish houses of worship that graced the Old City of Jerusalem were found to have been wantonly destroyed. The synagogues had been razed or pillaged and stripped and their interiors used as hen-houses and stables. In the ancient historic Jewish graveyard on the Mount of Olives, tens of thousands of tombstones had been torn up, broken into pieces or used as flagstones, steps and building materials in Jordanian military installations and civilian constructions. Large areas of the cemetery had been levelled and converted into parking places and petrol-filling stations. These acts of

desecration have been described fully in a document published by the Ministry for Foreign Affairs in Jerusalem in November 1967, a copy of which is attached to this letter.

This record of Jordanian conduct in Jerusalem underlines the true character and purpose of the allegations put forward in the letters from the Permanent Representative of Jordan.

In effect, the Government of Jordan is complaining of steps that have had to be taken urgently in order to restore the atmosphere of sacredness, dignity and tranquillity proper to Jerusalem and its 3 Holy Places, and to ensure the elevation of its material and cultural life. With regard to the Western Wall, it is to be observed that it is the most Holy Place of all to Judaism. The Western Wall is the sole remaining relic of the First and Second Temples, constructed and sanctified in ancient times. It is ominous that the Jordanian representative fails to mention this essential fact. The Wall's history does not commence with the Arab conquest of Palestine. That conquest, like those that preceded and followed it, is incapable of effecting any change whatsoever in the sacredness of the Wall to the Jewish people – a sacredness which, indeed, the Jewish people alone is competent to determine.

If any proof of this were needed it can be found in the report of the Commission appointed by the United Kingdom Government, circulated at the request of the Permanent Representative of Jordan as document A/7057/Add.1, S/8427/Add.1, although it may here be noted, parenthetically, that at the time that report was not accepted either by the Moslem or by the Jewish authorities, the Commission having been established solely to assist the Mandatory authorities in the discharge of what they conceived to be their duties under the Mandate.

The Western Wall holds a unique place in the history and faith of the Jewish people. For nineteen centuries Jews flocked to the Western Wall from all parts of the world to pray and worship before it. It

would not cross the mind of Jews to impair in any way the sanctity of the Western Wall.

The interest now evinced by the Jordanian Government in the Wall is surprising against the background of the vandalism perpetrated there by that Government when it was in occupation of the area. The Jordanian Government deliberately profaned the sacred character of the Wall by erecting adjacent to it structures of secular services, warehouses and toilets, and converting its immediate precincts into a slum. It accordingly became essential to remove these installations and restore the dignity and the sanctity of the Holy Place as a very first step after the battles in Jerusalem had ceased. Moreover, archaeological excavations are being conducted in order to remove part of the earth and refuse that have accumulated at the Western Wall in the course of time and which cover its lower layers. This is a proper archaeological operation, and it is being conducted in a way that assures that nothing will damage the Wall or jeopardize its character as a Holy Place or impair in any way the Haram esh-Sharif area situated beyond the Wall.

It is to be noted that the Western Wall is a recognized antiquity and was treated as such also by the Mandatory Government, which also assumed responsibility for its maintenance and upkeep.

Archaeological activities near the Temple Mount and the Western Wall have always taken place, under government supervision, in Jerusalem. Excavations were undertaken during the period of the Mandate and during the Jordanian occupation. During the last nineteen years the Department of Antiquities of the Government of Jordan, in co-operation with the British Archaeological School in Jerusalem under the supervision of Mrs. Kenyon, carried out a number of archaeological-excavations at the southern part of the Western Wall. Approval has been granted for the continuation of these excavations, outside the area of the Temple Mount, that is, outside the walls surrounding the Haram esh-Sharif.

A clear distinction exists between the Haram esh-Sharif and the Western Wall, which were recognized as two separate Holy Places. This distinction was followed by the United Nations and is clearly marked in the United Nations map of the Holy Places in Jerusalem (map number 229, November 1949). Consequently, the contention in the letter of the Permanent Representative of Jordan that "the Wailing Wall and the entire adjacent area are an integral part of Al-Haram esh-Sharif" is a wilful attempt to confuse the issue.

The Mughrabi Quarter, consisting of a group of dwelling houses, to which the letter of the Permanent Representative of Jordan makes particular reference, is not a holy site. It faces the Wall but is also entirely separate from it. Its status is no different from that of secular property, whether or not owned by religious institutions as a source of income, in any other city in the world.

No modern civilized Government or municipal administration would have tolerated the slum conditions which the Jordanian Government created in this Quarter. One of the first things which the Government of Israel had to do was to embark on a programme of urban improvement, which included resettling the unfortunate inhabitants of this Quarter in respectable conditions. The same policy had to be followed with respect to the ruins of the Jewish Quarter from which a number of families were evacuated in order to expedite its restoration. This Quarter is situated outside the Temple Mount area. For hundreds of years Jews had lived in it in order to be as close as possible to the Western Wall. Throughout all the centuries of its existence, it did not impair one jot the sanctity of the Temple Mount (Haram esh-Sharif): on the contrary, it maintained its sanctity. It is quite incomprehensible how its rehabilitation can compromise in any way the sacred character of the Haram esh-Sharif. Contrary to what is implied in the Jordanian letter, the resettlement of the inhabitants was carried in consultation with them, and the families concerned expressed their appreciation to the city authorities for having assisted them in improving their housing.

The Jordanian Government had never shown much respect for such considerations. As recently as 5 November 1966, the Jordanian newspaper Falastin (then published in the Old City) complained: "Ancient memorial buildings in the Old City of Jerusalem are destroyed and replaced by modern ones. Commercial competition even reached the Mount of Olives where construction had been prohibited in the past."

The Permanent Representative of Jordan complains of plans to construct new housing in the modern part of Jerusalem. This complaint refers to vacant land of which about two thirds is public domain or belongs to Jewish private persons or institutions. Only one third is owned by private Arab landlords. No person at all is being evicted and none of the land in question belongs to any ecclesiastical institution, or is Waqf property. The private owners of the land will receive compensation in accordance with the law. The new housing project will provide homes for Jews as well as Arabs.

In conclusion, I am instructed to reiterate the policy of my Government as regards the Holy Places of all faiths in Jerusalem: in the Law for the Protection of the Holy Places enacted by the Knesset on 27 June 1967 it is provided, in section 7:

"The Holy Places shall be protected from desecration and any other violation and from anything likely to violate the freedom of access of the members of the different religions to the places sacred to them or their feelings with regard to those places."

In pursuance of this Law the different Holy Places of Judaism, Christianity and Islam are administered under the responsibility of the respective religious authorities which hold them sacred. The Government of Israel remains in contact with them to give full expression to the universal interest in the Holy Places. The

responsibility for the peace of Jerusalem, for the welfare of its inhabitants of whatever faith, and for the sanctity of the Holy Places is a central element in the policy of the Government of Israel.

I have the honour to request that this letter and its enclosure^{1/} be circulated in the official languages as a document of the Security Council and the General Assembly.

(Signed) Yosef TEKOAH
Permanent Representative of Israel
to the United Nations

^{1/} To be issued in the original languages only under the symbols A/7064/Add.1 and S/8439/Add.1.

<i>Source of document</i>
http://unispal.un.org/UNISPAL.NSF/0/A8138AD15B0FCAC385256B920059DEBF

UNITED NATIONS
Security Council

S/RES/252 (1968)

21 May 1968

Resolution 252 (1968)
of 21 May 1968

The Security Council,

Recalling General Assembly resolutions 2253 (ES-V) of 4 July 1967 and 2254 (ES-V) of 14 July 1967,

Having considered the letter of the Permanent Representative of Jordan on the situation in Jerusalem (S/8560)^{1/} and the report of the Secretary-General (S/8146),^{2/}

Having heard the statements made before the Council,

Noting that since the adoption of the above-mentioned resolutions Israel has taken further measures and actions in contravention of those resolutions,

Bearing in mind the need to work for a just and lasting peace,

Reaffirming that acquisition of territory by military conquest is inadmissible,

1. *Deplores* the failure of Israel to comply with the General Assembly resolutions mentioned above;

2. *Considers* that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem are invalid and cannot change that status;

3. *Urgently calls* upon Israel to rescind all such measures already taken and to desist forthwith from taking any further action which tends to change the status of Jerusalem;

4. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution.

*Adopted at the 1426th meeting by 13 votes to none, with
2 abstentions (Canada and United States of America).*

1/ *Ibid.*

2/ *Ibid.*, *Twenty-second year, Supplement for July, August and September 1967.*

<i>Source of document</i>

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UNITED NATIONS
Security Council

S/RES/267 (1969)

3 July 1969

Resolution 267 (1969)
of 3 July 1969

The Security Council,

Recalling its resolution 252 (1968) of 21 May 1968 and the earlier General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967, respectively, concerning measures and actions by Israel affecting the status of the City of Jerusalem,

Having heard the statements of the parties concerned on the question,

Noting that since the adoption of the above-mentioned resolutions Israel has taken further measures tending to change the status of the City of Jerusalem,

Reaffirming the established principle that acquisition of territory by military conquest is inadmissible,

1. *Reaffirms* its resolution 252 (1968);
2. *Deplores* the failure of Israel to show any regard for the resolutions of the General Assembly and the Security Council mentioned above;
3. *Censures* in the strongest terms all measures taken to change the status of the City of Jerusalem;
4. *Confirms* that all legislative and administrative measures and actions taken by Israel which purport to alter the status of Jerusalem, including expropriation of land and properties thereon, are invalid and cannot change that status;

5. *Urgently calls* once more upon Israel to rescind forthwith all measures taken by it which may tend to change the status of the City of Jerusalem, and in future to refrain from all actions likely to have such an effect;

6. *Requests* Israel to inform the Security Council without any further delay of its intentions with regard to the implementation of the provisions of the present resolution;

7. *Determines* that, in the event of a negative response or no response from Israel, the Security Council shall reconvene without delay to consider what further action should be taken in this matter;

8. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution.

Adopted unanimously at the 1485th meeting.

<i>Source of document</i>
http://unispal.un.org/UNISPAL.NSF/b86613e7d92097880525672e007227a7/5932ecf53ff36a04852560c300656122?OpenDocument

UNITED NATIONS
Security Council

S/RES/271 (1969)
15 September 1969

Resolution 271 (1969)
of 15 September 1969

The Security Council,

Grieved at the extensive damage caused by arson to the Holy Al-Aqsa Mosque in Jerusalem on 21 August 1969 under the military occupation of Israel,

Mindful of the consequent loss to human culture,

Having heard the statements made before the Council reflecting the universal outrage caused by the act of sacrilege in one of the most venerated shrines of mankind,

Recalling its resolutions 252 (1968) of 21 May 1968 and 267 (1969) of 3 July 1969 and the earlier General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967, respectively, concerning measures and action by Israel affecting the status of the City of Jerusalem,

Reaffirming the established principle that acquisition of territory by military conquest is inadmissible,

1. *Reaffirms* its resolutions 252 (1968) and 267 (1969);
2. *Recognizes* that any act of destruction or profanation of the Holy Places, religious buildings and sites in Jerusalem or any encouragement of, or connivance at, any such act may seriously endanger international peace and security;

3. *Determines* that the execrable act of desecration and profanation of the Holy Al-Aqsa Mosque emphasizes the immediate necessity of Israel's desisting from acting in violation of the aforesaid resolutions and rescinding forthwith all measures and actions taken by it designed to alter the status of Jerusalem;

4. *Calls upon* Israel scrupulously to observe the provisions of the Geneva Conventions ^{1/} and international law governing military occupation and to refrain from causing any hindrance to the discharge of the established functions of the Supreme Moslem Council of Jerusalem, including any co-operation that Council may desire from countries with predominantly Moslem population and from Moslem communities in relation to its plans for the maintenance and repair of the Islamic Holy Places in Jerusalem;

5. *Condemns* the failure of Israel to comply with the aforementioned resolutions and calls upon it to implement forthwith the provisions of these resolutions;

6. *Reiterates* the determination in paragraph 7 of resolution 267 (1969) that, in the event of a negative response or no response, the Security Council shall convene without delay to consider what further action should be taken in this matter;

7. *Requests* the Secretary-General to follow closely the implementation of the present resolution and to report thereon to the Security Council at the earliest possible date.

Adopted at the 1512th meeting by 11 votes to none, with 4 abstentions (Colombia, Finland, Paraguay, United States of America).

^{1/} Geneva Conventions of 12 August 1949 (*United Nations, Treaty Series*, vol. 75 (1950), Nos. 970-973).

<i>Source of document</i>
http://unispal.un.org/UNISPAL.NSF/b86613e7d92097880525672e007227a7/35941b603b4459b8852560c50061dc5e?OpenDocument

UNITED NATIONS
Security Council

S/RES/298 (1971)
25 September 1971

Resolution 298 (1971)
of 25 September 1971

The Security Council,

Recalling its resolutions 252 (1968) of 21 May 1968 and 267 (1969) of 3 July 1969 and the earlier General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967 concerning measures and actions by Israel designed to change the status of the Israeli-occupied section of Jerusalem,

Having considered the letter of the Permanent Representative of Jordan on the situation in Jerusalem^{1/} and the reports of the Secretary-General,^{2/} and having heard the statements of the parties concerned on the question,

Reaffirming the principle that acquisition of territory by military conquest is inadmissible,

Noting with concern the non-compliance by Israel with the above-mentioned resolutions,

Noting with concern also that since the adoption of the above-mentioned resolutions Israel has taken further measures designed to change the status and character of the occupied section of Jerusalem.

1. *Reaffirms* its resolutions 252 (1968) and 267 (1969);

2. *Deplores* the failure of Israel to respect the previous resolutions adopted by the United Nations concerning measures and actions by Israel purporting to affect the status of the City of Jerusalem;
3. *Confirms* in the clearest possible terms that all legislative and administrative actions taken by Israel to change the status of the City of Jerusalem, including expropriation of land and properties, transfer of populations and legislation aimed at the incorporation of the occupied section, are totally invalid and cannot change that status;
4. *Urgently calls* upon Israel to rescind all previous measures and actions and to take no further steps in the occupied section of Jerusalem which may purport to change the status of the City or which would prejudice the rights of the inhabitants and the interests of the international community, or a just and lasting peace;
5. *Requests* the Secretary-General, in consultation with the President of the Security Council and using such instrumentalities as he may choose, including a representative or a mission, to report to the Council as appropriate and in any event within sixty days on the implementation of the present resolution.

*Adopted at the 1582nd meeting by 14 votes to none,
with 1 abstention (Syrian Arab Republic).*

1/ Ibid., document S/10318.

2/ Ibid., *Twenty-second Year, Supplement for July, August and September 1967*, documents S/8052 and S/8146; *Twenty-fourth Year, Supplement for April, May and June 1969*, documents S/9149 and Add.1; *Ibid.*, *Supplement for October, November and December 1969*, document S/9537; *Ibid.*, *Twenty-sixth year, Supplement for January, February and March 1971*, document S/10124; *Ibid.*, *Supplement for April, May and June 1971*, document S/10124/Add.1; and *Ibid.*,

Supplement for July, August and September 1971, document
S/10124/Add.2.

<i>Source of document</i>
http://domino.un.org/unispal.nsf/0/441329a958089eaa852560c4004ee74d?OpenDocument

**Letter from Foreign Minister Eban to Secretary-General U Thant
on Jerusalem, 15 November**

On 25 September 1971, the Security Council adopted Resolution 298 (1971), which, among other things, called upon Israel "to rescind all previous measures and actions and to take no further steps in the occupied section of Jerusalem ". The following letter is the Israeli reply to the communication from Secretary-General U Thant which informed the Government of Israel of the Resolution:

Sir,

I have the honour to reply to your telegram of 26 September 1971, transmitting the text of Resolution 298 (1971) adopted by the Security Council at its 1582nd meeting on the previous day.

The central operative paragraph of the Resolution calls upon Israel "to rescind all previous measures and actions and to take no further steps in the occupied section of Jerusalem which may purport to change the status of the city, or which would prejudice the rights of the inhabitants and the interests of the international community, or a just and lasting peace". I propose to analyse the main provisions of this paragraph in order to place the situation in Jerusalem in its true light.

If the "status of the city" referred to in the Resolution means the situation existing before 5 June 1967, the renewal of that "status" would involve the restoration of a military demarcation line and other barriers cutting through the centre of the city, the cancellation of free access to their Holy Places for Jews and Israeli Moslems, which has prevailed only since 7 June 1967, and the re-imposition of a ban on residence or visit by anyone of Jewish faith in the Old City. Moreover, in order to restore the previous status Israel would have to demolish the synagogues and other sites destroyed by the Jordanian authorities and restored since then, and to close the cultural, humanitarian and

-educational institutions on Mount Scopus which have been re-opened since June 1967. Thus the restoration of the previous status would involve rescinding the unity, peace and sanctity of Jerusalem today in order to restore the divisions, conflict and sacrilege which made the period 1948-1967 one of the darkest ages in Jerusalem's long history.

It is inconceivable that the majority of Security Council members could wish to restore that situation. Some of them have indicated that they do not.

The position of Jordan in a part of Jerusalem for nineteen years resulted from an aggressive invasion carried out against the injunctions of the Security Council in the first half of 1948. That position was never recognised by the world community. Thus it is not the case that an internationally accepted or valid status for Jerusalem has been set aside by anything done in the city since 1967. If one dismisses as inherently untenable the proposition that the Security Council wishes to tear Jerusalem apart again, one is left with the assumption that the concern expressed by the Council is for the effective status of the ethnic and religious communities. It has been asserted in some quarters that Israel is undertaking or planning actions with the aim of annulling the present heterogeneous character of the population. I can give assurance that this is not the case. Since 1967 the flight of Christian Arabs from Jerusalem under Jordanian occupation has been stemmed. The figures in 1967 were 10,800. Today they are 11,500. At the same time, the Moslem population has grown from 54,963 to 61,600 at the end of 1970, while the Jews, who numbered 195,700 in 1967 are now 215,500. There is nothing to indicate that these relative proportions are likely to be substantially changed in the coming years, and in absolute terms the Christian and Moslem populations are likely to increase and not to dwindle. Israel's view is that development of the city's services and amenities should be undertaken for all its communities, and not for one community alone.

Jerusalem has a population of 300,000, about three-fourths of whom are Jews, 61,600 are Moslems and 11,500 are Christians. For the past two hundred years, Jews have been the largest community. The 'rights of the inhabitants', whether Jews, Arabs or Moslems, include the right to administer their own city, to develop it, and to repair the havoc of war. Jerusalem has the right to normal existence as a living city, its life and institutions must be allowed to grow in the interests of all its inhabitants, and it cannot be artificially frozen at the point which it had reached over four years ago.

Since 1967, all Jerusalem's citizens have had their due voice in the administration of the city. In the last municipal election under the Jordanian occupation in 1963, there were only 5,000 eligible voters in a total Arab population of some 60,000. Only males over 21, property owners and rate-payers were permitted to vote. Irrespective of the results of the voting, the mayor was appointed by the Jordanian Government in Amman. On the other hand, in the 1969 election for the municipal council, universal suffrage for those over 18 years was introduced in the sector formerly under Jordanian occupation. The number of Arab citizens who actually cast their vote for the administration of the unified city in that election was greater than the total of those eligible to vote in 1963, during the Jordanian occupation.

All the citizens of Jerusalem, both in the western and the eastern parts of the city, have the right to normal municipal services. All the city's inhabitants now receive such services, which were non-existent or inadequate during the nineteen years of illegal Jordanian military occupation.

Since 1967, compulsory education laws have been strictly applied. A system of kindergartens, which did not exist under the Jordanian conquest, has been extended to the eastern part of the city. Vocational training has been expanded, including the opening of a night-school for working boys. The network of free medical services for

schoolchildren, new mothers and babies, has spread to this section of Jerusalem. In a special program carried out in 1967, all children in East Jerusalem were given thorough medical check-ups, including skin, tuberculosis and eye tests, as well as vaccinations against diphtheria, tetanus and second shots against small-pox. Trachoma and malnutrition have now all but been eliminated. A new 300-bed hospital on Mount Scopus, to serve the northern and eastern parts of the city, will soon be opened.

The eastern section has been connected to the Jerusalem water-mains, providing round-the-clock water supply for the first time in history. A central sewage system has been introduced. The Municipality of Jerusalem has provided playgrounds, parks, libraries and youth clubs, where there were none before. An Arabic language theatre has begun performances. A developed social welfare system has been applied for the first time to this part of the city. The citizens living in East Jerusalem have the services of a Government Labour Exchange, 40 percent of the sections's workers have joined, and are protected by, the Israel Labour Federation. There is no unemployment in Jerusalem, low cost public housing and generous mortgage opportunities are being provided by the municipality to Arab residents.

Nothing, therefore, could be more inaccurate than to assert that the rights of the inhabitants of Jerusalem have been adversely affected by anything done or planned by Israel. Their rights to peaceful life and development, and to a voice in Jerusalem's affairs, have been fully respected and indeed advanced only since June 1967.

For twenty-two years Jerusalem has been Israel's capital and seat of Government. It is the unique and exclusive spiritual centre of Judaism as of no other faith. At the same time, the Government has always been conscious of the fact that the city is of deep concern to other faiths. Its religious and historical sites are precious to Christians and Moslems, as well as Jews. This concern was expressed by the Prime Minister of Israel on 27 June 1967:

"All the Holy Places in Jerusalem are now open to all who wish to pray in them and to the faithful of all religions without discrimination. It is our intention to place the internal administration and arrangements for the Holy Places in the hands of the religious leaders of the communities to which these places belong. "

The protection of the Holy Places is ensured by law. The Protection of Holy Places Law, 5727- 1967, states in its first paragraph:

"The Holy Places shall be protected from desecration and any other violation and from anything likely to violate the freedom of access of the members of the different religions to the places sacred to them or their feelings with regard to those places. "

No such law protected the Holy Places during the Jordanian occupation.

The intentions expressed by the Prime Minister, as well as the dispositions of the Law, are now part of the new reality in Jerusalem. The desecration of historic synagogues in the Old City and of the ancient cemetery on the Mount of Olives, which was carried out by the Jordanian authorities, and the denial of free access of Jews and Israeli Moslems to their holiest shrines have stopped. The churches, mosques, synagogues and other shrines are administered by each religious community. In Jerusalem today everyone is free to visit and pray at the Holy Places of the three great faiths. Pilgrims and visitors to the city, Government leaders, church dignitaries, parliamentarians, journalists, men of letters, tourists in their thousands, have testified that Jerusalem and the Holy Places are secure and open to all.

In developing the living city of Jerusalem we are, and shall be, constantly mindful of its historical treasures and spiritual heritage, and

care is, and will be, taken to preserve them for the inhabitants of the world.

The policy of Israel concerning universal spiritual interests is as follows:

The measures taken to secure the protection of the Holy Places are only a part of Israel's effort to ensure respect for universal interests in Jerusalem. It is evident from United Nations discussions and documents that the international interest in Jerusalem has always been understood to derive from the presence of the Holy Places. Israel does not doubt its own will and capacity to secure the respect of universal spiritual interests. It has forthwith ensured that the Holy Places of Judaism, Christianity and Islam be administered under the responsibility of the religions which hold them sacred. In addition, in a spirit of concern for historic and spiritual traditions, my Government has taken steps with a view to reaching arrangements to assure the universal character of the Holy Places. In pursuance of this objective, the Government of Israel has now embarked on a constructive and detailed dialogue with universal religious interests. If these explorations are as fruitful as we hope, the universal character of the Holy Places will for the first time in recent decades find comprehensive expression.

As I informed you on 10 July 1967, Israel does not wish to exercise unilateral jurisdiction or exclusive responsibility in the Holy Places of Christianity and Islam, and is willing, in consultation with the religious interests traditionally concerned, to give due expression to that principle.

The changes which have affected Jerusalem's life and destiny as a result of the measures recently adopted may therefore be summarised as follows: Where there was hostile separation there is now intermingling and constructive civic union. Where there was a constant threat of violence there is now peace. Where there was once

an assertion of exclusive and unilateral control over the Holy Places, exercised in sacrilegious discrimination - there is now a willingness to work out arrangements with the world's religious bodies, Christian, Muslim and Jewish, which will ensure the universal religious character of the Holy Places.

This is the first time that a Government in Jerusalem offers special expression for universal interests in Jerusalem instead of asserting its exclusive jurisdiction over all of them, The apprehension expressed in the Resolution lest interests of the international community have been adversely affected is thus without foundation.

The previous division of the city did not bring the Middle East closer to peace. On the contrary, that division was an open wound constantly exacerbated by outbursts of hostility and by recurrent Jordanian violations of the fragile armistice, which caused the murder of Jerusalem's citizens and made life in the city a frequent terror for many residents on both sides of the barbed wire. Today for the first time since 1948, Jerusalem is a city in which Jews and Arabs live together in peace and mingle in their thousands in the daily pursuits of their lives. Jerusalem has become an example of communal civic and regional co-existence, and is thus an augury of the just and lasting peace to which enlightened men aspire.

Jerusalem is for Israel the focal point of Jewish history, the symbol of ancient glory, of longing, of prayer, of modern renewal. It is also a source of universal inspiration. Israel's policy is to promote the rights of Jerusalem's inhabitants, to advance the interests of the international community, and thus to contribute to the promotion of a just and lasting peace.

The sharp discrepancy between the Jerusalem reality and the Resolution presented by Jordan and adopted by the Security Council has profoundly shocked the people of Jerusalem. This sentiment was expressed in the Prime Minister's statement of 26 October 1971,

which remains valid. There are many difficulties in Jerusalem, as elsewhere, arising from regional tensions and hostilities as well as from economic and social factors. But in general, men of peace and good will have reason to be gratified by the peace, serenity, union and spiritual harmony which have been strengthened in Jerusalem since the barbed-wire fences went down and the Jews and Arabs of Jerusalem came together in a common devotion to their city. Nothing has been done or will be done to violate the rights of the inhabitants, the interests of the international community, or the principles of peaceful co-existence.

<i>Source of document</i>
http://www.mfa.gov.il/MFA/ForeignPolicy/MFADocuments/Yearbook1/Pages/20%20Letter%20from%20Foreign%20Minister%20Eban%20to%20Secretary-.aspx

Basic Principles of the Government, 10 March 1974.

When the Prime Minister presented her new Government to the Knesset, she also tabled the Basic Principles of the Government, which followed closely the Basic Principles of 1969, with some slight modifications. The chapters dealing with security and foreign policy follow:

Chapter 'A'- Central Objectives

The principal target of the Government of Israel during the coming four years is to work for the attainment of permanent peace with each of the neighbouring states. The efforts of the Government shall be directed towards the utilization of all the possibilities and prospects involved in the peace conference which opened in Geneva.

The Government shall persevere in the strengthening of all branches of the Israel Defence Forces, insofar as is required to ensure its strength and capacity to defend the State and overcome its aggressors. The necessary lessons shall be drawn from the experience of the Yom Kippur War, ensuring their application in the deployment of the IDF and in the Defence establishment in general. Within the IDF, the forging of internal solidarity shall continue, it shall remain above all party considerations, and its qualities as an army of the people shall continue to be fostered.

1. Decisions of the Government and the Knesset

The principal tasks of the Government and its actions on questions of foreign policy and defence shall be based fundamentally on Chapters 'A' and 'E' of the Basic Principles of the outgoing Government (approved by the Knesset on 15 December 1969) see Section XII,

Document 20) and on the decisions on principle adopted by the Government and the Seventh and Eighth Knessets, including:

The Government's decisions, approved by the Knesset on 4 August 1970, concerning the cease-fire; the Government's decision of 22 October 1973 to accede to the Security Council resolution on the cease-fire; the Government's decision of 11 November 1973 on the Six-Point Agreement with Egypt; the Government's decision of 17 December 1973 agreeing to participate in the Geneva Conference; the Government's decision of 22 January 1974 to sign the agreement on disengagement and separation of forces on the Egyptian front.

2. Jerusalem

The Government shall take steps for the continued building and development of Jerusalem, Eternal Capital of Israel. The pace of populating the city shall be increased, infrastructure investments shall be assured, and industrial development shall be continued. In the building and development of the Capital, Jerusalem's special character, its historic sites and its scenic grandeur shall be preserved. Rehabilitation of the Old City's Jewish Quarter shall be completed. The holy places of all faiths shall be preserved.

In the Capital of Israel, the rights of all residents shall be observed, without distinction of religion or nationality, and the religious status of the holy places of Islam and Christianity shall be safeguarded in the peace settlements.

3. Settlement on the Land

Steps shall be taken for the continuation of settlement on the land in accordance with resolutions to be adopted by the Government of Israel.

4. Agreements on the Road to Peace

The Government of Israel shall strictly maintain and observe the cease-fire agreements on a basis of reciprocity.

Pending peace settlements, the Government shall continue to be ready to make agreed arrangements with the Arab States: these agreements shall aim at consolidating the cease-fire, preventing the resumption of hostilities, and promoting negotiations with a view to permanent peace.

The Government shall continue to pursue a policy aimed at ensuring security and maintenance of law and order while showing due respect and understanding for the population. The open-bridges policy shall be continued; independent activity on the part of the population shall be encouraged in the domains of administration, education, culture and religion and in fostering democratic patterns in public and municipal life.

The Government shall endeavour, to the best of its ability, to assure full employment and to maintain the education, health and welfare services. Efforts shall be made to raise funds from international sources in order to improve living and housing conditions among the refugees living within the jurisdiction of the Military Government, without prejudice to their legal and civil status.

6. Countering Terrorist Activity

The Government shall endeavour to safeguard the citizens, residents and representatives of Israel, and to protect them against terrorist activity by the terrorist organizations. It shall maintain Israel's right to act against the terrorist organizations, their bases and their collaborators, with a view to preventing and frustrating terrorist activities. The Government of Israel shall continue to hold any State which identifies itself with the terrorist organizations and affords them

bases of operation, fighting equipment and political support responsible for their dastardly deeds.

7. Activity in the International Arena

In the international arena, the Government shall act to strengthen Israel's standing among the nations of the world. It shall strive to strengthen the friendly relations between Israel and the people and Government of the United States, and shall take action to rehabilitate and re-establish relations with States which have severed their links with Israel.

<i>Source of document</i>
http://www.mfa.gov.il/MFA/ForeignPolicy/MFADocuments/Yearbook1/Pages/27%20Basic%20Principles%20of%20the%20Government-%2010%20March%2019.aspx

UNITED NATIONS
Security Council

S/12233
11 November 1976

At the 1969th meeting, on 11 November 1976, the President made the following statement:

"As a result of consultations over which I presided with all members of the Council, I am authorized as President to make the following statement on behalf of the Council.

"Following the request submitted by Egypt on 20 October 1976,1/ the Security Council held four meetings between 1 and 11 November to consider the situation in the occupied Arab territories, with the participation of the representative of the Palestine Liberation Organization. After consulting all the members, the President of the Council has agreed:

"1. To express its grave anxiety and concern over the present situation in the occupied Arab territories as a result of continued Israeli occupation.

"2. To reaffirm its call upon the government of Israel to ensure the safety, welfare and security of the inhabitants of the territories and to facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities.

"3. To reaffirm that the Geneva Convention relative to the Protection of Civilian Persons in Time of War 2/ is applicable to the Arab territories occupied by Israel since 1967. Therefore, the occupying Power is called upon once again to comply strictly with the provisions of that Convention and to refrain from any measure that violates them. In this regard, the measures taken by Israel in the occupied Arab territories which alter the demographic

composition or geographical character, and in particular the establishment of settlements, are strongly deplored. Such measures, which have no legal validity and cannot prejudice the outcome of the efforts to achieve peace, constitute an obstacle to peace.

"4. To consider once more that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon and the transfer of populations, which tend to change the legal status of Jerusalem, are invalid and cannot change that status, and urgently to call upon Israel once more to rescind all such measures already taken and to desist forthwith from taking any further action which tends to change the status of Jerusalem. In this connexion, the Council deplores the failure of Israel to show any regard for Security Council resolutions 237 (1967) of 14 June 1967, 252 (1968) of 21 May 1968 and 298 (1971) of 25 September 1971 and General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967.

"5. To recognize that any act of profanation of the Holy Places, religious buildings and sites or any encouragement of, or connivance at, any such act may seriously endanger international peace and security.

"The Council decides to keep the situation under constant attention with a view to meeting again should circumstances require."

1/ Ibid., document S/12218.

2/ United Nations, *Treaty Series*, vol. 75, p. 287.

<i>Source of document</i>
http://unispal.un.org/UNISPAL.NSF/85255e950050831085255e95004fa9c3/59031a11433c9f21852560e5007af061?OpenDocument

UNITED NATIONS
Security Council

S/RES/446 (1979)
22 March 1979

Resolution 446 (1979)
of 22 March 1979

3. *Calls once more upon* Israel, as the occupying Power, to abide scrupulously by the 1949 Fourth Geneva Convention, to rescind its previous measures and to desist from taking any action which would result in changing the legal status and geographical nature and materially affecting the demographic composition of the Arab territories occupied since 1967, including Jerusalem, and, in particular, not to transfer parts of its own civilian population into the occupied Arab territories;

4. *Establishes* a Commission consisting of three members of the Security Council, to be appointed by the President of the Council after consultations with the members of the Council, to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem;

5. *Requests* the Commission to submit its report to the Security Council by 1 July 1979;

6. *Requests* the Secretary-General to provide the Commission with the necessary facilities to enable it to carry out its mission.

7. *Decides* to keep the situation in the occupied territories under constant and close scrutiny and to reconvene in July 1979 to review the situation in the light of the findings of the Commission.

Adopted at the 2134th meeting by 12 votes to none, with 3 abstentions (Norway, United Kingdom of Great Britain and Northern Ireland, United States of America).

<i>Source of document</i>
http://unispal.un.org/UNISPAL.NSF/db942872b9eae454852560f6005a76fb/ba123cded3ea84a5852560e50077c2dc?OpenDocument

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Security Council

**REPORT OF THE SECURITY COUNCIL COMMISSION
ESTABLISHED UNDER
RESOLUTION 446 (1979)**

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Letter of transmittal

12 July 1979

In our capacity as members of the Security Council Commission established under resolution 446 (1979), we have the honour to submit to you herewith the report prepared by the Commission pursuant to paragraph 5 of the resolution mentioned above.

This report was adopted unanimously today, 12 July 1979.

Accept, Sir, the assurances of our highest consideration.

(Signed) Leonardo MATHIAS,
Portugal, (Chairman)

Julio de ZAVALA, Bolivia

(Kasuka Simwinji MUTUKWA, Zambia

I. INTRODUCTION

A. Establishment of the Commission

1. The Commission was established by Security Council resolution 446(1979) with the following mandate: "To examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem".

2. By a letter dated 23 February 1979 (S/13115) to the President of the Security Council, the Permanent Representative of Jordan to the United Nations requested the convening of a meeting of the Council to consider the "most ominous and accelerating erosion of the status of Jerusalem and the rest of the occupied Arab territories in consequence of the Israeli occupation authorities' systematic, relentless and deliberate policy and practice of settlements and colonization of those

territories which constitute a grave threat to international peace and security”.

3. In response to that request, the Security Council considered the item entitled “The situation in the occupied Arab Territories” at its 2123rd to 2128th, 2131st and 2134th meetings held between 9 and 22 March 1979.

4. The relevant documentation before the Council included, inter alia,

(a) A letter dated 7 March (document S/13149) from Jordan, transmitting a map and a list of Israeli settlements in the occupied West Bank, along with a letter from the Chairman of the Islamic Commission in Jerusalem to the Prime Minister of Jordan, stating that the Israeli authorities were transforming the Mosque of Hebron into a Jewish synagogue;

(b) A letter dated 2 March (document S/13132) from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People to which were annexed a list of press reports, maps and other documents relating to the situation in the occupied territories.

5. Statements made before the Security Council, including those made by Jordan and Israel, may be found in documents S/PV.2123 to S/PV.2128, S/PV.2131 and S/PV.2134.

6. At the 2134th meeting on 22 March 1979, the Council adopted resolution 446(1979) which reads as follows:

The Security Council,

Having heard the statement of the Permanent Representative of Jordan and other statements made before the Council,

Stressing the urgent need to achieve a comprehensive, just and lasting peace in the Middle East,

Affirming once more that the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 is applicable to the Arab territories occupied by Israel since 1967, including Jerusalem,

1. Determines that the policy and practices of Israel in establishing settlements in the Palestinian and other Arab Territories occupied since 1967 have no legal validity and constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East;

2. Strongly deplores the failure of Israel to abide by Security Council resolutions 237(1967) of 14 June 1967, 252(1968) of 21 May 1968 and 298 (1971) of 25 September 1971 and the consensus statement by the President of the Security Council on 11 November 1976 and General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967, 32/5 of 28 October 1977 and 33/113 of 18 December 1978;

3. Calls once more upon Israel, as the occupying Power, to abide scrupulously by the 1949 Fourth Geneva Convention to rescind its previous measures and to desist from taking any action which would result in changing the legal status and geographical nature and materially affecting the demographic composition of the Arab territories occupied since 1967, including Jerusalem, and, in particular, not to transfer parts of its own civilian population into the occupied Arab territories;

4. Establishes a Commission consisting of three members of the Security Council, to be appointed by the President of the Council after consultation with the members of the Council, to examine the situation relating to settlements in the Arab territories

occupied since 1967, including Jerusalem;

5. Requests the Commission to submit its report to the Security Council by 1 July 1979;

6. Requests the Secretary-General to provide the Commission with the necessary facilities to enable it to carry out its mission;

7. Decides to keep the situation in the occupied territories under constant and close scrutiny and to reconvene in July 1979 to review the situation in the light of the findings of the Commission.

B. Composition, mandate and organization of the work of the Commission

7. In a note dated 3 April (S/13218), the President of the Council stated that following his consultations with the members of the Council, an agreement had been reached, according to which the Commission established under paragraph 4 of resolution 446 (1979) mentioned above would be composed of Bolivia, Portugal and Zambia.

8. At its first meeting held in New York on 10 April 1979, the Commission decided that its chairmanship would be assumed by Portugal.

9. In organizing its programme of work in order to fulfil its mandate, the Commission considered the modalities it should follow “to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem”.

10. The Commission decided, as a first step, to establish direct contacts with the parties involved in the matter with a view to seeking their co-operation in the fulfilment of its mandate and also to enter

into consultations with relevant United Nations bodies which might be in a position to supply useful information.

C. Requests to the parties for co-operation

11. On 13 April 1979, letters were sent to the Permanent Representatives of Egypt, Jordan, Lebanon and the Syrian Arab Republic requesting that the Commission be provided as soon as possible with all available information pertinent to its mandate and informing them that the Commission was contemplating to visit the area during the month of May 1979.

12. Also on 13 April, a similar letter was sent to the Permanent Representative of Israel pointing out in addition that his Government's co-operation in facilitating the proposed visit of the Commission to the territories in question would be greatly appreciated.

13. Requests for information were also addressed to the Chairman of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population in the Occupied Territories and the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

14. On 30 April the Commission sent a letter to the Permanent Observer of the Palestine Liberation Organization, drawing his attention to its mandate and requesting any relevant information.

15. In their replies dated 17, 17 and 25 April respectively, the Permanent Representatives of Lebanon, Jordan and Egypt assured the Commission of their Governments' full co-operation in the implementation of its mandate. The reply from Jordan included a personal message of support from His Royal Highness, Crown Prince Hassan.

16. Assurances of co-operation and assistance were also received from the Committee on the Exercise of the Inalienable Rights of the Palestinian People and from the Special Committee to Investigate Israeli Practices affecting the Human Rights of the Population of the Occupied Territories.

17. At the 3rd meeting, on 26 April, the Chairman informed the Commission of the results of his efforts to establish contact with the Permanent Mission of Israel, in order to exchange views on the way in which the Commission intended to fulfil its mandate and on the degree of co-operation it might receive from the Government of Israel. In response, the Representative of Israel had stated to the Chairman that the Israeli Government had nothing to hide concerning its actions in the territories under its control; that the situation there had been freely examined by numerous impartial observers who had always confirmed the statements made by the Israeli Government, and that his Mission was not prepared to have any contact with the Commission.

18. After examining the serious consequences which might result from Israeli's attitude concerning its work, the Commission decided that its Chairman should report the matter to the President of the Security Council and draw his attention to the fact that in such circumstances, the Commission would endeavour to implement its mandate in spite of Israel's refusal to allow the Commission to proceed with its planned visit.

19. At the same 3rd meeting, the Chairman also reported on his discussions with the Permanent Observer of the Palestine Liberation Organization (PLO) who had stressed PLO's full co-operation with the Commission.

20. At its 4th meeting on 30 April, the Commission met with members of the office of the Crown Prince of Jordan and with the Jordanian Permanent Representative, who reiterated their Government's support and provided the Commission with documents and maps relating to

the question of settlements. The Commission met also with the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, who supplied the Commission with studies prepared by the Committee on the question of the occupied territories.¹

21. On 8 May, at the 6th meeting, the Chairman informed members that in response to his démarche concerning Israel's attitude, the President of the Council had decided to remind the Permanent Representative in writing that the Commission had not received any answer to its request for co-operation and to ask him of Israel's intentions in that regard.

22. By letters dated 9 May 1979 to the Permanent Representatives of Egypt, Jordan, Lebanon and the Syrian Arab Republic, the Commission indicated its plans for a visit to the area and the type of information it was looking for. By another letter of 11 May 1979, the Commission confirmed to the Permanent Observer of the PLO that it would welcome the opportunity to meet Chairman Yasser Arafat during its visit.

23. On the day of its departure for the area concerned, the Commission received a copy of the reply sent by the Permanent Representative of Israel to the President of the Security Council. In that letter dated 17 May 1979, the Israeli Representative informed the President that, in consideration of the circumstances in which resolution 446 (1979) had been adopted, the Government of Israel had rejected that resolution in its entirety and accordingly could not extend any form of co-operation to a Commission set up under it.

24. When preparing its report at Headquarters, the Commission realized that, in view of the heavy schedule of the Security Council and also the extensive volume of testimony and other documentary information received by the Commission during its visit to the area, it would be difficult for the Commission to report to the Security

Council by 1 July 1979, as called for in paragraph 5 of the above-mentioned resolution. Accordingly, the Chairman of the Commission requested the President of the Council that the time-limit for the report be postponed until 15 July 1979.

25. Following informal consultations with the other members of the Council, the President informed the Chairman that no member of the Council had any objection to the Commission's request.²

26. The present report is based on elements of information which were gathered from various sources both at Headquarters and during the visit to the area.

27. Volume I of this report relates in its first chapter the establishment of the Commission by the Security Council and its work at Headquarters; in chapter II, the Commission's visit to the area including its exchanges of views with Government authorities and with representatives of organizations. Chapter III is devoted to conclusions and recommendations.

28. Volume II consists of the annexes appended to the report, which are as follows:

Annex I: Summary record statements made at the 4th meeting of the Commission;

Annex II: Summaries of testimony;

Annex III: List of settlements;

Annex IV: Map of settlements;

Annex V: Documentation kept in the custody of the Secretariat.

29. The present report was unanimously adopted on 12 July 1979.

II. VISIT TO THE AREA

A. Organization of the visit

30. During its visit to the area, the Commission was composed of the following members:

Ambassador Leonardo Mathias (Portugal), Chairman;
Ambassador Julio de Zabala (Bolivia);
Dr. Kasuka Simwinji Mutuka (Zambia).

31. They were accompanied by two advisers:

Mr. Edgar Pinto (Bolivia);
Mr. Luis Crucho Almeida (Portugal).

32. A team of staff members from the Secretariat was assigned by the Secretary-General to assist the Commission in its work.

33. The Commission decided that during the visit, it would hold consultations with the Government authorities concerned and also receive, at hearings or individual interviews, oral or written statements or testimony by other authorities, organizations or private individuals.

34. It was also decided that while, as a general rule, the Commission considered it preferable for the hearings, interviews and working meetings to be held in camera, it could decide to hold public meetings should circumstances so require. The Commission could also proceed to specific areas within the countries concerned in order to examine the situation on the spot, whenever feasible, to hear statements, to receive testimony and to obtain all possible information relevant to its mandate.

35. It was further agreed that at the beginning of each series of hearings the Chairman would outline the mandate of the Commission and draw attention to the fact that the Commission expected the witnesses to confine their statements as much as possible within the limits of that mandate. Furthermore, the Commission decided to accept requests by witnesses who expressed the wish to remain anonymous for reasons of safety.

36. Finally, a decision was taken that the Commission would keep a record of its inquiry and would consider information particularly relevant to its mandate in preparing its report. It would also decide which documentation it would annex to its report bearing in mind that other elements of information obtained would be kept in the custody of the United Nations Secretariat.

37. The Commission organized its visit to the area as follows: the Hashemite Kingdom of Jordan: 20-26 May 1979; the Syrian Arab Republic: 26-29 May 1979; Lebanon: 29-30 May 1979; the Arab Republic of Egypt: 30 May - 1 June 1979.

38. In accordance with the decisions referred to above, the Commission met in each country with the Government authorities. It also heard a number of witnesses and visited various locations. In Jordan on 23 May, the Commission went to the Jordan River Valley, and on 24 May to a refugee camp. In Syria on 28 May, the Commission went to the location of the town of Quneitra.

39. In the course of its visit, the Commission met with representatives of the Palestine Liberation Organization.

40. The Commission received testimony from 42 witnesses, i.e., 22 in Amman (including a written statement), 13 in Damascus and 7 in Cairo, and met spokesmen from local associations. It received also some written documentation, photographs and maps.

41. The Commission returned to Headquarters on 4 June 1979.

42. The Commission wishes to state that in the course of its visit to the area, it received valuable assistance from the Governments and all those concerned in carrying out its mandate. It benefited in particular from fruitful exchanges of views and received informative replies to the points requiring clarification raised by its members. The commission therefore wishes to express its gratitude to the aforementioned for the co-operation extended to it.

B. Visit to the Hashemite Kingdom of Jordan (20-26 May 1979)

(a) Meetings with government officials

43. The Commission arrived in Jordan on 20 May 1979.

44. The following day, the Commission had a working meeting in Amman at the Ministry of Foreign Affairs where it was received by Mr. Hassan Ibrahim, Minister of State for Foreign Affairs; Mr. Adnan Abu Odeh, Minister of Information and Head of the Executive Bureau for Occupied Territories Affairs; Mr. Weal Almasri, Director of the Political Affairs Division at the Ministry of Foreign Affairs; Mr. Faleh Attawel, Director, Department of International Organizations; Mr. Akthem Qusus, Director, United Nations Department; Mr. Shawkat Mahmoud, Director, Bureau of Occupied Territories Affairs; and Mr. Georges Shamma, of the Permanent Mission of Jordan to the United Nations.

45. The Minister of State for Foreign Affairs welcomed the members of the Commission, wished them success in their "significant and delicate" mission and expressed the hope that the Commission's efforts would help to bring about effective international action towards a comprehensive, just and lasting peace in the Middle East. Israel's settlement policy, he said, which was repeatedly condemned by the General Assembly, the Security Council and even Israel's own

friends, was a challenge to the United Nations and a violation of international law.

46. The Minister of State expressed the view that the task of the Commission was rendered particularly difficult by the refusal of Israel to allow it to visit the occupied territories. For its part, his Government was determined to do everything possible to assist the mission in carrying out its mandate,

47. In reply to the statement by the Minister of State for Foreign Affairs, the Chairman of the Commission expressed the members' appreciation for the warm welcome afforded them. As an emanation of the Security Council, the Chairman said, the Commission shared his apprehensions concerning the situation in the area and would faithfully report its findings to the Security Council.

48. The Minister of Information then briefed the Commission on the situation concerning the settlements in the occupied West Bank, which so far had reached a total of 78 settlements, covering an area of approximately 370,000 dunums.³ That was only a part of the 1.5 million dunums of which Israel had taken possession, and which in turn was 27 per cent of the total area of the occupied West Bank.

49. Speaking of the meaning of the settlements for Israel, Mr. Odeh quoted several Israeli sources, including a recent statement attributed to the Israeli Minister of the Interior, and others to officials of world Jewish organizations which indicated that Israel's policy of settlements was a step towards the realization of the primary Zionist goal, i.e. the creation of a purely Jewish State in the Middle East. That goal required that space be readily provided for new immigrants until the local Arab population could be outnumbered. The settlements, he said, had always been a "value" in the creed of Zionism.

50. As to the methods used by the Israeli authorities to acquire the land, they included acquisition by virtue of the “Restricted area” by-law, which authorized the restriction of land for “security” reasons; the application of the “State domain” policy to the miri lands, which are private lands outside city limits with a different legal status; the application of the “absentee owner” policy, under which any Arab who was absent from the West Bank at the time of the Israeli invasion had his property seized; false transactions with Arab inhabitants; “green zones” policy which permits land to be frozen, and thereby prevents its use by the legal owners; and expropriation for public use, the expropriated property being sold later to private Jewish settlers. Approximately 329,000 dunums have been seized so far under that policy.

51. Turning to the question of policy-making with regard to the settlements, the Minister of Information indicated that for the fiscal year 1979-1980, the Israeli Government had allocated a sum of US\$ 200 million for the settlements. Those settlements were under the control of the Government or non-governmental organizations.

52. Concerning governmental settlements, a ministerial committee chaired by the Israeli Minister of Agriculture was in charge of determining the sites for new settlements, finding the financial support and building the infrastructure.

53. Non-governmental settlements were built under the supervision of various organizations, including the para-military Nahal Movement for agricultural and military settlements built close to the cease-fire lines, the Gush Emunim, the Settlements Department of the Jewish Appeal Fund, the Moshav and other organizations.

54. Mr. Odeh then spoke of Israel’s policy on the allotment of water resources in the occupied West Bank. The West Bank, he said, depended mostly on ground water. The policy of Israel in that regard was to consider the area as one geological basin. Accordingly, it had

adopted certain restrictive policies against the Arab farmers, such as the interdiction of drilling artesian wells without a special permit. By contrast Israeli authorities had drilled 24 wells for the exclusive use of Jewish settlers, mostly in the Jordan Valley, thus reducing considerably the amount of water available to Arab farmers. Furthermore, Arab farmers were forced to install meters on their own wells to restrict the amount of water they could use.

55. Regarding the work of the Commission, Mr. Odeh said that Israel had resorted to all kinds of intimidation to prevent potential witnesses from coming to Amman from the occupied territories. Nevertheless, a few people from various walks of life had succeeded in coming from the West Bank in spite of threats of reprisals.

56. Finally, Mr. Odeh gave further information in particular regarding Israel's intimidation policies involving school children.

57. On 21 May the Commission also paid a visit to His Excellency the Prime Minister, Mr. Mudar Badran, who expressed Jordan's eagerness to make the mission of the United Nations body a success. Mr. Badran emphasized that Jordan had strong ties binding it with the Palestinians, whose problem was the core of the Middle East conflict. He described Israel's settlement policy as a challenge to the United Nations and a violation of international law. The Prime Minister also emphasized that his Government was adhering to the Security Council resolutions which are relevant to the mandate of the Commission. Finally he stressed that the time had come for a solution to the conflict, a solution which would be just and comprehensive.

58. On 22 May the Commission was granted an audience by His Majesty King Hussein of Jordan. King Hussein emphasized in particular the far-reaching consequences of Israel's settlement policy which, he said, was aimed at the eviction of the Arab inhabitants from their lands. This was also part of Israel's attempts to alter the character of the occupied Arab territory in complete disregard of United Nations

principles and decisions.

59. King Hussein also explained Jordan's position vis-à-vis the Middle East question, stressing that a just and comprehensive peace could not be achieved without the restoration of Arab Jerusalem to Arab sovereignty, the withdrawal of Israeli forces from all occupied territories in implementation of United Nations resolutions and the safeguarding of Palestinian rights, including the rights to self-determination in Palestine.

60. The Chairman expressed the gratitude of the Commission for the words of welcome stated by His Majesty and assured him of the Commission's determined will to implement its mandate with total objectivity.

61. On 24 May, His Highness Crown Prince Hassan received the Commission. On that occasion an extensive exchange of views took place, essentially on Jerusalem and its surroundings. In that connexion Prince Hassan recalled that Jerusalem in addition to being a prestigious centre in the world, was spiritually one of the most sacred places of the Moslem faith. Turning to the question of Israeli settlements he pointed out that, through the establishment of three successive belts of settlements, Israel was creating protective pockets between Jerusalem and the Jordan River. As a result of this, it was "compartmenting" the Arab population. That this action was intentional appeared from the fact that the same policy of fragmentation of the Arab population was also being pursued on the Lebanese border in an effort to balkanize the area.

62. The Crown Prince said that since 1967, it had been the official policy of Israel that Jerusalem should stay Jewish, united under Jewish rule. In implementation of that policy many Arab houses had been destroyed and their inhabitants expelled, while settlements had been established all along the Eastern side of the Holy City. This settlement policy had had the result of isolating the Arabs living inside the walls

and confining them in a ghetto surrounded by hostile groups of settlers. This was no doubt a powerful means of pressure to make them leave.

63. Other means of pressure were being used, said Prince Hassan, some brutal, other financial, such as a 20-year levy raised from Arabs and used to erect new buildings for the Jews. Israel was also modifying the city limits in order to take full advantage of the composition of the population.

64. Prince Hassan reminded the Commission that the position of Jordan concerning Jerusalem and the West Bank had been repeatedly stated. The question was how to proceed toward the return to “Arab Jerusalem”, an expression which defined a situation of mutual respect with freedom of worship for every faith.

65. The case of Jerusalem was a very special one which, once solved, said Prince Hassan, could lead to a comprehensive solution. It should be deplored therefore that the question of Jerusalem at its present stage had not been the subject of any complete and impartial study. This should be remedied.

66. The Crown Prince pointed out that an international organ should be requested to make a survey of the various aspects of the situation of Jerusalem - political, religious, social, demographic, economic and any others.

67. He also indicated that the question of Arab properties confiscated by Israel in that area should be examined in detail. In that connexion, the excellent work done by the Conciliation Commission for Palestine with regard to Arab properties confiscated in territories occupied by Israel before 1967 should be kept in mind, as well as in fact the extensive mandate of that commission which was still in existence.

68. In conclusion, Prince Hassan emphasized that the road toward a solution might be long and difficult but that, in order to avoid further despair which would inevitably lead to further violence, the present situation should not be allowed to remain frozen.

69. The Chairman thanked His Highness Crown Prince Hassan for his most informative briefing and assured him that the contents of his statement would be reflected in the Commission's report.

(b) Visit to the Jordan River Valley and to a refugee camp

70. On 23 May, the Commission went to the Jordan Valley area. It stopped over at the King Hussein Bridge and, passing through the villages of Shouna and Karamah, it reached the village of Deir Alla, which overlooks the Jordan River Valley.

71. In the course of a briefing given by a spokesman for the Jordan River Valley Authority, the attention of the Commission was drawn to the intensive exploitation by the Israelis of the water resources in the valley. It was stated in particular that the drawing of water from the Lake of Tiberias and from the Jordan River to irrigate Israeli settlements along the valley and southward down to the Negev Desert had not only diminished considerably the flow of the River but noticeably increased its salinity.

72. At the same time, said the spokesman, the intensive pumping of underground water through deep artesian wells dug by Israeli settlers was depleting the water resources of the valley, which is a single geological entity.

73. It should be noted that when the Commission departed from Deir Alla at night the Jordanian authorities pointed out, on the West Bank, lines of lights which they said were successive belts of Israeli settlements.

74. On 24 May 1979, the Commission visited Schneller Refugee Camp, where its members were received by Mr. Abdel Rahim Jarrar, Under-Secretary of the Ministry of Reconstruction; Mr. Mohammed Al-Asseh, Camp Services Officer; and an official of UNRWA. In his welcoming statement, Mr. Jarrar said that the camp housed 30,000 refugees, some of whom had been displaced three times. Even 31 years after displacement, the refugees and the displaced persons were still steadfast in their resolution to return to their homeland. Mr. Jarrar noted that Israel, on the other hand, was continuing its settlement policy and the judaization of the occupied territories in defiance of the United Nations resolutions on the matter. He cited Jerusalem as the best illustration of that policy.

75. The Chairman of the Commission explained the mandate entrusted to the Commission by the Security Council. He emphasized that the mandate of the Commission was to examine the problems, i.e., to determine what they were, in order to get a better understanding and to report back to the Security Council. The Commission had come to the area, the Chairman observed, because of the conviction of its members that the United Nations could contribute to a just solution of the problem. The Commission believed in the rights of the refugees and displaced persons to return to their homeland in conformity with the Universal Declaration of Human Rights and the relevant resolutions of the United Nations.

76. Mr. Al-Azzeh, the Camp Services officer, welcomed the Commission and stated that in view of Israel's oppressive policies in the occupied territories, he was not surprised that Israel had refused the Commission entry.

77. Mr. Abu Jameel, speaking on behalf of the refugees in the camp, wondered how long it would still take for the world to be aware of the cause of the Palestinian people who had been expelled from their homeland. He wondered also why so many resolutions and decisions of the United Nations on this question had not been implemented and

why Israel was still able to persist in its policy of defying the United Nations. He emphasized that Palestinians would never accept Jerusalem as an exclusively Jewish city; nor could they accept any form of trusteeship self-rule or partition. They could not accept any alternative to Palestine. Mr. Abu Jameel further emphasized that Palestinians did not mandate anyone except the Palestine Liberation Organization (PLO) to speak on their behalf. He wished the Commission success in its endeavours and expressed the hope that this would be the last time that the United Nations would have to send a fact-finding mission to the area.

78. In response to questions put to the Commission by one of the elders of the camp who inquired why the United Nations was not able to compel Israel to recognize the rights of the Palestinian people, the Chairman stated that while he and his colleagues in the Commission understood the despair of the refugees, they were also aware that the question of Palestine was a complex problem, the just and peaceful resolution of which would take time. He recalled in that context the actions conducted at the United Nations by the Arab States. Some progress had already been achieved and the United Nations was continuing its efforts to find a just solution.

79. Mr. Abboud, an officer of UNRWA, said that the despair of the refugees was compounded by the financial crisis in UNRWA. Brigadier Mohammed Sarreef, Executive Secretary of the Supreme Ministerial Committee for Displaced Persons, gave an overview of the situation concerning the movement of refugees and displaced persons from the West Bank to the East Bank. He indicated that the Schneller Camp and five others had been set up by the Jordanian Government in 1968 to accommodate the refugees and the displaced persons who had been forced to leave the Jordan Valley area. The Jordan Government is spending \$36 million a year for the subsistence of the refugees, housing, salaries and water supply, as indicated in the last report of the UNRWA Commissioner.

(c) Hearings

80. During its stay in Jordan, in addition to meetings with government officials, the Commission held five meetings devoted to the hearing of witnesses. A total of 21 witnesses took the floor. An additional witness presented a written statement which was incorporated in the Commission's records. A number of witnesses asked to remain anonymous, a request which was granted in accordance with a decision previously taken by the Commission.

81. In the course of these hearings, most of those witnesses responded favourably to the Chairman's appeal to confine their statements to the situation in the settlements in the Arab territories occupied since 1967, including Jerusalem. A number of them, however, expanded their remarks to include grievances of a personal or collective nature which the Commission considered as falling within the purview of human rights violations, rather than within the scope of its mandate (e.g., witnesses Nos. 3 and 10). It should be noted in that connexion that a similar situation occurred at subsequent hearings in Damascus and Cairo.

82. Most of the witnesses were Palestinians. Some of them - such as Sheik Abdul-Hamid El-Sayeh, Head of the Islamic Court of Appeal, who was deported from the West Bank in September 1967, Mr. Ruhi El-Khatib, Mayor of Jerusalem, expelled in 1968, Mr. Nadim S. Zaru, Mayor of Ramallah, expelled in 1969 or Mr. Shawkat Mahmoud Hamdi, now Director of the Executive Office of the occupied territories in the Jordanian Government - informed the Commission of their experience while serving in the occupied territories. A church leader, Archdeacon Elya Khoury, referred to his experience in the Anglican Diocese of Jerusalem until his expulsion in 1969. Other witnesses such as Mr. Ibrahim Bakr, a practising lawyer who indicated that he had been expelled in December 1967 from the West Bank, drew particular attention to certain legal aspects of the situation. Most of the other witnesses presented views based on their individual or

family experience.

83. Keeping in mind the scope of the mandate established by the Security Council, the Commission would like to draw particular attention to a number of points which were reported by witnesses during its stay in Jordan.

Settlements in the occupied territories

84. According to an Arab publication referred to by a witness (No. 15), between 1967 and 1977 the Israelis established in the West Bank, including Jerusalem, 123 settlements, of which 33 were not publicly announced because they were Nahal military settlements.

85. According to another witness (No. 20), it should be noted, that while in the past, those settlements were established mostly close to the line of the pre-1967 border, the new trend would be to divide the West Bank into large squares, subsequently criss-crossed with roads. As perceived by the inhabitants, the aim of that policy is to divide the whole occupied territory into a number of squares and to build settlements on the corners of each of them in order to isolate the main Arab agglomerations.

86. According to other witnesses, the policy referred to above applies whether the land is publicly or privately owned. In that connexion, a witness (No. 4) challenged what he called an Israeli claim that only public land was being used for those settlements. He pointed out that under the Geneva Convention and the relevant United Nations resolutions, the establishment of a settlement in occupied territories is illegal whether it is set up on public or private land. He then gave an informative briefing on the various categories of private lands under Jordanian law.

87. The witness stated also that out of an estimated 125,630 dunums of cultivable land which were taken by the Israelis for the exclusive use of civilian settlements (thus excluding areas kept for military purposes), 9.4 per cent were public lands and 90.6 per cent private.

88. The pattern and process of land seizure seems to have varied with time. Some witnesses (among them, Nos. 6 and 8) stated that in the wake of the 1967 war, people were expelled from their villages and sometimes their houses were destroyed in front of them. One witness (No. 13) in particular said that, after being expelled from their village to the town of Ramallah, located at a distance of 34 km away, the inhabitants were finally authorized to return. But after walking back approximately 32 km, they were stopped close to their village and saw it being blown up.

89. Since then, according to another witness (No.4), the land seizure process generally goes as follows: first, the Israeli forces set up boundary markers or barbed wire fences to define the area. Second, the leaders of the village are informed that for security reasons the inhabitants are no longer allowed to enter the closed-in area. Third, crops are destroyed and fruit-bearing trees are defoliated and uprooted. That process was confirmed by another witness (No. 14).

90. Concerning the legal aspect of the matter, a witness (No. 21) mentioned the following instruments under which, he said, most of the confiscations of Arab lands were conducted:

(i) The Absentee Property Law, adopted by the Knesset on 14 March 1950, which replaced the emergency decrees concerning absentee property issued on 19 December 1948;

(ii) The 1943 under the British mandate and still in use;

(iii) Defence and emergency decrees of 1945, also issued under the British mandate. Under these decrees, the Military Governor can order deportation of people and expropriation of property;

(iv) Emergency regulations on the exploitation of barren lands, published on 15 October 1948, under which the Minister of Agriculture is empowered to seize barren lands if he is “convinced” that its owner does not intend to utilize it for agricultural purposes;

(v) A law relating to the expropriation of real estate during the 1949 emergency period, under which an ad hoc authority may seize any real estate which it believes to be necessary for the national security.

91. With regard to the implementation of the absentee property law mentioned above, it was stated (No. 11) that according to the law, all lands whose owners were not present on 5 June 1967 were considered absentee lands, even when the owner had returned thereafter. All such lands, the witness said, had been put under the authority of the Israeli Custodian of Absentee Property, who collects the rent from the absentee houses.⁴

92. In that connexion some witnesses (Nos. 5 and 17) referred to some cases which had come before an Israel Court. In a recent case, Israeli settlers near Hebron had taken a large piece of land to build 500 housing units. At the request of the Arab owners, the Israeli Court had decided that the decision was illegal, but nevertheless, the settlers had kept the land.

93. Another case in which the Israeli judicial system was involved was reported in the village of Anata near Jerusalem. Following the villagers’ refusal to lease 4,650 dunums of land, the military authorities had closed off the zone with barbed wire. The case had been submitted to the Israeli High Court of Justice which, on 15 January 1979, had agreed to a reduced demand from the Army resulting in the expropriation of 1,740 dunums of fertile land. According to the witness (No. 19), the villagers had not been informed of that decision until 18 March 1979, that is after the 30 days limit to appeal the decision.

94. As to the use of the land seized, witnesses (Nos. 1, 2 and 4) enumerated a number of settlements which they said had been established on the former location of Arab villages.

95. It was also stated (Nos. 1 and 17) that the military authorities or the settlers themselves resorted to various means of pressure to compel the landowners to leave the area, such as repeated imprisonment linked to an offer to release the person concerned if he agreed to depart from the area, obstacles to children's schooling, confiscation and destruction (under the "absentee law") of houses belonging to Palestinians living abroad, an action sometimes assorted with the imprisonment of the tenant who had protested against it (No. 1). Several witnesses referred also in that regard to the control of water as a most powerful means of pressure to compel the inhabitants to leave their property.

96. In that connexion, the water resource policy pursued by the Israelis was frequently mentioned. A witness (No. 4) indicated that as of date the Israelis had drilled some 20 deep boreholes from 300 to 600 metres deep in the Jordan Valley and were pumping an estimated 15 to 17 million cubic metres per year exclusively to irrigate the lands seized for their settlements. A number of these wells had been drilled in close proximity to local Arab springs, contrary to Jordanian laws regulating the drilling of new wells. The impact of those practices had been felt all over the West Bank. In Jericho, the saline content of the water pumped from pre-1967 Arab wells (not as deep as the new wells) had noticeably risen while in many areas the flow of water had drastically diminished, such as in the Wadi Fara basin, the Bardala Basin and the region of Al-Anja, where the spring which used to give 11 million cubic metres per year was now down to a trickle, thus threatening the end of any cultivation for the village.

97. In addition, it had become common practice for the Israeli authorities to limit the amount of water which could be pumped from

pre-1967 wells by installing water meters (Nos. 1 and 9). To emphasize the importance of water resources, another witness (No. 7) referred to military actions conducted by the Israelis before 1967 across the border line against the village of Qalqilia, at which time, he said, 11 artesian wells had been destroyed. Since 1967 when the village was occupied, the Israeli authorities had installed meters on all the wells, thus imposing strict limitations on the use of water. As a result, it was impossible for the Arab inhabitants to carry on any farming but at the same time two Israeli settlements were established in the area. These settlements, each of them with approximately 150 houses, were now equipped with an artesian well with a motor engine and a set of pipelines.

98. The question of whether compensation was given to the deprived landowners was discussed on several occasions. One witness said that the amount offered was merely a tenth of the real value of the property (No. 9); he also added that furthermore this was not the point, since the owners did not want to sell it. That latter view was also expressed by another witness (No. 15). Another witness (No. 22) mentioned two relevant cases. In the first one, the owner had refused any compensation which might be construed as an agreement, but the land had nevertheless been used for a military camp and then gradually transformed into a settlement for civilians. In the second, which referred to an area of 400 dunums, no compensation had been paid to the individual owners.

Jerusalem

99. The situation in Jerusalem was described more extensively by four witnesses (Nos. 15, 16, 18 and 21). One of them (No. 21) recalled that the Israeli Knesset had adopted on 28 June 1967 a decision of “annexation” on the basis of which the following measures were taken:

(i) Abrogation of the Arab Municipal Council of Jerusalem;

- (ii) Elimination of certain municipal services and amalgamation of others with their Israeli counterparts;
- (iii) Application of all Israeli laws to Arab citizens;
- (iv) Closure of the Education Department and transfer of all Arab public schools to the authority of Israel's Ministry of Education, this leading to the use of Israeli curricula including the reading in primary schools of a book entitled I am an Israeli;
- (v) Issuance of Israeli identification cards to all inhabitants;
- (vi) Non-recognition of Jerusalem Islamic Courts;
- (vii) Obligation for professional individuals to register their names with Israeli professional associations;
- (viii) Closure of Arab banks and exclusive use of Israeli currency;
- (ix) Physical transfer to Arab Jerusalem of a number of Israeli ministries and departments.

100. As to the methods used by Israel to judaize the Arab sector, the same witness (No. 21) said that, immediately after the 1967 war, Israel resorted to the demolition, in four different quarters of Jerusalem, of 1,215 houses, 427 shops, 5 mosques, 3 monasteries and 4 schools, i.e. a total of 1,654 buildings. As a result, the witness said, 7,400 inhabitants were forced to leave (another witness, No. 15, referred to "more than 5,000" people). Then a "Jewish Quarter" was established, which as of today contains 320 housing units built on 116 dunums and inhabited by a Jewish settler population of 1,300 persons. Finally, 94,564 dunums of Arab lands situated within the limits of the municipality of Arab Jerusalem were confiscated.

101. Another witness (No. 15) stated that the aim of those expropriations in Jerusalem was to surround with Jewish settlers three specific areas still mainly occupied by Arabs. Such a policy, he said, was a threat to the very presence and existence of Arabs in the city.

102. A number of witnesses (such as No. 18) referred to the archaeological excavations which, he said, although repeatedly condemned by UNESCO, were still continuing, thus inflicting serious damages to Islamic shrines.

103. As to the number of settlements in Jerusalem, a witness (No. 21) indicated that 9 of them had been built within the boundaries of Arab Jerusalem and 10 more within the framework of so-called greater Jerusalem. The same witness concluded his statement, saying that through that policy of settlements Israel's aim was to seize the land and gradually expel its inhabitants. That view was also expressed in various terms by a number of other witnesses.

104. The Commission departed from Amman by road on 26 May 1979.

C. Visit to the Syrian Arab Republic (26-29 May 1979)

(a) Meetings with government officials

105. The Commission arrived in Damascus on 26 May 1979 and was received the following day at the Ministry of Foreign Affairs by Mr. Abdul Halim Khaddam, Deputy Prime Minister and Minister of Foreign Affairs. He was accompanied by Dr. Haitham Keylani, Director of the International Organizations Division and other officials from the Foreign Ministry.

106. The Deputy Prime Minister welcomed the Commission and assured it of the full co-operation of his Government in the implementation of its mandate. All that Syria expected from the

Commission's efforts, he said, was that the truth be established, because truth was more powerful than military force. In that connexion he described Israel's policy of settlements as nothing but the continuation of the aggressive and expansionist practices which had characterized the Zionist movement since its very beginning and which remained the real obstacle to peace. Mr. Khaddam blamed Israel for the current situation and the United States which, he said, bore a share of the responsibility for facilitating Israel's policy of settlement. He also deplored that the United Nations could not take a stronger stand in that regard.

107. Referring to the policies pursued by Egypt and the United States, Mr. Khaddam emphasized that they did not serve the cause of peace in the area. The so-called autonomy envisaged for the Palestinians in the occupied territories in the peace treaty between Israel and the Egyptian régime would apply only to the inhabitants but the land and its resources would remain indefinitely under the authority of Israel. For the Syrian Government, it was clear therefore that such an agreement which did not tackle the real problem could not serve the cause of peace in the area. Dr. Keylani noted in that regard as a further proof of it that the number of Israeli air raids over Lebanon had increased 10 times since the signing of the treaty.

108. In his reply, the Chairman expressed the Commission's appreciation for the welcome extended to it and assured the Deputy Prime Minister that the contents of his statement would be reflected in the Commission's report. He recalled the precise terms of the Commission's mandate and, in that context, stressed the position of all three Governments represented on the Commission as to the question of settlements. Their vote in favour of Security Council resolution 446(1979), he added, was a clear indication of that position.

109. On the same day, 27 May 1979, the Commission held an open meeting with a Syrian delegation composed of Dr. Haitham Keylani, Major-General Adnan Tayara, head of the Syrian delegation at the

Mixed Armistice Commission, Mr. Taker Houssami, Mr. Bechara Kharou and Mrs. Razan Mahfouz, all from the Ministry of Foreign Affairs.

110. Dr. Keylani stated that, in the view of the Syrian Government, Security Council resolution 446 (1979) was a further evidence of the concern with which the international community viewed the explosive situation in the Middle East and that situation was the result of Israel's occupation of Arab territories and its refusal to recognize the national inalienable rights of the Palestinian people. He pointed out that his Government considered that, in a matter which was related to the maintenance of peace and security, it was imperative for the Security Council not only to express concern but to take the relevant measures provided for in Chapter VII of the United Nations Charter.

111. Dr. Keylani observed also that Israel's practices in the occupied territories - in particular the Golan Heights, where towns and villages had been replaced by Israeli settlements - were consistent with the aims of Zionism which involve annexation of occupied territories and the enslavement of the local population.

112. In his reply, the Chairman noted that the purpose of the Commission is coming to Syria was to fulfil to the greatest possible extent the mandate entrusted to it by the Security Council. It had been the intention of the Commission to visit all the parties concerned in the area. However, the possibility for the Commission to go to the occupied Arab territories had to be ruled out because of the attitude of the Government of Israel in that respect. In order to accomplish its task, the Commission resorted to other means of obtaining information. It was in that spirit that the Commission had come to Syria. The information to be provided by the Syrian Government, as well as by the witnesses, would make it possible for the Commission to provide the Security Council with additional information so that the Council, in its persistent efforts to solve the problems of the Middle East, might in the future adopt appropriate measures.

113. A closed meeting was held at which Dr. Keylani presented the position of the Syrian Government with regard to Israeli policy and practices in the occupied Arab territories, in particular the Golan Heights. Following a historical review of the occupation of Palestine by Zionist elements, Dr. Keylani pointed out that immediately after its invasion of the Golan Heights in 1967, Israel started implementing its plan to control the whole area and to expel its inhabitants.

114. The Golan Heights before the occupation had been one of the most prosperous areas in Syria, inhabited by 142,000 people, living in 163 towns and villages. After the occupation, Israel completely destroyed all these towns and villages with the exception of five, namely Majdal-Shams, Akaata, Massaada, Al-Ghajar and Ein-kena, and with the stones from the ruins, Israel built in their place 29 settlements for military and other purposes. The destruction of the town of Quneitra which the Commission was going to visit was an example, he said, of what had happened in the 1,770 square kilometres still occupied by Israel.

115. Dr. Keylani pointed out that, out of a total of 142,000 Syrian inhabitants in the Golan Heights, only 8,000 had remained while 134,000 had been expelled and compelled to take refuge in other parts of Syria, where there were also approximately 250,000 Palestinian refugees. The Golan Heights, he continued, was ruled by a military governor with unlimited authority, including the right to appoint local councils and village mayors and to dismiss them at will. By comparison, in the West Bank, those officials were still elected by the population. In an attempt to annex the occupied area of Israel, the occupation authorities were constantly trying to sever all links between the Syrians remaining in the Golan area and their kin elsewhere in Syria. In fact, the freedom of movement of the remaining inhabitants was restricted even within the five villages. To visit another village, the inhabitants had to obtain from the military Governor a special authorization, which had to be applied for a month

in advance and was valid only for a few hours subjecting the holder to imprisonment and heavy fines in case of violations. Among the measures taken by the occupation authorities which affected more specially the conditions of life in the occupied territories were the imposition of all Israeli laws, the expropriation of large areas of agricultural land for so-called reasons of security, and the refusal to respond to humanitarian appeals by the International Red Cross, among others, for the reunification of families.

116. Commenting on the education policies of the occupation authorities in the Golan Heights, Dr. Keylani said that all Arabic curricula had been replaced with Israeli curricula and the teaching of Hebrew imposed in primary schools. Of the many primary and secondary schools which existed before, only seven primary schools and one secondary school had been allowed to continue functioning. Syrian graduates of the secondary school were not permitted to pursue their higher education in Syrian universities because the aim of the Israeli authorities was to channel these youths into the labour force needed in Israeli factories. Only after repeated efforts and intervention by the International Red Cross were a few students allowed to register in the Syrian universities. Other measures taken by the occupation authorities in the field of education in the Golan Heights included the intimidation and dismissal of qualified Arab teachers; and educational courses which were compulsory for the 8,000 Syrian inhabitants and aimed at indoctrinating them to serve the aims and purposes of zionism and the Israeli policies. Further information, said Dr. Keylani, on the educational system imposed by the Israelis in the Golan Heights could be found in the reports published by UNESCO, in particular, in documents No. 20/C/113 of 28 September 1978 and document No. 104 EX/52.

117. Turning to the question of the geographical changes that had taken place in the Golan Heights as a result of the occupation, Dr. Keylani stated that the whole area had been turned into a military fortress with 29 settlements, a synagogue, a military museum, as well

as new roads which are used essentially for military purposes. He recalled by comparison the agricultural prosperity of that area before Israel's occupation.

118. On the question of military rule in the Golan Heights, Dr. Keylani noted that Israel had established a military court in Tiberias to administer Israeli laws over the Golan Heights. Ninety-five per cent of the judgements, he said, delivered by the court related to so-called security matters for which the sentence was life imprisonment or hard labour for life with no possibility of appeal.

119. As to the settlements, Dr. Keylani stated that the 1979 budget of Israel showed the allocations set aside for expanding 11 of the existing 29 settlements. In that connexion, according to a statement by the Israeli Chief of Administration of Settlements, Israel intended to establish, in 1979, 20 new settlements, 5 of which would be in the Golan Heights and it would take over all the necessary land in order to settle 58,000 families thereon over a period of five years.

120. To be able to pursue that policy Israel had succeeded in expelling most of the inhabitants of the Golan Heights through various means, including restriction of movement, threats, intimidation, burning of crops, depriving them of their means of livelihood and imposing on them heavy taxation beyond their means. He also pointed out that those settlements were all military fortresses and that the settlers, who were from Al-Jadna, a military-agricultural organization that worked in liaison with the Israeli army, were of military age. This, he said was an additional means of pressure on an unarmed population.

121. With regard to the nature of the Israeli settlements, he expressed the conviction of his Government that these settlements were meant to be permanent, as confirmed by statements made by various Israeli officials and by the slogan which Israel had applied to the Golan Heights since 1967, namely "Security before peace". Although the Golan Heights area was included in the security and defence plans of

Israel, Dr. Keylani said, security was only a pretext to annex the region since all the relevant United Nations documents indicated that before 1967 the Syrian Army artillery fired only on Israeli military bulldozers entering the no-man's land between Israel and Syria and not on any Israeli settlements.

122. Referring to the differences in the policy of Israel regarding the various Arab territories under occupation, Dr. Keylani observed that Israeli practices varied according to Israel's goals and to the size of the population in each territory. In the Golan Heights, Israel had achieved the following objectives: evacuation of the area by almost all its inhabitants; thwarting of any armed resistance by the remaining inhabitants; reduction to a minimum of the number of violations of human rights, given the small number of inhabitants remaining in the area; exploitation of expropriated fertile lands for Israel's benefit; and establishment of a military zone to defend Israel against Syria. In connexion with the evacuation of inhabitants, he recalled that in 1967 the Syrian inhabitants wanted to stay in the Golan Heights but that they had been forcibly driven out. For example, in the town of Quneitra, Israel had compelled the inhabitants to leave the area at night through minefields, thereby causing heavy casualties.

123. In the course of the exchange of views that ensued, Dr. Keylani said, that, between 1967 and 1973, Israeli authorities had attempted to impose Israeli citizenship on the Syrian inhabitants. Having met with categorical resistance in that regard, they had continued to deny them the attributes of Syrian citizenship and, furthermore, since 1973, they had imposed Israeli citizenship on the Syrian children born under occupation, in the belief that with time the opposition would disappear.

124. On the question of religion, Dr. Keylani noted that the deliberate destruction of the mosque, particularly in Quneitra, was meant to humiliate the inhabitants and leave them with no choice but to conduct their prayers at home.

125. As to Jerusalem, it was, he said, a sacred Arab Moslem city with the same status as that of any other part of the occupied territories. That occupied city must be liberated and returned to the Palestinian people. Syria would not accept that a single inch of Arab territory, including Jerusalem, would remain under Israeli occupation and, in that regard, it supported the resolutions of the General Assembly and the Security Council on the matter.

(b) Visit to Quneitra

126. On 28 May 1979, the Commission visited the location of the town of Quneitra in the Golan Heights.

127. Major-General Adnan Tayara who led the visit recalled that Quneitra and the surrounding area had been taken over by Israel in June 1967 and were returned to Syria in 1974.

128. During the visit through the ruins of the city, the Commission was acquainted with the situation that was reported in 1977 to the General Assembly by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories in its "Report on damage at Quneitra".⁵ It was on the basis of that report, that the General Assembly, on 13 December 1977, adopted resolution 32/91 by which it condemned the "massive, deliberate destruction of Quneitra perpetrated during the Israeli occupation".

129. During that visit, the Syrian authorities pointed out to the Commission several Israeli settlements beyond the area of separation which, they said, were established on land belonging to the city of Quneitra where agricultural work was in progress.

(c) Hearings

130. In addition to the working meeting with the Syrian delegation, the Commission held a number of hearings. Among the witnesses who appeared before the Commission there were three members of the Palestine Liberation Organizations, whose statements are reported in part II (F) below.

131. Thirteen other witnesses testified. Among them, a professor of geography (No. 23) briefed the Commission on the economic situation of the Golan Heights before 1967. He pointed out that the region was one of the most prosperous of Syria. The number of inhabitants was about 150,000 with a density of 90 per square kilometre.

132. The arable area amounted to 107,000 hectares. The witness gave figures concerning the various kinds of soil cultivation, fruit-bearing trees and livestock to bear out his assertion that the region, despite its small size, used to produce 10 per cent of the total output of the country.

133. The other witnesses were former inhabitants of the Golan Heights, most of them from Quneitra. Seven of them (Nos. 29, 30, 31, 32, 33, 34 and 35) were municipal officials at the time the Israeli forces entered the region. They concurred in saying that all sorts of pressure including threats of death had been used by the Israelis to make the inhabitants leave the area. Villages had been destroyed, sometimes in the presence of the inhabitants (Nos. 31 and 32) and people had been taken in motor vehicles and dropped at the separation line (Nos. 31, 32 and 33) to compel them to leave.

134. A witness (No. 24) who said that he had seen Israeli bulldozers destroy Arab agglomerations, reported also that he had seen a number of Israeli settlements built on the former location of Arab villages; of which he gave the names.

135. Another witness (No. 29) said that even now, Arab students from the occupied area in the Golan Heights were prevented from pursuing their higher education in Syrian universities. He added that those who, through the mediation of the Red Cross, had been allowed to do so had been prevented from returning to their homes.

D. Visit to Lebanon (29-30 May 1979)

136. From Damascus, the Commission flew to Beirut on 25 May 1979.

137. The same morning the Commission was received by Mr. Fouad Boutros, Minister for Foreign Affairs. Three members of the Foreign Ministry were also present.

138. The Foreign Minister welcomed the Commission and expressed the hope that its report would assist the Security Council in its efforts to promote the law of equity and justice, the right of peoples to self-determination and the compliance of Member States with their obligations under the United Nations Charter and international law.

139. Although not directly involved in the tasks of the Commission, he said Lebanon welcomed any effort that could facilitate the return of the Palestinians to their homeland. For its part, Lebanon had felt it its duty to receive on its soil many Palestinian refugees and it was satisfied to have been in a position to assist them in their plight. However, the present disruption which Lebanon was experiencing was linked to that very hospitality. This was therefore one more reason for the Lebanese Government to assure the Commission of its wishes of success in the implementation of the mandate assigned to it by the Security Council.

140. Regarding the situation in southern Lebanon, Mr. Boutros said that the continuous intensive bombardment by Israel was causing a human tragedy of disastrous dimensions at that time. About 100,000

persons had been forced to flee to the north from the Tyre area. In the present circumstances, he said, Lebanon welcomed the presence of UNIFIL; it only wished that the mandate of the Force were such that it could better tackle the situation.

141. Summing up the position of his Government, the Foreign Minister emphasized that Lebanon had no problem of frontiers with Israel or of directly occupied territories. However, it could not be indifferent to the question of Israeli settlements established in occupied Arab territories - given the very large number of Palestinians who had taken refuge in Lebanon - or to that of the over-all solution of the Middle East conflict, to which it was a party.

142. The Lebanese Government entirely supported the position of the Arab States concerned. It considered that the establishment of settlements, which in itself was contrary to the norms of international law, aggravated the situation prevailing in the region, gave rise to new causes of discord and new human problems and constituted an obstacle to the return of the Palestinians to their homeland.

143. It also considered that the return of the Palestinians to their homeland, apart from being a necessity for a country like Lebanon, which could not absorb the large number of refugees living in its territory, was the first of the legitimate rights of the Palestinian people, respect for which was called for in Security Council resolutions 242(1967) and 338 (1973) and in the Soviet-United States communiqué of 1 October 1977.

144. For these reasons Lebanon, which had already on several occasions officially proclaimed, through its Head of State and its accredited representatives in international forums, its refusal to accept the settlement of Palestinians in its territory, reaffirmed its position and its point of view concerning the need to overcome all obstacles, including settlements, that were likely to impede the exercise of the right of the Palestinians to return to their homes.

145. The Chairman said that the Commission had taken due note of the position stated by the Foreign Minister, which would be reflected in its report. He added that although, as stated by the Foreign Minister, the mandate of the Commission did not in a precise way directly apply to Lebanon, it had a bearing on it because Lebanon was a neighbouring country to the occupied territories and gave refuge to an ever-increasing number of Palestinian refugees. The Chairman thanked, therefore, the Foreign Minister for the interest shown by the Lebanese Government in the Commission's efforts.

146. On the same day, the members of the Commission were also received by the Prime Minister of Lebanon, Mr. Salim Al Hoss.

147. Mr. Al Hoss welcomed the Commission and said that Lebanon was concerned by its mandate inasmuch as it dealt with the general situation in the Middle East. Noting with regret that all efforts aimed at settling the Middle East problem and most particularly the Palestinian question which is at its core, had so far been unsuccessful, the Prime Minister pointed out that Israel's policy with respect to settlements was still complicating the problem.

148. Such a settlement policy was significant, he said, not only in its immediate effects on the occupied territories, but even more so in its future implications in that it made it clear that Israel's intention was to settle in those territories on a permanent basis.

149. At the present time, Lebanon was the country most directly affected by the situation in the Middle East. The acute human problem created by Israel's actions in southern Lebanon was no less tragic than its policy of settlements in the occupied territories. The Israelis no longer even looked for pretexts, as was the case in the past and, contrary to their allegations, Lebanese civilians were their daily targets.

150. Expressing again his wishes for the success of the mission, which he saw as a renewed effort toward peace, the Prime Minister assured the members of the full support of his Government and offered any assistance which the Commission might need in the performance of its tasks.

151. The Chairman expressed appreciation for the welcome received by the Commission and assured the Prime Minister of the desire of the Commission to implement as fully as possible the mandate assigned to it by the Security Council.

152. During its stay in Beirut, the Commission also met Mr. Yasser Arafat, Chairman of the Palestine Liberation Organization. That meeting is reported upon in Chapter II.F below.

E. Visit to the Arab Republic of Egypt (30 May - 1 June 1979)

(a) Meetings with government officials

153. The Commission arrived in Cairo on 30 May 1979. In the evening of the same day, the Commission was received by Dr. Boutros Ghali, Minister of State for Foreign Affairs, who was accompanied by Mr. Ahmed Khalil, Under-Secretary for Foreign Affairs, Ambassador Ezz Eldin Sharaf, Director, Palestine Department, Ambassador Ahmed Maher, Chef de Cabinet of the Foreign Minister, Ambassador Ala Eldin Khariat, Chef de Cabinet of the Minister of State, Mr. Amre Moussa, Director, International Organizations Department, Mr. Abdel Moneim Ghoneim, Cabinet of the Minister of Foreign Affairs, Mr. Said el Masri, Cabinet of the Minister of State, Mr. Mohamed El Dinang, and Ms. Leila Emara, both from the Foreign Ministry.

154. The Minister of State for Foreign Affairs said that Egypt welcomed the Commission most warmly, not only because of Cairo's interest in the United Nations and its role in the achievement of peace but also because of the Commission's mandate, which matched

Egypt's concern regarding the settlement policy of Israel.

155. Dr. Boutros Ghali stated that the Egyptian Government had informed the United States and Israel that it condemned the settlement policy and insisted that those settlements should be removed. This had been achieved in the case of the settlements established in Sinai, and for its part, Egypt would endeavour to have them removed from all the Arab territories, including Arab Jerusalem.

156. Dr. Ghali emphasized that Egypt's aim in the peace process was not the conclusion of a bilateral peace treaty with Israel but a comprehensive peace treaty in the area and the attainment of the settlement of the Arab-Israel conflict in all its aspects. In this connexion, he noted that the Camp David framework agreement set out the principles and procedures for a series of negotiations leading to peace between Israel and each of its Arab neighbours. In the Egypt-Israel peace treaty, Israel had accepted Security Council resolution 242 (1967) and thereby the principle of dissolution of its settlements. That principle had to be applied also in other peace treaties to be concluded between Israel and its other Arab neighbours.

157. In the course of the exchange of views which ensued, Dr. Ghali stated that Arab Jerusalem was an integral part of the West Bank and that Israel must withdraw therefrom. He said that the attainment of a comprehensive peace in the area involved two types of negotiation: negotiation regarding withdrawal of Israel from Sinai and negotiations concerning the future of the West Bank, including Arab Jerusalem, and of the Gaza Strip. Until a Palestinian authority could be created, what was required was a moratorium on Israeli declarations that there would be more settlements.

158. In conclusion, the Minister of State for Foreign Affairs summed up Egypt's position regarding the problem of settlements as follows: (i) the establishment of the settlements constituted a fundamental obstacle to peace and Egypt condemned that policy; (ii) the Hague

Convention signed in 1949 stipulated that it was inadmissible to change the character of occupied territories and any contrary measures were illegal; (iii) Egypt had confirmed this position during the first Camp David discussions and had sent an official letter in that respect to President Carter of the United States on 17 September 1978 requesting his support to obtain the removal of all the settlements; (iv) Egypt had demanded and would continue to demand during the coming negotiations on autonomy that the settlements be stopped and removed from the West Bank and Gaza Strip.

159. The Chairman expressed the appreciation of the Commission's members for the welcome they had received and reiterated the position of the Commission concerning its mandate and the problems which derived from the fact that the Commission could not go to the occupied territories. The Commission, he added, was grateful to the Minister of State for Foreign Affairs for the data thus provided to it and for stating the position of his Government with regard to the Israeli settlements.

160. On 31 May, the members of the Commission were received by the Prime Minister and Minister of Foreign Affairs, Dr. Mostafa Khalil. Also present at the meeting were Ambassador Ahmed Tewfik Khalil, Under-Secretary, Ministry of Foreign Affairs, and Ms. Leila Emara, Ministry of Foreign Affairs.

161. The Prime Minister declared that Egypt regarded the establishment of the settlements as an illegal act incompatible with the resolutions of the United Nations and in no way conducive to the cause of peace and stability in the region. Israel had no right to establish those settlements, he said, and their creation in the West Bank and Gaza Strip constituted a serious problem and impeded the efforts currently made to bring about a just and comprehensive peace in the Middle East.

162. Referring to the Israeli settlements in the Sinai on land previously reclaimed from the Egyptian Government, which he said were to be removed after the second phase of Israeli withdrawal from the Sinai, the Prime Minister observed that those settlements could serve no military purpose as the area would be demilitarized. If those settlements were to serve a civilian purpose, the Prime Minister drew attention to the difficulties the settlers would face once Egypt resumed the exercise of its full sovereignty over the Sinai since, under Egyptian law, foreigners could not own agricultural lands. Noting that the number of settlers in the Sinai was somewhere around 4,300 to 4,500 people, he pointed out that in comparison to Egypt's population of some 40 million, that number of settlers was insignificant. The real question was the meaning and intention behind those settlements, the question of the right of the settlers to retain their identity and the question of establishing a precedent.

163. Dr. Mostafa Khalil recalled that international law and United Nations resolutions forbade the retention of territories acquired by conquest and also proscribed the exploitation of the resources of such territories during the period of occupation. He pointed out that the framework laid down in the Camp David agreements was based on Security Council resolutions 242 and 338; this clearly meant that Egypt rejected the pretext of retaining territory in order to obtain security since security could be guaranteed in accordance with agreed arrangements, as was happening in Sinai, without recourse to the establishment of settlements.

164. The Prime Minister expressed his concern that the settlements would constitute a future obstacle to the negotiations on self-determination which he said the Palestinians were to conduct three years after the establishment of autonomy in the West Bank and the Gaza Strip.

165. Regarding the present status of Jerusalem, the Prime Minister told the Commission that Arab Jerusalem was part of the West Bank and that the area containing the holy places should be open to all faiths. He affirmed that the Palestinians alone, and no other party, should decide their future and he expressed his conviction that, for the Palestinians, the negotiations on autonomy would represent the beginning of the road towards self-determination.

166. The Chairman thanked the Prime Minister for the opportunity afforded the Commission to acquaint itself with the position of the Egyptian Government on the question of settlements and assured him that the substance of his statement would be reported to the Security Council.

(b) Hearings

167. On 31 May the Commission held a meeting in Cairo during which it heard seven witnesses.

168. In their statements, the first two witnesses introduced themselves as Mr. Yehia Aboubakr, Information Director, League of Arab States (No. 36) and Mr. Ibrahim Shukrallah, Director of the Political Department, League of Arab States (No. 37). Both emphasized that the destruction of Arab villages and the establishment of Jewish settlements were interrelated. According to the figures available to their organizations, some 500 Arab villages had already been destroyed for that purpose. They gave specific cases as examples of that policy particularly in the Gaza Strip. They emphasized that that policy, which was a flagrant aggression against human rights, constituted a major obstacle to the establishment of peace. The situation was specially grave, they said, because of the clear intention of Israel to establish new settlements.

169. This intention had been stated in particular by the Israeli Minister for Agriculture - also Chairman of the Ministerial Committee for Settlements - who had spoken about several plans such as the increase from 25 to 50 the number of Israeli settlements in the Jordan Valley; to establish a belt of settlements between the occupied Gaza Strip and the liberated Egyptian Sinai and to encircle Jerusalem with Jewish settlements in order to increase the population of the city to 1 million inhabitants.

170. In addition to the establishment of new settlements, they noted that the policy to strengthen and enlarge the existing settlements had been advocated repeatedly by Israeli officials. Thus the Israeli Minister of Defence, Mr. Weizman, had recently announced a plan for the creation between Jerusalem and Ramallah of a large settlement town to be called "Gabaon".

171. That official attitude was still reinforced by the actions of private groups such as the Gush Emunim group, which acquired lands for further settlements. That group, they said, worked hand-in-glove with the Government, and the financing of its operations was partly provided by official Government circles. As to the method used for that purpose, the group would send some of its members during the night to the location concerned. They would build primitive housing in which they would establish residence and gradually would increase their number to the moment when a fait accompli had been established.

172. By implementing that policy, Israel has forced the Palestinians into dispersion, forfeiting their right to return. Some of those who remained had been thrown into jail under various pretexts. As to the peasantry, they had been turned into a mobile army of unskilled or semi-skilled labourers that could easily be persuaded to emigrate.

173. But while the Israelis numbered a little over 3 million, the witness said, Arabs were still the majority in the North, the West Bank and the Gaza Strip. Therefore, to fail to redress such a grave injustice would just keep the cause of contention alive.

174. The Chairman stated that the Commission had taken note of the statements made by the two witnesses in the same way it had taken note of statements made during its visits to other Arab countries when other witnesses were presented to it. The fact that the witnesses had stated that they belonged to the Arab League would not imply, however, on the part of the Security Council Commission any involvement in the dispute related to the location of the League headquarters.

175. The four other witnesses (Nos. 38, 39, 40 and 41) referred essentially to the situation in Gaza. One of them (No. 38) described the area as being 45 kilometres long and 8 kilometres wide; half of it, he said, was built up with houses, another quarter bore citrus plantations and the remaining quarter was inhabited by some 500,000 Arabs.

176. Another witness (No. 41) stated that five Israeli settlements had been established on some 12,000 dunums of land. Roads had also been built on Arab land and the owners, said another witness (No. 38), rejected any offer of compensation.

177. Some witnesses referred to different sorts of pressure exerted against the inhabitants to compel them to leave. A witness (No. 41) said that, for example, an Israeli would knock at a door at night, saying that he was an Arab commando and asking refuge. He would stay one hour or two and later on the inhabitant would be arrested and expelled. Another possibility was for the Israeli authorities to grant an authorization to visit relatives outside the Strip but not let the inhabitant return. A reference was made also to the control of water through meters fixed on wells to limit the supply; the water would be

completely shut off if the consumption exceeded the fixed limit (No. 38), thus compelling the inhabitant to leave.

178. The same witness recalled that when Israeli troops entered the Strip in 1967, they encircled the villages, put the men aged 15 to 30 on trucks and took them to Egypt, thereby expelling some 12,000 young men who were never allowed to return.

179. Another witness (No. 39) stated that the purpose of the settlements in addition to changing the demographic nature of the area was to terrorize the inhabitants. Those settlements, he said, were heavily armed while the local inhabitants had no weapons. Friction and clashes among the two groups left many victims among the Palestinians.

180. As to the procedure followed by the Israeli authorities to establish or extend their settlements, a witness (No. 41), who said that he had left Gaza one month before, stated that when the Eretz settlement had decided to build a road leading to the seashore, the Israelis confiscated his land with its vineyards and also took over several buildings which the United Nations had built for the refugees. In one of those buildings which, the witness said, still belonged to UNRWA, the inhabitants were given 24 hours to leave before it was destroyed.

181. Mr. Ali Khalil, representative of the United Nations Association (No. 42) made an appeal to the Commission to help the Security Council deal with the question of settlements which he emphasized was an obstacle on the road to peace.

(c) Private meeting

182. During its stay in Cairo, the Commission had an opportunity to exchange views with Dr. Hafez Ghanim, Chairman of the International Law Association and other members of the Association.

183. Among other points, Dr. Ghanim and his colleagues drew particular attention to the illegality of the establishment of settlements in occupied territories with regard to international law. They also questioned the validity of the status and functions of the Office of the Custodian of Absentee Property, which was established in Israel by law in 1950. Dr. Ghanim emphasized that that official was given a free hand over such properties, which could then be disposed of at the whim of the Custodian.

184. The Chairman expressed appreciation to Dr. Ghanim and the other members of the Association for their informative briefing.

F. Statements by the Chairman of the Palestine Liberation Organization (PLO) and other officials of that organization

185. In the course of its visit to the area, the members of the Commission had several exchanges of views with representatives of PLO. In Damascus, on 27 May, the Commission heard a statement by Mr. Najib Al Ahmad, Special Representative, Political Department and, the following day, statements were also made by Mr. Habib Kahwaji, and Mr. Abdul Muhsen Abou Meizar, both members of the Executive Committee. Moreover, in Beirut, on 30 May, the Commission had a private meeting with Mr. Yasser Arafat, Chairman of the Palestine Liberation Organization.

186. In his statement, Chairman Arafat said that the Israeli Defence Minister had recently confirmed his previous declaration that the Israelis wanted to destroy the Palestinians and that the shelling in southern Lebanon would not stop as long as that goal had not been reached. This, he said, explained the daily killing of children and destruction of schools by fragmentation bombs, although their use was forbidden by international law.⁶

187. As a result of those developments, the number of refugees in Lebanon had increased up to some 600,000 of which 150,000 were Palestinians and 450,000 Lebanese. The PLO had to fight not with a view to attacking but just to defend its people. Inside Palestine, the Palestinians who were still there were treated like slaves. They were under the control of the occupation forces for every way of life including the amount of water they are allowed to use in their villages, because water was allocated by priority to Israeli settlements. Meanwhile, Chairman Arafat said the Palestinians who were compelled to leave their country are now used as experimental targets for all new types of those weapons provided to Israel by the United States.

188. Chairman Arafat pointed out the distress of the Palestinian refugees who had been uprooted from their own land and stripped from their national identity. He referred to their daily problems concerning, for instance, the obtaining of a passport or how their children could go to school. Many new-born children, he said, were not even reported because their parents lacked the necessary papers. It was said indeed that in such circumstances the international community did not take the sort of strong action which could remedy the situation.

189. As to the Camp David agreement, Chairman Arafat said that while it specified that the Israelis should not attack the Jordanians or the Syrians, it did not mention the Palestinians. That omission implied an invitation to Israel to attack the Palestinians; clearly the Israelis were responding to it.

190. More trouble would come up, he said. But in the long run, PLO would succeed just like the many other leaders who, after acting as liberation fighters were now representing their own countries at United Nations Headquarters.

191. In the present context the development of Israeli settlements was the centre of the matter, he said. Most of the refugees had to leave their country because Israelis wanted their lands. And now the trend was increasing and the establishment of new settlements demonstrated Israel's policy of colonizing the occupied territories and banning for ever the return of the Palestinian refugees, in violation of United Nations resolutions.

192. For that reason, PLO was hoping very sincerely that the Commission would be successful in its tasks which, it was to be hoped, would bring peace despite Israel's refusal to co-operate with it.

193. The Chairman of the Commission thanked Mr. Arafat for his informative briefing and assured him that the Commission would do its utmost to fulfil faithfully its mandate.

194. When at another meeting Mr. Najib, Special Representative of the PLO addressed the Commission in Damascus, he pointed out that for the establishment of the settlements on Arab lands in the West Bank, the Israeli Government had allocated half a billion Israeli pounds for the year 1979. Moreover, it had been decided, he said, to build 20 Israeli settlements in the West Bank in 1980 and 45 within the next five years to accommodate 58,000 Jewish families.

195. Mr. Al Ahmad then gave an account of the practices used by authorities to compel Arab inhabitants to leave their lands. Thus the Arabs were prevented from digging any artesian wells without special authorization, which was difficult to obtain. The owners of the wells were compelled to install water meters and could irrigate their land only with the amount of water allocated to them and only during specified hours. That practice led to a decrease in agricultural production, which compelled the owners to abandon their lands. He referred also to acts of destruction or damage to Arab water pumps perpetrated by the Israeli settlers to prevent the Arabs from irrigating their land and further noted that Arabs in the West Bank and the Gaza

Strip needed a special authorization to plant trees or replace those previously planted.

196. Mr. Al Ahmad challenged the Israeli Government claim that it established the settlements only on public lands. He referred to his own experience in 1948 when Israel occupied 90 per cent of the land of his native village, Romana, and in 1967 when it occupied the rest. Mr. Al Ahmad was then put in jail, for security reasons, and after spending 13 months in prison he was expelled with his family.

197. In that connexion, the witness gave some information on the treatment of prisoners in the occupied territories. He also noted that more than 2,000 Arabs had been forcefully deported without even the use of indirect ways of pressure. A large number of these deported people, he said, were professionals such as physicians, engineers, teachers and lawyers.

198. Mr. Al Ahmad also drew attention to the fact that 2,875 Arab houses had been blown up for so called security reasons.

199. Mr. Habib Kahwaji, member of the Executive Committee of PLO who indicated that he was expelled from the West Bank, said that, under the pretext of maintaining security, the Israeli authorities had embarked upon a programme of gradual judaization of the occupied territories. This was pursued through the creation of a wall of settlements between those territories and neighbouring Arab States; the fragmentation of the territorial unity of the West Bank and the Gaza Strip into small areas isolated from each other by Jewish settlements; and the isolation of major Arab cities in the area from their natural Arab surroundings.

200. Over the past 12 years, in order to acquire the lands needed for its settlements in the West Bank and the Gaza Strip, Israel had seized an area equivalent to more than one quarter of the total area of both territories.

201. The various ways resorted to by the Israeli occupation authorities to seize Arab lands included the following:

- (i) Acquisition of public lands allocated for public facilities or for the expansion of municipal zones;
- (ii) Expropriation of privately-owned lands by invoking the Emergency Law introduced by the British Mandate Government. This law as revised by the Israeli authorized military governors to declare certain areas as zones closed for military purposes;
- (iii) The use of the Absentees' Property Law of 1950;
- (iv) The compulsory purchase of Arab lands, which consisted of seizing privately owned land, then having the owners appear before the military administration official to sign the sale contracts, prepared in advance;
- (v) The purchase of land through firms set up abroad either by the Jewish National Fund (JNF) or the Israeli Real Estate Department, such as the Rimanota firms, an American enterprise owned by JNF; and
- (vi) The seizure of lands under the pretext that they used to be owned by JNF before 1948.

202. Through these various methods of seizure and confiscation, over 60 per cent of the arable lands of the Jordan Valley, namely, 95,000 dunums, had been seized. In the Hebron area, in addition to public lands, the occupation authorities had expropriated 1,000 dunums in 1968 to set up the settlement of Qiryat Arba, another 1,000 dunums of the Samou' village lands, 230 dunums belonging to the Bank Naeem village in 1975 and about 160 dunums in Hebron itself in 1979.

203. Several thousand dunums had also been seized in the Gosh Etzion area on the Bethlehem-Hebron road, where five settlements were set up. The latest confiscation in this area had happened in the Sheikh Abdulla hill, to the east of Kfar Etzion and south of Bethlehem, where several hundred dunums were seized to be used for a new Jewish town called Efrat. Last year, an area of 60,000 dunums in the Beit Sahor area, to the south of Jerusalem, was closed and fenced.

204. When Israel made its decision to annex Arab Jerusalem in 1967, the outskirts of the city, including an area of 70,000, were also annexed. In the autumn of 1971, Israel closed other lands covering about 70,000 dunums. These lands ranged from Beit Sahor in the south, through Al-Khan Al-Ahmar on the Jerusalem-Jericho road, in the east, to the village of Anata in the north. Inside the city of Jerusalem itself 18,000 dunums were seized. In 1976, a 1,000-dunum area in the Abu Dais village and 750 dunums in the village of Aizariah were expropriated, and 1,000 dunums in the Beit Or village and 800 in the Jila mountain near Beit Jala were closed. Several thousand additional dunums had already been closed in the village of Salwan. Last year the Israeli authorities closed and fenced some 4,000 dunums of the lands of the Anata village to the north of Jerusalem.

205. The same happened in the Ramallah area where, since 1970, the occupation authorities had closed 2,400 dunums in the Al-Beera vicinity, to which were added 1,500 dunums in Jabal El-Taweel, near Al-Beera. In July 1978, lands totalling 7,000 dunums were closed in the same area, half of them belonging to Al-Beera and the other half to the villages of Yabrood and Dora El-Qar'a. Meanwhile, some 600 dunums were expropriated in the village close to the Ofira settlement to the east of Ramallah and other areas, in the village of Qaryoot and Tar Mas'iyah, were expropriated and annexed to the settlement of Shila. Almost at the same time, about 200 dunums in the Nabi Salih village, to the northwest of Ramallah, were seized for the purpose of setting up a new settlement there. The same also happened in the

Nablus area. In the same year about 1,000 dunums in the village of Tobas, near Nablus, were seized.

206. As to the Jewish settlement plans for the future, the witness stated that the Minister of Agriculture and Head of the Ministerial Committee for Settlements, Ariel Sharon, had stressed the necessity of transforming Jerusalem into a city with 1 million Jewish inhabitants within 20 years, surrounded by other smaller Jewish towns.

207. Last year, he said the Head of the Settlement Department of the Jewish Agency, Paanan Weitz, submitted to Israeli Prime Minister Begin, a comprehensive settlement plan for the establishment of 102 settlements by 1983, half of which is to be established in the occupied territories. Mr. Weitz expected this plan to absorb 10,000 Jewish families. Mr. Metitiah Drobless, the Co-Chairman of the Jewish Agencies Settlement Department, explained that, according to this plan, 46 new settlements would be established within five years in the West Bank alone.

208. The witness went on to say that last February, the Israeli Government approved a plan set by the Planning Office in the Jewish Agency's Settlement Department for supplying water from the Lake of Tiberias to a Jewish settlement site in the Jordan Valley and developing a main road to connect the northern part of occupied Palestine with Jerusalem across the eastern slopes of the Nablus Mountains. This plan aimed at the implantation of a wide range of Jewish settlements on the eastern slopes of the Nablus Mountains and the establishment of 33 settlements to absorb 20,000 settlers within four years. The cost of such a plan was estimated by the Israelis at £1 5 billion.

209. For 1979, the Israeli circles were considering the establishment of 10 new settlements in the West Bank and one south of the Gaza Strip. An Israeli official source had announced on 5 December 1978, that by the end of the settlement freezing period, two new settlements

would be established in the Jordan Valley and another in the Latroun area - that is on the boundary between Jaffa and Jerusalem - at the first stage. At the second stage, it was intended to establish three further settlements in the Jordan Valley. He also pointed out that the Israeli Government had approved a budget of £I 711 million for the improvement and expansion of the present settlements in occupied territories. Later on, the Israeli Government had approved an extra budget of £I 1 billion Israeli lira for further care of the occupied territories' settlements.

210. Mr. Abdul Muhsen Abou Meizar, member of the PLO Executive Committee, said that, as a Jerusalem attorney, he had been a member of the municipality of that city and a member of its Town Planning Committee. Until his deportation he also had been a member of the High Islamic Council.

211. The witness described some of Israel's practices in the occupied Arab territories, which, he said, were in clear violation of the 1949 Geneva Conventions, in particular of articles 2, 4, 27, 47 and 49 of the Fourth Convention. As to the settlement policy, he said that it was in flagrant contravention of article 4. Similarly, the annexation of Jerusalem in 1967 was in contradiction to article 47 of the Fourth Geneva Convention.

212. Contrary to Israel's allegation that the Jewish settlements constituted a private activity on the part of Israeli citizens, it was clear, from the many official statements on the matter, that it was in fact the policy of the Government. Its aim was the judaization of Palestine through the annexation of lands, the expulsion of the Palestinian inhabitants, and the containment and isolation of the remaining Palestinian agglomerations.

III. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

213. When it set out to accomplish the task entrusted to it by the Security Council, i.e., “to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem”, the Commission sought as a matter of priority to secure the co-operation of all the parties concerned, in order to carry out its mandate objectively and comprehensively.

214. The Commission felt in that connexion that a visit to the area would be most useful to its work.

215. The Commission, although aware of the views already expressed by the Israeli Government in that matter, made persistent efforts at various levels to secure the co-operation of that Government. As related in chapter I of this report, the Commission was much disappointed by Israel’s negative response to its approach. It noted in that regard that Israel’s attitude deprived the Commission not only of the possibility of examining in situ the situation relating to settlements in the occupied territories but also of any opportunity to receive from the Government of Israel the explanations and comments which would have been useful to the Commission in its efforts to assess the situation.

217. Having spared no effort to obtain information from a variety of sources, the Commission believes that the present report contains a fairly accurate assessment of the prevailing situation it was entrusted to examine.

217. Nevertheless, the Commission, having spared no effort to obtain information from a variety of sources, believes that the present report contains a fairly accurate assessment of the prevailing situation it was entrusted to examine.

218. In its endeavour to fulfil its mandate, the Commission felt that it could assist the Council inter alia by: (a) bringing up to date the basic information already at the disposal of the Council; (b) determining the consequences of the settlement policy on the local Arab population; and (c) assessing the impact of that policy and its consequences with regard to “the urgent need to achieve a comprehensive, just and lasting peace in the Middle East” stressed by the Security Council in the preambular part of resolution 446 (1979), under which the Commission was created.

219. In drawing its conclusions the Commission did not attribute the same value to every piece of information it had obtained, but evaluated its significance freely and critically, in accordance with: its relevance to the accomplishment of the mandate of the Commission and its accuracy as determined by its coherence and by the documentary evidence rendered by the witnesses as supplement to their statements.

(a) Recent information on the settlements

220. According to the figures obtained, there are altogether in the occupied territories 133 settlements, including 17 in and around Jerusalem, 62 in the West Bank, 29 in the Golan Heights and 25 in the Gaza Strip and the Sinai.

221. The population of those settlements varies in number, probably depending on the policy purposes predetermined for each settlement. In the area of Jerusalem and the West Bank where the establishment of settlements has been the most intensive, the number of settlers has reached approximately 90,000, while in the Sinai their number would be under 5,000.

222. The land seized by the Israeli authorities as a whole, either specifically for the establishment of those settlements or for other stated reasons, covers 27 per cent of the occupied West Bank and the quasi-totality of the Golan Heights.

223. On the basis of the information received, the Commission is convinced that a number of settlements were established on privately-owned land and not only on public land.

224. Many of those settlements are of a military nature, either officially placed under the control of the Israeli army or de facto with a settler population of military age. Moreover, those settlers are said to have at their disposal military weapons in the midst of an unarmed Arab population.

225. According to several witnesses, the location of the settlements is determined in accordance with agricultural designs, and also with what Israel considers to be “security” purposes. This may explain for instance the existence of three successive belts of settlements reported to have been established between Jerusalem and the Jordan River and which would be aimed at “compartmenting” the local population.

226. Supported by the strong influence of various private groupings, the settlement policy is an official government programme which is implemented by a number of organizations and committees representing both the Government and the private sector inside and outside Israel.

227. In addition to private contributions coming mostly from outside Israel, the financing of the settlement policy is essentially a governmental matter. In that connexion, the Commission was told that the Israeli Government has set aside the equivalent of \$US 200 million for expanding and establishing settlements during the fiscal year 1979/80.

228. The Commission found evidence that the Israeli Government is engaged in a wilful, systematic and large-scale process of establishing settlements in the occupied territories for which it should bear full responsibility.

(b) Consequences of the settlement policy on the local population

229. The Commission is of the view that a correlation exists between the establishment of Israeli settlements and the displacement of the Arab population. Thus it was reported that since 1967, when that policy started, the Arab population has been reduced by 32 per cent in Jerusalem and the West Bank. As to the Golan Heights, the Syrian authorities stated that 134,000 inhabitants had been expelled leaving only 8,000, i.e., 6 per cent of the local population in the occupied Golan Heights.

230. The Commission is convinced that in the implementation of its policy of settlements, Israel has resorted to methods - often coercive and sometimes more subtle - which included the control of water resources, the seizure of private properties, the destruction of houses and the banishment of persons, and has shown disregard for basic human rights, including in particular the right of the refugees to return to their homeland.

231. For the Arab inhabitants still living in those territories, particularly in Jerusalem and the West Bank, they are subjected to continuous pressure to emigrate in order to make room for new settlers who, by contrast, are encouraged to come to the area. The Commission was told also that in the Golan Heights Israeli authorities imposed Israeli citizenship on all new-born children in an effort to assimilate the remaining population.

232. The settlement policy has brought drastic and adverse changes to the economic and social pattern of the daily life of the remaining Arab population. As a mere example of that evolution, the Commission was informed that a number of Arab landowners were now compelled to earn their living and that of their family by working on their own land as the hired employees of the Israeli settlers.

233. The commission considers that the pattern of that settlement policy, as a consequence, is causing profound and irreversible changes of a geographical and demographic nature in those territories, including Jerusalem.

234. The Commission has no doubt that those changes are of such a profound nature that they constitute a violation of the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and of the relevant decisions adopted by the United Nations in the matter, more specifically: Security Council resolutions 237 (1967) of 14 June 1967, 252 (1968) of 21 May 1968, and 298 (1971) of 25 September 1971; the consensus statement by the President of the Security Council on 11 November 1976; as well as General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967, 32/5 of 28 October 1977, and 33/113 of 18 December 1978.

(c) Impact of the settlement policy and its consequences on the search for peace

235. While fully aware of the extreme complexities inherent in the Middle East problem and at the same time recognizing the limitations in the scope of its mandate, the Commission none the less had the opportunity to note a genuine desire for peace in the capitals it visited as well as among the leaders of the Palestine Liberation Organization whom it met.

236. Unfortunately, the Commission has also perceived a deep sense of despair and helplessness, primarily among Palestinian refugees. This stems from the realization that Israel's policy with regard to the occupied Arab territories and more particularly its policy of continuing to establish more settlements is unabated and undaunted either by United Nations decisions or any other external factor. The Commission would like to state clearly in that regard that in the course of its various meetings it felt that this settlement policy was widely regarded as a most negative factor in the achievement of peace in the area both by the refugees themselves and all those who support their cause, including the neighbouring Governments for which that policy generates at national levels economic and social problems of grave consequences.

237. Consequently, after examining the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, the Commission wishes to reaffirm the determination made by the Security Council in resolution 446 (1979), according to which "the policy and practices of Israel in establishing settlements in the Palestinian and other Arab territories occupied since 1967, have no legal validity and constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East".

B. Recommendations

238. On the basis of the conclusions reached, the Commission would like, therefore, to recommend that the Security Council, bearing in mind the inalienable right of the Palestinians to return to their homeland, launch a pressing appeal to the Government and people of Israel, drawing again their attention to the disastrous consequences which the settlement policy is bound to have on any attempt to reach a peaceful solution in the Middle East.

239. In the view of the Commission, as a first step, Israel should be called upon to cease on an urgent basis the establishment, construction and planning of settlements in the occupied territories. The question of the existing settlements would then have to be resolved.

240. The Council might further wish to consider measures to safeguard the impartial protection of property arbitrarily seized.

241. As to Jerusalem, the Council should also call upon the Government of Israel to implement faithfully Security Council resolutions adopted on that question as from 1967. Moreover, recalling that Jerusalem is a most sacred place for the three great monotheistic faiths throughout the world, i.e., Christian, Jewish and Moslem, the Security Council might wish to consider steps to protect and preserve the unique spiritual and religious dimension of the Holy Places in that city, taking into account the views of high-ranking representatives of the three religions.

242. In view of the magnitude of the problem of settlement and its implications for peace in the region, the Security Council should keep the situation under constant survey.

<i>Source of document</i>
http://unispal.un.org/UNISPAL.NSF/db942872b9eae454852560f6005a76fb/9785bb5ef44772dd85256436006c9c85?OpenDocument

UNITED NATIONS
Security Council

S/RES/452 (1979)
20 July 1979

Resolution 452 (1979)
of 20 July 1979

The Security Council,

Taking note of the report and recommendations of the Security Council Commission established under resolution 446 (1979) to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, contained in document S/13450,

Strongly deploring the lack of co-operation of Israel with the Commission,

Considering that the policy of Israel in establishing settlements in the occupied Arab territories has no legal validity and constitutes a violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,

Deeply concerned by the practices of the Israeli authorities in implementing that settlements policy in the occupied Arab territories, including Jerusalem, and its consequences for the local Arab and Palestinian population,

Emphasizing the need for confronting the issue of the existing settlements and the need to consider measures to safeguard the impartial protection of property seized,

Bearing in mind the specific status of Jerusalem, and reconfirming pertinent Security Council resolutions concerning Jerusalem and in particular the need to protect and preserve the unique spiritual and religious dimension of the Holy Places in that city,

Drawing attention to the grave consequences which the settlements policy is bound to have on any attempt to reach a peaceful solution in the Middle East,

1. *Commends* the work done by the Commission in preparing the report on the establishment of Israeli settlements in the Arab territories occupied since 1967, including Jerusalem;
2. *Accepts* the recommendations contained in the above-mentioned report of the Commission;
3. *Calls upon* the Government and people of Israel to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem;
4. *Requests* the Commission, in view of the magnitude of the problem of settlements, to keep under close survey the implementation of the present resolution and to report back to the Security Council before 1 November 1979.

Adopted at the 2159th meeting by 14 votes to none, with 1 abstention (United States of America).

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UNITED NATIONS
Security Council

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**REPORT OF THE SECURITY COUNCIL COMMISSION
ESTABLISHED UNDER
RESOLUTION 446 (1979)**

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Letter of transmittal

4 December 1979

In our capacity as members of the Security Council Commission established under resolution 446 (1979), we have the honour to transmit to you herewith the second report of the Commission, prepared pursuant to paragraph 4 of resolution 452 (1979).

This report was unanimously adopted today, 4 December 1979.

We avail ourselves of this opportunity to express the hope that the Commission has fulfilled its mandate to the satisfaction of the Security Council and our deep appreciation for the confidence shown by the Council in designating our respective delegations to be members of the Commission.

Accept, Sir, the assurances of our highest consideration.

(Signed) Leonardo MATHIAS, Portugal
(Chairman)

(Signed) Julio de ZAVALA, Bolivia

(Signed) Kasuka Simwinji MUTUKWA,
Zambia

INTRODUCTION

1. This is the second report presented by the Commission established on 22 March 1979 by Security Council resolution 446 (1979).
2. The original mandate of the Commission was "to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem".
3. On 3 April, the President of the Security Council announced that the Commission would be composed of Bolivia, Portugal and Zambia.
4. At its first meeting held in New York on 10 April, the Commission decided that its chairmanship would be assumed by Portugal.
5. On 12 July 1979, the Commission submitted its first report (S/13450 and Add.1) in accordance with paragraph 5 of resolution 446 (1979). The report was considered by the Security Council at its 2156th to 2159th meetings from 18 to 20 July 1979.
6. At the 2159th meeting on 20 July 1979, the Security Council adopted resolution 452 (1979) which reads as follows:

The Security Council,

Taking note of the report and recommendations of the Security Council Commission established under resolution 446 (1979) to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, contained in document S/13450,

Strongly deploring the lack of cooperation of Israel with the Commission,

Considering that the policy of Israel in establishing settlements in the occupied Arab territories has no legal validity and constitutes a violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,

Deeply concerned by the practices of the Israeli authorities in implementing that settlements policy in the occupied Arab territories, including Jerusalem, and its consequences for the local Arab and Palestinian population,

Emphasizing the need for confronting the issue of the existing settlements and the need to consider measures to safeguard the impartial protection of property seized,

Bearing in mind the specific status of Jerusalem, and reconfirming pertinent Security Council resolutions concerning Jerusalem and in particular the need to protect and preserve the unique spiritual and religious dimension of the Holy Places in that city,

Drawing attention to the grave consequences which the settlements policy is bound to have on any attempt to reach a peaceful solution in the Middle East,

1. Commends the work done by the Commission in preparing the report on the establishment of Israeli settlements in the Arab territories occupied since 1967, including Jerusalem;
2. Accepts the recommendations contained in the above-mentioned report of the Commission;
3. Calls upon the Government and people of Israel to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem;

4. Requests the Commission, in view of the magnitude of the problem of settlements, to keep under close survey the implementation of the present resolution and to report back to the Security Council before 1 November 1979.

7. In organizing its programme of work, the Commission, at its 20th meeting, held on 5 September 1979, considered the modalities that it should follow in order to carry out its new mandate, namely, to keep under close survey the implementation of resolution 452 (1979).

8. The Commission decided once more to establish direct contact with the parties involved in the matter, with a view to seeking their cooperation in the fulfillment of its mandate, and also to continue its consultations with relevant United Nations bodies which might be in a position to supply useful current information.

9. Bearing in mind that the Security Council, in resolution 452 (1979), had accepted the recommendations contained in the Commission's first report, particularly with regard to Jerusalem, the Commission also decided to establish contact with a number of high-ranking representatives of the three monotheistic faiths.

10. When preparing its report to the Security Council, the Commission realized that it would be difficult for it to report to the Security Council by 1 November, as called for in paragraph 4 of resolution 452 (1979). Accordingly, the Chairman of the Commission, in a letter to the President of the Security Council, requested that the time-limit for submission of the report be postponed until 10 December 1979.

11. Following informal consultations with members of the Council, the President informed the Chairman that no member of the Council had any objection to the Commission's request (S/13586).

12. The Commission held five meetings, from 5 September to 4 December 1979, at Headquarters in New York.

13. The present report was unanimously adopted on 4 December 1979.

I. ACTIVITIES OF THE COMMISSION

A. Requests to the parties for cooperation

14. In accordance with its previous decisions and in order to carry out its mandate objectively and comprehensively, the Commission requested its Chairman to establish informal contacts with the Israeli delegation in order to ascertain its reaction to the Commission's new mandate.

15. At its 21st meeting on 17 September, the Chairman informed the Commission of the results of his contacts. The Deputy Permanent Representative of Israel to the United Nations had informed him that there had been no change in his Government's policy with regard to the Commission and that the Commission could not count on any cooperation from the Israeli Government in the fulfillment of its mandate. The Chairman had expressed to the Deputy Permanent Representative his regret and disappointment at the position taken by the Israeli Government. In spite of that attitude, however, the Commission intended to fulfil to the best of its ability the mandate entrusted to it by the Security Council and would therefore formally send a letter to the Permanent Representative of Israel requesting his Government's cooperation and expressing the hope that Israel would reconsider its attitude towards the Commission.

16. On 18 September 1979, letters were sent to the Permanent Representatives of Egypt, Jordan, Lebanon and the Syrian Arab Republic requesting that the Commission be provided as soon as possible with any newly available information pertinent to its mandate.

17. Also on 18 September, the Commission sent a similar letter to the Permanent Observer of the Palestine Liberation Organization (PLO).

18. Requests for information were also addressed to the Chairman of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories and the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

19. On 28 September, the Commission sent a letter to the Permanent Representative of Israel, expressing the hope that his Government would reconsider its position regarding the Commission and cooperate with it by providing it with any available information pertinent to its mandate.

20. In his reply dated 19 September, the Permanent Representative of Egypt again assured the Commission of his Government's intention to cooperate fully in the implementation of its mandate. He also informed the Chairman that Mr. Boutros Boutros-Ghali, Minister of State for Foreign Affairs of Egypt and head of that country's delegation to the thirty-fourth session of the General Assembly, would be in New York from 30 September to 7 October and would be happy to meet with the members of the Commission for an exchange of ideas on the mandate of the Commission.

21. In his reply dated 21 September, the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People transmitted copies of a statement issued by the Committee on 19 September and of letters it addressed on the same day to the President of the Security Council and the Secretary-General of the United Nations regarding the decision by the Government of Israel to abrogate the restrictions hitherto placed on the purchase or acquisition by Israeli citizens and organizations of land in the occupied territories of the West Bank and Gaza. By a subsequent communication dated 18 October, the Chairman of the Committee on the Exercise of the

Inalienable Rights of the Palestinian People also transmitted a press communiqué issued by the Committee concerning the decision by the Israeli Cabinet to expand seven existing settlements, as well as document entitled "Master plan or the development of settlement in Judea and Samaria", attributed to the World Zionist Organization.

22. On 9 October, the Commission received from the Permanent Observer of PLO a set of documents, including the "World Zionist Organization's master plan for the development of settlement in Judea and Samaria", "Estimated land areas of West Bank settlements" and "Human rights and Israeli settlements".

23. In his reply dated 16 October to the Commission's communication of 28 September, the Deputy Permanent Representative of Israel informed the Commission that the position of his Government remained as set out in the letter of 17 May 1979 from the Permanent Representative of Israel to the President of the Security Council, namely, that "having regard to the circumstances in which the Commission was set up, the Government of Israel had rejected resolution 446 (1979) in its entirety and accordingly could not extend any form of cooperation to a Commission set up under it". The Deputy Permanent Representative further stated that "Israel's reservations were more than justified by the report presented by the Commission on 12 July 1979 (S/13450)".

24. In its reply dated 18 October, the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories again assured the Commission of its full cooperation in providing precise information relevant to its mandate.

25. In a letter dated 3 December 1979, the representative of Lebanon, referring to the Commission's letter of 18 September, informed the Commission that his Government had nothing further to add to the information it had already given to the Commission or to what its representative had stated on this matter over the years at the United

Nations.

26. As indicated in paragraph 9 above, the Commission, bearing in mind the unique religious and spiritual dimensions of Jerusalem, and guided by its deep concern that Israel's policy of settlement could lead to irreversible situations with regard to the status of the Holy City, has sought to receive the views of representatives of three great monotheistic religions in that regard. Replies received in time to be included are reproduced in the annex to the present report.

B. Meetings with officials

1. Meeting with the Minister of State for Foreign Affairs of Egypt

27. On 5 October, the members of the Commission had a meeting at United Nations Headquarters with H.E. Mr. Boutros Boutros-Ghali, Minister of State for Foreign Affairs of Egypt, with whom they had an exchange of views pertaining to the mandate of the Commission.

28. The Minister of State briefed them on the steps taken by the Egyptian Government since the Commission's visit to Cairo the preceding June with regard to the question of settlements in the occupied Arab territories. He mentioned, in particular, the creation, within his department, of a special committee to monitor the latest developments with regard to the settlements, the publication of official communiqués protesting Israel's policy in that regard and the organization of a seminar on the settlements with the participation of specialists from several countries. The purpose of the seminar was to awaken Egyptian, Arab and world opinion to the problem and to emphasize that peace with Israel did not mean agreeing with its policy of settlements.

29. The Minister of State for Foreign Affairs also stated that, taking advantage of the new possibilities offered by the Israeli-Egyptian treaty, he had, on several occasions, directly conveyed to the Israeli

public Egypt's conviction that Israel's policy of settlements was an obstacle to the peace process.

30. In answer to questions raised by the representative of Bolivia regarding the position of Egypt on Jerusalem and the creation of new settlements, the Minister of State further stated:

(a) That both during its ongoing negotiations with Israel and in public statements, Egypt had reiterated its position on Jerusalem, namely, that East Jerusalem was part of the West Bank and must be returned to the Arabs. Once that is achieved, it was up to the Palestinians and Israelis to devise modes of cooperation;

(b) That to his knowledge there had been only declarations of intent on the part of the Israelis, but no actual building of new settlements.

2. Meeting with the head of the Political Department of PLO

31. On 5 October, the members of the Commission held a meeting with

Mr. Farouk Kaddoumi, head of the Political Department of PLO, during which they changed views pertaining to the Commission's mandate.

32. Mr. Kaddoumi stated that, far from improving, the situation in the occupied territories had, in fact, worsened. It was becoming clear, he said, that Israel, through the establishment of new settlements and the enactment of new laws, was forcing people to leave the area and thus paving the way for the annexation of the West Bank. Detailed information on the matter would be shortly sent to the Commission by the PLO Observer's Office.

33. In response to questions from the representative of Zambia, Mr. Kaddoumi maintained that there was, indeed, evidence that people were still leaving the West Bank, that contrary to statements by Israeli

officials, there was no religious freedom in Jerusalem for Christians and Moslems, and that access to the Holy Places was still restricted.

3. Meeting with the Permanent Representative of Jordan to the United Nations

34. On 19 October, the members of the Commission had an informal meeting with H.E. Mr. Hazem Nuseibeh, Permanent Representative of the Hashemite Kingdom of Jordan, with whom they proceeded to an exchange of views pertaining to the mandate of the Commission.

35. Mr. Nuseibeh expressed the profound concern of his Government at the relentless ongoing process of colonization of the West Bank and at the serious economic and social effects resulting to the Arab population from the seizure by the Israeli occupying authorities of the vital water sources in the territory.

36. While recognizing that the work done by the Commission had helped to "crystalize the picture", he regretted that earlier decisions by the Security Council had had no effect in remedying a situation which was becoming extremely serious.

37. Ambassador Nuseibeh again assured the Commission of his Government's cooperation and assistance. His Government hoped to present very shortly an integrated report on the question of settlements. In the meantime, he was able to present to the Commission a series of documents, including in particular:

(a) A study, in Arabic, concerning the seizure of water resources;

(b) A copy, translated from Hebrew, of the World Zionist Organization's "master plan" for the development of settlement in the West Bank of Jordan for the period 1979-1983;

- (c) Information on the recent decision to allow Israeli nationals to purchase lands and property in the West Bank;
- (d) Information regarding the expropriation of additional Arab lands;
- (e) A memorandum prepared by the inhabitants of Jerusalem concerning Israel's plan designed to seize the Aqsa Mosque and the Dome of the Rock.

C. Review of recent developments regarding the settlements

38. In preparing this second report, the Commission, in accordance with its mandate, has deemed it necessary to call the attention of the Security Council particularly to those actions undertaken by Israel since the adoption of resolution 452 (1979), which, inter alia, called upon the Israeli Government and people to cease on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem.

39. Once more, in its careful endeavour to review the situation most objectively, the Commission decided, as a first step, to approach the interested parties, with a view to receiving any factual information pertinent to its mandate. Regrettably, however, the Commission once again was confronted by Israel's negative response to its approach and by that Government's reaffirmed decision not to cooperate with the Commission.

40. While deploring this persistently negative attitude, which deprives it of the opportunity of receiving explanations and comments from the Government of Israel, the Commission is satisfied that its present report contains an accurate assessment of the current situation, as most of the information upon which it is based was derived from Israeli sources or was widely covered by the media.

41. On the basis of the information available to it, the Commission is able to report the following recent developments.

(a) It has come to light that in the last few months, additional private Arab land totalling over 40,000 dunums (1 dunum = 1,000 square metres) has been confiscated by Israeli occupation authorities for the purpose of expanding settlements in the West Bank, mostly in the Nablus, Bethlehem, Beit Shahour and Jerusalem areas.

(b) On 16 September 1979, the Israeli Cabinet unanimously adopted a decision allowing Israeli citizens to purchase land in the occupied West Bank and Gaza, thus rescinding a previous decision which had hitherto prohibited Israeli citizens and organizations from purchasing land beyond the armistice lines of the six-day war.

(c) On 14 October 1979, the Israeli Cabinet adopted a decision to expand seven existing settlements in the occupied West Bank, using 1,125 acres of land allegedly not privately owned by Arab inhabitants. The Commission issued a statement on 17 October, expressing its disappointment and concern at this new action by the Israeli Government.

(d) On 28 October, the Israeli Cabinet decided that the Elon Moreh (Qaddum) settlement, which Israel's High Court of Justice had ruled illegal, would be moved to a new site on the occupied West Bank. The settlement is built on 220 dunums of land seized from Rujib, near Nablus.

(e) According to information received from various sources, Israel is in the process of implementing a plan prepared by the World Zionist Organization which calls for the building of 46 new settlements in the years 1979-1983. The Commission is calling attention to this project inasmuch as some of the settlements appearing in the plan are already under construction.

(f) The attention of the Commission was drawn again to the increasingly serious problem facing Arab farmers in the occupied territories as a result of Israel's intensive exploitation of the area's traditional water sources for use in Israel proper and by Israeli settlements established in the occupied territories.

42. According to a study on water resources in the West Bank made available to the Commission, Israel pumps away some 500 million cubic metres of the West Bank's total annual supply of 620 million cubic metres by means of artesian wells drilled within its 1948 borders. The traditional water sources, such as wells and springs are also being depleted through the use of modern drilling equipment to drain off water for the Israeli settlements in the occupied areas. As the water level continues to drop because of excessive Israeli consumption, the Israeli authorities have resorted to restrictive measures on the use of water by the Arab inhabitants, such as the prohibition of drilling new wells on the western side of the West Bank.

43. As a result of the use of powerful modern drilling and pumping equipment by the Israelis and the restrictions imposed upon the Arab inhabitants, the traditional groundwater sources of Arab villages are drying up, resulting in considerable losses.

44. One case in point is the village of Al-Auja (2,000 inhabitants) situated 12 kilometres north of Jericho in the arid part of the Jordan Valley. Last August, the inhabitants of that village protested to the Israeli authorities that their economy was being ruined because Israeli wells and the water network supplying the nearby settlements of Yitar, Na'aran and Gilgal had drastically depleted the village's water resources, resulting in the loss of banana and citrus planted land.

II. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

45. In the period since it submitted its first report to the Security Council, the Commission has detected no evidence of any basic positive change in Israel's policy with regard to the construction and planning of settlements in the Arab territories under occupation, particularly in the West Bank of Jordan. On the contrary, the Commission is of the view that that policy has largely contributed to a deterioration of the situation in the occupied territories and that it is incompatible with the pursuit of peace in the area.

46. In complete disregard of United Nations resolutions and Security Council decisions, Israel is still pursuing its systematic and relentless process of colonization of the occupied territories. This is evidenced by the stated policy of constructing additional settlements in the most viable parts of the West Bank and by the expansion of others already in existence, as well as the long-term planning of still more settlements.

47. The methods used by the occupation authorities to seize the lands needed for the construction of expansion of settlements are those already referred to by the Commission in its earlier report, as evidenced by the appeals made recently to Israel's High Court of Justice by groups of dispossessed inhabitants.

48. From all indications available, the Commission continues to believe that the Israeli Government has to bear responsibility for the settlement programme, which is being implemented as an official policy.

49. In the case of the Elon Moreh settlement, where a ruling by the Israeli High Court of Justice would seemingly provide some measure of protection against arbitrary seizure of Arab land, the Commission,

while taking note of the Court's decision, cannot but deplore the efforts of the Israeli Government to side-step that decision. The Commission is inclined to believe that that episode, unfortunately, does not represent any significant departure from official Israeli policy regarding the settlements or from the ideological claims put forward as justification for that policy.

50. The Commission views with particular concern the decision taken recently by the Israeli Cabinet to allow Israeli citizens and organizations to purchase land in the occupied West Bank and Gaza. Even though the measure contains restrictions on the purchase of privately owned lands, it is the considered opinion of the Commission that such a decision, applied as it is to a population under military occupation, could lead to intolerable pressures to obtain lands owned for generations by Arab families.

51. In the light of its findings, the Commission wishes to reiterate most emphatically its view that Israel's policy of settlement, relentlessly pursued in spite of all Security Council decisions and appeals, is incompatible with the pursuit of peace in the area and that it is bound to lead to a further deterioration of the situation in the occupied territories.

B. Recommendations

52. On the basis of its conclusions, the Commission deems it necessary to reiterate its earlier recommendation that the Security Council, bearing in mind the inalienable right of the Palestinians to return to their homeland, again draw the attention of the Government and people of Israel to the disastrous consequences which the settlement policy is bound to have on any attempt to reach a peaceful solution in the Middle East.

53. It is the view of the Commission that Israel should be made aware of the serious deterioration of the situation in the occupied territories resulting from its policy of settlement and called upon, as a matter of urgency, to cease the establishment, construction, expansion and planning of settlements in those territories.

54. The Commission therefore recommends that the Security Council adopt effective measures to prevail on Israel to cease the establishment of settlements in occupied territories and to dismantle the existing settlements accordingly.

55. In view of the vital importance of water resources for the prosperity of the occupied Arab territories, and of the reported serious depletion of those resources as a result of intensive exploitation by the Israeli authorities, mainly for the benefit of the Israeli settlements, the Security Council might wish to consider measures aiming at investigating the matter further, with a view to ensuring the protection of those important natural resources of the territories under occupation.

56. With regard to Jerusalem, bearing in mind what was already stated in its first report, the Commission again strongly recommends that the Security Council urge the Government of Israel to implement fully the Security Council resolutions adopted on that question as from 1967 and further desist from taking any measures which would change the status of Jerusalem, including the pluralistic and religious dimensions of that Holy City.

57. In view of the magnitude of the problem of settlements and its direct effect on the over-all deterioration of the situation in the occupied territories and therefore, its implications for peace in the region, as well as for international peace and security, the Security Council should keep the situation under constant review.

Annex

COMMUNICATIONS RECEIVED BY THE COMMISSION IN
CONNEXION
WITH PARAGRAPH 26 OF THE REPORT

A. Letter dated 16 November 1979 from the Commission
of the Churches on International Affairs of the
World Council of Churches addressed to the
Chairman of the Commission

With reference to your letter of 14 November, I have the honour to send you the following relevant resolutions on Jerusalem and the Holy Places which state the current official positions of the World Council of Churches:

Statement on Jerusalem, adopted by the Central
Committee of the WCC, meeting in Berlin (West),
August 1974

Statement on Jerusalem, adopted by the Fifth
Assembly of the WCC, meeting in Nairobi, December
1975.

I am also forwarding today a copy of your letter to the Director of this Commission, Dr. Leopoldo J. Nilus, with the request that he send you additional materials arising out of recent discussions on the matters included in the mandate of your Commission.

(Signed) Dwain C. EPPS
Executive Secretary

Attachment I

Statement by the Central Committee of the World Council of Churches, meeting in Berlin (West), August 1974

The Central Committee affirms that, in order to reach a satisfactory position regarding Jerusalem, the following facts should be taken into account:

1. Jerusalem is a Holy City for three monotheistic religions: Judaism, Christianity and Islam. The tendency to minimize Jerusalem's importance for any of these three religions should be avoided.
2. Its importance for Christianity is reflected in the following statement of the Executive Committee of the WCC at Bad Saarow (February 1974): "Christian Holy Places in Jerusalem and the neighbouring areas belong to the greatest extent to member churches of the WCC, specifically the Eastern Orthodox and Oriental Orthodox Churches, and are also of concern to other Christians."

But the question of Jerusalem is not only a matter of protection of the Holy Places it is organically linked with living faiths and communities of people in the Holy City.

Any proposed solutions to the future of the Holy Places in Jerusalem should take into account the legitimate rights of the churches most directly concerned.

3. Any solution on Jerusalem should take into account the rights and needs of the indigenous peoples of the Holy City.

4. We are of the opinion that matters related to jurisdiction over Jerusalem will only find their lasting solution within the context of the settlement of the conflict in its totality.

The Central Committee recommends that the above should be worked out with member churches, initially those churches most directly concerned, and in consultation with the Roman Catholic Church. These issues should also become subjects for dialogue with Jewish and Muslim participants.

Attachment II

Statement by the Fifth General Assembly of the World Council of Churches, meeting in Nairobi, December 1975

1. For many millions of Christians throughout the world, as well as for the adherents of the two great sister monotheistic religions, namely, Judaism and Islam, Jerusalem continues to be a focus of deepest religious inspiration and attachment. It is therefore their responsibility to cooperate in the creation of conditions that will ensure that Jerusalem is a city open to the adherents of all three religions, where they can meet and live together. The tendency to minimize Jerusalem's importance for any of these three religions should be avoided.

2. The special legislation regulating the relationship of the Christian communities and the authorities, guaranteed by international treaties (Paris 1856 and Berlin 1878) and the League of Nations and known as the Status Quo of the Holy Places must be fully safeguarded and confirmed in any agreement concerning Jerusalem. Christian Holy Places in Jerusalem and neighbouring areas belong to the greatest extent to member churches of the WCC. On the basis of the Status Quo none of the church authorities of a given denomination could represent unilaterally and on behalf of all Christians the Christian

point of view, each church authority of a given denomination representing only its own point of view.

3. Many member churches of the WCC are deeply concerned about the Christian Holy Places. However, the question of Jerusalem is not only a matter of protection of the Holy Places, it is organically linked with living faiths and communities of people in the Holy City.

Therefore the General Assembly deems it essential that the Holy Shrines should not become mere monuments of visitation but should serve as living places of worship integrated and responsive to Christian communities who continue to maintain their life and roots within the Holy City and for those who out of religious attachments want to visit them.

4. While recognizing the complexity and emotional implications of the issues surrounding the future status of Jerusalem, the General Assembly believes that such status has to be determined within the general context of the settlement of the Middle East conflict in its totality.

5. However, the Assembly thinks that apart from any politics, the whole settlement of the interreligious problem of the Holy Places should take place under an international aegis and guarantee which ought to be respected by the parties concerned, as well as the ruling authorities.

6. The General Assembly recommends that the above should be worked out with the most directly concerned member churches, as well as with the Roman Catholic Church. These issues should also become subjects for dialogue with Jewish and Muslim counterparts.

7. The Assembly expresses its profound hope and fervent prayers for the peace and welfare of the Holy City and all its inhabitants.

B. Statement received from the Permanent Observer
of the Holy See to the United Nations
on 3 December 1979

1. It is commonly felt that the failure to find a solution to the question of Jerusalem, or an inadequate solution, or even a resigned postponement of the problem could bring into question the settlement of the whole Middle East crisis. The Holy See also considers it important that in this matter there should not be created irreversible situations which would prejudice the desired solution.

2. In his speech of 21 December 1973, His Holiness Pope Paul VI expressed the confident hope that the Holy See would fittingly be able to make its voice heard when the problem of Jerusalem became the subject of concrete discussions in the context of the peace negotiations for the Middle East.

On his part, His Holiness Pope John Paul II, in his address to the General Assembly of the United Nations on 2 October 1979, stated: "I also hope for a special statute that, under international guarantees - as my predecessor Paul VI indicated - would respect the particular nature of Jerusalem, a heritage sacred to the veneration of millions of believers of the three great monotheistic religions, Judaism, Christianity and Islam."

It hardly seems necessary to emphasize that the Holy See's interest in this question has a spiritual, historical and juridical basis, that its nature is not political but religious and that its aims are conciliation and peace. The intention of the Holy See is to preserve and guarantee to the Holy City its identity as religious centre, unique and outstanding in the history of the world, in such a way that it may become a stable place of encounter and concord for the three great monotheistic religions (Judaism, Christianity and Islam).

Needless to say, on this subject, the Holy See endeavours to keep in contact not only with the religious authorities of the various Christian Churches but also with the principal leaders of Islam and Judaism.

3. The ideal and historical reality of the Holy City is manifested in the fact that Jerusalem has been and continues to be the most important centre of all three great monotheistic religions, inasmuch as the City is the seat of three religious communities that live together there and is the site of shrines and memorials venerated by the followers of these religions, who, numbering almost a billion and a half throughout the world, regard Jerusalem as a common sacred patrimony.

This composite presence in Jerusalem of various groups means that an equitable, stable and peaceful solution of the problem of Jerusalem implies, above all, the recognition of an historical and religious pluralism, to be put into practice by according all of the three religions, in their particular expression as communities, full enjoyment of their respective rights, excluding positions of predominance and, indeed, favouring the prospect of a useful human and religious dialogue.

4. The Holy See's view is that such considerations are of primary and determining importance with regard to the problem of political sovereignty itself. That is to say: whatever solution be found to the question of sovereignty over Jerusalem (not excluding the hypothesis of the "internationalization" of the City), the satisfying and safeguarding of the above-mentioned requirements must be ensured, and, at the same time, the international community ought to be the guarantor of interests that involve numerous and diverse peoples.

This does not mean, however, that any solution of the political problem of the sovereignty of Jerusalem can be considered irrelevant to the global settlement of the question. Rather, the Holy See, the more because of the particular character of Jerusalem, acknowledges the need for a solution that will be based on the principles of justice

and attained by peaceful means.

5. This perspective gives rise to the need for a "special statute, internationally guaranteed" for Jerusalem, which the Holy See is earnestly hoping for.

The content of this "statute" would include, among other things, two orders of guarantees:

(a) Parity, for three religious communities, of freedom of worship and of access to the Holy Places; of protection of rights of ownership and of other rights acquired by the individual communities; of the preservation and safeguarding of the historical and urban aspects proper to the City.

(b) Equal enjoyment of the rights of the three religious communities, with guarantees for the promotion of their spiritual, cultural, civil and social life, including adequate opportunities for economic progress, education, employment, etc.

It will be necessary, furthermore, to define the territory and list the Holy Places, as well as provide for the guarantees and for the supervision which the international community will have to give to the "statute" and for the juridical form of this commitment and of the accord of the interested parties.

6. In many localities of the Holy Land apart from Jerusalem there are important Shrines and Holy Places of one or other religious confession. Suitable guarantees, analogous to those for the city of Jerusalem and in some way linked to an international juridical protection, should be provided for these places also.

<i>Source of document</i>
http://unispal.un.org/UNISPAL.NSF/db942872b9cae454852560f6005a76fb/0b72114d058734f085256bcf0078164b?OpenDocument

UNITED NATIONS
Security Council

S/RES/465 (1980)
1 March 1980

Resolution 465 (1980)

*Adopted by the Security Council at its 2203rd meeting
on 1 March 1980*

The Security Council,

Taking note of the reports of the Commission of the Security Council established under resolution 446 (1979) to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, contained in documents S/13450 and Corr. 1 and S/13679,

Taking note also of letters from the Permanent Representative of Jordan (S/13801) and the Permanent Representative of Morocco, Chairman of the Islamic Group (S/13802),

Strongly deploring the refusal by Israel to co-operate with the Commission and regretting its formal rejection of resolutions 446 (1979) and 452 (1979),

Affirming once more that the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 is applicable to the Arab territories occupied by Israel since 1967, including Jerusalem,

Deploing the decision of the Government of Israel to officially support Israeli settlement in the Palestinian and other Arab territories occupied since 1967,

Deeply concerned over the practices of the Israeli authorities in implementing that settlement policy in the occupied Arab territories, including Jerusalem, and its consequences for the local Arab and Palestinian population,

Taking into account the need to consider measures for the impartial protection of private and public land and property, and water resources,

Bearing in mind the specific status of Jerusalem and, in particular, the need for protection and preservation of the unique spiritual and religious dimension of the Holy Places in the city,

Drawing attention to the grave consequences which the settlement policy is bound to have on any attempt to reach a comprehensive, just and lasting peace in the Middle East,

Recalling pertinent Security Council resolutions, specifically resolutions 237 (1967) of 14 June 1967, 252 (1968) of 21 May 1968, 267 (1969) of 3 July 1969, 271 (1969) of 15 September 1969 and 298 (1971) of 25 September 1971, as well as the consensus statement made by the President of the Security Council on 11 November 1976,

Having invited Mr. Fahd Qawasmeh, Mayor of Al-Khalil (Hebron), in the occupied territory, to supply it with information pursuant to rule 39 of the provisional rules of procedure,

1. *Commends* the work done by the Commission in preparing the report contained in document S/13679;
2. *Accepts* the conclusions and recommendations contained in the above-mentioned report of the Commission;
3. *Calls upon* all parties, particularly the Government of Israel, to co-operate with the Commission;

4. *Strongly deplores* the decision of Israel to prohibit the free travel of Mayor Fahd Qawasmeh in order to appear before the Security Council, and requests Israel to permit his free travel to the United Nations headquarters for that purpose;

5. *Determines* that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof, have no legal validity and that Israel's policy and practices of settling parts of its population and new immigrants in those territories constitute a flagrant violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East;

6. *Strongly deplores* the continuation and persistence of Israel in pursuing those policies and practices and calls upon the Government and people of Israel to rescind those measures, to dismantle the existing settlements and in particular to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem;

7. *Calls upon* all States not to provide Israel with any assistance to be used specifically in connexion with settlements in the occupied territories;

8. *Requests* the Commission to continue to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, to investigate the reported serious depletion of natural resources, particularly the water resources, with a view to ensuring the protection of those important natural resources of the territories under occupation, and to keep under close scrutiny the implementation of the present resolution;

9. *Requests* the Commission to report to the Security Council before 1 September 1980, and decides to convene at the earliest possible date thereafter in order to consider the report and the full implementation of the present resolution.

<i>Source of document</i>
http://unispal.un.org/UNISPAL.NSF/b86613e7d92097880525672e007227a7/5aa254a1c8f8b1cb852560e50075d7d5?OpenDocument

Venice Declaration on the Middle East
Venice European Council

12-13 June 1980

1. The Heads of State and Government and the Ministers for Foreign Affairs held a comprehensive exchange of views on all aspects of the present situation in the Middle East, including the state of negotiations resulting from the agreements signed between Egypt and Israel in March 1979. They agreed that growing tensions affecting this region constitute a serious danger and render a comprehensive solution to the Israeli-Arab conflict more necessary and pressing than ever.

2. The nine member states of the European Community consider that the traditional ties and common interests which link Europe to the Middle East oblige them to play a special role and now require them to work in a more concrete way towards peace.

3. In this regard, the nine countries of the Community base themselves on Security Council Resolutions 242 and 338 and the positions which they have expressed on several occasions, notably in their declarations of 29 June 1977, 19 September 1978, 26 March and 18 June 1979, as well as in the speech made on their behalf on 25 September 1979 by the Irish Minister for Foreign Affairs at the 34th United Nations General Assembly.

4. On the bases thus set out, the time has come to promote the recognition and implementation of the two principles universally accepted by the international community: the right to existence and to security of all States in the region, including Israel, and justice for all the peoples, which implies the recognition of the legitimate rights of the Palestinian people.

5. All of the countries in the area are entitled to live in peace within secure, recognised and guaranteed borders. The necessary guarantees for a peace settlement should be provided by the United Nations by a

decision of the Security Council and, if necessary, on the basis of other mutually agreed procedures. The Nine declare that they are prepared to participate within the framework of a comprehensive settlement in a system of concrete and binding international guarantees, including (guarantees) on the ground.

6. A just solution must finally be found to the Palestinian problem, which is not simply one of refugees. The Palestinian people, which is conscious of existing as such, must be placed in a position, by an appropriate process defined within the framework of the comprehensive peace settlement, to exercise fully its right to self-determination.

7. The achievement of these objectives requires the involvement and support of all the parties concerned in the peace settlement which the Nine are endeavouring to promote in keeping with the principles formulated in the declaration referred to above. These principles are binding on all the parties concerned, and thus on the Palestinian people, and on the PLO, which will have to be associated with the negotiations.

8. The Nine recognise the special importance of the role played by the question of Jerusalem for all the parties concerned. The Nine stress that they will not accept any unilateral initiative designed to change the status of Jerusalem and that any agreement on the city's status should guarantee freedom of access for everyone to the Holy Places.

9. The Nine stress the need for Israel to put an end to the territorial occupation which it has maintained since the conflict of 1967, as it has done for part of Sinai. They are deeply convinced that the Israeli settlements constitute a serious obstacle to the peace process in the Middle East. The Nine consider that these settlements, as well as modifications in population and property in the occupied Arab territories, are illegal under international law.

10. Concerned as they are to put an end to violence, the Nine consider that only the renunciation of force or the threatened use of force by all the parties can create a climate of confidence in the area, and constitute a basic element for a comprehensive settlement of the conflict in the Middle East.

11. The Nine have decided to make the necessary contacts with all the parties concerned. The objective of these contacts would be to ascertain the position of the various parties with respect to the principles set out in this declaration and in the light of the results of this consultation process to determine the form which an initiative on their part could take.

<i>Source of document</i>
http://unispal.un.org/UNISPAL.NSF/0/FEF015E8B1A1E5A685256D810059D922

UNITED NATIONS
Security Council

S/RES/476 (1980)
30 June 1980

Resolution 476 (1980)

*Adopted by the Security Council at its 2242nd meeting
on 30 June 1980*

The Security Council,

Having considered the letter of 28 May 1980 from the representative of Pakistan, the current Chairman of the Organization of the Islamic Conference, as contained in document S/13966 of 28 May 1980,

Reaffirming that acquisition of territory by force is inadmissible,

Bearing in mind the specific status of Jerusalem and, in particular, the need for protection and preservation of the unique spiritual and religious dimension of the Holy Places in the city,

Reaffirming its resolutions relevant to the character and status of the Holy City of Jerusalem, in particular resolutions 252 (1968) of 21 May 1968, 267 (1969) of 3 July 1969, 271 (1969) of 15 September 1969, 298 (1971) of 25 September 1971 and 465 (1980) of 1 March 1980,

Recalling the Fourth Geneva Convention of 12 August 1949 relative to the Protection of Civilian Persons in Time of War,

Deploing the persistence of Israel, in changing the physical character, demographic composition, institutional structure and the status of the Holy City of Jerusalem,

Gravely concerned over the legislative steps initiated in the Israeli Knesset with the aim of changing the character and status of the Holy City of Jerusalem,

1. *Reaffirms* the overriding necessity to end the prolonged occupation of Arab territories occupied by Israel since 1967, including Jerusalem;
2. *Strongly deplores* the continued refusal of Israel, the occupying Power, to comply with the relevant resolutions of the Security Council and the General Assembly;
3. *Reconfirms* that all legislative and administrative measures and actions taken by Israel, the occupying Power, which purport to alter the character and status of the Holy City of Jerusalem have no legal validity and constitute a flagrant violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East;
4. *Reiterates* that all such measures which have altered the geographic, demographic and historical character and status of the Holy City of Jerusalem are null and void and must be rescinded in compliance with the relevant resolutions of the Security Council;
5. *Urgently calls* on Israel, the occupying Power, to abide by this and previous Security Council resolutions and to desist forthwith from persisting in the policy and measures affecting the character and status of the Holy city of Jerusalem;
6. *Reaffirms* its determination in the event of non-compliance by Israel with this resolution, to examine practical ways and means in accordance with relevant provisions of the Charter of the United Nations to secure the full implementation of this resolution.

<i>Source of document</i>
http://unispal.un.org/UNISPAL.NSF/b86613e7d92097880525672e007227a7/6de6da8a650b4c3b852560df00663826?OpenDocument

Basic Law: Jerusalem, Capital of Israel

(Unofficial translation)

- Jerusalem,
Capital of Israel* 1. Jerusalem, complete and united, is the capital of Israel.
- Seat of the
President, the
Knesset, the
Government
and the
Supreme Court* 2. Jerusalem is the seat of the President of the State, the Knesset, the Government and the Supreme Court.
- Protection of
Holy Places* 3. The Holy Places shall be protected from desecration and any other violation and from anything likely to violate the freedom of access of the members of the different religions to the places sacred to them or their feelings towards those places.
- Development of
Jerusalem* 4. (a) The Government shall provide for the development and prosperity of Jerusalem and the well-being of its inhabitants by allocating special funds, including a special annual grant to the Municipality of Jerusalem (Capital City Grant) with the approval of the Finance Committee of the Knesset.
- (b) Jerusalem shall be given special priority in the activities of the authorities of the State so as to further its development in economic and other matters.
- (c) The Government shall set up a special body or

	special bodies for the implementation of this section.
<i>Area of the jurisdiction of Jerusalem (Amendment no. 1)</i>	5. The jurisdiction of Jerusalem includes, as pertaining to this basic law, among others, all of the area that is described in the appendix of the proclamation expanding the borders of municipal Jerusalem beginning the 20th of Sivan 5727 (June 28, 1967), as was given according to the Cities' Ordinance.
<i>Prohibition of the transfer of authority (Amendment no. 1)</i>	6. No authority that is stipulated in the law of the State of Israel or of the Jerusalem Municipality may be transferred either permanently or for an allotted period of time to a foreign body, whether political, governmental or to any other similar type of foreign body.
<i>Entrenchment (Amendment no. 1)</i>	7. Clauses 5 and 6 shall not be modified except by a Basic Law passed by a majority of the members of the Knesset.

MENACHEM BEGIN
Prime Minister

YITZCHAK NAVON
President of the State

* Passed by the Knesset on the 17th Av, 5740 (30th July, 1980) and published in Sefer Ha-Chukkim No. 980 of the 23rd Av, 5740 (5th August, 1980), p. 186; the Bill and an Explanatory Note were published in Hatza'ot Chok No. 1464 of 5740, p. 287.

Amendment no. 1 was passed by the Knesset on the 29th Heshvan 5761 (27th November 2000) and published in Sefer Ha-Chukkim No. 5762, p. 28.

<i>Source of document</i>
http://www.knesset.gov.il/laws/special/eng/basic10_eng.htm

UNITED NATIONS
Security Council

S/RES/478 (1980)
20 August 1980

Resolution 478 (1980)
of 20 August 1980

The Security Council,

Recalling its resolution 476 (1980),

Reaffirming again that the acquisition of territory by force is inadmissible,

Deeply concerned over the enactment of a "basic law" in the Israeli Knesset proclaiming a change in the character and status of the Holy City of Jerusalem, with its implications for peace and security,

Noting that Israel has not complied with resolution 476 (1980),

Reaffirming its determination to examine practical ways and means, in accordance with the relevant provisions of the Charter of the United Nations, to secure the full implementation of its resolution 476 (1980), in the event of non-compliance by Israel,

1. *Censures* in the strongest terms the enactment by Israel of the "basic law" on Jerusalem and the refusal to comply with relevant Security Council resolutions;

2. *Affirms* that the enactment of the "basic law" by Israel constitutes a violation of international law and does not affect the continued application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the Palestinian and other Arab territories occupied since June 1967, including Jerusalem;

3. *Determines* that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character and status of the Holy City of Jerusalem, and in particular the recent "basic law" on Jerusalem, are null and void and must be rescinded forthwith;

4. *Affirms also* that this action constitutes a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East;

5. *Decides* not to recognize the "basic law" and such other actions by Israel that, as a result of this law, seek to alter the character and status of Jerusalem and calls upon:

(a) All Member States to accept this decision;

(b) Those States that have established diplomatic missions at Jerusalem to withdraw such missions from the Holy City;

6. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution before 15 November 1980;

` 7. *Decides* to remain seized of this serious situation.

Adopted at the 2245th meeting by 14 votes to none, with 1 abstention (United States of America).

<i>Source of document</i>
http://unispal.un.org/UNISPAL.NSF/0/DDE590C6FF232007852560DF0065FDDB

THE STATUS OF JERUSALEM

*Prepared for, and under the guidance of
the Committee on the Exercise of
the Inalienable Rights of the Palestinian People*



UNITED NATIONS

New York, 1981

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I. HISTORICAL BACKGROUND

As a holy city exalted through the entire history of monotheism, temporal rule over Jerusalem has been closely linked with the religious domination of Palestine.

The earliest known people of Palestine were the Canaanites among whom, according to Jewish, Christian and Moslem tradition, Abraham came from Ur. His descendants followed Moses from captivity in Egypt, and after their return, the Jewish tribes were united in about 1000 B.C. under David, who conquered Jerusalem from the Jebusites. His son, the great Solomon, built the first Temple of Jerusalem on Mount Moriah.

Solomon's death was followed by the division of the kingdom into two —Israel and Judah, Jerusalem being the capital of the latter. Early in the eighth century B.C.. Israel was destroyed by the Assyrians and the Israelites carried away as captives. In 587 B.C., Nebuchadnezzar destroyed Jerusalem and the Temple of Solomon, carrying the inhabitants of Judah into captivity in Babylon. After Cyrus' conquest of Babylon, the Jews returned to Palestine and rebuilt the Temple of Jerusalem *circa* 530 B.C.

In 332 B.C., the Macedonians conquered Palestine. A Jewish uprising led to the destruction of the second temple *circa* 70 B.C. A partial

reappearance of Jewish rule was ended by the Roman conquest in 63 B.C. Under Roman suzerainty Herod became king of Judea in 40 B.C., rebuilding the Temple in Jerusalem a second time. From 70 A.D., Titus ruled Palestine, sacking Jerusalem and destroying the Temple, of which only the Western Wall survived. In 135 A.D., Hadrian expelled the Jews from Palestine into the Diaspora.

From *circa* 400 A.D., Palestine was part of the Byzantine Empire until the Islamic conquest in 637 A.D., the Caliph Omar entering Jerusalem in 638. Palestine remained under Arab Moslem rule for over four and a half centuries, being taken by the Crusaders in 1099. Christian rule lasted less than a century, and in 1187, Palestine was again under Arab Moslem rule under Salah-El-Din the Great. Palestine remained under Moslem domination for another eight centuries, being conquered by the Turks in 1517 and becoming part of the Ottoman Empire.

The history of rule over Jerusalem shows sharply differing attitudes of the rulers toward religions other than their own. The Babylonians, Macedonians and Romans destroyed the Jewish Temples. Hadrian forbade Jews to enter Jerusalem, but eventually they were able to perform an annual pilgrimage to Jerusalem to continue the tradition of worshipping at the ruins of the Temples. After the Moslem conquest eventually Jews were allowed to return to Jerusalem and to establish their synagogues. Although Moslem holy places were built on Mount Moriah and the site called El Haram El Sherif, becoming one of the three most holy places in Islam, the Jews were permitted to worship at the Western Wall. The Crusaders at first dealt with the Jews harshly, but later showed more tolerance for Judaism. After the Moslem reconquest in 1187, Salah-El-Din allowed Jews to return to Palestine and gave them freedom of worship. Moslem rule over Palestine and Jerusalem lasted nearly 13 centuries, except for the Christian interregnum. It was ended by the British occupation in 1917, and the subsequent status of Palestine as a League of Nations Mandate*

*This historical background is extracted from the report of an international commission appointed in 1930 with the approval of the League of Nations (see Note 1 under "Notes and References").

II. JERUSALEM UNDER THE BRITISH MANDATE

The League of Nations Mandate for Palestine, granted to Great Britain in 1922, incorporated the Balfour Declaration of 1917, and had as its principal object "the establishment in Palestine of a national home for the Jewish people." This Mandate was granted without the reference to the wishes of the people of Palestine required by the League's Covenant, but since Palestine was holy to Moslems and Christians also, and since the people of Palestine were overwhelmingly Moslem and Christian Arabs, the Mandate assumed full responsibility for "preserving existing rights" in all the Holy Places. Article 13 read:

"All responsibility in connection with the Holy Places including that of preserving existing rights and of securing free access is assumed by the Mandatory who shall be responsible solely to the League of Nations . . . nothing in this Mandate shall be construed as conferring upon the Mandatory authority, to interfere with the fabric or the management of purely Moslem sacred shrines, the immunities of which are guaranteed."

Article 14 read:

"A Special Commission shall be appointed by the Mandatory to study define and determine the rights and claims in connection with the Holy Places and the rights and claims relating to the different religious communities in Palestine".

Within a few years the increase in the Jewish population through mass immigration had resulted in political tensions in Palestine between the

Arabs and Jews, part of which was friction between the Jews and Moslem Arabs which soon developed over the Holy Places in Jerusalem

In 1929 there was a serious outbreak of violence over the Western Wall (or the Wailing Wall) of the ruins of the ancient Jewish Temples, the holiest site for Jewish worship, situated in the Haram-El-Sherif, for Moslems the holiest place in Jerusalem. An international commission appointed under Article 14 of the Mandate with the approval of the Council of the League of Nations investigated the claims of the two religious communities in Jerusalem.

Its award on the fundamental question of religious rights was:

"To the Moslems belong the sole ownership of and the sole proprietary right to the Western Wall, seeing that it forms an integral part of the Haram-esh-Sherif area . . .

"To the Moslems there also belongs the ownership of the Pavement in front of the Maghrabi (Moroccan) Quarter opposite the Wall . . .

"Such appurtenances of worship . . . as the Jews may be entitled to place near the Wall either in conformity with the present Verdict or by agreement come to between the Parties shall under no circumstances be considered as, or have the effect of, establishing for them any sort of proprietary right to the Wall or to the adjacent Pavement.

" . . . "

Thus the League of Nations Mandate's reference to "existing rights", presumably meaning the customary rights that had prevailed under the Ottoman Empire, was elaborated by the International Commission.

In its report the Commission noted that in presenting their case for the right of worship at the Western Wall, the Jews "do not claim any property right to the Wall". Its award prescribed certain subsidiary entitlements and obligations for both religious communities. This was made law on 8 June 1931², and remained law until the end of the Mandate.

The massive immigration under the Zionist Organisation's policies was swelled by European Jews seeking refuge from Nazi persecution. The augmented Jewish proportion of Palestine's population brought mounting Jewish-Arab hostility which culminated in the Palestinian rebellion of 1937-1939.

The Royal Commission of enquiry commenting on Jewish-Arab animosity, stated, *inter alia*:

" . . . Nor is the conflict in its essence an interracial conflict, arising from any old instinctive antipathy of Arabs towards Jews. There was little or no friction between Arabs and Jews in the rest of the Arab world until the strife in Palestine . . . [where] . . . there is no common ground between them. The Arab community is predominantly Asian in character, the Jewish community predominantly European . . ."³

Citing "the force of circumstance", the Royal Commission proposed the partition of Palestine into an Arab State and a Jewish State. In view of the sanctity of Jerusalem and Bethlehem to all three faiths, the Commission held the Holy Places to be, in words taken from the League's Covenant, "a sacred trust of civilization". It proposed that a Jerusalem-Bethlehem enclave encompassing all the Holy Places, with a corridor to the sea terminating at Jaffa, be endowed with an international status under a new mandate subject to the League's supervision⁴ (Map at Annex I).

This first plan for the partition of Palestine and the internationalisation of Jerusalem was superseded by political and military events. After the Second World War, Great Britain declared it was unable to resolve the conflict in Palestine and brought the problem to the United Nations.

III. THE INTERNATIONAL REGIME FOR JERUSALEM UNDER THE PARTITION RESOLUTION

When the Palestine question was taken up by the United Nations, in 1947, the country itself was ravaged by conflict. Because of its religious significance and symbolism, Jerusalem inevitably became a particular centre of convergence of the Jewish-Arab confrontation.

A large number of Jewish immigrants had settled in a new expanded western sector of Jerusalem, the ancient eastern sector, including the walled city, remaining predominantly Arab. The United Nations Special Committee on Palestine (UNSCOP), appointed by the General Assembly to present proposals on Palestine, estimated there were about 100,000 Jews and 105.000 Arabs (and others) in Jerusalem⁵.

Due to the special position of Jerusalem, UNSCOP unanimously recommended that the sanctity of the Holy Places be guaranteed by special provisions, and that "existing rights" in Palestine be preserved:

"A. The sacred character of the Holy Places shall be preserved and access to the Holy Places for the purposes of worship and pilgrimage shall be ensured in accordance with existing rights . . .

"B. Existing rights in Palestine of the several religious communities shall neither be impaired nor denied;

"C. . . .

"D. Specific stipulations concerning the Holy Places . . . and the rights of religious communities shall be inserted in the constitution or constitutions of any independent Palestinian State or States which may be created".⁶

The minority report recommended an independent, unified, federal State in Palestine. Jerusalem, which would have separate municipalities for the Arab and Jewish sectors, was to be its capital. Elaborating the unanimous recommendation cited above, the minority report proposed a functional form of internationalisation:

"In the interest of preserving, protecting and caring for. Holy Places . . . in Jerusalem, Bethlehem, Nazareth and elsewhere in Palestine, a permanent international body for the supervision and, protection of the Holy Places in Palestine shall be created . . . by the United Nations . . . "⁷.

The majority report recommended the partition of Palestine into an Arab State and a Jewish State, and the territorial internationalization of the Jerusalem area as an international enclave in the Arab State in Palestine (Maps at Annexes II and III). These recommendations were approved by the General Assembly in its Resolution 181 (II) on 29 November 1947. Often referred to as the "Partition Resolution", it envisaged a demilitarized Jerusalem as a *corpus separatum* under the aegis of the UN Trusteeship Council, which would draft a Statute for Jerusalem and appoint a Governor. A legislature would be elected by universal adult suffrage. The Statute would remain in force for ten years, and then be re-examined by the Trusteeship Council, with citizen participation through a referendum.

The principal clauses relating to Jerusalem read:

"The City of Jerusalem shall be established as a *corpus separatum* under a special international regime and shall be administered by the United Nations . . . Trusteeship Council . .

"The Trusteeship Council shall . . . elaborate and approve a detailed Statute of the City . . .

" . . .

" . . . A Governor of the City of Jerusalem shall be appointed by the Trusteeship Council and shall be responsible to it.

" . . . The City of Jerusalem shall be demilitarized; its neutrality shall be declared and preserved . . .

" . . . the Governor shall organize a special police force of adequate strength, the members of which shall be recruited outside of Palestine . . .

" . . . A Legislative Council, elected by adult residents of the city irrespective of nationality on the basis of universal and secret suffrage and proportional representation, shall have powers of legislation and taxation. No legislative measures shall, however, conflict or interfere with the provisions which will be set forth in the Statute of the City . . .

" . . . The Statute shall provide for the establishment of an independent judiciary system, including a court of appeal. All the inhabitants of the City shall be subject to it.

" . . . *Holy Places* (a) Existing rights in respect of Holy Places and religious buildings or sites shall not be denied or impaired.

(b) Free access to the Holy Places and religious buildings or sites and the free exercise of worship shall be secured in conformity with existing rights . . ."

The principle of upholding "existing rights" in the Holy Places thus was maintained in the Partition Resolution.

Other articles stipulated that the provisions cited above

". . . shall be under the guarantee of the United Nations, and no modification shall be made in them without the assent of the General Assembly . . .

"Any dispute relating . . . to this declaration . . . shall be referred, at the request of either party, to the International Court of Justice, unless the parties agree to another mode of settlement".

The Arab States and the Arab Higher Committee for Palestine, however, rejected the resolution, declaring that the UN was exceeding its competence by proposing the partitioning of Palestine. The Zionist Organisation, which had insisted that a Jewish State should be established in Palestine in its entirety, reluctantly accepted the partition formula. The conflict in Palestine, however, prevented the implementation of the resolution.

IV. THE DE FACTO DIVISION OF JERUSALEM, 1948

In actuality Palestine's fate was being determined not by international agreement but by armed force. Several months before the British finally withdrew from Palestine on 15 May 1948, a virtual state of war existed between the Palestinian Arabs and Zionist military organisations such as the *Haganah* and the *Irgun*. With the entry of forces from bordering Arab countries following the proclamation of the State of Israel on 14 May 1948, full-scale war broke out. being ended by a UN-negotiated truce on 16 November 1948, with Israeli forces having decisively defeated the Arab troops. Israeli territorial control expanded deep into the territories allotted to the Arab State,

and into the western sector of the Jerusalem enclave destined for internationalization under the Partition Resolution. Eastern Jerusalem, including the Walled City and the "West Bank", came under the occupation of Jordan, then not a member of the UN. (Map at Annex II)

This division of Jerusalem was confirmed by an Israel-Jordan cease-fire agreement of 30 November 1948, (which allowed convoys to an Israeli contingent in occupation of Mount Scopus in the Jordanian sector.)

The *de facto* division of the city was further formalized by an Israel-Jordan Armistice Agreement of 3 April 1949. This Agreement had no effect on the Partition Resolution's provisions for the internationalisation of Jerusalem.

V. REAFFIRMATIONS OF THE PRINCIPLE OF THE INTERNATIONALISATION OF JERUSALEM

Both the Israel-Jordan agreements were concluded through the UN Mediator for Palestine, appointed by the General Assembly. The first Mediator, Count Bernadotte, before his assassination by an Israeli terrorist group, had reiterated the importance of internationalisation:

"The City of Jerusalem . . . should be treated separately and should be placed under effective United Nations control with maximum feasible local autonomy for the Arab and Jewish communities with full safeguards for the protection of the Holy Places and sites, and free access to them, and for religious freedom."

Another General Assembly resolution, 194 (III) of 11 December 1948, again reaffirmed the principles of internationalisation and "existing rights", resolving:

". . . that the Holy Places — including Nazareth — religious buildings and sites in Palestine should be protected and free access to them assured. in accordance with existing rights and historical practice; . . .

The resolution established a Conciliation Commission for Palestine (CCP), which was instructed, *inter alia*:

". . . 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 resolution contained far-reaching provisions for the wider Palestine issue, and the Arab States, refusing to recognise Israel, did not accept it. Israel, on the other hand, also ignored the UN resolution and moved to absorb into its jurisdiction that part of Jerusalem it had occupied. In September 1948 the Israeli Supreme Court was established in New Jerusalem, in February 1949 the Knesset assembled and the President took the oath of office in the city.

Israel's intentions toward Jerusalem became a major focus of the UN discussion on Israel's application for membership.

The representative of Israel gave an assurance that:

"The Government of Israel advocated the establishment by the United Nations of an international regime for Jerusalem concerned exclusively with the control and protection of Holy Places, and would co-operate with such a regime.

"It would also agree to place under international control Holy Places in parts of its territory outside Jerusalem, and supported the suggestion that guarantees should be given for

the protection of the Holy Places in Palestine and for free access thereto."⁹

Delegates, however raised sharp questions on a statement in a report from the Conciliation Commission for Palestine that on the subject of Jerusalem the Israeli Prime Minister had declared that:

"For historical, political and religious reasons, the State of Israel could not accept the establishment of an international regime for the city of Jerusalem"¹⁰.

The representative of Israel said that this statement had been taken out of context and that in actual fact Israel would:

"make proposals [to] the General Assembly for defining the future juridical status of Jerusalem . . . [which] would differentiate between the powers of an international regime with respect to the Holy Places and the aspiration of the Government of Israel to become recognised as the sovereign authority in Jerusalem . . . "¹¹

Israel's assurances in regard of the implementation of resolutions 181 (II) and 194 (III) were specifically mentioned in the General Assembly's resolution admitting Israel to the United Nations¹². It is relevant to note that Israel gave these assurances even though both resolutions had not been accepted by the Arab States, and it can therefore be argued that Israel's assurances were not contingent on reciprocal Arab action. Between them these resolutions maintained the principle of the internationalisation of Jerusalem and the maintenance of "existing rights" and historical practice.

Nevertheless, the Knesset proclaimed Jerusalem the capital of Israel on 23 January 1950 and by 1951 Israeli ministries moved into the New City.

Jordan, still not a UN member, also took steps to extend its jurisdiction to the West Bank and the Old City in Jerusalem despite the disapproval of the Arab League.

VI. THE PROPOSALS OF THE CONCILIATION COMMISSION FOR PALESTINE FOR AN INTERNATIONAL REGIME FOR JERUSALEM

The United Nations was continuing its efforts to establish an international regime in Jerusalem. The Conciliation Commission for Palestine (CCP) established by resolution 194 (III), composed of representatives of France, Turkey and the USA, set up a Special Committee on Jerusalem. Discussions with Arab and Israeli authorities brought indications that the Arab countries, notwithstanding their initial rejection of resolutions 181 (II) and 194 (III), supported the principle of the internationalisation of the city of Jerusalem, but that this was no longer acceptable to Israel. The CCP reported:

"During the Commission's conversations in Beirut with the Arab delegations, the latter showed themselves in general, prepared to accept the principle of an international regime for the Jerusalem area, on condition that the United Nations should be in a position to offer the necessary guarantees regarding the stability and permanence of such a regime.

"From the beginning, however, the Government of Israel, while recognizing that the Commission was bound by General Assembly resolution 194 (III), declared itself unable to accept the establishment of an international regime for the city of Jerusalem; it did, however, accept without reservation an international regime for, or the international control of, the Holy Places in the City.

" . . . "

Faced with these positions and the *de facto* partition of Jerusalem, where the original United Nations aim of territorial internationalisation faced resistance, the CCP inclined toward the idea of a limited internationalisation of only the Holy Places, as proposed by Israel. Though the principle was akin to that presented in the UNSCOP minority report, a critical differentiation was that this earlier plan envisaged a united Palestine with Jerusalem as its capital, while the CCP sought to apply it in a partitioned Palestine and a divided Jerusalem. Unlike the Trusteeship Council, which had been charged solely with drafting a statute for an internationalised Jerusalem, the CCP's mandate covered the wider Palestine issue. In its discussions with the CCP Israel had made clear its desire to annex all the additional area it had occupied during the 1948 war, with the additional incorporation of the Gaza strip, while disclaiming any such intentions toward the West Bank¹⁴ These demands, although rejected by the Arab States, presented the CCP with a situation where the actual line of control between the Israeli and Jordanian zones of occupation in Palestine ran through Jerusalem, and the CCP's proposals for the city seemed to conform to this situation. A CCP report summarized its proposals, detailed in a draft Instrument, as follows:

"The principal aim of the draft instrument was 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. To this end. the draft Instrument provided that the Jerusalem area should be divided into an Arab and a Jewish zone within which the local authorities were empowered to deal with all matters not of international concern. These were specifically reserved to the authority of the United Nations Commissioner.

"The United Nations Commissioner, to be appointed by and responsible to the General Assembly, was charged with ensuring the protection of and free access to the Holy Places: supervising the permanent demilitarization and neutralization of the Jerusalem area: and ensuring the protection of human rights and of the rights of distinctive groups. The draft Instrument provided for the establishment of a General Council, composed of representatives from the Arab and Jewish zones, and presided over by the Commissioner, to co-ordinate matters of common interest to the two parts of the City. The Council would in practice have only advisory and consultative functions with the authorities of the Arab and Jewish zones of the city. The draft Instrument also provided for an international tribunal and a mixed tribunal, which were not, however, designed to function as substitutes for the judicial organization already established in the two zones. The international tribunal would ensure that the provisions of the plan were respected by the United Nations authorities in Jerusalem and by the authorities of the two parts of the area; the mixed tribunal would 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 were resumed. The draft Instrument also contained detailed provisions for the protection of, and free access to, the Holy Places, religious buildings and sites inside the Jerusalem area and authorized the United Nations Commissioner to supervise the implementation of undertakings which might be made by the States concerned regarding Holy Places, religious buildings and sites of Palestine situated outside the Jerusalem area.

" . . . "15

These CCP proposals, giving the appearance of conforming to a *fait accompli* of a divided Jerusalem, brought reactions strong enough to lead the CCP to issue an explanatory statement¹⁶. This failed to remove the impression that the proposals would consolidate the division of Jerusalem under Israeli and Jordanian jurisdictions with functions for the UN Commissioner limited only to the Holy Places, and thus would not conform to the General Assembly's requirement that Jerusalem be a *corpus separatum* under an international regime. The CCP proposals were not debated in the General Assembly and, in effect, lapsed.

VII. THE TRUSTEESHIP COUNCIL'S DRAFT STATUTES FOR JERUSALEM

The Trusteeship Council had been charged by the General Assembly specifically to prepare a statute for an internationalised Jerusalem in terms of resolution 181 (II) and its efforts were directed to this end.

The Council had prepared, in April 1948, a draft statute for the internationalization of Jerusalem¹⁷, but the actuality of the situation had made impossible any consideration of the implementation of the Council's proposals. In December 1949 the General Assembly, referring to its two previous major resolutions, reiterated the principle of the internationalization of Jerusalem and requested the Trusteeship Council to finalize a statute, specifying that the Council "shall not allow any actions taken by any interested government or governments to divert it from adopting and implementing the statute of Jerusalem."¹⁸ Israel, by then a UN member, voted against this resolution, its assurances regarding the principle of internationalisation notwithstanding.

The Trusteeship Council invited views from Israel and Jordan, which were summarized as follows:

"The representative of the Hashemite Kingdom of the Jordan stated that his Government desired to reiterate . . . that it would not discuss any plan for the internationalization of Jerusalem. The representative of Israel stated that, while opposed to the internationalization of the Jerusalem area proposed in the draft Statute, his Government remained willing to accept the principle of direct United Nations responsibility for the Holy Places, to participate in discussions on the form and content of a Statute for the Holy Places, and to accept binding declarations or agreements ensuring religious freedom and full liberty for the pursuit of religious education and the protection of religious institutions"¹⁹.

On 4 April 1950 the Council approved a Statute²⁰ still conforming to the territorial internationalization plan of the Partition Resolution of 29 November 1947. Jordan, still not a UN member, refused further comment and Israel maintained that, in the changed circumstances since that resolution, it would accept an international regime only for the Holy Places within the Walled City and its immediate environs²¹.

Faced with this situation the Trusteeship Council's proposals lapsed for all practical purposes.

VIII. THE INTERREGNUM IN JERUSALEM, 1950-1967

By 1950 certain features of the Palestine issue directly affecting the question of the status of Jerusalem were clear.

The General Assembly had reaffirmed the principle of the maintenance of "existing rights" and of an internationalized *corpus separatum* status for Jerusalem, despite its *de facto* division between Israeli and Jordanian occupation. The ultimate determination of the status of the city was unaffected by the Israel-Jordan armistice agreement of 1949. The change in the position of the Arab States (in

the CCP talks) to accept the internationalization of Jerusalem had little effect on Israel's determination to hold its territorial gains in the city. These developments combined to prolong the partition of Jerusalem.

After Israel declared Jerusalem its capital, the Jordanian government moved to formalize its control over the West Bank and the Old City. However, the Jordanian legislation indicated that this move did not prejudice the final settlement of the Palestine issue²². In 1955 Jordan became a member of the United Nations.

The division of Jerusalem from 1950 to 1967 between two hostile States, in place of the internationalization called for by the General Assembly, brought certain consequences. Israelis were denied access to the Holy Places in the Old City, as a result of the continuation of a state of war between Israel and Jordan.

The Armistice Agreement between Israel and Jordan included the principle of free access to the Holy Places, for which detailed arrangements were to be finalised by a special committee. The Arab Governments issued the following statement:

"The Governments of Egypt, the Hashemite Kingdom of Jordan, Lebanon and Syria undertake to guarantee freedom of access to the holy places, to religious buildings and sites situated in the territory placed under their authority by the final settlement of the Palestine problem, or pending than settlement, in the territory at present occupied by them under Armistice Agreements, and pursuant to this undertaking will guarantee rights of entry and of transit to ministers of religion, pilgrims and visitors, without distinction as to nationality or faith, subject only to considerations of national security, all the above in conformity with the *status quo* prior to 14 May 1948".²³

However, in the discussions conducted by the Conciliation Commission for Palestine, territorial questions became directly linked with the question of the return of refugees, and the failure to resolve one led to the inability to resolve the other. The CCP's efforts to mediate the impasse were fruitless, and as a result, Israelis could not gain access to the Holy Places during the period of Jordanian occupation of East Jerusalem.

As the division of Jerusalem became protracted, and its two parts became progressively more integrated into two hostile countries, the political barriers consolidated. The psychological rift also deepened as an essentially Arab society continued its traditions in East Jerusalem, while West Jerusalem progressively became more Europeanized.

United Nations efforts to secure the internationalization of Jerusalem faded after 1950, and the international acquiescence in the *status quo* of a divided Jerusalem was ended by the Israeli occupation of East Jerusalem in 1967. (Map at Annex IV)

IX. THE EFFECTS OF THE 1967 WAR ON THE STATUS OF JERUSALEM

Israel's occupation of East Jerusalem in June 1967, along with the Palestinian territory held by Jordan since 1948, brought serious repercussion for the status of Jerusalem. With West Jerusalem already declared by Israel as its capital, Israeli actions immediately following Israel's military success were a clear indication of the Israeli intention, presumably pre-planned, to hold the entire city. For instance when Israeli forces consolidated their positions in the Old City, a senior military commander declared on 7 June 1967:

"The Israeli Defense Forces have liberated Jerusalem. We have reunited the torn city, the capital of Israel. We have returned to this most sacred shrine, never to part from it again".²⁴

The immediate extension, through legislative measures, of Israeli, jurisdiction to "Eretz Israel" and to the newly occupied parts of the city²⁴ confirmed this intent of annexation. Possession was further consolidated by more concrete measures, in particular the razing of the historic Maghrabi quarter before the Wailing Wall to construct a plaza.

Israel's failure to respond to United Nations demands to refrain from consolidating its seizure of Jerusalem brought further evidence of Israel's intentions. Israel refused to accept the Security Council's resolution that the Geneva Conventions of 1949 were applicable in areas under military occupation²⁶. Israel's refusal to heed two resolutions of the General Assembly specifically directed to the status of Jerusalem left little doubt of Israeli intent of annexation.

Resolution 2253 (ES-V) of 4 July 1967 read:

"The Genoa! Assembly,

"Deeply concerned at the situation prevailing in Jerusalem as a result of the measures taken by Israel to change the status of the City,

"1. Considers that these measures are invalid;

"2. Calls upon Israel to rescind all measures already taken and to desist forthwith from taking any action which would alter the status of Jerusalem".

Resolution 2254 (ES-V) of 14 July 1967 read:

"The General Assembly,

"Taking note with the deepest regret and concern of the non-compliance by Israel with resolution 2253 (ES-V),

"1. Deplores the failure of Israel to implement General Assembly resolution 2253 (ES-V);

"2. Reiterates its call to Israel in that resolution to rescind all measures already taken and to desist forthwith from taking any action which would alter the status of Jerusalem;

"3. Requests the Secretary-General to report to the Security Council and the General Assembly on the situation and on the implementation of the present resolution."

The references in these resolutions to "the status of Jerusalem" could mean only the status defined in the fundamental General Assembly resolution on the partition of Palestine. i.e a *corpus separatum* under an international regime.

Both resolutions had received overwhelming support , with no dissent²⁷, but were ignored by Israel, which moved its Supreme Court to East Jerusalem, among other measures to extend Israeli law to the newly occupied territories.

The Secretary-Generals report was based on information gathered by his Personal Representative in Jerusalem, Ambassador Thalmann of Switzerland, whose terms of reference were limited only to obtaining information. Excerpts from the report presented in September. 1967²⁸ describe Israeli aims:

" . . .

"33. In the numerous conversations which the Personal Representative had with Israel leaders, including the Prime Minister and the Minister for Foreign Affairs, it was made clear beyond any doubt that Israel was taking every step to place under its sovereignty those parts of the city which were not controlled by Israel before June 1967. The statutory bases for this had already been created and the administrative authorities had started to apply Israel laws and regulations in those parts of the city.

". . .

"35. The Israel authorities stated unequivocally that the process of integration was irreversible and not negotiable.

X. SECURITY COUNCIL ACTIONS IN RELATION TO JERUSALEM

The Security Council also censured Israel and called for the rescinding of measures taken that affected the status of Jerusalem. Resolution 242 (1967) emphasized the inadmissibility of acquisition of territory by force and called for the withdrawal of Israeli forces from territories occupied during the June 1967 conflict. Both elements were directly applicable to the situation in Jerusalem and might suggest that withdrawal by Israel to the June 1967 lines in Jerusalem would comply with the Council's requirements. But in addition, the Security Council further passed a number of resolutions specifically directed to the status of Jerusalem. Resolution 252 (1968) of 21 May 1968 reads:

"The Security Council,

"Recalling General Assembly resolutions 2253 (ES-V) of 4 July 1967 and 2254 (ES-V) of 14 July 1967,

"Noting that since the adoption of the above-mentioned resolutions Israel has taken further measures and actions in contravention of those resolutions,

"Bearing in mind the need to work for a just and lasting peace,

"Reaffirming that acquisition of territory by military conquest is inadmissible,

"1. Deplores the failure of Israel to comply with the General Assembly and resolutions mentioned above;

"2. Considers that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem are invalid and cannot change that status;

"3. Urgently calls upon Israel to rescind all such measures already taken and desist forthwith from taking any further action which tends to change the status of Jerusalem;

". . . "

Resolution 267 (1969) of 3 July 1969 reads:

"The Security Council,

"Noting that since the adoption of the above-mentioned resolutions Israel has taken further measures tending to change the status of the City of Jerusalem,

"Reaffirming the established principle that acquisition of territory by military conquest is inadmissible,

"1. *Reaffirms* its resolution 252 (1968);

"2. *Deplores* the failure of Israel to show any regard for the resolutions of the General Assembly and the Security Council mentioned above;

"3. *Censures* in the strongest terms all measures taken to change the status of the City of Jerusalem;

"4. *Confirms* that all legislative and administrative measures and actions taken by Israel which purport to alter the status of Jerusalem, including expropriation of land and properties thereon, are invalid and cannot change that status;

"5. *Urgently calls* once more upon Israel to rescind forthwith all measures taken by it which may tend to change the status of the City of Jerusalem, and in future to refrain from all actions likely to have such an effect;

"6. *Requests* Israel to inform the Security Council without any further delay of its intentions with regard to the implementation of the provisions of the present resolution;

" . . . "

These references to "the legal status of Jerusalem" by the Security Council again could mean only the status of the internationalized *corpus separatum* defined in the Partition Resolution, thus maintaining the validity of this status.

Following the outbreak of a major fire in August 1969, evidently by arson, in the Al-Aqsa Mosque, one of the holiest places in Islam, the Security Council took the strong step of condemning Israel for

flouting UN resolutions on Jerusalem. Resolution 271 (1969) of 15 September 1969 reads:

"The Security Council,

"Grieved at the extensive damage caused by arson to the Holy Al Aqsa Mosque in Jerusalem on 21 August 1969 under the military occupation of Israel,

"Mindful of the consequent loss to human culture,

"Having heard the statements made before the Council reflecting the universal outrage caused by the act of sacrilege in one of the most venerated shrines of mankind,

"Recalling its resolutions and the earlier General Assembly resolutions concerning measures and actions by Israel affecting the status of the City of Jerusalem,

"Reaffirming the established principle that acquisition of territory by military conquest is inadmissible,

"1. Reaffirms its resolutions 252 (1968) and 267 (1969);

"2. Recognizes that any act of destruction or profanation of the Holy Places, religious buildings and sites in Jerusalem or any encouragement of, or connivance at, any such act may seriously endanger international peace and security;

"3. Determines that the execrable act of desecration and profanation of the Holy Al Aqsa Mosque emphasizes the immediate necessity of Israel's desisting from acting in violation of the aforesaid resolutions and rescinding forthwith all measures and actions taken by it designed to alter the status of Jerusalem;

"4. *Calls upon* Israel scrupulously to observe the provisions of the Geneva Conventions and international law governing military occupation and to refrain from causing any hindrance to the discharge of the established functions of the Supreme Moslem Council of Jerusalem. including any co-operation that Council may desire from countries with predominantly Moslem population and from Moslem communities in relation to its plans for the maintenance and repair of the Islamic Holy Places in Jerusalem;

"5. *Condemns* the failure of Israel to comply with the aforementioned resolutions and calls upon it to implement forthwith the provisions of these resolutions . . ."

Yet another Security Council Resolution reaffirmed the earlier resolutions on the status of Jerusalem, and has declared Israeli actions and legislation in respect of Jerusalem "totally invalid". Resolution 298 (1971) of 25 September 1971 reads:

"The Security Council,

"Recalling its resolutions . . . and the earlier General Assembly resolutions concerning measures and actions by Israel designed to change the status of the Israeli-occupied section of Jerusalem,

"Having considered the letter of the Permanent Representative of Jordan on the situation in Jerusalem and the reports of the Secretary-General, and having heard the statements of the parties concerned on the question,

"Reaffirming the principle that acquisition of territory by military conquest is inadmissible,

"*Noting with concern* the non-compliance by Israel with the above-mentioned resolutions,

"*Noting with concern* also that since the adoption of the above-mentioned resolutions Israel has taken further measures designed to change the status and character of the occupied section of Jerusalem,

"1. *Reaffirms* its resolutions 252 (1968) and 267 (1969);

"2. *Deplores* the failure of Israel to respect the previous resolutions adopted by the United Nations concerning measures and actions by Israel purporting to affect the status of the City of Jerusalem;

"3. *Confirms* in the clearest possible terms that all legislative and administrative actions taken by Israel to change the status of the City of Jerusalem, including expropriation of land and properties transfer of population and legislation aimed at the incorporation of the occupied section, are totally invalid and cannot change that status;

"4. *Urgently calls upon* Israel to rescind all previous measures and actions and to take no further steps in the occupied section of Jerusalem which may purport to change the status of the City or which would prejudice the rights of the inhabitants and the interests of the international community, or a just and lasting peace;

The sweeping language of this resolution appears to confirm an intent to maintain the status of Jerusalem as a *corpus separatum*.

Israel's official reaction to this resolution clearly reflected its intentions regarding the status of Jerusalem:

"The Government of Israel considers that there was no justification whatever for raising the issue of Jerusalem in the Security Council, nor for the resolution adopted. The Government of Israel will not enter into any discussion with any political organ on the basis of this resolution. Israel's policy on Jerusalem will remain unchanged. Israel will continue to ensure the development of the city for the benefit of all its inhabitants, the respect of the religious rights of all communities, and the scrupulous protection of the Holy Places of all faiths and the freedom of access to them. This policy has contributed to the development of fruitful relations between all sections of the population"²⁹.

UN resolutions since 1969, emanating mainly from the General Assembly, have been in terms dealing with the wider Middle East situation arising out of the continued Israeli occupation of Arab territories since June 1967³⁰, basing themselves on the provisions of Security Council 242 (1967). Every one of these resolutions confirms the nonrecognition of the Israeli occupation of East Jerusalem.

The mission of the Secretary-General's Special Representative, appointed in compliance with Security Council Resolution 242 (1967) to negotiate a Middle East agreement, was deeply concerned with the status of Jerusalem as one of the most fundamental questions in the Middle East dispute, and its failure left the issue unresolved. Israel, despite U.N. condemnation is in continued violation of UN resolutions, and East Jerusalem is in its second decade under foreign occupation and subject to the Geneva Conventions of 1949, which Israel refuses to recognize.

XI. JERUSALEM AND THE RIGHTS OF THE PALESTINIAN PEOPLE

A development of fundamental importance during this period has been the recognition and endorsement by the General Assembly of the inalienable rights of self-determination, national independence and sovereignty of the Palestinian people. An essential part of this process was the relinquishing by Jordan of any claims to jurisdiction over the West Bank. Thus any Middle East settlement necessarily would have to take into account the General Assembly's call for the establishment in the West Bank and Gaza of a Palestinian national entity. An integral part of any such settlement would involve agreement on the status of Jerusalem.

The Committee on the Exercise of the Inalienable Rights of the Palestinian People in 1976 considered the question of the status of Jerusalem. Its report stated:

" . . .

"The members of the Committee stressed the special significance of the city of Jerusalem and its holy shrines to three major religions of the world—Islam, Judaism and Christianity. The international status of the city of Jerusalem, as provided for in General Assembly resolution 181 (II) was recalled.

"A suggestion was made that the administration of the city of Jerusalem should consist of two main organs: (a) a 45-member legislative body in which the three main religious communities of the city would be equally represented; (b) an executive organ led by a United Nations commissioner appointed by the Secretary-General with the consent of the Security Council.

"Several delegations were of the view that the question of the city of Jerusalem was beyond the mandate of the Committee. According to one view, during the first phase of the proposed programme of implementation of the inalienable rights of the Palestinian people, Jerusalem should be restored to the situation which had prevailed before the war of June 1967. Its future status could be considered after the establishment of an independent Palestinian entity.

"It was felt in the Committee that any solution of the delicate problem of Jerusalem should be sought within the framework of the inalienable rights of the Palestinian people and the religious characteristics of the city .

The Committee thus appears to take the view that the question of the future status of Jerusalem would have to be approached in the framework of an overall Middle East settlement, in which the establishment of an independent Palestinian entity would be a central element..

XII. CONCLUSIONS

The foregoing survey of the course of the question of the internationalization of Jerusalem in the United Nations leads to the following conclusions regarding the principal elements of the present state of the issue.

(a) During the period 1950-1967, despite the international acquiescence in the division of the City of Jerusalem, the General Assembly continued to uphold the principle of the internationalization of Jerusalem as a *corpus separatum* in terms of its resolutions 181 (II) and 194 (III).

(b) The resolutions of the General Assembly and Security Council in relation to Jerusalem following the occupation of the entire city of Jerusalem by Israel in June 1967 also maintained this original principle of internationalization. Further, they required Israel to withdraw from territories occupied during the conflict, and to rescind all measures taken, as well as to refrain from taking further measures, to alter the status of Jerusalem. Thus, it would appear that the United Nations since 1947 has maintained the principle that the legal status of Jerusalem is that of a *corpus separatum* under an international regime.

(c) Israel's rejection of these resolutions, which have declared its actions and legislation in Jerusalem invalid, in no way deprives the resolutions of their own validity.

(d) Israel's actions and legislation have not been acquiesced in by the majority of the international community. Most of the countries maintaining diplomatic relations with Israel continue to keep their missions in Tel Aviv, even though Israel has declared Jerusalem as its official capital.

(e) The recent introduction of Israeli legislation requiring all diplomatic missions to move to Jerusalem gives new urgency to the issue, and to the UN role in it in view of the UN resolutions cited earlier.

(f) The question of the status of Jerusalem can be finally resolved only in the context of a general Middle East settlement, which would need to take into account the General Assembly's resolutions on the rights of the Palestinian people.

These factors, *inter alia*, would be of importance in the resolution of the status of the city of Jerusalem and of the Holy Places.

NOTES AND REFERENCES

- (1) British Government *Report of the Commission appointed by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland, with the approval of the Council of the League of Nations, to determine the rights and claims of Moslems and Jews in connection with the Western or Wall at Jerusalem* (London, H.M.S.O., 1931) p. 57
(Note: The members of the Commission were from Sweden, Switzerland and the Netherlands)
- (2) Palestine Government *Official Gazette of the Government of Palestine*, Jerusalem, 8 June 1931.
- (3) British Government *Palestine Royal Commission: Report* Cmd. 5479 (London, H.M.S.O. 1937) pp. 131, 370.
- (4) *Ibid.*, pp. 381-382.
- (5) United Nations: *Official Records of the General Assembly, Second Session, Supplement No. 11* (Document A/364, UNSCOP Report) Vol. I, p. 54.
- (6) *Ibid.*, p. 44.
- (7) *Ibid.*, p. 63.
- (8) *Official Records of the General Assembly, Third Session, Supplement No. 11* (Document A/648, Progress Report of the UN Mediator on Palestine) p. 18.
- (9) *Official Records of the General Assembly, Third Session, Part II, Ad Hoc Political Committee*, 45th meeting, p. 236.
- (10) *Ibid.* 46th meeting, p. 254.
- (11) *Ibid.*
- (12) General Assembly resolution 273 (III) of 11 May 1949.
- (13) *Official Records of the General Assembly, Fifth Session, Supplement No. 18* (Document A/1367/Rev. 1) p. 10.
- (14) *Ibid.*, pp. 19-20.

- (15) *Ibid.*, pp. 10-11 The detailed instrument appears in Document A/973.
- (16) Document A/973 Add.I.
- (17) Document T/118/Rev. 2 of 31 April 1948.
- (18) General Assembly resolution 303 (IV) of 4 December 1949.
- (19) *Official Records of the General Assembly Fifth Session, Supplement No. 9* (Document A/1286: Question of an International Regime for the Jerusalem Area and Protection of the Holy Places) p. 2.
- (20) *Ibid.*, p. 19.
- (21) *Ibid.*, pp. 2, 32-33.
- (22) *New York Times*, 25 April 1950.
- (23) Document PV.2126, 14 March 1979, pp. 33-35.
- (24) General Dayan. *Facts on File*, Vol. XXVII, 7 June 1967.
- (25) The Law and Administration Ordinance (Amendment No. 11) Law, 5727-1967 and the Municipalities Ordinance (Amendment No. 6) Law 5727.
- (26) United Nations Resolution 237 (1967) of 14 June 1967.
- (27) Resolution 2253:
 - 99 votes in favour
 - 0 against
 - 20 abstentions
 Resolution 2254:
 - 99 votes in favour
 - 0 against
 - 18 abstentions
- (28) Document S/8146, 12 September 1967, (Report of the Secretary-General Under General Assembly Resolution 2254 (ES-V) Relating to Jerusalem) Paras. 26, 27, 28, 33, 35.
- (29) Press release of 28 September 1971

Government
of Israel

(30) These include Security Council resolution 338 (1973) of 22 October 1973 and the following General Assembly resolutions:

2628 (XXV) of 7 December 1970

2799 (XXVI) of 13 December 1971

2949 (XXVII) of 8 December 1972

3414 (XXX) of 5 December 1975

31/61 of 9 December 1976

32/20 of 25 November 1977

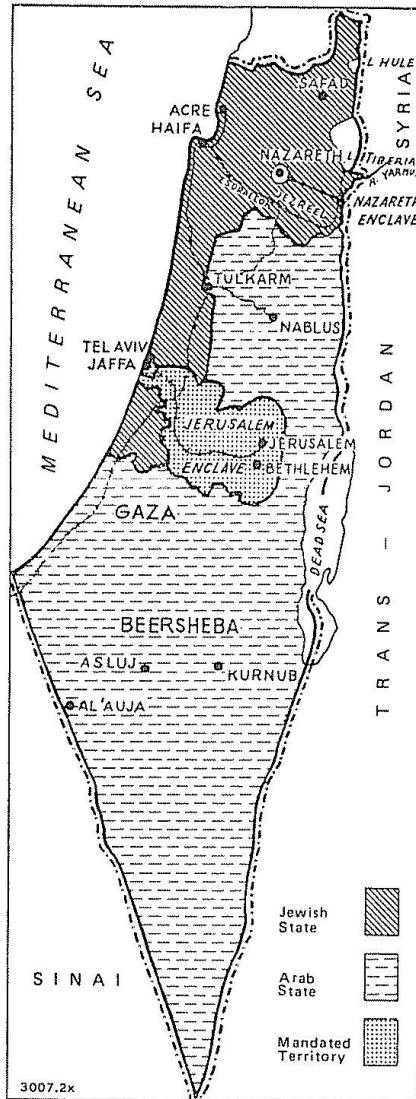
33/29 of 7 November 1978

The status of the inhabitants of East Jerusalem is also referred to in the General Assembly resolutions since 1970 approving the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories.

(31) United Nations *Official Records of the General Assembly, Thirty-first Session, Supplement No. 35* (Document A/31/35) p. 8.

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ANNEX I



PALESTINE PARTITION PLAN - 1937

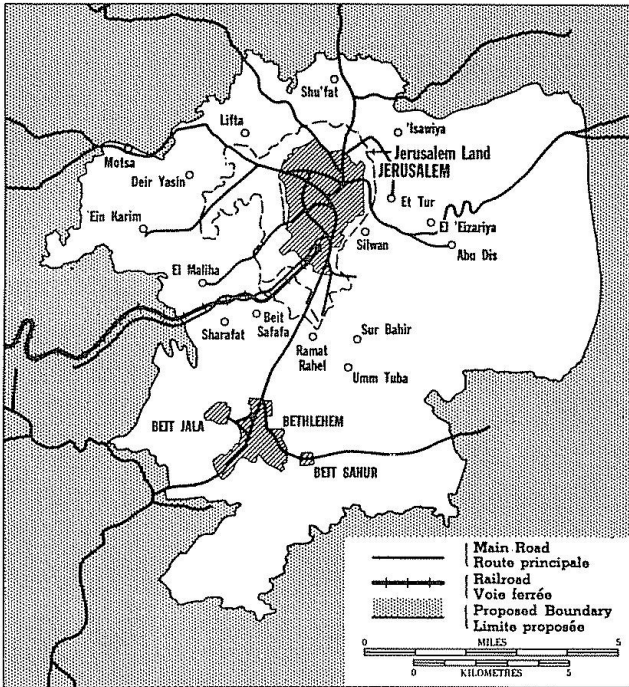
ANNEX II



ANNEX III

CITY OF JERUSALEM BOUNDARIES PROPOSED

BY THE AD HOC COMMITTEE
ON THE PALESTINIAN QUESTION

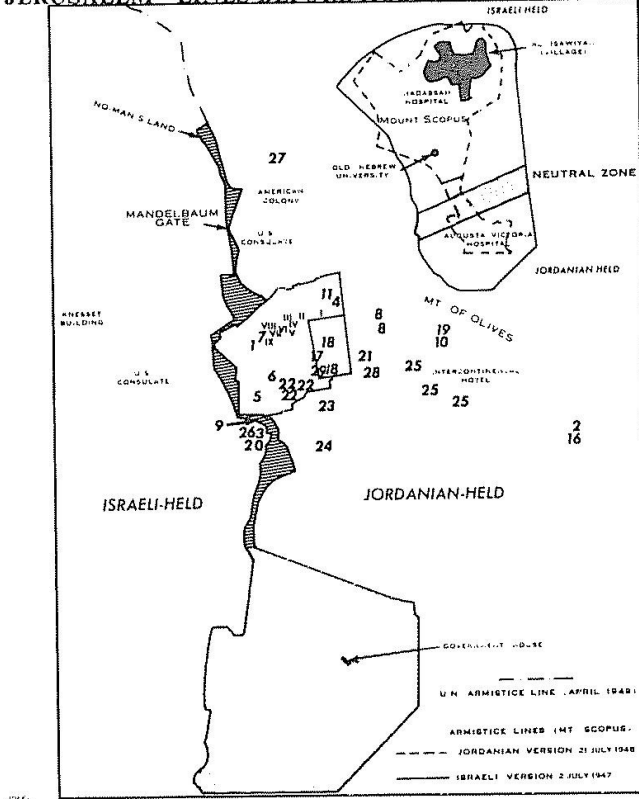


VILLE DE JERUSALEM LIMITES PROPOSEES

PAR LA COMMISSION AD HOC
CHARGE DE LA QUESTION PALESTINIENNE

ANNEX IV

JERUSALEM - LINES BEFORE HOSTILITIES OF JUNE 1967 JERUSALEM - LINES BEFORE HOSTILITIES OF JUNE 1967



CHRISTIAN	MUSLIM	JEWISH
1 BASILICA OF THE HOLY SEPULCHRE		
2 BETHANY		
3 CENACLE		
4 CHURCH OF ST ANNE		
5 CHURCH OF ST JAMES THE GREAT		
6 CHURCH OF ST MARK		
7 DEIR AL SULTAN		
8 TOMB OF THE VIRGIN AND GARDEN OF GETSEMANE		
9 HOUSE OF CAIPHAS AND FR-SON OF CHRIST		
10 SANCTUARY OF THE ASCENSION AND MOUNT OF OLIVES		
11 POOL OF BETHESDA		
12 ENI KAHN		
13 BASILICA OF THE NATIVITY BETHLEHEM		
14 MILK GROTTOS BETHLEHEM		
15 SHEPHERDS FIELD BETHLEHEM		
1 TO IX INCLUSIVE STATIONS OF THE CROSS		
	16 TOMB OF LAZARUS	
	17 EL BURAIK MOSQUE	
	18 HAREM AL SHARIF MOSQUE OF UMAN AND MOSQUE OF ASKAT	
	19 MOSQUE OF THE ASCENSION	
		20 TOMB OF DAVID (NEB. DAUD)
		21 TOMB OF ABRAHAM
		22 ANCIENT AND MODERN SYNAGOGUES
		23 BATH OF RABBI ISHMAEL
		24 BROOK SILDAM
		25 CEMETARY ON MOUNT OF OLIVES
		26 TOMB OF DAVID
		27 TOMB OF SHILOH THE JUST
		28 TOMB OF ZACHARIAH AND OTHER TOMBS IN KIDRON VALLEY
		29 WALLING WALL
		30 RACHAEL'S TOMB

<i>Source of document</i>
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A/RES/36/120
10 December 1981

Question of Palestine
A

The General Assembly,

Recalling its resolutions 3376 (XXX) of 10 November 1975, 31/20 of 24 November 1976, 32/40 A and B of 2 December 1977, 33/28 A to C of 7 December 1978, 34/65 A and B of 29 November and 34/65 C and D of 12 December 1979, ES-7/2 of 29 July 1980, and 35/169 A to E of 15 December 1980,

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,

1. Expresses its appreciation to the Committee on the Exercise of the Inalienable Rights of the Palestinian People for its efforts in performing the tasks assigned to it by the General Assembly;
2. Requests the Committee to keep the situation relating to the question of Palestine under review and to report and make suggestions to the General Assembly or the Security Council, as appropriate;
3. Authorizes the Committee to continue to exert all efforts to promote the implementation of its recommendations, to send delegations or representatives to international conferences

where such representation would be considered by it to be appropriate, and to report thereon to the General Assembly at its thirty-seventh session and thereafter;

4. Requests the United Nations Conciliation Commission for Palestine, established under General Assembly resolution 194 (III) of 11 December 1948, as well as other United Nations bodies associated with the question of Palestine, to co-operate fully with the Committee and to make available to it, at its request, the relevant information and documentation which they have at their disposal;

5. Decides to circulate the report of the Committee to all the competent bodies of the United Nations and urges them to take the necessary action, as appropriate, in accordance with the Committee's programme of implementation;

6. Requests the Secretary-General to continue to provide the Committee with all the necessary facilities for the performance of its tasks.

B

The General Assembly,

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,

Noting, in particular, the information contained in paragraphs 39 to 48 of that report,

Recalling its resolutions 32/40 B of 2 December 1977, 33/28 C of 7 December 1978, 34/65 D of 12 December 1979 and 35/169 D of 15 December 1980,

1. Notes with appreciation the action taken by the Secretary-General in compliance with General Assembly resolution 35/169 D;

2. Requests the Secretary-General to ensure that the Special Unit on Palestinian Rights continues to discharge the tasks detailed in paragraph 1 of General Assembly resolution 32/40 B and paragraph 2 (b) of resolution 34/65 D, in consultation with the Committee on the Exercise of the Inalienable Rights of the Palestinian People and under its guidance;

3. Requests the Secretary-General to provide the Special Unit on Palestinian Rights with the necessary additional resources to accomplish its tasks and to expand its work programme, inter alia through:

(a) The organization, annually of a seminar in North America in addition to the regional seminars;

(b) More widespread dissemination of its publications in all the official languages;

(c) The translation of those publications into languages other than the official languages of the United Nations;

4. Also requests the Secretary-General to take necessary action on the redesignation of the Special Unit on Palestinian Rights, as requested in paragraph 1 of resolution 34/65 D, in keeping with the political importance of its work and its expanded work programme;

5. Further requests the Secretary-General to ensure the continued co-operation of the Department of Public Information and other units of the Secretariat in enabling the Special Unit on Palestinian Rights to perform its tasks, inter alia through the production, in consultation with the Committee on the Exercise of the Inalienable Rights of the Palestinian People, of a film on

Palestinian rights and through the provision of copies of the photographic exhibit on Palestinian rights installed at United Nations Headquarters and of other visual material for use by the Special Unit and United Nations information centres;

6. Invites all Governments and organizations to lend their co-operation to the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Special Unit on Palestinian Rights in the performance of their tasks;

7. Notes with appreciation the action taken by Member States to observe annually on 29 November the International Day of Solidarity with the Palestinian People and the issuance by them of special postage stamps for the occasion.

C

The General Assembly,

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,

Recalling its relevant resolutions, particularly resolutions 31/20 of 24 November 1976 and ES-7/2 of 29 July 1980,

Gravely concerned that no just solution to the problem of Palestine has been achieved and that this problem therefore continues to aggravate the Middle East conflict of which it is the core, and to endanger international peace and security,

Convinced that wider international recognition of the facts underlying the question of Palestine will lead to a just solution of the problem,

Recognizing that a lasting peace in the Middle East requires a just solution of the problem of Palestine through the attainment and exercise by the Palestinian people of its inalienable rights,

Emphasizing the need for a comprehensive effort to seek effective ways and means to enable the Palestinian people to attain and to exercise these rights,

1. Decides to convene, under the auspices of the United Nations, an International Conference on the Question of Palestine not later than 1984, on the basis of General Assembly resolution ES-7/2;

2. Authorizes the Committee on the Exercise of the Inalienable Rights of the Palestinian People to act as the Preparatory Committee for the Conference and to take all the necessary steps for its organization, to hold sessions particularly for this purpose and to make recommendations regarding, *inter alia*, the site, scheduling of and participation in the Conference, and the provisional agenda of the Conference;

3. Invites all appropriate United Nations bodies, specialized agencies and other intergovernmental and non-governmental organizations to co-operate with the Committee in the implementation of the present resolution;

4. Requests the Secretary-General to appoint a Secretary-General of the Conference and to provide all the necessary assistance to the Committee in the organization of the Conference.

D

The General Assembly,

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the recommendations contained therein,

Having heard the statement of the Palestine Liberation Organization, the representative of the Palestinian people,

Expressing its extreme concern that no just solution to the problem of Palestine has been achieved and that this problem therefore continues to aggravate the Middle East conflict, of which it is the core, and to endanger international peace and security,

Reaffirming that a just and comprehensive lasting peace in the Middle East requires a just solution to the problem of Palestine through the attainment by the Palestinian people of its inalienable rights,

Resolutely emphasizing the inadmissibility of the acquisition of territory by force,

Recognizing the need to work for a comprehensive, just and lasting peace in the Middle East,

Recalling and reaffirming its previous relevant resolutions, particularly resolutions 181 (II) of 29 November 1947, 194 (III) of 11 December 1948, 3236 (XXIX) of 22 November 1974 and ES-7/2 of 29 July 1980,

1. Reaffirms the inalienable right of the Palestinians to return to their homes and property in Palestine, from which they have been displaced and uprooted, and calls for their early return;

2. Reaffirms also the inalienable rights in Palestine of the Palestinian people, including:

- (a) The right to self-determination without external interference, and to national independence and sovereignty;

- (b) The right to establish its own independent sovereign State;

3. Reaffirms, in particular, that a comprehensive, just and lasting peace in the Middle East cannot be established without the

withdrawal of Israel from all the occupied Palestinian and other Arab territories, including Jerusalem, and without the achievement of a just solution of the problem of Palestine on the basis of the attainment by the Palestinian people of its inalienable rights in Palestine in accordance with the Charter of the United Nations and the relevant resolutions of the United Nations;

4. Expresses its opposition to all policies and plans aimed at the resettlement of the Palestinians outside their homeland;

5. Demands that Israel should withdraw completely and unconditionally from all the Palestinian and other Arab territories occupied since June 1967, including Jerusalem, with all property and services intact;

6. Further demands that Israel should fully comply with all the resolutions of the United Nations relevant to the historic character of the Holy City of Jerusalem, in particular Security Council resolutions 476 (1980) of 30 June 1980 and 478 (1980) of 20 August 1980, and rejects the enactment of a "basic law" by the Israel Knesset proclaiming Jerusalem as the capital of Israel;

7. Demands that Israel should fully comply with the provisions, in particular, of Security Council resolution 465 (1980) adopted unanimously on 1 March 1980;

8. Reaffirms the basic principle that the future of the Palestinian people can only be considered with its participation and calls for the participation of the Palestine Liberation Organization, the representative of the Palestinian people in all efforts, deliberations and conferences on the question of Palestine and on the situation in the Middle East to be held under the auspices of the United Nations, on an equal footing and on the basis of the relevant resolutions of the United Nations;

9. Endorses the recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People

contained in paragraphs 49 to 53 of its report and draws the attention of the Security Council to the fact that action on the Committee's recommendations, as endorsed by General Assembly resolution 31/20, is long overdue;

10. Requests the Security Council to convene in order to consider the situation and the adoption of effective measures to implement the recommendations of the Committee as endorsed by the General Assembly in its resolution 31/20 of 24 November 1976;

11. Decides to include in the provisional agenda of its thirty-seventh session the item entitled "Question of Palestine".

E

The General Assembly,

Recalling and reaffirming its resolution 2253 (ES-V) of 4 July 1967, 2254 (ES-V) of 14 July 1967, 35/169 of 15 December 1980 and 36/15 of 28 October 1981,

Recalling the resolutions of the Security Council relevant to the character and status of the Holy City of Jerusalem, in particular resolutions 252 (1968) of 21 May 1968, 267 (1969) of 3 July 1969, 271 (1969) of 15 September 1969, 298 (1971) of 25 September 1971, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980 and 478 (1980) of 20 August 1980,

Reaffirming that the acquisition of territory by force is inadmissible,

Bearing in mind the specific status of Jerusalem and, in particular, the need for protection and preservation of the unique spiritual and religious dimension of the Holy Places in the City,

Recalling the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,

Deploping the persistence of Israel in changing the physical character, the demographic composition, the institutional structure and the status of the Holy City of Jerusalem,

1. Determines once again that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character and status of the Holy City of Jerusalem, and, in particular, the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, are null and void and must be rescinded forthwith;

2. Affirms that such actions constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East and a threat to international peace and security;

3. Reaffirms its resolution not to recognize that "Basic Law" and such other actions by Israel that, as a result of this law, seek to alter the character and status of Jerusalem and calls upon all States, specialized agencies and other international organizations to comply with the present resolution and other relevant resolutions and urges them not to conduct any business which is not in conformity with the provisions of the present resolution and the other relevant resolutions;

4. Demands that Israel should fully comply with all resolutions of the United Nations relevant to the historic character of the Holy City of Jerusalem, in particular Security Council resolutions 476 (1980) and 478 (1980);

5. Requests the Secretary-General to report on the implementation of those resolutions within six months.

F

The General Assembly,

Recalling and reaffirming its resolutions 34/65 A and B of 29 November and 34/65 C and D of 12 December 1979 and 35/169 B of 15 December 1980,

Taking note of paragraphs 26, 27 and 52 of the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,

1. Strongly reaffirms its rejection of those provisions of the accords which ignore, infringe, violate or deny the inalienable rights of the Palestinian people, including the right of return, the right of self-determination and the right to national independence and sovereignty in Palestine, in accordance with the Charter of the United Nations and the principles of international law, and which envisage and condone continued Israeli occupation of the Palestinian territories occupied by Israel since 1967, including Jerusalem;

2. Expresses its strong opposition to all partial agreements and separate treaties which constitute a flagrant violation of the rights of the Palestinian people, the principles of the Charter and the resolutions adopted in the various international forums on the Palestinian issue, as well as the principles of international law, and declares that all agreements and separate treaties have no validity in so far as they purport to determine the future of the Palestinian people and of the Palestinian territories occupied by Israel since 1967, including Jerusalem;

3. Declares that no State has the right to undertake any actions, measures or negotiations that could affect the future of the Palestinian people, its inalienable rights and the occupied Palestinian territories without the participation of the Palestine Liberation Organization on an equal footing, in accordance with the relevant resolutions of the United Nations, rejects all such

actions, measures and negotiations, and considers all such actions, measures and negotiations as a flagrant violation of the inalienable rights of the Palestinian people;

4. Decides that all actions, measures and negotiations to implement or execute such accords and agreements, or any part thereof, are null and void in so far as they purport to determine the future of the Palestinian people and of the Palestinian territories occupied by Israel since 1967, including Jerusalem.

<i>Source of document</i>
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The situation in the Middle East

A

The General Assembly,

Having discussed the item entitled "The situation in the Middle East",

Taking note of the reports of the Secretary-General,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Reaffirming its resolutions 36/226 B of 17 December 1981 and ES-9/1 of 5 February 1982,

Recalling its resolution 3314 (XXIX) of 14 December 1974, in which it defined an act of aggression, inter alia, as "the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof" and provided that "no consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression",

Reaffirming the fundamental principle of the inadmissibility of the acquisition of territory by force,

Reaffirming once more the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian and other Arab territories, including Jerusalem,

Noting that Israel's record and actions establish conclusively that it is not a peace-loving Member State and that it has not carried out its obligations under the Charter of the United Nations,

Noting further that Israel has refused, in violation of Article 25 of the Charter, to accept and carry out the numerous relevant decisions of the Security Council, the latest of which was resolution 497 (1981), thus failing to carry out its obligations under the Charter,

1. Strongly condemns Israel for its failure to comply with Security Council resolution 497 (1981) and General Assembly resolutions 36/226 B and ES-9/1;

2. Declares once more that Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan Heights constitutes an act of aggression under the provisions of Article 39 of the Charter of the United Nations and General Assembly resolution 3314 (XXIX);

3. Declares once more that Israel's decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan Heights is null and void and has no legal validity and/or effect whatsoever;

4. Declares all Israeli policies and practices of, or aimed at, annexation of the occupied Palestinian and other Arab territories, including Jerusalem, to be in violation of international law and of the relevant United Nations resolutions;

5. Determines once more that all actions taken by Israel to give effect to its decision relating to the occupied Syrian Golan Heights are illegal and invalid and shall not be recognized;

6. Reaffirms its determination that all the provisions of the Hague Convention of 1907 and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, continue to apply to the Syrian territory occupied by Israel since 1967, and calls upon the parties thereto to respect and ensure respect of their obligations under these instruments in all circumstances;

7. Determines once more that the continued occupation of the Syrian Golan Heights since 1967 and their effective annexation by Israel on 14 December 1981, following Israel's decision to impose its laws, jurisdiction and administration on that territory, constitute a continuing threat to international peace and security;

8. Strongly deplores the negative vote by a permanent member of the Security Council which prevented the Council from adopting against Israel, under Chapter VII of the Charter, the "appropriate measures" referred to in resolution 497 (1981) unanimously adopted by the Council;

9. Further deplores any political, economic, financial, military and technological support to Israel that encourages Israel to commit acts of aggression and to consolidate and perpetuate its occupation and annexation of occupied Arab territories;

10. Firmly emphasizes once more its demands that Israel, the occupying Power, rescind forthwith its decision of 14 December 1981 to impose its laws, jurisdiction and administration on the Syrian Golan Heights, which has resulted in the effective annexation of that territory;

11. Reaffirms once more the overriding necessity of the total and unconditional withdrawal by Israel from all the Palestinian and other Arab territories occupied since 1967, including Jerusalem, which is an essential prerequisite for the establishment of a comprehensive and just peace in the Middle East;

12. Determines once more that Israel's record and actions confirm that it is not a peace-loving Member State, that it has persistently violated the principles contained in the Charter and that it has carried out neither its

obligations under the Charter nor its commitment under General Assembly resolution 273 (III) of 11 May 1949;

13. Calls once more upon all Member States to apply the following measures:

(a) To refrain from supplying Israel with any weapons and related equipment and to suspend any military assistance that Israel receives from them;

(b) To refrain from acquiring any weapons or military equipment from Israel;

(c) To suspend economic, financial and technological assistance to and co-operation with Israel;

(d) To sever diplomatic, trade and cultural relations with Israel;

14. Reiterates its call to all Member States to cease forthwith, individually and collectively, all dealings with Israel in order totally to isolate it in all fields;

15. Urges non-member States to act in accordance with the provisions of the present resolution;

16. Calls upon the specialized agencies and other international organizations to conform their relations with Israel to the terms of the present resolution.

B

The General Assembly,

Recalling the relevant provisions of the Universal Declaration of Human Rights,

Recalling also the Constitution of the United Nations Educational, Scientific and Cultural Organization and all other relevant international instruments concerning the right to cultural identity in all its forms,

Having learned that the Israeli army, during its occupation of Beirut, seized and took away the archives and documents of every kind concerning Palestinian history and culture, including cultural articles belonging to Palestinian institutions - in particular the Palestine Research Centre - archives, documents, manuscripts and materials such as film documents, literary works by major authors, paintings, objets d'art and works of folklore, research works and so forth, serving as a foundation for the history, culture, national awareness, unity and solidarity of the Palestinian people,

1. Condemns those acts of plundering the Palestinian cultural heritage;

2. Calls upon the Government of Israel to make full restitution through the United Nations Educational, Scientific and Cultural Organization, of all the cultural property belonging to Palestinian institutions, including the archives and documents removed from the Palestine Research Centre and arbitrarily seized by the Israeli forces.

C

The General Assembly,

Recalling its resolution 36/120 E of 10 December 1981, in which it determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which had altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

Recalling Security Council resolution 478 (1980) of 20 August 1980, in which the Council, inter alia, decided not to recognize the "Basic Law" and

called upon those States that had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,

1. Deplores the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980);

2. Calls upon those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations.

D

The General Assembly,

Recalling its resolution 95 (I) of 11 December 1946,

Recalling also its resolution 96 (I) of 11 December 1946, in which it, *inter alia*, affirmed that genocide is a crime under international law which the civilized world condemns, and for the commission of which principals and accomplices - whether private individuals, public officials or statesmen, and whether the crime is committed on religious, racial, political or any other grounds - are punishable,

Referring to the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly on 9 December 1948,

Recalling the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,

Appalled at the large-scale massacre of Palestinian civilians in the Sabra and Shatila refugee camps situated at Beirut,

Recognizing the universal outrage and condemnation of that massacre,

Recalling its resolution ES-7/9 of 24 September 1982,

1. Condemns in the strongest terms the large-scale massacre of Palestinian civilians in the Sabra and Shatila refugee camps;
2. Resolves that the massacre was an act of genocide.

E

The General Assembly,

Having heard the address by the President of the Lebanese Republic on 18 October 1982,

Taking note of the decision of the Government of Lebanon calling for the withdrawal from Lebanon of all non-Lebanese troops and forces which are not authorized by the Government to deploy therein,

Bearing in mind Security Council resolutions 508 (1982) of 5 June 1982 and 509 (1982) of 6 June 1982,

1. Calls for strict respect of the territorial integrity, sovereignty, unity and political independence of Lebanon and supports the efforts of the Government of Lebanon, with regional and international endorsement, to restore the exclusive authority of the Lebanese State throughout its territory up to the internationally recognized boundaries;

2. Requests the Secretary-General to report to the General Assembly on the implementation of the present resolution.

F

The General Assembly,

Having discussed the item entitled "The situation in the Middle East",

Reaffirming its resolutions 36/226 A and B of 17 December 1981 and ES-9/1 of 5 February 1982,

Recalling Security Council resolutions 425 (1978) of 19 March 1978, 497 (1981) of 17 December 1981, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982, 511 (1982) of 18 June 1982, 512 (1982) of 19 June 1982, 513 (1982) of 4 July 1982, 515 (1982) of 29 July 1982, 516 (1982) of 1 August 1982, 517 (1982) of 4 August 1982, 518 (1982) of 12 August 1982, 519 (1982) of 17 August 1982, 520 (1982) of 17 September 1982 and 521 (1982) of 19 September 1982,

Taking note of the report of the Secretary-General of 12 October 1982,

Welcoming the world-wide support extended to the just cause of the Palestinian people and the other Arab countries in their struggle against Israeli aggression and occupation in order to achieve a comprehensive, just and lasting peace in the Middle East and the full exercise by the Palestinian people of its inalienable national rights, as affirmed by previous resolutions of the General Assembly relating to the question of Palestine and the situation in the Middle East,

Gravely concerned that the Arab and Palestinian territories occupied since 1967, including Jerusalem, still remain under Israeli occupation, that the relevant resolutions of the United Nations have not been implemented and that the Palestinian people is still denied the restoration of its land and the exercise of its inalienable national rights in conformity with international law, as reaffirmed by resolutions of the United Nations,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to all the occupied Palestinian and other Arab territories, including Jerusalem,

Reiterating all relevant United Nations resolutions which emphasize that the acquisition of territory by force is inadmissible under the Charter of the United Nations and the principles of international law and that Israel must withdraw unconditionally from all the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem,

Reaffirming further the imperative necessity of establishing a comprehensive, just and lasting peace in the region, based on full respect for the Charter and the principles of international law,

Gravely concerned also at recent Israeli actions involving the escalation and expansion of the conflict in the region, which further violate the principles of international law and endanger international peace and security,

Welcoming the Arab peace plan adopted unanimously at the Twelfth Arab Summit Conference, held at Fez, Morocco, on 25 November 1981 and 9 September 1982,

Bearing in mind the address made, on 26 October 1982, by His Majesty King Hassan II of Morocco, in his capacity as President of the Twelfth Arab Summit Conference,

1. Condemns Israel's continued occupation of the Palestinian and other Arab territories, including Jerusalem, in violation of the Charter of the United Nations, the principles of international law and the relevant resolutions of the United Nations, and demands the immediate, unconditional and total withdrawal of Israel from all these occupied territories;

2. Reaffirms its conviction that the question of Palestine is the core of the conflict in the Middle East and that no comprehensive, just and lasting peace in the region will be achieved without the full exercise by the Palestinian people of its inalienable national rights and the immediate, unconditional and total withdrawal of Israel from all the Palestinian and other occupied Arab territories;

3. Reaffirms further that a just and comprehensive settlement of the situation in the Middle East cannot be achieved without the participation on an equal footing of all the parties to the conflict, including the Palestine Liberation Organization, the representative of the Palestinian people;

4. Declares once more that peace in the Middle East is indivisible and must be based on a comprehensive, just and lasting solution of the Middle East problem, under the auspices of the United Nations, which ensures

the complete and unconditional withdrawal of Israel from the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and which enables the Palestinian people, under the leadership of the Palestine Liberation Organization, to exercise its inalienable rights, including the right to return and the right to self-determination, national independence and the establishment of its independent sovereign State in Palestine, in accordance with the resolutions of the United Nations relevant to the question of Palestine, in particular General Assembly resolutions ES-7/2 of 29 July 1980, 36/120 A to F of 10 December 1981, 37/86 A to D of 10 December 1982 and 37/86 E of 20 December 1982;

5. Rejects all agreements and arrangements in so far as they violate the recognized rights of the Palestinian people and contradict the principles of just and comprehensive solutions to the Middle East problem to ensure the establishment of a just peace in the area;

6. Deplores Israel's failure to comply with Security Council resolutions 476 (1980) of 30 June 1980 and 478 (1980) of 20 August 1980 and General Assembly resolutions 35/207 of 16 December 1980 and 36/226 A and B of 17 December 1981, determines that Israel's decision to annex Jerusalem and to declare it as its "capital", as well as the measures to alter its physical character, demographic composition, institutional structure and status, are null and void and demands that they be rescinded immediately, and calls upon all Member States, the specialized agencies and all other international organizations to abide by the present resolution and all other relevant resolutions, including Assembly resolutions 37/86 A to E;

7. Condemns Israel's aggression and practices against the Palestinian people in the occupied Palestinian territories and outside these territories, particularly Palestinians in Lebanon, including the expropriation and annexation of territory, the establishment of settlements, assassination attempts and other terrorist, aggressive and repressive measures, which are in violation of the Charter and the principles of international law and the relevant international conventions;

8. Strongly condemns the imposition by Israel of its laws, jurisdiction and administration on the occupied Syrian Golan Heights, its annexationist policies and practices, the establishment of settlements, the confiscation of lands, the diversion of water resources and the imposition of Israeli citizenship on Syrian nationals, and declares that all these measures are null and void and constitute a violation of the rules and principles of international law relevant to belligerent occupation, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

9. Considers that the agreements on strategic co-operation between the United States of America and Israel signed on 30 November 1981 would encourage Israel to pursue its aggressive and expansionist policies and practices in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, would have adverse effects on efforts for the establishment of a comprehensive, just and lasting peace in the Middle East and would threaten the security of the region;

10. Calls upon all States to put an end to the flow to Israel of any military, economic and financial aid, as well as of human resources, aimed at encouraging it to pursue its aggressive policies against the Arab countries and the Palestinian people;

11. Requests the Secretary-General to report to the Security Council periodically on the development of the situation and to submit to the General Assembly at its thirty-eighth session a comprehensive report covering the developments in the Middle East in all their aspects.

<i>Source of document</i>
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The situation in the Middle East

A

The General Assembly,

Having discussed the item entitled "The situation in the Middle East",

Taking note of the report of the Secretary-General of
30 September 1983,

Recalling Security Council resolution 497 (1981) of 17 December
1981,

Reaffirming its resolutions 36/226 B of 17 December 1981, ES-9/1 of
5 February 1982 and 37/123 A of 16 December 1982,

Recalling its resolution 3314 (XXIX) of 14 December 1974, in which it
defined an act of aggression, inter alia, as "the invasion or attack by the
armed forces of a State of the territory of another State, or any military
occupation, however temporary, resulting from such invasion or attack, or
any annexation by the use of force of the territory of another State or part
thereof" and provided that "no consideration of whatever nature, whether
political, economic, military or otherwise, may serve as a justification for
aggression",

Reaffirming the fundamental principle of the inadmissibility of the acquisition of territory by force,

Reaffirming once more the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian and other Arab territories, including Jerusalem,

Noting that Israel's record, policies and actions establish conclusively that it is not a peace-loving Member State and that it has not carried out its obligations under the Charter of the United Nations,

Noting further that Israel has refused, in violation of Article 25 of the Charter, to accept and carry out the numerous relevant decisions of the Security Council, in particular resolution 497 (1981), thus failing to carry out its obligations under the Charter,

1. Strongly condemns Israel for its failure to comply with Security Council resolution 497 (1981) and General Assembly resolutions 36/226 B, ES-9/1 and 37/123 A;

2. Declares once more that Israel's continued occupation of the Golan Heights and its decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan Heights constitute an act of aggression under the provisions of Article 39 of the Charter of the United Nations and General Assembly resolution 3314 (XXIX);

3. Declares once more that Israel's decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan Heights is illegal and therefore null and void and has no validity whatsoever;

4. Declares all Israeli policies and practices of, or aimed at, annexation of the occupied Palestinian and other Arab territories, including Jerusalem, to be illegal and in violation of international law and of the relevant United Nations resolutions;

5. Determines once more that all actions taken by Israel to give effect to its decision relating to the occupied Syrian Golan Heights are illegal and invalid and shall not be recognized;

6. Reaffirms its determination that all relevant provisions annexed to the Hague Convention No. IV of 1907, and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, continue to apply to the Syrian territory occupied by Israel since 1967, and calls upon the parties thereto to respect and ensure respect of their obligations under these instruments in all circumstances;

7. Determines once more that the continued occupation of the Syrian Golan Heights since 1967 and their annexation by Israel on 14 December 1981, following Israel's decision to impose its laws, jurisdiction and administration on that territory, constitute a continuing threat to international peace and security;

8. Strongly deplores the negative vote by a permanent member of the Security Council which prevented the Council from adopting against Israel, under Chapter VII of the Charter, the "appropriate measures" referred to in resolution 497 (1981) unanimously adopted by the Council;

9. Further deplores any political, economic, financial, military and technological support to Israel that encourages Israel to commit acts of aggression and to consolidate and perpetuate its occupation and annexation of occupied Arab territories;

10. Firmly emphasizes once more its demand that Israel, the occupying Power, rescind forthwith its illegal decision of 14 December 1981 to impose its laws, jurisdiction and administration on the Syrian Golan Heights, which resulted in the effective annexation of that territory;

11. Reaffirms once more the overriding necessity of the total and unconditional withdrawal by Israel from all the Palestinian and other Arab territories occupied since 1967, including Jerusalem, which is an essential prerequisite for the establishment of a comprehensive and just peace in the Middle East;

12. Determines once more that Israel's record, policies and actions confirm that it is not a peace-loving Member State, that it has persistently violated the principles contained in the Charter and that it has carried out neither its obligations under the Charter nor its commitment under General Assembly resolution 273 (III) of 11 May 1949;

13. Calls once more upon all Member States to apply the following measures:

(a) To refrain from supplying Israel with any weapons and related equipment and to suspend any military assistance that Israel receives from them;

(b) To refrain from acquiring any weapons or military equipment from Israel;

(c) To suspend economic, financial and technological assistance to and co-operation with Israel;

(d) To sever diplomatic, trade and cultural relations with Israel;

14. Reiterates its call to all Member States to cease forthwith, individually and collectively, all dealings with Israel in order totally to isolate it in all fields;

15. Urges non-member States to act in accordance with the provisions of the present resolution;

16. Calls upon the specialized agencies and other international institutions to conform their relations with Israel to the terms of the present resolution;

17. Requests the Secretary-General to report to the General Assembly at its thirty-ninth session on the implementation of the present resolution.

B

The General Assembly,

Recalling the relevant provisions of the Universal Declaration of Human Rights,

Recalling also the Constitution of the United Nations Educational, Scientific and Cultural Organization and all other relevant international instruments concerning the right to cultural identity in all its forms,

Having learned that the Israeli army, during its occupation of Beirut, seized and took away archives and documents of every kind concerning Palestinian history and culture, including cultural articles belonging to Palestinian institutions - in particular the Palestine Research Centre - archives, documents, manuscripts and materials such as film documents, literary works by major authors, paintings, objets d'art and works of folklore, research works and so forth, serving as a foundation for the history, culture, national awareness, unity and solidarity of the Palestinian people,

1. Condemns those acts of plundering of the Palestinian cultural heritage;
2. Calls upon the Government of Israel to make full restitution, through the United Nations Educational, Scientific and Cultural Organization, of all cultural property belonging to Palestinian institutions, including the archives and documents removed from the Palestine Research Centre and arbitrarily seized by the Israeli forces;
3. Requests the Secretary-General to report to the General Assembly at its thirty-ninth session on the implementation of the present resolution.

C

The General Assembly,

Recalling its resolutions 36/120 E of 10 December 1981 and 37/123 C of 16 December 1982, in which it determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which had altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

Recalling Security Council resolution 478 (1980) of 20 August 1980, in which the Council, *inter alia*, decided not to recognize the "Basic Law" and called upon those States that had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,

1. Declares once more that Israel's decision to impose its laws, jurisdiction and administration on the Holy City of Jerusalem is illegal and therefore null and void and has no validity whatsoever;
2. Deplores the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980);
3. Calls once again upon those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations;
4. Requests the Secretary-General to report to the General Assembly at its thirty-ninth session on the implementation of the present resolution.

D

The General Assembly,

Having discussed the item entitled "The situation in the Middle East",

Reaffirming its resolutions 36/226 A and B of 17 December 1981, ES-9/1 of 5 February 1982 and 37/123 F of 16 December 1982,

Recalling Security Council resolutions 425 (1978) of 19 March 1978, 497 (1981) of 17 December 1981, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982, 511 (1982) of 18 June 1982, 512 (1982) of 19 June 1982, 513 (1982) of 4 July 1982, 515 (1982) of 29 July 1982, 516 (1982) of 1 August 1982, 517 (1982) of 4 August 1982, 518 (1982) of 12 August 1982, 519 (1982) of 17 August 1982, 520 (1982) of 17 September 1982 and 521 (1982) of 19 September 1982,

Taking note of the report of the Secretary-General of 12 October 1982,

Welcoming the world-wide support extended to the just cause of the Palestinian people and the other Arab countries in their struggle against Israeli aggression and occupation in order to achieve a comprehensive, just and lasting peace in the Middle East and the full exercise by the Palestinian people of its inalienable national rights, as affirmed by previous resolutions of the General Assembly relating to the question of Palestine and to the situation in the Middle East,

Gravely concerned that the Arab and Palestinian territories occupied since 1967, including Jerusalem, still remain under Israeli occupation, that the relevant resolutions of the United Nations have not been implemented and that the Palestinian people is still denied the restoration of its land and the exercise of its inalienable national rights in conformity with international law, as reaffirmed by resolutions of the United Nations,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to all

the occupied Palestinian and other Arab territories, including Jerusalem,

Reiterating all relevant United Nations resolutions which emphasize that the acquisition of territory by force is inadmissible under the Charter of the United Nations and the principles of international law and that Israel must withdraw unconditionally from all the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem,

Reaffirming further the imperative necessity of establishing a comprehensive, just and lasting peace in the region, based on full respect for the Charter and the principles of international law,

Gravely concerned also at recent Israeli actions involving the escalation and expansion of the conflict in the region, which further violate the principles of international law and endanger international peace and security,

Recognizing the great importance of the time factor in the endeavours to achieve a comprehensive, just and lasting peace in the Middle East,

1. Reaffirms its conviction that the question of Palestine is the core of the conflict in the Middle East and that no comprehensive, just and lasting peace in the region will be achieved without the full exercise by the Palestinian people of its inalienable national rights and the immediate, unconditional and total withdrawal of Israel from all the Palestinian and other occupied Arab territories;

2. Reaffirms further that a just and comprehensive settlement of the situation in the Middle East cannot be achieved without the participation on an equal footing of all the parties to the conflict, including the Palestine Liberation Organization, the representative of the Palestinian people;

3. Declares once more that peace in the Middle East is indivisible and must be based on a comprehensive, just and lasting solution of the Middle East problem, under the auspices and on the basis of relevant resolutions of the United Nations, which ensures the complete and unconditional withdrawal of Israel from the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and which enables the Palestinian people, under the leadership of the Palestine Liberation

Organization, to exercise its inalienable rights, including the right to return and the right to self-determination, national independence and the establishment of its independent sovereign State in Palestine, in accordance with the resolutions of the United Nations relevant to the question of Palestine, in particular General Assembly resolutions ES-7/2 of 29 July 1980, 36/120 A to F of 10 December 1981, 37/86 A to D of 10 December 1982 and 37/86 E of 20 December 1982;

4. Welcomes the Arab Peace Plan adopted unanimously at the Twelfth Arab Summit Conference, held at Fez, Morocco, on 25 November 1981 and from 6 to 9 September 1982;

5. Condemns Israel's continued occupation of the Palestinian and other Arab territories, including Jerusalem, in violation of the Charter of the United Nations, the principles of international law and the relevant resolutions of the United Nations, and demands the immediate, unconditional and total withdrawal of Israel from all the territories occupied since June 1967;

6. Rejects all agreements and arrangements which violate the recognized rights of the Palestinian people and contradict the principles of just and comprehensive solutions to the Middle East problem to ensure the establishment of a just peace in the area;

7. Deplores Israel's failure to comply with Security Council resolutions 476 (1980) of 30 June 1980 and 478 (1980) of 20 August 1980 and General Assembly resolutions 35/207 of 16 December 1980 and 36/226 A and B of 17 December 1981, determines that Israel's decision to annex Jerusalem and to declare it as its "capital" as well as the measures to alter its physical character, demographic composition, institutional structure and status are null and void and demands that they be rescinded immediately, and calls upon all Member States, the specialized agencies and all other international organizations to abide by the present resolution and all other relevant resolutions, including Assembly resolutions 37/86 A to E;

8. Condemns Israel's aggression, policies and practices against the Palestinian people in the occupied Palestinian territories and outside these territories, particularly Palestinians in Lebanon, including the expropriation and annexation of territory, the establishment of settlements, assassination attempts and other terrorist, aggressive and repressive measures, which are in violation of the Charter and the principles of international law and the relevant international conventions;

9. Strongly condemns the imposition by Israel of its laws, jurisdiction and administration on the occupied Syrian Golan Heights, its annexationist policies and practices, the establishment of settlements, the confiscation of lands, the diversion of water resources and the imposition of Israeli citizenship on Syrian nationals, and declares that all these measures are null and void and constitute a violation of the rules and principles of international law relevant to belligerent occupation, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

10. Considers that the agreements on strategic co-operation between the United States of America and Israel signed on 30 November 1981, together with the recent accords concluded in this context, would encourage Israel to pursue its aggressive and expansionist policies and practices in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, would have adverse effects on efforts for the establishment of a comprehensive, just and lasting peace in the Middle East and would threaten the security of the region;

11. Calls upon all States to put an end to the flow to Israel of any military, economic and financial aid, as well as of human resources, aimed at encouraging it to pursue its aggressive policies against the Arab countries and the Palestinian people;

12. Strongly condemns the continuing and increasing collaboration between Israel and the racist regime of South Africa, especially in the economic, military and nuclear fields, which constitutes a hostile act against the African and Arab States and enables Israel to enhance its nuclear capabilities, thus subjecting the States of the region to nuclear blackmail;

13. Reaffirms the call for the convening of an international peace conference on the Middle East - as specified in paragraph 5 of the Geneva Declaration on Palestine, adopted on 7 September 1983 by the International Conference on the Question of Palestine - under the auspices of the United Nations and on the basis of relevant resolutions of the United Nations;

14. Requests the Secretary-General to report to the Security Council periodically on the development of the situation and to submit to the General Assembly at its thirty-ninth session a comprehensive report covering the developments in the Middle East in all their aspects.

E

The General Assembly,

Having considered the item entitled "The situation in the Middle East",

Recalling its resolutions 36/226 A of 17 December 1981 and 37/123 F of 20 December 1982, in which it stated, *inter alia*, its concern over certain factors which exacerbate the situation in the Middle East,

Deeply concerned at recent developments in the Middle East and the critical situation confronting the region resulting from the continued escalation of Israel's policy of aggression, expansion and annexation in the region,

Expressing grave concern over the continued supply of modern arms and war materials to Israel, augmented by substantial economic aid, without which Israel's policy of aggression and of flouting United Nations resolutions could not be maintained,

Deeply aware that the recent reported agreements following the memorandum of understanding between the United States of America and Israel will increase Israel's intransigence and its war potential and escalate its expansionist and annexationist policies in the Palestinian and other

Arab territories occupied since 1967, including Jerusalem, at a time when it is defying United Nations resolutions,

1. Declares, accordingly, the international responsibility of any party or parties that supply Israel with arms or economic aid that augment its war potential;

2. Expresses deep concern at and condemns all steps which may result in augmenting the capability of Israel and contributing to its policy of aggression against countries in the region;

3. Demands that all States, particularly the United States of America, in the light of the said agreements, refrain from taking any step that would support Israel's war capabilities and consequently its aggressive acts, whether in the Palestinian and other Arab territories occupied since 1967 or against countries in the region;

4. Calls upon all States to review, in the light of the present resolution, any agreement, whether military, economic or otherwise, concluded with Israel.

<i>Source of document</i>
http://www.un.org/documents/ga/res/38/a38r180.htm

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General Assembly

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14 December 1984
Meeting no. 101

The situation in the Middle East

A

The General Assembly,

Having discussed the item entitled "The situation in the Middle East",

Reaffirming its resolutions 36/226 A and B of 17 December 1981, ES-9/1 of 5 February 1982, 37/123 F of 20 December 1982 and 38/180 A to D of 19 December 1983,

Recalling Security Council resolutions 425 (1978) of 19 March 1978, 497 (1981) of 17 December 1981, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982, 511 (1982) of 18 June 1982, 512 (1982) of 19 June 1982, 513 (1982) of 4 July 1982, 515 (1982) of 29 July 1982, 516 (1982) of 1 August 1982, 517 (1982) of 4 August 1982, 518 (1982) of 12 August 1982, 519 (1982) of 17 August 1982, 520 (1982) of 17 September 1982, 521 (1982) of 19 September 1982 and 555 (1984) of 12 October 1984,

Taking note of the reports of the Secretary-General,

Welcoming the world-wide support extended to the just cause of the Palestinian people and the other Arab countries in their struggle against Israeli aggression and occupation in order to achieve a comprehensive, just

and lasting peace in the Middle East and the full exercise by the Palestinian people of its inalienable national rights, as affirmed by previous resolutions of the General Assembly relating to the question of Palestine and to the situation in the Middle East,

Gravely concerned that the Palestinian and other Arab territories occupied since 1967, including Jerusalem, still remain under Israeli occupation, that the relevant resolutions of the United Nations have not been implemented and that the Palestinian people is still denied the restoration of its land and the exercise of its inalienable national rights in conformity with international law, as reaffirmed by resolutions of the United Nations,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to all the occupied Palestinian and other Arab territories, including Jerusalem,

Reiterating all relevant United Nations resolutions which emphasize that the acquisition of territory by force is inadmissible under the Charter of the United Nations and the principles of international law and that Israel must withdraw unconditionally from all the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem,

Reaffirming further the imperative necessity of establishing a comprehensive, just and lasting peace in the region, based on full respect for the Charter and the principles of international law,

Gravely concerned also at the continuing Israeli actions involving the escalation and expansion of the conflict in the region, which further violate the principles of international law and endanger international peace and security,

Stressing the great importance of the time factor in the endeavours to achieve a comprehensive, just and lasting peace in the Middle East,

1. Reaffirms its conviction that the question of Palestine is the core of the conflict in the Middle East and that no comprehensive, just and lasting peace in the region will be achieved without the full exercise by

the Palestinian people of its inalienable national rights and the immediate, unconditional and total withdrawal of Israel from all the Palestinian and other occupied Arab territories;

2. Reaffirms further that a just and comprehensive settlement of the situation in the Middle East cannot be achieved without the participation on an equal footing of all the parties to the conflict, including the Palestine Liberation Organization, the representative of the Palestinian people;

3. Declares once more that peace in the Middle East is indivisible and must be based on a comprehensive, just and lasting solution of the Middle East problem, under the auspices of the United Nations and on the basis of relevant resolutions of the United Nations, which ensures the complete and unconditional withdrawal of Israel from the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and which enables the Palestinian people, under the leadership of the Palestine Liberation Organization, to exercise its inalienable rights, including the right to return and the right to self-determination, national independence and the establishment of its independent sovereign State in Palestine, in accordance with the resolutions of the United Nations relevant to the question of Palestine, in particular General Assembly resolutions ES-7/2 of 29 July 1980, 36/120 A to F of 10 December 1981, 37/86 A to D of 10 December 1982, 37/86 E of 20 December 1982 and 38/58 A to E of 13 December 1983;

4. Considers the Arab Peace Plan adopted unanimously at the Twelfth Arab Summit Conference, held at Fez, Morocco, on 25 November 1981 and
from 6 to 9 September 1982, as an important contribution towards the achievement of a comprehensive, just and lasting peace in the Middle East;

5. Condemns Israel's continued occupation of the Palestinian and other Arab territories, including Jerusalem, in violation of the Charter of the United Nations, the principles of international law and the relevant resolutions of the United Nations, and demands the immediate,

unconditional and total withdrawal of Israel from all the territories occupied since June 1967;

6. Rejects all agreements and arrangements which violate the inalienable rights of the Palestinian people and contradict the principles of a just and comprehensive solution to the Middle East problem to ensure the establishment of a just peace in the area;

7. Deplores Israel's failure to comply with Security Council resolutions 476 (1980) of 30 June 1980 and 478 (1980) of 20 August 1980 and General Assembly resolutions 35/207 of 16 December 1980 and 36/226 A and B of 17 December 1981, determines that Israel's decision to annex Jerusalem and to declare it as its "capital" as well as the measures to alter its physical character, demographic composition, institutional structure and status are null and void and demands that they be rescinded immediately, and calls upon all Member States, the specialized agencies and all other international organizations to abide by the present resolution and all other relevant resolutions and decisions;

8. Condemns Israel's aggression, policies and practices against the Palestinian people in the occupied Palestinian territories and outside these territories, particularly Palestinians in Lebanon, including the expropriation and annexation of territory, the establishment of settlements, assassination attempts and other terrorist, aggressive and repressive measures, which are in violation of the Charter and the principles of international law and the relevant international conventions;

9. Strongly condemns the imposition by Israel of its laws, jurisdiction and administration on the occupied Syrian Golan Heights, its annexationist policies and practices, the establishment of settlements, the confiscation of lands, the diversion of water resources and the imposition of Israeli citizenship on Syrian nationals, and declares that all these measures are null and void and constitute a violation of the rules and principles of international law relative to belligerent

occupation, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

10. Considers that the agreements on strategic co-operation between the United States of America and Israel signed on 30 November 1981, together with the recent accords concluded in this context, would encourage Israel to pursue its aggressive and expansionist policies and practices in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, would have adverse effects on efforts for the establishment of a comprehensive, just and lasting peace in the Middle East and would threaten the security of the region;

11. Calls upon all States to put an end to the flow to Israel of any military, economic and financial aid, as well as of human resources, aimed at encouraging it to pursue its aggressive policies against the Arab countries and the Palestinian people;

12. Strongly condemns the continuing and increasing collaboration between Israel and the racist regime of South Africa, especially in the economic, military and nuclear fields, which constitutes a hostile act against the African and Arab States and enables Israel to enhance its nuclear capabilities, thus subjecting the States of the region to nuclear blackmail;

13. Reaffirms its call for the convening of an international peace conference on the Middle East - as specified in paragraph 5 of the Geneva Declaration on Palestine, adopted on 7 September 1983 by the International Conference on the Question of Palestine - under the auspices of the United Nations and on the basis of relevant resolutions of the United Nations;

14. Requests the Secretary-General to report to the Security Council periodically on the development of the situation and to submit to the General Assembly at its fortieth session a comprehensive report covering the developments in the Middle East in all their aspects.

B

The General Assembly,

Having discussed the item entitled "The situation in the Middle East",

Taking note of the report of the Secretary-General of 2 October 1984,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Reaffirming its resolutions 36/226 B of 17 December 1981, ES-9/1 of 5 February 1982, 37/123 A of 16 December 1982 and 38/180 A of 19 December 1983,

Recalling its resolution 3314 (XXIX) of 14 December 1974, in which it defined an act of aggression, inter alia, as "the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof" and provided that "no consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression",

Reaffirming the fundamental principle of the inadmissibility of the acquisition of territory by force,

Reaffirming once more the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian and other Arab territories, including Jerusalem,

Noting that Israel's record, policies and actions establish conclusively that it is not a peace-loving Member State and that it has not carried out its obligations under the Charter of the United Nations,

Noting further that Israel has refused, in violation of Article 25 of the Charter, to accept and carry out the numerous relevant decisions of the Security Council, in particular resolution 497 (1981), thus failing to carry out its obligations under the Charter,

1. Strongly condemns Israel for its failure to comply with Security Council resolution 497 (1981) and General Assembly resolutions 36/226 B, ES-9/1, 37/123 A and 38/180 A;
2. Declares once more that Israel's continued occupation of the Golan Heights and its decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan Heights constitute an act of aggression under the provisions of Article 39 of the Charter of the United Nations and General Assembly resolution 3314 (XXIX);
3. Declares once more that Israel's decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan Heights is illegal and therefore null and void and has no validity whatsoever;
4. Declares all Israeli policies and practices of, or aimed at, annexation of the occupied Palestinian and other Arab territories, including Jerusalem, to be illegal and in violation of international law and of the relevant United Nations resolutions;
5. Determines once more that all actions taken by Israel to give effect to its decision relating to the occupied Syrian Golan Heights are illegal and invalid and shall not be recognized;
6. Reaffirms its determination that all relevant provisions of the Regulations annexed to the Hague Convention IV of 1907, and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, continue to apply to the Syrian territory occupied by Israel since 1967, and calls upon the parties thereto to respect and ensure respect of their obligations under these instruments in all circumstances;

7. Determines once more that the continued occupation of the Syrian Golan Heights since 1967 and their annexation by Israel on 14 December 1981, following Israel's decision to impose its laws, jurisdiction and administration on that territory, constitute a continuing threat to international peace and security;

8. Strongly deplores the negative vote by a permanent member of the Security Council which prevented the Council from adopting against Israel, under Chapter VII of the Charter, the "appropriate measures" referred to in resolution 497 (1981) unanimously adopted by the Council;

9. Further deplores any political, economic, financial, military and technological support to Israel that encourages Israel to commit acts of aggression and to consolidate and perpetuate its occupation and annexation of occupied Arab territories;

10. Firmly emphasizes once more its demand that Israel, the occupying Power, rescind forthwith its illegal decision of 14 December 1981 to impose its laws, jurisdiction and administration on the Syrian Golan Heights, which resulted in the effective annexation of that territory;

11. Reaffirms once more the overriding necessity of the total and unconditional withdrawal by Israel from all the Palestinian and other Arab territories occupied since 1967, including Jerusalem, which is an essential prerequisite for the establishment of a comprehensive and just peace in the Middle East;

12. Determines once more that Israel's record, policies and actions confirms that it is not a peace-loving Member State, that it has persistently violated the principles contained in the Charter and that it has carried out neither its obligations under the Charter nor its commitment under General Assembly resolution 273 (III) of 11 May 1949;

13. Calls once more upon all Member States to apply the following measures:

- (a) To refrain from supplying Israel with any weapons and related equipment and to suspend any military assistance that Israel receives from them;
 - (b) To refrain from acquiring any weapons or military equipment from Israel;
 - (c) To suspend economic, financial and technological assistance to and co-operation with Israel;
 - (d) To sever diplomatic, trade and cultural relations with Israel;
14. Reiterates its call to all Member States to cease forthwith, individually and collectively, all dealings with Israel in order totally to isolate it in all fields;
15. Urges non-Member States to act in accordance with the provisions of the present resolution;
16. Calls upon the specialized agencies and other international organizations to conform their relations with Israel to the terms of the present resolution;
17. Requests the Secretary-General to report to the General Assembly at its fortieth session on the implementation of the present resolution.

C

The General Assembly,

Recalling its resolutions 36/120 E of 10 December 1981, 37/123 C of 16 December 1982 and 38/180 C of 19 December 1983, in which it determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which had altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem and the proclamation of

Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

Recalling Security Council resolution 478 (1980) of 20 August 1980, in which the Council, inter alia, decided not to recognize the "Basic Law" and called upon those States that had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,

Having considered the report of the Secretary-General of 2 October 1984,

1. Declares once more that Israel's decision to impose its laws, jurisdiction and administration on the Holy City of Jerusalem is illegal and therefore null and void and has no validity whatsoever;
2. Deplores the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980) and their refusal to comply with the provisions of that resolution;
3. Calls once again upon those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations;
4. Requests the Secretary-General to report to the General Assembly at its fortieth session on the implementation of the present resolution.

<i>Source of document</i>
http://www.un.org/documents/ga/res/39/a39r146.htm

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The situation in the Middle East

A

The General Assembly,

Having discussed the item entitled "The situation in the Middle East",

Reaffirming its resolutions 36/226 A and B of 17 December 1981, ES-9/1 of 5 February 1982, 37/123 F of 20 December 1982, 38/58 A to E of 13 December 1983, 38/180 A to D of 19 December 1983 and 39/146 A to C of 14 December 1984,

Recalling Security Council resolutions 425 (1978) of 19 March 1978, 497 (1981) of 17 December 1981, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982, 511 (1982) of 18 June 1982, 512 (1982) of 19 June 1982, 513 (1982) of 4 July 1982, 515 (1982) of 29 July 1982, 516 (1982) of 1 August 1982, 517 (1982) of 4 August 1982, 518 (1982) of 12 August 1982, 519 (1982) of 17 August 1982, 520 (1982) of 17 September 1982, 521 (1982) of 19 September 1982 and 555 (1984) of 12 October 1984,

Taking note of the reports of the Secretary-General of 11 March 1985, 24 September 1985 and 22 October 1985,

Reaffirming the need for continued collective support for the resolutions adopted by the Twelfth Arab Summit Conference, held at Fez, Morocco, on 25 November 1981 and from 6 to 9 September 1982, reiterating its previous resolutions regarding the Palestinian question and its support for the Palestine Liberation Organization as the sole, legitimate representative of the Palestinian people, and considering that the convening of an International Peace Conference on the Middle East, under the auspices of the United Nations, in accordance with the General Assembly resolution 38/58 C and other relevant resolutions related to the question of Palestine, would contribute to the promotion of peace in the region,

Welcoming all efforts contributing towards the realization of the inalienable rights of the Palestinian people through the achievement of a comprehensive, just and lasting peace in the Middle East, in accordance with the United Nations resolutions relating to the question of Palestine and to the situation in the Middle East,

Welcoming the world-wide support extended to the just cause of the Palestinian people and the other Arab countries in their struggle against Israeli aggression and occupation in order to achieve a comprehensive, just and lasting peace in the Middle East and the full exercise by the Palestinian people of its inalienable national rights, as affirmed by previous resolutions of the General Assembly relating to the question of Palestine and to the situation in the Middle East,

Gravely concerned that the Palestinian and other Arab territories occupied since 1967, including Jerusalem, still remain under Israeli occupation, that the relevant resolutions of the United Nations have not been implemented and that the Palestinian people is still denied the restoration of its land and the exercise of its inalienable national rights in conformity with international law, as reaffirmed by resolutions of the United Nations,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to all the occupied Palestinian and other Arab territories, including Jerusalem,

Reaffirming also all relevant United Nations resolutions which stipulate that the acquisition of territory by force is inadmissible under the Charter of the United Nations and the principles of international law and that Israel must withdraw unconditionally from all the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem,

Reaffirming further the imperative necessity of establishing a comprehensive, just and lasting peace in the region, based on full respect for the Charter and the principles of international law,

Gravely concerned also at the continuing Israeli policies involving the escalation and expansion of the conflict in the region, which further violate the principles of international law and endanger international peace and security,

Stressing once again the great importance of the time factor in the endeavours to achieve an early comprehensive, just and lasting peace in the Middle East,

1. Reaffirms its conviction that the question of Palestine is the core of the conflict in the Middle East and that no comprehensive, just and lasting peace in the region will be achieved without the full exercise by the Palestinian people of its inalienable national rights and the immediate, unconditional and total withdrawal of Israel from all the Palestinian and other occupied Arab territories;

2. Reaffirms further that a just and comprehensive settlement of the situation in the Middle East cannot be achieved without the participation on an equal footing of all the parties to the conflict, including the Palestine Liberation Organization, the representative of the Palestinian people;

3. Declares once more that peace in the Middle East is indivisible and must be based on a comprehensive, just and lasting solution of the Middle East problem, under the auspices of the United Nations and on the basis of its relevant resolutions, which ensures the complete and unconditional withdrawal of Israel from the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and which enables the

Palestinian people, under the leadership of the Palestine Liberation Organization, to exercise its inalienable rights, including the right to return and the right to self-determination, national independence and the establishment of its independent sovereign State in Palestine, in accordance with the resolutions of the United Nations relevant to the question of Palestine, in particular General Assembly resolutions ES-7/2 of 29 July 1980, 36/120 A to F of 10 December 1981, 37/86 A to D of 10 December 1982, 37/86 E of 20 December 1982, 38/58 A to E of 13 December 1983 and 39/146 A to C of 14 December 1984;

4. Considers the Arab Peace Plan adopted unanimously at the Twelfth Arab Summit Conference, held at Fez, Morocco, on 25 November 1981 and from 6 to 9 September 1982, reiterated by the Extraordinary Summit Conference of the Arab States held at Casablanca, Morocco, from 7 to 9 August 1985, as well as relevant efforts and action to implement the Fez Plan, as an important contribution towards the realization of the inalienable rights of the Palestinian people through the achievement of a comprehensive, just and lasting peace in the Middle East;

5. Condemns Israel's continued occupation of the Palestinian and other Arab territories, including Jerusalem, in violation of the Charter of the United Nations, the principles of international law and the relevant resolutions of the United Nations, and demands the immediate, unconditional and total withdrawal of Israel from all the territories occupied since 1967;

6. Rejects all agreements and arrangements which violate the inalienable rights of the Palestinian people and contradict the principles of a just and comprehensive solution to the Middle East problem to ensure the establishment of a just peace in the area;

7. Deplores Israel's failure to comply with Security Council resolutions 476 (1980) of 30 June 1980 and 478 (1980) of 20 August 1980 and General Assembly resolutions 35/207 of 16 December 1980 and 36/226 A and B of 17 December 1981; determines that Israel's decision to annex Jerusalem and to declare it as its "capital" as well as the measures to alter its physical character, demographic composition, institutional

structure and status are null and void and demands that they be rescinded immediately; and calls upon all Member States, the specialized agencies and all other international organizations to abide by the present resolution and all other relevant resolutions and decisions;

8. Condemns Israel's aggression, policies and practices against the Palestinian people in the occupied Palestinian territories and outside these territories, including expropriation, establishment of settlements, annexation and other terrorist, aggressive and repressive measures, which are in violation of the Charter and the principles of international law and the relevant international conventions;

9. Strongly condemns the imposition by Israel of its laws, jurisdiction and administration on the occupied Syrian Golan Heights, its annexationist policies and practices, the establishment of settlements, the confiscation of lands, the diversion of water resources and the imposition of Israeli citizenship on Syrian nationals, and declares that all these measures are null and void and constitute a violation of the rules and principles of international law relative to belligerent occupation, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

10. Considers that the agreements on strategic co-operation between the United States of America and Israel, signed on 30 November 1981, and the continued supply of modern arms and materiel to Israel, augmented by substantial economic aid, including the recently concluded Agreement on the Establishment of a Free Trade Area between the two Governments, have encouraged Israel to pursue its aggressive and expansionist policies and practices in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and have had adverse effects on efforts for the establishment of a comprehensive, just and lasting peace in the Middle East and threaten the security of the region;

11. Calls once more upon all States to put an end to the flow to Israel of any military, economic, financial and technological aid, as well as of human resources, aimed at encouraging it to pursue its aggressive policies against the Arab countries and the Palestinian people;

12. Strongly condemns the continuing and increasing collaboration between Israel and the racist regime of South Africa, especially in the economic, military and nuclear fields, which constitutes a hostile act against the African and Arab States and enables Israel to enhance its nuclear capabilities, thus subjecting the States of the region to nuclear blackmail;

13. Reaffirms its call for the convening of an International Peace Conference on the Middle East under the auspices of the United Nations and on the basis of its relevant resolutions - as specified in paragraph 5 of the Geneva Declaration on Palestine and endorsed by General Assembly resolution 38/58 C of 13 December 1983;

14. Requests the Secretary-General to report to the Security Council periodically on the development of the situation and to submit to the General Assembly at its forty-first session a comprehensive report covering the developments in the Middle East in all their aspects.

B

The General Assembly,

Having discussed the item entitled "The situation in the Middle East",

Taking note of the report of the Secretary-General of 22 October 1985,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Reaffirming its resolutions 36/226 B of 17 December 1981, ES-9/1 of 5 February 1982, 37/123 A of 16 December 1982, 38/180 A of 19 December 1983 and 39/146 B of 14 December 1984,

Recalling its resolution 3314 (XXIX) of 14 December 1974, in which it defined an act of aggression, inter alia, as "the invasion or attack by the armed forces of a State of the territory of another State, or any military

occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof" and provided that "no consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression",

Reaffirming the fundamental principle of the inadmissibility of the acquisition of territory by force,

Reaffirming once more the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian and other Arab territories, including Jerusalem,

Noting that Israel's record, policies and actions establish conclusively that it is not a peace-loving Member State and that it has not carried out its obligations under the Charter of the United Nations,

Noting further that Israel has refused, in violation of Article 25 of the Charter, to accept and carry out the numerous relevant decisions of the Security Council, in particular resolution 497 (1981), thus failing to carry out its obligations under the Charter,

1. Strongly condemns Israel for its failure to comply with Security Council resolution 497 (1981) and General Assembly resolutions 36/226 B, ES-9/1, 37/123 A, 38/180 A and 39/146 B;

2. Declares once more that Israel's continued occupation of the Golan Heights and its decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan Heights constitute an act of aggression under the provisions of Article 39 of the Charter of the United Nations and General Assembly resolution 3314 (XXIX);

3. Declares once more that Israel's decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan Heights is illegal and therefore null and void and has no validity whatsoever;

4. Declares all Israeli policies and practices of, or aimed at, annexation of the occupied Palestinian and other Arab territories, including Jerusalem, to be illegal and in violation of international law and of the relevant United Nations resolutions;

5. Determines once more that all actions taken by Israel to give effect to its decision relating to the occupied Syrian Golan Heights are illegal and invalid and shall not be recognized;

6. Reaffirms its determination that all relevant provisions of the Regulations annexed to the Hague Convention IV of 1907, and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, continue to apply to the Syrian territory occupied by Israel since 1967, and calls upon the parties thereto to respect and ensure respect for their obligations under these instruments in all circumstances;

7. Determines once more that the continued occupation of the Syrian Golan Heights since 1967 and their annexation by Israel on 14 December 1981, following Israel's decision to impose its laws, jurisdiction and administration on that territory, constitute a continuing threat to international peace and security;

8. Strongly deplores the negative vote by a permanent member of the Security Council which prevented the Council from adopting against Israel, under Chapter VII of the Charter, the "appropriate measures" referred to in resolution 497 (1981) unanimously adopted by the Council;

9. Further deplores any political, economic, financial, military and technological support to Israel that encourages Israel to commit acts of aggression and to consolidate and perpetuate its occupation and annexation of occupied Arab territories;

10. Firmly emphasizes once more its demand that Israel, the occupying Power, rescind forthwith its illegal decision of 14 December 1981 to impose its laws, jurisdiction and administration on the Syrian Golan Heights, which resulted in the effective annexation of that territory;

11. Reaffirms once more the overriding necessity of the total and unconditional withdrawal by Israel from all the Palestinian and other Arab territories occupied since 1967, including Jerusalem, which is an essential prerequisite for the establishment of a comprehensive and just peace in the Middle East;

12. Determines once more that Israel's record, policies and actions confirm that it is not a peace-loving Member State, that it has persistently violated the principles contained in the Charter and that it has carried out neither its obligations under the Charter nor its commitment under General Assembly resolution 273 (III) of 11 May 1949;

13. Calls once more upon all Member States to apply the following measures:

(a) To refrain from supplying Israel with any weapons and related equipment and to suspend any military assistance that Israel receives from them;

(b) To refrain from acquiring any weapons or military equipment from Israel;

(c) To suspend economic, financial and technological assistance to and co-operation with Israel;

(d) To sever diplomatic, trade and cultural relations with Israel;

14. Reiterates its call to all Member States to cease forthwith, individually and collectively, all dealings with Israel in order totally to isolate it in all fields;

15. Urges non-member States to act in accordance with the provisions of the present resolution;

16. Calls upon the specialized agencies and other international organizations to conform their relations with Israel to the terms of the present resolution;

17. Requests the Secretary-General to report to the General Assembly at its forty-first session on the implementation of the present resolution.

C

The General Assembly,

Recalling its resolutions 36/120 E of 10 December 1981, 37/123 C of 16 December 1982, 38/180 C of 19 December 1983 and 39/146 C of 14 December 1984, in which it determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which had altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

Recalling Security Council resolution 478 (1980) of 20 August 1980, in which the Council, *inter alia*, decided not to recognize the "Basic Law" and called upon those States that had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,

Having considered the report of the Secretary-General of 22 October 1985,

1. Determines that Israel's decision to impose its laws, jurisdiction and administration on the Holy City of Jerusalem is illegal and therefore null and void and has no validity whatsoever;
2. Deplores the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980) and their refusal to comply with the provisions of that resolution;
3. Calls once again upon those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations;

4. Requests the Secretary-General to report to the General Assembly at its forty-first session on the implementation of the present resolution.

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The situation in the Middle East

A

The General Assembly,

Having discussed the item entitled "The situation in the Middle East",

Reaffirming its resolutions 36/226 A and B of 17 December 1981, ES-9/1 of 5 February 1982, 37/123 F of 20 December 1982, 38/58 A to E of 13 December 1983, 38/180 A to D of 19 December 1983, 39/146 A to C of 14 December 1984 and 40/168 A to C of 16 December 1985,

Recalling Security Council resolutions 425 (1978) of 19 March 1978, 497 (1981) of 17 December 1981, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982, 511 (1982) of 18 June 1982, 512 (1982) of 19 June 1982, 513 (1982) of 4 July 1982, 515 (1982) of 29 July 1982, 516 (1982) of 1 August 1982, 517 (1982) of 4 August 1982, 518 (1982) of 12 August 1982, 519 (1982) of 17 August 1982, 520 (1982) of 17 September 1982, 521 (1982) of 19 September 1982 and 555 (1984) of 12 October 1984,

Taking note of the reports of the Secretary-General of 14 March 1986, 16 July 1986 and 29 October 1986,

Reaffirming the need for continued collective support for the decisions adopted by the Twelfth Arab Summit Conference, held at Fez, Morocco, on

25 November 1981 and from 6 to 9 September 1982 reiterating its previous resolutions regarding the Palestinian question and its support for the Palestine Liberation Organization as the sole, legitimate representative of the Palestinian people, and considering that the convening of the International Peace Conference on the Middle East, under the auspices of the United Nations, in accordance with General Assembly resolution 38/58 C and

other relevant resolutions related to the question of Palestine, would contribute to the promotion of peace in the region,

Welcoming all efforts contributing towards the realization of the inalienable rights of the Palestinian people through the achievement of a comprehensive, just and lasting peace in the Middle East, in accordance with the United Nations resolutions relating to the question of Palestine and to the situation in the Middle East,

Welcoming the world-wide support extended to the just cause of the Palestinian people and the other Arab countries in their struggle against Israeli aggression and occupation in order to achieve a comprehensive, just and lasting peace in the Middle East and the full exercise by the Palestinian people of its inalienable national rights, as affirmed by previous resolutions of the General Assembly relating to the question of Palestine and to the situation in the Middle East,

Gravely concerned that the Palestinian and other Arab territories occupied since 1967, including Jerusalem, still remain under Israeli occupation, that the relevant resolutions of the United Nations have not been implemented and that the Palestinian people is still denied the restoration of its land and the exercise of its inalienable national rights in conformity with international law, as reaffirmed by resolutions of the United Nations,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to all the Palestinian and other occupied Arab territories, including Jerusalem,

Reaffirming also all relevant United Nations resolutions which stipulate that the acquisition of territory by force is inadmissible under the Charter

of the United Nations and the principles of international law and that Israel must withdraw unconditionally from all the Palestinian and other Arab territories it has occupied since 1967, including Jerusalem,

Reaffirming further the imperative necessity of establishing a comprehensive, just and lasting peace in the region, based on full respect for the Charter and the principles of international law,

Gravely concerned also at the continuing Israeli policies involving the escalation and expansion of the conflict in the region, which further violate the principles of international law and endanger international peace and security,

Stressing once again the great importance of the time factor in the endeavours to achieve an early comprehensive, just and lasting peace in the Middle East,

1. Reaffirms its conviction that the question of Palestine is the core of the conflict in the Middle East and that no comprehensive, just and lasting peace in the region will be achieved without the full exercise by the Palestinian people of its inalienable national rights and the immediate, unconditional and total withdrawal of Israel from all the Palestinian and other occupied Arab territories;

2. Reaffirms further that a just and comprehensive settlement of the situation in the Middle East cannot be achieved without the participation on an equal footing of all the parties to the conflict, including the Palestine Liberation Organization, the representative of the Palestinian people;

3. Declares once more that peace in the Middle East is indivisible and must be based on a comprehensive, just and lasting solution of the Middle East problem, under the auspices of the United Nations and on the basis of its relevant resolutions, which ensures the complete and unconditional withdrawal of Israel from the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and which enables the Palestinian people, under the leadership of the Palestine Liberation Organization, to exercise its inalienable rights, including the right to

return and the right to self-determination, national independence and the establishment of its independent sovereign State in Palestine, in accordance with the resolutions of the United Nations relating to the question of Palestine, in particular General Assembly resolutions ES-7/2 of 29 July 1980, 36/120 A to F of 10 December 1981, 37/86 A to D of 10 December 1982, 37/86 E of 20 December 1982, 38/58 A to E of 13 December 1983, 39/49 A to D of 11 December 1984 and 40/96 A to D of 12 December 1985;

4. Considers the Arab Peace Plan adopted unanimously at the Twelfth Arab Summit Conference, held at Fez, Morocco, on 25 November 1981 and from 6 to 9 September 1982, and reiterated by the Extraordinary Summit Conference of the Arab States held at Casablanca, Morocco, from 7 to 9 August 1985, as well as relevant efforts and action to implement the Fez plan, as an important contribution towards the realization of the inalienable rights of the Palestinian people through the achievement of a comprehensive, just and lasting peace in the Middle East;

5. Condemns Israel's continued occupation of the Palestinian and other Arab territories, including Jerusalem, in violation of the Charter of the United Nations, the principles of international law and the relevant resolutions of the United Nations, and demands the immediate, unconditional and total withdrawal of Israel from all the territories occupied since 1967;

6. Rejects all agreements and arrangements which violate the inalienable rights of the Palestinian people and contradict the principles of a just and comprehensive solution to the Middle East problem to ensure the establishment of a just peace in the area;

7. Deplores Israel's failure to comply with Security Council resolutions 476 (1980) of 30 June 1980 and 478 (1980) of 20 August 1980 and General Assembly resolutions 35/207 of 16 December 1980 and 36/226 A and B of 17 December 1981; determines that Israel's decision to annex Jerusalem and to declare it as its "capital" as well as the measures to alter its physical character, demographic composition, institutional

structure and status are null and void and demands that they be rescinded immediately; and calls upon all Member States, the specialized agencies and all other international organizations to abide by the present resolution and all other relevant resolutions and decisions;

8. Condemns Israel's aggression, policies and practices against the Palestinian people in the occupied Palestinian territories and outside these territories, including expropriation, establishment of settlements, annexation and other terrorist, aggressive and repressive measures, which are in violation of the Charter and the principles of international law and the relevant international conventions;

9. Strongly condemns the imposition by Israel of its laws, jurisdiction and administration on the occupied Syrian Golan Heights, its annexationist policies and practices, the establishment of settlements, the confiscation of lands, the diversion of water resources and the imposition of Israeli citizenship on Syrian nationals, and declares that all these measures are null and void and constitute a violation of the rules and principles of international law relative to belligerent occupation, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

10. Considers that the agreements on strategic co-operation between the United States of America and Israel, signed on 30 November 1981, and the continued supply of modern arms and materiel to Israel, augmented by substantial economic aid, including the recently concluded Agreement on the Establishment of a Free Trade Area between the two Governments, have encouraged Israel to pursue its aggressive and expansionist policies and practices in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and have had adverse effects on efforts for the establishment of a comprehensive, just and lasting peace in the Middle East and pose a threat to the security of the region;

11. Calls once more upon all States to put an end to the flow to Israel of any military, economic, financial and technological aid, as well as of human resources, aimed at encouraging it to pursue its aggressive policies against the Arab countries and the Palestinian people;

12. Strongly condemns the continuing and increasing collaboration between Israel and the racist regime of South Africa, especially in the economic, military and nuclear fields, which constitutes a hostile act against the African and Arab States and enables Israel to enhance its nuclear capabilities, thus subjecting the States of the region to nuclear blackmail;

13. Reaffirms its call for the convening of the International Peace Conference on the Middle East, under the auspices of the United Nations and on the basis of its relevant resolutions, as specified in paragraph 5 of the Geneva Declaration on Palestine and endorsed by the General Assembly in its resolution 38/58 C of 13 December 1983;

14. Endorses the call for setting up a preparatory committee, within the framework of the Security Council, with the participation of the permanent members of the Council, to take the necessary action to convene the Conference;

15. Requests the Secretary-General to report to the Security Council periodically on the development of the situation and to submit to the General Assembly at its forty-second session a comprehensive report covering the developments in the Middle East in all their aspects.

B

The General Assembly,

Having discussed the item entitled "The situation in the Middle East",

Taking note of the report of the Secretary-General of 29 October 1986,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Reaffirming its resolutions 36/226 B of 17 December 1981, ES-9/1 of

5 February 1982, 37/123 A of 16 December 1982, 38/180 A of 19
December 1983, 39/146 B of 14 December 1984 and 40/168 B of 16
December 1985,

Recalling its resolution 3314 (XXIX) of 14 December 1974, in which it defined an act of aggression, inter alia, as "the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof" and provided that "no consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression",

Reaffirming the fundamental principles of the inadmissibility of the acquisition of territory by force,

Reaffirming once more the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Palestinian and other occupied Arab territories, including Jerusalem,

Noting that Israel's record, policies and actions establish conclusively that it is not a peace-loving Member State and that it has not carried out its obligations under the Charter of the United Nations,

Noting further that Israel has refused, in violation of Article 25 of the Charter, to accept and carry out the numerous relevant decisions of the Security Council, in particular resolution 497 (1981), thus failing to carry out its obligations under the Charter,

1. Strongly condemns Israel for its failure to comply with Security Council resolution 497 (1981) and General Assembly resolutions 36/226 B, ES-9/1, 37/123 A, 38/180 A, 39/146 B and 40/168 B;

2. Declares once more that Israel's continued occupation of the Golan Heights and its decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan Heights constitute an act of aggression under the provisions of Article 39 of the Charter of the United Nations and General Assembly resolution 3314 (XXIX);

3. Declares once more that Israel's decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan Heights is illegal and therefore null and void and has no validity whatsoever;

4. Declares all Israeli policies and practices of, or aimed at, annexation of the Palestinian and other occupied Arab territories, including Jerusalem, to be illegal and in violation of international law and of the relevant United Nations resolutions;

5. Determines once more that all actions taken by Israel to give effect to its decision relating to the occupied Syrian Golan Heights are illegal and invalid and shall not be recognized;

6. Reaffirms its determination that all relevant provisions of the Regulations annexed to the Hague Convention IV of 1907, and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, continue to apply to the Syrian territory occupied by Israel since 1967, and calls upon the parties thereto to respect and ensure respect for their obligations under these instruments in all circumstances;

7. Determines once more that the continued occupation of the Syrian Golan Heights since 1967 and their annexation by Israel on 14 December 1981, following Israel's decision to impose its laws, jurisdiction and administration on that territory, constitute a continuing threat to international peace and security;

8. Strongly deplores the negative vote by a permanent member of the Security Council which prevented the Council from adopting against Israel, under Chapter VII of the Charter, the "appropriate measures" referred to in resolution 497 (1981) unanimously adopted by the Council;

9. Further deplores any political, economic, financial, military and technological support to Israel that encourages Israel to commit acts of aggression and to consolidate and perpetuate its occupation and annexation of occupied Arab territories;

10. Firmly emphasizes once more its demand that Israel, the occupying Power, rescind forthwith its illegal decision of 14 December 1981 to impose its laws, jurisdiction and administration on the Syrian Golan Heights, which resulted in the effective annexation of that territory;

11. Reaffirms once more the overriding necessity of the total and unconditional withdrawal by Israel from all the Palestinian and other Arab territories occupied since 1967, including Jerusalem, which is an essential prerequisite for the establishment of a comprehensive and just peace in the Middle East;

12. Determines once more that Israel's record, policies and actions confirm that it is not a peace-loving Member State, that it has persistently violated the principles contained in the Charter and that it has carried out neither its obligations under the Charter nor its commitment under General Assembly resolution 273 (III) of 11 May 1949;

13. Calls once more upon all Member States to apply the following measures:

(a) To refrain from supplying Israel with any weapons and related equipment and to suspend any military assistance that Israel receives from them;

(b) To refrain from acquiring any weapons or military equipment from Israel;

(c) To suspend economic, financial and technological assistance to and co-operation with Israel;

(d) To sever diplomatic, trade and cultural relations with Israel;

14. Reiterates its call to all Member States to cease forthwith, individually and collectively, all dealings with Israel in order totally to isolate it in all fields;

15. Urges non-member States to act in accordance with the provisions of the present resolution;

16. Calls upon the specialized agencies and other international organizations to conform their relations with Israel to the terms of the present resolution;

17. Requests the Secretary-General to report to the General Assembly at its forty-second session on the implementation of the present resolution.

C

The General Assembly,

Recalling its resolutions 36/120 E of 10 December 1981, 37/123 C of 16 December 1982, 38/180 C of 19 December 1983, 39/146 C of 14 December 1984 and 40/168 C of 16 December 1985, in which it determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which had altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

Recalling Security Council resolution 478 (1980) of 20 August 1980, in which the Council, inter alia, decided not to recognize the "Basic Law" and called upon those States that had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,

Having considered the report of the Secretary-General of 29 October 1986,

1. Determines that Israel's decision to impose its laws, jurisdiction and administration on the Holy City of Jerusalem is illegal and therefore null and void and has no validity whatsoever;

2. Deplores the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980) and their refusal to comply with the provisions of that resolution;

3. Calls once again upon those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations;

4. Requests the Secretary-General to report to the General Assembly at its forty-second session on the implementation of the present resolution.

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The situation in the Middle East

A

The General Assembly,

Having discussed the item entitled "The situation in the Middle East",

Recalling its relevant resolutions on the question of Palestine and the situation in the Middle East,

Recalling also the relevant resolutions of the Security Council,

Recalling the report of the Secretary-General of 13 November 1987,

Taking note with appreciation of the resolutions of the Extraordinary Arab Summit Conference, held at Amman from 8 to 11 November 1987, on the Arab-Israeli conflict and on the International Peace Conference on the Middle East,

Taking note with appreciation of the growing international consensus in favour of convening the Conference to resolve the Arab-Israeli conflict, of which the question of Palestine is the core,

1. Reaffirms once again that the convening of the International Peace Conference on the Middle East under the auspices of the United Nations and at the invitation of the Secretary-General of the United Nations, with the participation of the five permanent members of the Security Council and all the parties to the Arab-Israeli conflict, including the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people, on an equal footing, is the appropriate way to a peaceful, comprehensive and just settlement of the conflict which will ensure the restoration of the occupied Arab territories and the solution of the Palestinian question in all its aspects and guarantee the realization of the inalienable national rights of the Palestinian Arab people;

2. Calls upon all States that have not done so to lend their support to the convening of the Conference;

3. Requests the Secretary-General, in consultation with the Security Council, to continue his efforts with a view to convening the Conference and to apprise the General Assembly of the results of his consultations no later than September 1988.

B

The General Assembly,

Having discussed the item entitled "The situation in the Middle East",

Reaffirming its resolutions 36/226 A and B of 17 December 1981, ES-9/1 of 5 February 1982, 37/123 F of 20 December 1982, 38/58 A to E of 13 December 1983, 38/180 A to D of 19 December 1983, 39/146 A to C of 14 December 1984, 40/168 A to C of 16 December 1985 and 41/162 A to C of 4 December 1986,

Recalling Security Council resolutions 425 (1978) of 19 March 1978, 497 (1981) of 17 December 1981, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982, 511 (1982) of 18 June 1982, 512 (1982) of 19 June 1982, 513 (1982) of 4 July 1982, 515 (1982) of 29 July 1982, 516 (1982) of 1 August 1982, 517 (1982) of 4 August 1982, 518 (1982) of 12 August

1982, 519 (1982) of 17 August 1982, 520 (1982) of 17 September 1982, 521 (1982) of 19 September 1982 and 555 (1984) of 12 October 1984,

Taking note of the reports of the Secretary-General of 7 May 1987, 10 August 1987 and 13 November 1987,

Reaffirming the need for continued collective support for the decisions adopted by the Twelfth Arab Summit Conference, held at Fez, Morocco, on 25 November 1981 and from 6 to 9 September 1982, reiterating its previous resolutions on the question of Palestine and its support for the Palestine Liberation Organization as the sole, legitimate representative of the Palestinian people, and considering that the convening of the International Peace Conference on the Middle East, under the auspices of the United Nations, in accordance with General Assembly resolution 38/58 C and other relevant resolutions related to the question of Palestine, would contribute to the promotion of peace in the region,

Welcoming all efforts contributing towards the realization of the inalienable rights of the Palestinian people through the achievement of a comprehensive, just and lasting peace in the Middle East, in accordance with the United Nations resolutions relating to the question of Palestine and to the situation in the Middle East,

Welcoming the world-wide support extended to the just cause of the Palestinian people and the other Arab countries in their struggle against Israeli aggression and occupation in order to achieve a comprehensive, just and lasting peace in the Middle East and the full exercise by the Palestinian people of its inalienable national rights, as affirmed by previous resolutions of the General Assembly on the question of Palestine and on the situation in the Middle East,

Gravely concerned that the Palestinian and other Arab territories occupied since 1967, including Jerusalem, still remain under Israeli occupation, that the relevant resolutions of the United Nations have not been implemented and that the Palestinian people is still denied the restoration of its land and the exercise of its inalienable national rights in conformity with international law, as reaffirmed by resolutions of the United Nations,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to all the Palestinian and other occupied Arab territories, including Jerusalem,

Reaffirming also all relevant United Nations resolutions which stipulate that the acquisition of territory by force is inadmissible under the Charter of the United Nations and the principles of international law and that Israel must withdraw unconditionally from all the Palestinian and other Arab territories it has occupied since 1967, including Jerusalem,

Reaffirming further the imperative necessity of establishing a comprehensive, just and lasting peace in the region, based on full respect for the Charter and the principles of international law,

Gravely concerned also at the continuing Israeli policies involving the escalation and expansion of the conflict in the region, which further violate the principles of international law and endanger international peace and security,

Stressing once again the great importance of the time factor in the endeavours to achieve an early comprehensive, just and lasting peace in the Middle East,

1. Reaffirms its conviction that the question of Palestine is the core of the conflict in the Middle East and that no comprehensive, just and lasting peace in the region will be achieved without the full exercise by the Palestinian people of its inalienable national rights and the immediate, unconditional and total withdrawal of Israel from all the Palestinian and other occupied Arab territories;

2. Reaffirms further that a just and comprehensive settlement of the situation in the Middle East cannot be achieved without the participation on an equal footing of all the parties to the conflict, including the Palestine Liberation Organization, the representative of the Palestinian people;

3. Declares once more that peace in the Middle East is indivisible and must be based on a comprehensive, just and lasting solution of the Middle East problem, under the auspices of the United Nations and on the basis of its relevant resolutions, which ensures the complete and unconditional withdrawal of Israel from the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and which enables the Palestinian people, under the leadership of the Palestine Liberation Organization, to exercise its inalienable rights, including the right to return and the right to self-determination, national independence and the establishment of its independent sovereign State in Palestine, in accordance with the resolutions of the United Nations relating to the question of Palestine, in particular General Assembly resolutions ES-7/2 of 29 July 1980, 36/120 A to F of 10 December 1981, 37/86 A to D of 10 December 1982, 37/86 E of 20 December 1982, 38/58 A to E of 13 December 1983, 39/49 A to D of 11 December 1984, 40/96 A to D of 12 December 1985 and 41/43 A to D of 2 December 1986;

4. Considers the Arab Peace Plan adopted unanimously at the Twelfth Arab Summit Conference, held at Fez, Morocco, on 25 November 1981 and from 6 to 9 September 1982, and reiterated by the Extraordinary Summit Conference of the Arab States, held at Casablanca, Morocco, from 7 to 9 August 1985, as well as relevant efforts and action to implement the Fez plan, as an important contribution towards the realization of the inalienable rights of the Palestinian people through the achievement of a comprehensive, just and lasting peace in the Middle East;

5. Condemns Israel's continued occupation of the Palestinian and other Arab territories, including Jerusalem, in violation of the Charter of the United Nations, the principles of international law and the relevant resolutions of the United Nations, and demands the immediate, unconditional and total withdrawal of Israel from all the territories occupied since 1967;

6. Rejects all agreements and arrangements which violate the inalienable rights of the Palestinian people and contradict the principles of a just and comprehensive solution to the Middle East problem to ensure the establishment of a just peace in the area;

7. Deplores Israel's failure to comply with Security Council resolutions 476 (1980) of 30 June 1980 and 478 (1980) of 20 August 1980 and General Assembly resolutions 35/207 of 16 December 1980 and 36/226 A and B of 17 December 1981; determines that Israel's decision to annex Jerusalem and to declare it as its "capital" as well as the measures to alter its physical character, demographic composition, institutional structure and status are null and void and demands that they be rescinded immediately; and calls upon all Member States, the specialized agencies and all other international organizations to abide by the present resolution and all other relevant resolutions and decisions;

8. Condemns Israel's aggression, policies and practices against the Palestinian people in the occupied Palestinian territories and outside these territories, including expropriation, establishment of settlements, annexation and other terrorist, aggressive and repressive measures, which are in violation of the Charter and the principles of international law and the relevant international conventions;

9. Strongly condemns the imposition by Israel of its laws, jurisdiction and administration on the occupied Syrian Arab Golan, its annexationist policies and practices, the establishment of settlements, the confiscation of lands, the diversion of water resources and the imposition of Israeli citizenship on Syrian nationals, and declares that all these measures are null and void and constitute a violation of the rules and principles of international law relative to belligerent occupation, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

10. Considers that the agreements on strategic co-operation between the United States of America and Israel, signed on 30 November 1981, and the continued supply of modern arms and materiel to Israel, augmented by substantial economic aid, including the recently concluded Agreement on the Establishment of a Free Trade Area between the two Governments, have encouraged Israel to pursue its aggressive and expansionist policies and practices in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and have had adverse effects on efforts for the

establishment of a comprehensive, just and lasting peace in the Middle East and pose a threat to the security of the region;

11. Calls once more upon all States to put an end to the flow to Israel of any military, economic, financial and technological aid, as well as of human resources, aimed at encouraging it to pursue its aggressive policies against the Arab countries and the Palestinian people;

12. Strongly condemns the continuing and increasing collaboration between Israel and the racist regime of South Africa, especially in the economic, military and nuclear fields, which constitutes a hostile act against the African and Arab States and enables Israel to enhance its nuclear capabilities, thus subjecting the States of the region to nuclear blackmail;

13. Reaffirms its call for the convening of the International Peace Conference on the Middle East, under the auspices of the United Nations and on the basis of its relevant resolutions, as specified in paragraph 5 of the Geneva Declaration on Palestine and endorsed by the General Assembly in its resolution 38/58 C;

14. Endorses the call for setting up a preparatory committee, within the framework of the Security Council, with the participation of the permanent members of the Council, to take the necessary action to convene the Conference;

15. Requests the Secretary-General to report to the Security Council periodically on the development of the situation and to submit to the General Assembly at its forty-third session a comprehensive report covering the developments in the Middle East in all their aspects.

C

The General Assembly,

Having discussed the item entitled "The situation in the Middle East",

Taking note of the report of the Secretary-General of 13 November 1987,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Reaffirming its resolutions 36/226 B of 17 December 1981, ES-9/1 of 5 February 1982, 37/123 A of 16 December 1982, 38/180 A of 19 December 1983, 39/146 B of 14 December 1984, 40/168 B of 16 December 1985 and 41/162 B of 4 December 1986,

Recalling its resolution 3314 (XXIX) of 14 December 1974, in which it defined an act of aggression, *inter alia*, as "the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof" and provided that "no consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression",

Reaffirming the fundamental principles of the inadmissibility of the acquisition of territory by force,

Reaffirming once more the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Palestinian and other occupied Arab territories, including Jerusalem,

Noting that Israel's record, policies and actions establish conclusively that it is not a peace-loving Member State and that it has not carried out its obligations under the Charter of the United Nations,

Noting further that Israel has refused, in violation of Article 25 of the Charter, to accept and carry out the numerous relevant decisions of the Security Council, in particular resolution 497 (1981), thus failing to carry out its obligations under the Charter,

1. Strongly condemns Israel for its failure to comply with Security Council resolution 497 (1981) and General Assembly resolutions 36/226 B, ES-9/1, 37/123 A, 38/180 A, 39/146 B, 40/168 B and 41/162 B;

2. Declares once more that Israel's continued occupation of the Syrian Arab Golan and its decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Arab Golan constitute an act of aggression under the provisions of Article 39 of the Charter of the United Nations and General Assembly resolution 3314 (XXIX);

3. Declares once more that Israel's decision to impose its laws, jurisdiction and administration on the occupied Syrian Arab Golan is illegal and therefore null and void and has no validity whatsoever;

4. Declares all Israeli policies and practices of, or aimed at, annexation of the Palestinian and other occupied Arab territories, including Jerusalem, to be illegal and in violation of international law and of the relevant United Nations resolutions;

5. Determines once more that all actions taken by Israel to give effect to its decision relating to the occupied Syrian Arab Golan are illegal and invalid and shall not be recognized;

6. Reaffirms its determination that all relevant provisions of the Regulations annexed to the Hague Convention IV of 1907, and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, continue to apply to the Syrian territory occupied by Israel since 1967, and calls upon the parties thereto to respect and ensure respect for their obligations under these instruments in all circumstances;

7. Determines once more that the continued occupation of the Syrian Arab Golan since 1967 and its annexation by Israel on 14 December 1981, following Israel's decision to impose its laws, jurisdiction and administration on that territory, constitute a continuing threat to international peace and security;

8. Strongly deplores the negative vote by a permanent member of the Security Council which prevented the Council from adopting against Israel, under Chapter VII of the Charter, the "appropriate measures" referred to in resolution 497 (1981) unanimously adopted by the Council;

9. Further deplores any political, economic, financial, military and technological support to Israel that encourages it to commit acts of aggression and to consolidate and perpetuate its occupation and annexation of the occupied Arab territories;

10. Firmly emphasizes once more its demand that Israel, the occupying Power, rescind forthwith its illegal decision of 14 December 1981 to impose its laws, jurisdiction and administration on the Syrian Arab Golan, which resulted in the effective annexation of that territory;

11. Reaffirms once more the overriding necessity of the total and unconditional withdrawal by Israel from all the Palestinian and other Arab territories occupied since 1967, including Jerusalem, which is an essential prerequisite for the establishment of a comprehensive and just peace in the Middle East;

12. Determines once more that Israel's record, policies and actions confirm that it is not a peace-loving Member State, that it has persistently violated the principles contained in the Charter and that it has carried out neither its obligations under the Charter nor its commitment under General Assembly resolution 273 (III) of 11 May 1949;

13. Calls once more upon all Member States to apply the following measures:

(a) To refrain from supplying Israel with any weapons and related equipment and to suspend any military assistance that Israel receives from them;

(b) To refrain from acquiring any weapons or military equipment from Israel;

(c) To suspend economic, financial and technological assistance to and co-operation with Israel;

(d) To sever diplomatic, trade and cultural relations with Israel;

14. Reiterates its call to all Member States to cease forthwith, individually and collectively, all dealings with Israel in order totally to isolate it in all fields;

15. Urges non-member States to act in accordance with the provisions of the present resolution;

16. Calls upon the specialized agencies and other international organizations to conform their relations with Israel to the terms of the present resolution;

17. Requests the Secretary-General to report to the General Assembly at its forty-third session on the implementation of the present resolution.

D

The General Assembly,

Recalling its resolutions 36/120 E of 10 December 1981, 37/123 C of 16 December 1982, 38/180 C of 19 December 1983, 39/146 C of 14 December 1984, 40/168 C of 16 December 1985 and 41/162 C of 4 December 1986, in which it determined that all legislative and

administrative measures and actions taken by Israel, the occupying Power, which had altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

Recalling Security Council resolution 478 (1980) of 20 August 1980, in which the Council, inter alia, decided not to recognize the "Basic Law" and called upon those States that had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,

Having considered the report of the Secretary-General of 13 November 1987,

1. Determines that Israel's decision to impose its laws, jurisdiction and administration on the Holy City of Jerusalem is illegal and therefore null and void and has no validity whatsoever;
2. Deplores the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980), and their refusal to comply with the provisions of that resolution;
3. Calls once more upon those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations;
4. Requests the Secretary-General to report to the General Assembly at its forty-third session on the implementation of the present resolution.

<i>Source of document</i>
http://www.un.org/documents/ga/res/42/a42r209.htm

Address to the Nation

Amman
July 31, 1988

This speech announces one of the most important policy decisions in the era of modern Jordan: full legal and administrative disengagement from the West Bank. In 1950, a Jordanian parliament in which Palestinian Arabs from the West Bank were equally represented voted unanimously to unite the West Bank of the Jordan River with the Hashemite Kingdom of Jordan in order to safeguard the remaining Arab territory of Palestine from Zionist expansion. When in 1967 Israel occupied the West Bank, Jordan nonetheless continued to pay the salaries and pensions of civil servants, while administering religious endowments (*waqfs*) and educational affairs.

At the Arab summit conference held in Rabat, Morocco in 1974, King Hussein agreed with all the other Arab leaders to a declaration recognizing the Palestine Liberation Organization (PLO) as the “sole legitimate representative of the Palestinian people.” Consequently, all responsibility for negotiating the return of the occupied Palestinian lands was transferred from Jordan to the PLO. Jordan, however, continued its administrative and financial support to Palestinians of the West Bank.

Recognizing the desirability of supporting the Palestinians in their struggle for independence, on July 28, 1988, King Hussein announced the cessation of a \$1.3 billion development program for the West Bank, explaining that the measure was designed to allow the PLO more responsibility for the area. Two days later, he formally dissolved Parliament, ending West Bank representation in the legislature. Finally, on July 31 he announced the severance of all administrative and legal ties—with the exception of guardianship over the Muslim Holy Sites of Jerusalem—with the occupied West Bank.

This severance of ties allowed Jordan's electoral law to be changed, redrawing the map to include only East Bank districts. Disengagement therefore marks the turning point that launched the current democratic process, and began a new stage in Jordan's relationship with the Palestinians.

<i>Source of document</i>
http://www.kinghussein.gov.jo/88_july31.html

Palestinian National Council political statement and declaration of independence, 14 November 1988.

Meeting in Algiers, the PNC accepted the new policy of Arafat and called for the convening of an international peace conference for the Middle East, under the auspices of the Security Council and based on resolutions 242 and 338 and the assurance of the legitimate rights of the Palestinian people. They also renounced terrorism but accepted the right of people to fight against foreign occupation. It also called for the continuation of the intifada. The document proclaimed the independence of Palestine without defining its borders with Jerusalem as its capital. Texts of the declaration of independence and the PNC political resolution follow:

In the valiant land of Algeria, hosted by its people and its president, Chedli Benjedid, the Palestine National Council held its 19th extraordinary session - the session of the intifada and independence, the session of the martyred hero Abu Jihad - in the period between the 12th and 15th of November, 1988.

The session culminated in the announcement of the rise of the Palestinian state in our Palestinian land, the natural climax of a daring and tenacious popular struggle than started more than 70 years ago and was baptized in the immense sacrifices offered by our people in our homeland, along its borders, and in the camps and other sites of our diaspora.

The session was also distinguished by its focus on the great national Palestinian intifada as one of the major milestones in the contemporary history of the Palestinian people's revolution, on a par with the legendary steadfastness of our people in their camps in our occupied land and outside it.

The primary features of our great people's intifada were obvious from its inception and have become clearer in the 12 months since then during which it has continued unabated. It is a total popular revolution that embodies the consensus of an entire nation - women and men, old and young, in the camps, the villages and the cities - on the rejection of the occupation and on the determination to struggle until the occupation is defeated and terminated.

The glorious intifada has demonstrated our people's deeply rooted national unity and their full adherence to the Palestine Liberation Organization, the sole legitimate representative of our people, all our people, wherever they congregate - in our homeland or outside it. This was manifested by the participation of the Palestinian masses - their unions, their vocational organizations, their students, their workers, their farmers, their women, their merchants, their landlords, their artisans, their academics - in the intifada through its Unified National Command, the Popular Committees that were formed in the urban neighborhoods, the villages and the camps.

This, our people's revolutionary furnace and their blessed intifada, along with the cumulative impact of our innovative and continuous revolution inside and outside our homeland, have destroyed the illusion our people's enemies have harbored that they can turn the occupation of the Palestinian land into a permanent fait accompli and consign the Palestinian issue to oblivion. For our generations have been weaned on the goals and principles of the Palestinian revolution and have lived all its battles since its birth in 1965 - including its heroic resistance to the Zionist invasion of 1982 and the steadfastness of the revolution's camps as they endured the siege of death and starvation in Lebanon. Those generations - the children of the revolution and of the Palestine Liberation Organization - rose to demonstrate the dynamism and continuity of the revolution, detonating the land under the feet of its occupiers and proving that our people's reserves of resistance are inexhaustible and their faith is too deep to uproot.

Thus did the struggle of the children of the RPG outside our homeland and the struggle of the children of the sacred stones inside it blend into a single revolutionary melody.

Our people have stood fast against all the attempts of our enemy's authorities to end our revolution, and those authorities have tried everything at their disposal: They have used terrorism, they have imprisoned us, they have sent us into exile, they have desecrated our holy places and restricted our religious freedoms, they have demolished our homes, they have killed us indiscriminately and premeditatedly, they have sent bands of armed settlers into our villages and camps, they have burned our crops, they have cut off our water and power supplies, they have beaten our women and children, they have used toxic gases that have caused many deaths and abortions, and they have waged an ignorance war against us by closing our schools and universities.

Our people's heroic steadfastness has cost them hundreds of martyrs and tens of thousands of casualties, prisoners and exiles. But our people's genius was always at hand, ready in their darkest hours to innovate the means and formulas to struggle that stiffened their resistance, bolstered their steadfastness and enabled them to confront the crimes and measures of the enemy and carry on with their heroic, tenacious struggle.

By standing firm, continuing their revolution and escalating their intifada, our people have proved their determination to press ahead regardless of the sacrifices, armed with a great heritage of struggle, an indomitable revolutionary will, a deeply entrenched national unity that has been rendered even stronger by the intifada and its attendant struggles inside and outside our homeland, and total adherence to the nationalist principles of the Palestine Liberation Organization and its goals of ending the Israeli occupation and achieving the Palestinian people's inalienable right to repatriation, self-determination and the establishment of the independent Palestinian state.

In all this, our people relied on the sustenance of the masses and forces of our Arab nation, which have stood by us and backed us, as demonstrated by the wide popular Arab support for the intifada and by the consensus and resolutions that emerged at the Arab summit in Algiers - all of which goes to confirm that our people do not stand alone as they face the fascist, racist assault, and this precludes any possibility of the Israeli aggressors isolating our people and cutting them off from the support of their Arab nation.

In addition to this Arab solidarity, our people's revolution and their blessed intifada have attracted widespread worldwide solidarity, as seen in the increased understanding of the Palestinian people's issue, the growing support of our just struggle by the peoples and states of the world, and the corresponding condemnation of Israeli occupation and the crimes it is committing, which has helped to expose Israel and increase its isolation and the isolation of its supporters.

Security Council Resolutions 605, 607 and 608 and the resolutions of the General Assembly against the deportation of the Palestinians from their land and against the repression and terrorism with which Israel is lashing the Palestinian people in the occupied Palestinian territories - these are strong manifestations of the growing support of international opinion, public and official, for our people and their representative, the Palestine Liberation Organization, and of mounting international rejection of Israeli occupation with all the fascist, racist practices it entails.

The UN General Assembly's resolution of 3.11.1988, which was adopted in the session dedicated to the intifada, is another sign of the stand the peoples and states of the world in their majority are taking against the occupation and with the just struggle of the Palestinian people and their firm right to liberation and independence. The crimes of the occupation and its savage, inhuman practices have exposed the Zionist lie about the democracy of the Zionist entity that has managed to deceive the world for 40 years, revealing Israel in its true light - a

fascist, racist, colonialist state built on the usurpation of the Palestinian land and the annihilation of the Palestinian people, a state that threatens and undertakes attacks and expansion into the neighboring Arab lands.

It has thus been demonstrated that the occupation cannot continue to reap the fruits of its actions at the expense of the Palestinian people's rights without paying a price - either on the ground or in terms of international public opinion.

In addition to the rejection of the occupation and the condemnation of its repressive measures by the democratic and progressive Israeli forces, Jewish groups all over the world are no longer able to continue their defense of Israel or maintain their silence about its crimes against the Palestinian people. Many voices have risen among those groups to demand an end to these crimes and call for Israel's withdrawal from the Occupied Territories in order to allow the Palestinian people to exercise their right to self-determination.

The fruits that our people's revolution and their blessed intifada have borne on the local, Arab and international levels have established the soundness and realism of the Palestine Liberation Organization's national program, a program aimed at the termination of the occupation and the achievement of our people's right to repatriation, self-determination and independent statehood. Those results have also confirmed that the struggle of our people is the decisive factor in the effort to snatch our national rights from the jaws of the occupation. It is the authority of our people, as represented in the Popular Committees, that controls the situation as we challenge the authority of the occupation's crumbling agencies.

The international community is now more prepared than ever before to strive for a political settlement of the Middle East crisis and its root cause, the Palestinian issue. The Israeli occupation authorities, and the American administration that stands behind them, cannot continue to

ignore the international will, which is now unanimous on the necessity of holding an international peace conference on the Middle East and enabling the Palestinian people to gain their national rights, foremost among which is their right to self-determination and national independence on their own soil.

In the light of this, and toward the reinforcement of the steadfastness and blessed intifada of our people, and in accordance with the will of our masses in and outside our homeland, and in fidelity to those of our people who have been martyred, wounded or taken captive, the Palestinian National Council resolves:

First: On the escalation and continuity of the intifada

A. To provide all the means and capabilities needed to escalate our people's intifada in various ways and on various levels to guarantee its continuation and intensification.

B. To support the popular institutions and organizations in the occupied Palestinian territories.

C. To bolster and develop the Popular Committees and other specialized popular and trade union bodies, including the attack groups and the popular army, with a view to expanding their role and increasing their effectiveness.

D. To consolidate the national unity that emerged and developed during the intifada.

E. To intensify efforts on the international level for the release of the detainees, the repatriation of the deportees and the termination of the organized, official acts of repression and terrorism against our children, our women, our men, and our institutions.

F. To call on the United Nations to place the occupied Palestinian land under international supervision for the protection of our people and the termination of the Israeli occupation.

G. To call on the Palestinian people outside our homeland to intensify and increase their support, and to expand the family assistance program.

H. To call on the Arab nation, its people, forces, institutions and governments, to increase their political, material and informational support of the intifada.

I. To call on all free and honorable people worldwide to stand by our people, our revolution, our intifada against the Israeli occupation, the repression, and the organized, fascist official terrorism to which the occupation forces and the armed fanatic settlers are subjecting our people, our universities, our institutions, our national economy, and our Islamic and Christian holy places.

Second: In the political field

Proceeding from the above, the Palestine National Council, being responsible to the Palestinian people, their national rights and their desire for peace as expressed in the Declaration of Independence issued on November 15, 1988; and in response to the humanitarian quest for international entente, nuclear disarmament and the settlement of regional conflicts by peaceful means, affirms the determination of the Palestine Liberation Organization to arrive at a political settlement of the Arab-Israeli conflict and its core, the Palestinian issue, in the framework of the UN charter, the principles and rules of international legitimacy, the edicts of international law, the resolutions of the United Nations, the latest of which are Security Council Resolutions 605, 607 and 608, and the resolutions of the Arab Summits, in a manner that ensures the Palestinian Arab people's right to repatriation, self-determination and the establishment of their

independent state on their national soil, and that institutes arrangements for the security and peace of all states in the region.

Toward the achievement of this, the Palestine National Council affirms:

1. The necessity of convening an effective international conference on the issue of the Middle East and its core, the Palestinian issue, under the auspices of the United Nations and with the participation of the permanent members of the Security Council and all parties to the conflict in the region, including, on an equal footing, the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people; on the understanding that the international conference will be held on the basis of Security Council Resolutions 242 and 338 and the safeguarding of the legitimate national rights of the Palestinian people, foremost among which is the right to self-determination, in accordance with the principles and provisions of the UN charter as they pertain to the right of people to self-determination and the inadmissibility of the acquisition of others' territory by force or military conquest, and in accordance with the UN resolutions relating to the Palestinian issue.
2. The withdrawal of Israel from all the Palestinian and Arab territories it occupied in 1967, including Arab Jerusalem.
3. The annulment of all expropriation and annexation measures and the removal of the settlements established by Israel in the Palestinian and Arab territories since 1967.
4. Endeavoring to place the occupied Palestinian territories, including Arab Jerusalem, under the supervision of the United Nations for a limited period, to protect our people, to create an atmosphere conducive to the success of the proceedings of the international conference toward the attainment of a comprehensive political settlement and the achievement of peace and security for all on the

basis of mutual consent, and to enable the Palestinian state to exercise its effective authority in these territories.

5. The settlement of the issue of the Palestinian refugees in accordance with the pertinent United Nations resolutions.

6. Guaranteeing the freedom of worship and the right to engage in religious rites for all faiths in the holy places in Palestine.

7. The Security Council shall draw up and guarantee arrangements for the security of all states concerned and for peace between them, including the Palestinian state.

The Palestine National Council confirms its past resolutions that the relationship between the fraternal Jordanian and Palestinian peoples is a privileged one and that the future relationship between the states of Jordan and Palestine will be built on confederated foundations, on the basis of the two fraternal peoples' free and voluntary choice, in consolidation of the historic ties that bind them and the vital interests they hold in common.

The National Council also renews its commitment to the United Nations resolutions that affirm the right of peoples to resist foreign occupation, imperialism and racial discrimination, and their right to fight for their independence; and it once more announces its rejection of terrorism in all its forms, including state terrorism, emphasizing its commitment to the resolutions it adopted in the past on this subject, and to the resolutions of the Arab Summit in Algiers in 1988, and to UN Resolutions 42/159 of 1967 and 61/40 of 1985, and to what was stated in this regard in the Cairo Declaration of 7.11.1985.

Third: In the Arab and international fields

The Palestine National Council emphasizes the importance of the unity of Lebanon in its territory, its people and its institutions, and stands firmly against the attempts to partition the land and disintegrate the fraternal people of Lebanon. It further emphasizes the importance of the joint Arab effort to participate in a settlement of the Lebanese crisis that helps crystallize and implement solutions that preserve Lebanese unity. The Council also stresses the importance of consecrating the right of the Palestinians in Lebanon to engage in political and informational activity and to enjoy security and protection; and of working against all the forms of conspiracy and aggression that target them and their right to work and live; and of the need to secure the conditions that assure them the ability to defend themselves and provide them with security and protection.

The Palestine National Council affirms its solidarity with the Lebanese nationalist Islamic forces in their struggle against the Israeli occupation and its agents in the Lebanese south; expresses its pride in the allied struggle of the Lebanese and Palestinian peoples against the aggression and toward the termination of the Israeli occupation of parts of the south; and underscores the importance of bolstering this kinship between our people and the fraternal, combative people of Lebanon.

And on this occasion, the Council addresses a reverent salute to the long suffering people of our camps in Lebanon and its south, who are enduring the aggression, massacres, murder, starvation, destruction, air raids, bombardments and sieges perpetrated against the Palestinian camps and Lebanese villages by the Israeli army, air force and navy, aided and abetted by hireling forces in the region; and it rejects the resettlement conspiracy, for the Palestinians' homeland is Palestine.

The Council emphasizes the importance of the Iraq-Iran cease-fire resolution toward the establishment of a permanent peace between the two countries and in the Gulf region; and calls for an intensification of the efforts being exerted to ensure the success of the negotiations toward the establishment of peace on stable and firm foundations; affirming, on this occasion, the pride of the Palestinian Arab people and the Arab nation as a whole in the steadfastness and triumphs of fraternal Iraq as it defended the eastern gate of the Arab nation.

The National Council also expresses its deep pride in the stand taken by the peoples of the Arab nation in support of our Palestinian Arab people and of the Palestine Liberation Organization and of our people's intifada in the occupied homeland; and emphasizes the importance of fortifying the bonds of combat among the forces, parties and organizations of the Arab national liberation movement, in defense of the right of the Arab nation and its peoples to liberation, progress, democracy and unity. The Council calls for the adoption of all measures needed to reinforce the unity of struggle among all members of the Arab national liberation movement.

The Palestine National Council, as it hails the Arab states and thanks them for their support of our people's struggle, calls on them to honor the commitments they approved at the summit conference in Algiers in support of the Palestinian people and their blessed intifada. The Council, in issuing this appeal, expresses its great confidence that the leaders of the Arab nation will remain, as we have known them, a bulwark of support for Palestine and its people.

The Palestine National Council reiterates the desire of the Palestine Liberation Organization for Arab solidarity as the framework within which the Arab nation and its states can organize themselves to confront Israel's aggression and American support of that aggression, and within which Arab prestige can be enhanced and the Arab role strengthened to the point of influencing international policies to the benefit of Arab rights and causes.

The Palestine National Council expresses its deep gratitude to all the states and international forces and organizations that support the national rights of the Palestinians; affirms its desire to strengthen the bonds of friendship and cooperation with the Soviet Union, the People's (Republic of) China, the other socialist countries, the non-aligned states, the Islamic states, the African states, the Latin American states and the other friendly states; and notes with satisfaction the signs of positive evolution in the positions of some West European states and Japan in the direction of support for the rights of the Palestinian people, applauds this development, and urges intensified efforts to increase it.

The National Council affirms the fraternal solidarity of the Palestinian people and the Palestine Liberation Organization with the struggle of the peoples of Asia, Africa and Latin America for their liberation and the reinforcement of their independence; and condemns all American attempts to threaten the independence of the states of Central America and interfere in their affairs.

The Palestine National Council expresses the support of the Palestine Liberation Organization for the national liberation movements in South Africa and Namibia - with a special salute to our brother combatant, Nelson Mandela -against the racist regime of Pretoria; demands that the peoples of the two countries be enabled to attain their liberty and independence; and also expresses its support for the African confrontation states and its condemnation of the racist South African regime's aggression against them.

The Council notes with considerable concern the growth of the Israeli forces of fascism and extremism and the escalation of their open calls for the implementation of the policy of annihilation and individual and collective expulsion of our people from their homeland, and calls for intensified efforts in all arenas to confront this fascist peril. The Council at the same time expresses its appreciation of the role and courage of the Israeli peace forces as they resist and expose the forces

of fascism, racism and aggression, support our people's struggle and their valiant intifada, and back our people's right to self-determination and the establishment of an independent state. The Council confirms its past resolutions regarding the reinforcement and development of relations with these democratic forces.

The Palestine National Council also addresses itself to the American people, calling on them all to strive to put an end to the American policy that denies the Palestinian people's national rights, including their sacred right to self-determination, and urging them to work toward the adoption of policies that conform to the Declaration of Human Rights and the international conventions and resolutions and serve the quest for peace in the Middle East and security for all its peoples, including the Palestinian people.

The Council charges the Executive Committee with the task of completing the formation of the Committee for the Perpetuation of the Memory of the Martyr Symbol Abu Jihad, which shall initiate its work immediately upon the adjournment of the Council.

The Council sends its greetings to the United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People, and to the fraternal and friendly international and non-governmental institutions and organizations, and to the journalists and media that have stood and still stand by our people's struggle and intifada.

The National Council expresses deep pain at the continued detention of hundreds of combatants from among our people in a number of Arab countries, strongly condemns their continued detention, and calls upon those countries to put an end to these abnormal conditions and release those fighters to play their role in the struggle.

In conclusion, the Palestine National Council affirms its complete confidence that the justice of the Palestinian cause and of the demands for which the Palestinian people are struggling will continue to draw

increasing support from honorable and free people around the world; and also affirms its complete confidence in victory on the road to Jerusalem, the capital of our independent Palestinian state.

THE FOLLOWING IS THE PROCLAMATION OF THE
CONSTITUTION OF THE PROVISIONAL GOVERNMENT OF
THE STATE OF PALESTINE.

The Palestine National Council decides in its extraordinary 19th session, the session of intifada:

- 1) The constitution, as soon as possible, of a provisional government for the State of Palestine in conformity with the circumstances and the course of events.
- 2) The Central Council and the Executive Committee of the Palestine Liberation Organization are in charge of fixing the date for the constitution of the provisional government. The Executive Committee is in charge of this constitution, which will be submitted to the Central Council to be entrusted. The Central Council will adopt the provisional character of the government until the recovery by the Palestinian people of its full sovereignty on the Palestinian land.
- 3) The provisional government will be composed of the Palestinian leaders, personalities and competences within the occupied motherland and outside on the basis of political variety and in such way as to achieve national unity.
- 4) The provisional government will establish its program on the basis of the Independence document, the political program of the Palestine Liberation Organization and the decisions of the National Councils.

5) The Palestine National Council invests the Palestine Liberation Organization with the prerogatives and responsibilities of the provisional government until the constitution of the government.

DECLARATION OF INDEPENDENCE

In the name of God, the compassionate, the merciful,

It was in Palestine, cradle of humanity's three monotheistic faiths, that the Palestinian Arab people was born, and it was there that it grew and developed, its unbroken, uninterrupted organic relationship with its land and its history molding its human and national being.

With epic steadfastness, the Palestinian people forged their national identity, rising in their tenacious defense of it to miraculous heights. The magic of this ancient land and its location at the crossroads of powers and civilizations aroused ambitions and cravings, inviting invasions that led to the denial of political independence to its people. But the people's perpetual adherence to the land gave the land its identity and breathed the spirit of the homeland into the people.

Grafted with a succession of civilizations and cultures, inspired by their temporal and spiritual heritage, the Palestinian Arab people continued, across the ages, to develop their persona in a total union between Land and Man, and, walking in the footsteps that the prophets left on this blessed land, raised prayers of thanks to the Creator from every minaret and hymns of mercy and peace from every church and temple.

From generation to generation, the Palestinian Arab people never ceased their valiant defense of their homeland, embodying in their successive revolutions their will for national independence.

And when the contemporary world drafted its new order of values, the balance of local and international forces denied the Palestinian a share of the general weal, once more demonstrating that justice alone does turn the wheel of history.

The painful inequity poured salt on the Palestinian wound. The people that had been denied independence and whose homeland had become the victim of a new breed of occupation became the target of attempts to propagate the lie that "Palestine is a land without a people". This historical fraud notwithstanding, the international community, in Article 22 of the covenant of the League of Nations of 1919, and in the Lausanne Treaty of 1923, had recognized that the Palestinian Arab people, like the other Arab peoples that had broken away from the Ottoman Empire, was a free and independent people.

Despite the historical injustice done to the Palestinian Arab people by their dispersion and deprivation of the right of self-determination after the United Nations General Assembly Resolution 181 of 1947, which partitioned Palestine into two states, Arab and Jewish, that resolution still provides the legal basis for the right of the Palestinian Arab people to national sovereignty and independence.

The occupation of the Palestinian land and of Arab territory by the Israeli forces, and the uprooting and expulsion of the majority of the Palestinians from their homes by organized terrorism, and the subjection of the Palestinians who remained to occupation, persecution and the destruction of all semblances of national life, constitute a flagrant violation of all legal principles, and of the charter of the United Nations, and of those United Nations resolutions that recognize the national rights of the Palestinian people, including their rights to repatriation, self-determination, and independence and sovereignty on their national soil.

In the heart of our homeland, along its frontiers, and in their exiles near and far, the Palestinian Arab people never lost their deep faith in

their right to return and their right to independence. The occupation, the massacres, the dispersion failed to loosen the Palestinian's grip on his national consciousness. He pressed his epic struggle and, through that struggle, continued to crystallize his national identity. And the national Palestinian will formed its own political framework: the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people, recognized as such by the international community as represented by the United Nations and its institutions and by the other international and regional organizations. Armed with a belief in its people's inalienable rights, and with Arab national identity, and with international legitimacy, the Palestine Liberation Organization led the battles of its great people, a people fused into a solid national unity by the massacres and sieges to which it was subjected in its homeland and outside it. The epic of the Palestinian resistance entered the Arab and international records as one of the most distinguished national liberation movements of this era.

The titanic popular intifada waxing in the occupied land and the legendary steadfastness displayed in the camps of the homeland and the diaspora have raised human awareness of the Palestinian reality and the national rights of the Palestinians to the level of mature comprehension, bringing the curtain down on the phase of rampant deception and sedentary consciences, and besieging the official Israeli mentality that had grown addicted to reliance on myth and terrorism in its denial of the existence of the Palestinians.

The rise of the intifada and the cumulative fruit of the revolution in all its aspects have brought the Palestinian saga to another historic juncture where the Palestinian Arab people must once more claim their rights and affirm their determination to exercise them on their Palestinian soil.

By virtue of the Palestinian Arab people's natural, historic and legal right to their homeland Palestine, and of the sacrifices of their

successive generations in defense of the liberty and independence of their homeland;

Pursuant to the resolutions of the Arab Summit conferences;

By the authority of the international legitimacy, -as embodied in the resolutions of the United Nations since 1947;

In implementation of the Palestinian Arab people's right to self-determination, political independence, and sovereignty on their soil;

The National Council proclaims, in the name of God and the Palestinian Arab people, the establishment of the State of Palestine on our Palestinian land, with the Holy City of Jerusalem as its capital.

The State of Palestine is the state of Palestinians wherever they may be. In it they shall develop their national and cultural identity and enjoy full equality in rights.

Their religious and political beliefs and their human dignity shall be safeguarded under a democratic parliamentary system of government built on the freedom of opinion; and on the freedom to form parties; and on the protection of the rights of the minority by the majority and respect of the decisions of the majority by the minority; and on social justice and equal rights, free of ethnic, religious, racial or sexual discrimination; and on a constitution that guarantees the rule of law and the independence of the judiciary; and on the basis of total allegiance to the centuries-old spiritual and civilizational Palestinian heritage of religious tolerance and coexistence.

The State of Palestine is an Arab state, an integral part of the Arab nation and that nation's heritage, its civilization and its aspiration to attain its goals of liberation, development, democracy and unity. Affirming its commitment to the charter of the League of Arab States

and its insistence on the reinforcement of joint Arab action, the State of Palestine calls on the people of its nation to assist in the completion of its birth by mobilizing their resources and augmenting their efforts to end the Israeli occupation.

The State of Palestine declares its commitment to the principles and objectives of the United Nations, and to the Universal Declaration of Human Rights, and to the principles and policy of non-alignment.

The State of Palestine, declaring itself a peace-loving state committed to the principles of peaceful coexistence, shall strive with all states and peoples to attain a permanent peace built on justice and respect of rights, in which humanity's constructive talents can prosper, and creative competition can flourish, and fear of tomorrow can be abolished, for tomorrow brings nothing but security for the just and those who regain their sense of justice.

As it struggles to establish peace in the land of love and peace, the State of Palestine exhorts the United Nations to take upon itself a special responsibility for the Palestinian Arab people and their homeland, and exhorts the peace-loving, freedom-cherishing peoples and states of the world to help it attain its objectives and put an end to the tragedy its people are suffering by providing them with security and endeavoring to end the Israeli occupation of the Palestinian territories.

The State of Palestine declares its belief in the settlement of international and regional disputes by peaceful means in accordance with the charter and resolutions of the United Nations; and its rejection of threats of force or violence or terrorism and the use of these against its territorial integrity and political independence or the territorial integrity of any other state, without prejudice to its natural right to defend its territory and independence.

On this glorious day, the 15th of November 1988, as we stand on the threshold of a new age, we bow in awe and reverence before the souls of our martyrs and the martyrs of the Arab nation, whose untainted blood fueled the flame of this dawn, who died so that their homeland can live. And we bask in the brilliant glow of the blessed intifada, and of the epic steadfastness of our people in their camps and their diaspora and their exiles, and of the standard-bearers of our freedoms; our children, our youth and our aged; those of our people who, wounded or taken captive, continue to man their posts on the holy soil of every village and city; and the brave Palestinian women, guardian of our life and posterity, keeper of our eternal flame.

To the innocent souls of our martyrs, to the masses of our Palestinian Arab people and our Arab nation, and to all the world's free and honorable people we make this pledge: that we shall continue our struggle to roll back the occupation and entrench our sovereignty and independence.

We call upon our great people to rally around their Palestinian flag, to take pride in it and defend it, so that it will remain forever the symbol of our liberty and dignity in a homeland that will forever remain the free homeland of a free people.

<i>Source of document</i>
http://mfa.gov.il/MFA/ForeignPolicy/MFADocuments/Yearbook7/Pages/396%20Palestinian%20National%20Council%20political%20stateme.aspx

**Letter from Foreign Minister Peres to Norwegian Foreign
Minister
October 11, 1993**

The following is the text of a letter sent by Foreign Minister Shimon Peres to Norwegian Foreign Minister Johan Jorgen Holst, on October 11, 1993, as published in The Jerusalem Post on June 7, 1994:

I wish to confirm that the Palestinian institutions of East Jerusalem and the interests and well-being of the Palestinians of East Jerusalem are of great importance and will be preserved.

Therefore, all the Palestinian institutions of East Jerusalem, including the economic, social, educational, cultural, and the holy Christian and Moslem places, are performing an essential task for the Palestinian population.

Needless to say, we will not hamper their activity; on the contrary, the fulfilment of this important mission is to be encouraged.

<i>Source of document</i>
http://www.mfa.gov.il/MFA/ForeignPolicy/Peace/Guide/Pages/FM%20Peres%20Letter%20to%20Norwegian%20FM%20on%20Jerusalem.aspx

The Washington Declaration

July 25, 1994

After generations of hostility, bloodshed and tears and in the wake of years of pain and wars, His Majesty King Hussein and Prime Minister Yitzhak Rabin are determined to bring an end to bloodshed and sorrow. It is in this spirit that His Majesty King Hussein of the Hashemite Kingdom of Jordan and Prime Minister and Minister of Defense, Mr. Yitzhak Rabin of Israel, met in Washington today at the invitation of President William J. Clinton of the United States of America. This initiative of President William J. Clinton constitutes an historic landmark in the United States' untiring efforts in promoting peace and stability in the Middle East. The personal involvement of the President has made it possible to realize agreement on the content of this historic declaration. The signing of this declaration bears testimony to the President's vision and devotedness to the cause of peace.

In their meeting, His Majesty King Hussein and Prime Minister Yitzhak Rabin have jointly reaffirmed the five underlying principles of their understanding on an Agreed Common Agenda designed to reach the goal of a just, lasting and comprehensive peace between the Arab States and the Palestinians, with Israel.

1. Jordan and Israel aim at the achievement of just, lasting and comprehensive peace between Israel and its neighbors and at the conclusion of a Treaty of Peace between both countries.
2. The two countries will vigorously continue their negotiation to arrive at a state of peace, based on (UN) Security Council Resolutions 242 and 338 in all their aspects, and founded on freedom, equality and justice.
3. Israel respects the present special role of the Hashemite Kingdom of Jordan in the Muslim holy shrines in Jerusalem.

When negotiations on the permanent status will take place, Israel will give high priority to the Jordanian historic role in these shrines. In addition, the two sides have agreed to act together to promote interfaith relations among the three monotheistic religions.

4. The two countries recognize their right and obligation to live in peace with each other, as well as with all states, within secure and recognized boundaries. The two states affirmed their respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every state in the area.
5. The two countries desire to develop good neighborly relations of cooperation between them to ensure lasting security and to avoid threats and the use of force between them.

The long conflict between the two states is now coming to an end. In this spirit, the state of belligerency between Jordan and Israel has now been terminated.

Following this declaration and in keeping with the Agreed Common Agenda, both countries will refrain from actions or activities by either side that may adversely affect the security of the other or may prejudice the final outcome of negotiations. Neither side will threaten the other by use of force, weapons, or any other means against each other, and both sides will thwart threats to security resulting from all kinds of terrorism.

His Majesty King Hussein and Prime Minister Yitzhak Rabin took note of the progress made in the bilateral negotiations within the Jordan-Israel track last week on the steps decided to implement the sub-agendas on borders, territorial matters, security, water, energy, environment and the Jordan Rift Valley.

In this framework, mindful of items of the Agreed Common Agenda (borders and territorial matters), they noted that the boundary sub-commission has reached agreement in July 1994 in fulfillment of part of the role entrusted to it in the sub-agenda. They also noted that the sub-commission for water, environment and energy agreed to mutually recognize, as the role of their negotiations, the rightful allocations of the two sides in Jordan River and Yarmouk River waters and to fully respect and comply with the negotiated rightful allocations, in accordance with agreed acceptable principles with mutually acceptable quality.

Similarly, His Majesty King Hussein and Prime Minister Yitzhak Rabin expressed their deep satisfaction and pride in the work of the trilateral commission in its meeting held in Jordan on Wednesday, July 20, 1994, hosted by the Jordanian Prime Minister Abdel-Salam al-Majali, and attended by Secretary of State Warren Christopher and Foreign Minister Shimon Peres. They voiced their pleasure at the association and commitment of the United States in this endeavor.

His Majesty King Hussein and Prime Minister Yitzhak Rabin believe that steps must be taken both to overcome psychological barriers and to break with the legacy of war. By working with optimism towards the dividends of peace for all the people in the region, Jordan and Israel are determined to shoulder their responsibilities towards the human dimension of peace-making. They recognize that imbalances and disparities are a root cause of extremism, which thrives on poverty and unemployment and the degradation of human dignity. In this spirit, His Majesty King Hussein and Prime Minister Yitzhak Rabin have today approved a series of steps to symbolize the new era now at hand:

1. Direct telephone links will be opened between Jordan and Israel.
2. The electricity grids of Jordan and Israel will be linked as part of a regional concept.

3. Two new border crossings will be opened between Jordan and Israel—one at the tip of Aqaba-Eilat and the other at a mutually agreed point in the north.
4. In principle, free access will be given to third country tourist traveling between Jordan and Israel.
5. Negotiations will be accelerated on opening an international air corridor between the two countries.
6. The police forces of Jordan and Israel will cooperate in combating crime with emphasis on smuggling and particularly drug smuggling. The United States will be invited to participate in this joint endeavor.
7. Negotiations on economic matters will continue in order to prepare for future bilateral cooperation including the abolition of all economic boycotts.

All these steps are being implemented within the framework of regional infrastructure development plans and in conjunction with the Jordan-Israel bilaterals on boundaries, security, water and related issues and without prejudice to the final outcome of the negotiations on the items included in the Agreed Common Agenda between Jordan and Israel.

His Majesty King Hussein and Prime Minister Yitzhak Rabin have agreed to meet periodically or whenever they feel necessary to review the progress of the negotiations and express their firm intention to shepherd and direct the process in its entirety.

His Majesty King Hussein and Prime Minister Yitzhak Rabin wish to express once again their profound thanks and appreciation to President William J. Clinton and his administration for their untiring efforts in furthering the cause of peace, justice and prosperity for all the peoples of the region. They wish to thank the president personally for his warm welcome and hospitality. In recognition of their appreciation to the president, His Majesty King Hussein and Prime Minister Yitzhak

Rabin have asked President William J. Clinton to sign this document as a witness and as a host to their meeting.

His Majesty King Hussein

Prime Minister Yitzhak Rabin

President William J. Clinton

<i>Source of document</i>
http://www.kinghussein.gov.jo/w-declaration.html

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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-sixth session
Item 8 of the provisional agenda

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL
RIGHTS

Written statement submitted by Habitat International Coalition,
a non-governmental organization on the Roster

The Secretary-General has received the following written statement
which is distributed in accordance with Economic and Social Council
resolution 1296 (XLIV).

[15 July 1994]

GE.94-13369 (E)

The Palestinians' right to adequate housing in East Jerusalem

1. Habitat International Coalition (HIC) and the Palestine Human Rights Information Center (PHRIC) are concerned about the housing crisis currently faced by Palestinians in East Jerusalem. While Israel may have a good record in providing adequate housing for Jewish Israelis, the same cannot be said of their record for Palestinians. We

believe that when dealing with Palestinians, the policies and actions of the Jerusalem Municipal Government as well as the Israeli Government as a whole, contravene article 11.1 of the International Covenant on Economic, Social and Cultural Rights which Israel ratified. We submit this brief overview of the existing housing conditions for Palestinians in East Jerusalem as an initial step to draw international attention to this urgent issue.

The status of Jerusalem: background

2. Israel occupied East Jerusalem in 1967 and since has been exercising *de facto* sovereignty over both parts of the city, claiming de jure sovereignty over Jerusalem "whole and united". It is now accepted by law that East Jerusalem is occupied territory and that Israel's annexation of Jerusalem is illegal. United Nations Security Council resolutions dating from 1968 to 1990 unambiguously declare Jerusalem to be occupied territory. Any attempt by Israel to unilaterally alter life in the city, whether through land expropriation, population transfer or archaeological changes, affects its legal status and is therefore invalid.

3. Israel's policies and actions aimed at changing the ethnic composition, physical character, boundaries and legal status of Jerusalem are clearly in contravention of articles 47 and 49 of the Fourth Geneva Convention. Concurrently, these same policies and actions and their effect on the lives of Palestinians, as detailed below, must be seen as contravening the right to adequate housing as articulated in article 11.1 of the International Covenant on Economic, Social and Cultural Rights and numerous other international instruments that Israel has ratified.

Demographics of East Jerusalem

4. The 1967 census conducted by the Israeli authorities indicated that 66,000 Palestinians resided in East Jerusalem, 44,000 of whom resided in the area known before the June war as East Jerusalem and 22,000 in the West Bank area annexed after the war. At the time there were a few hundred Jews living in East Jerusalem. In June 1993, the Israeli Government was able to proudly announce that a Jewish majority had been achieved in East Jerusalem; at the same time, 155,000 Jews were officially-registered residents, as compared to 150,000 Palestinians. The Jewish population in East Jerusalem is housed in 17 settlements.

5. Since 1967, government policy has been to limit the number of Palestinians residing in Jerusalem to no more than 24 per cent of the city's population and to simultaneously increase the numbers of Jews in Jerusalem. It has, in general, succeeded in this goal through intricate bureaucratic restrictions for Palestinian East Jerusalem residents. Israeli housing policies concerning the Palestinians play an important role in decreasing the Palestinian population in East Jerusalem while simultaneously increasing the Israeli population in this same area.

Policies and actions

1. House demolitions and land confiscation

6. Demolitions of Palestinian homes in East Jerusalem are carried out by municipal officials on the premise that the house was built or renovated without an Israeli issued permit. Permits are exceedingly difficult for Palestinians to obtain. Palestinians are often informed that their property on which they want to build has been classified as either a "green area" or State land. This means the land is to remain an agricultural or park zone and therefore will be confiscated from the Palestinians for Israeli use.

7. PHRIC has documented over 210 Palestinian homes demolished by the Israeli authorities in East Jerusalem since mid-1986 for licensing reasons. Demolitions of Palestinian homes in East Jerusalem are currently carried out at a rate of approximately 50 per year.

2. Settlements

8. The Jerusalem area Master Plan sets aside over half of the extended area of East Jerusalem for Jewish settlements and Israeli institutions.

9. Of the 73,000 dunums in East Jerusalem, 29,000 dunums have been expropriated, or will soon be expropriated for the building of Jewish settlements. In turn, only 10,000 dunums remain on which Palestinians can build and much of this land has already been built upon.

10. An enormous amount of settlement and road construction in the occupied territories, including East Jerusalem, is being pushed towards completion within three to five years, simultaneously with the transitional period outlined in the Israel-PLO Declaration of Principles. Israeli policy-makers have put forth pretexts of future "security" needs in rationalizing Jewish settlements in and around Jerusalem.

11. The establishment and development of settlements and new roads by Israeli authorities effectively separates Palestinian villages while unifying the Jewish settlements, leads to the confiscation of Palestinian land and results in the demolition of their homes.

12. For example, in early November 1993, an Israeli Government-appointed committee approved the establishment of a large settlement block called "Gush Adumim" extending north, south and east of Jerusalem to the outskirts of Jericho. The block mainly entails linking settlements stretching from the south-east to the north-east of

Jerusalem and extending east. Five thousand dunums of land belonging to the Jerusalem area Arab villages will be confiscated to implement the proposed plan.

3. Disparate treatment of Jerusalemites

13. The Jerusalem Municipal Government employs several policies and regulations that are de facto discriminatory or have discriminatory effects against Palestinians in the area of housing. For example:

(a) Building height in Palestinian neighbourhoods may not exceed two stories whereas buildings in the Jewish neighbourhoods of East Jerusalem of as many as eight stories are permitted;

(b) The Israeli Government has provided subsidized housing for 70,000 Jewish families in East Jerusalem settlements alone, in contrast to subsidized housing for only 555 Palestinian families;

(c) Jerusalem's Palestinian population pays 26 per cent of the total cost of municipal services but receives just 5 per cent of these services.

Effects

14. A significant repercussion of these Israeli housing policies is Palestinian emigration from East Jerusalem. A sample study conducted in 1993 by Dr. Bernard Sabella, a political scientist at Bethlehem University, estimated that the following numbers of Palestinians have emigrated with their families since 1967:

(a) 16,917 Palestinians in East Jerusalem have emigrated abroad;

(b) 12,080 Palestinian Jerusalemites were forced to move outside the borders of illegally annexed areas because of the lack of housing in East Jerusalem;

(c) 12,500 currently live in the North Jerusalem area inside the boundaries of the pre-1967 Jerusalem but are now excluded by the Israeli authorities;

(d) 7,630 Palestinian Jerusalemites were outside the country in 1967 and, were never issued Jerusalem identity cards and therefore do not have the right to return. Others lost identity cards by living outside of East Jerusalem for six years or more and cannot return. For these people, any owned or inherited land in East Jerusalem comes under the custody of the Israeli "absentee" department, rendering it State land.

15. For those Palestinian Jerusalemites who remain in the municipality, the policies implemented by the Israeli municipal and central governments, as detailed above, have a profound and negative effect on housing conditions for Palestinians. This is reflected in the following statistics on housing density:

(a) While Israelis in Jerusalem enjoy a housing density of one person per room, non-Jews experience a density of 2.2 persons per room;

(b) In a survey conducted by PHRIC in June 1994, of 20 families interviewed whose homes had been demolished, it was discovered that the average density in houses that had been demolished was 1.56 persons per room. After demolition, forced to return to their old (smaller) houses, or live in tents or with relatives, this average increased to 2.94 persons per room.

16. The consequences of Israeli housing policies on Palestinians does not solely result in punishment by way of house demolition, forced evictions and emigration; the punishment includes far-reaching social pains as the following statistics indicate: 10 per cent of the sample currently live in tents; 25 per cent of the sample complained of psychological problems and nervousness since the demolition; 10 per cent of the sample said their children's schooling was stopped after the

demolition or the children were forced to change schools. In one case, a family reported that their daughter had been exposed to rape after the demolition. The family was living in a tent and thus was not afforded the physical security of a house.

Conclusion

17. This overview of some of the housing conditions faced by Palestinians in East Jerusalem demonstrates that Palestinians are being denied the right to adequate housing as a result of Israeli policies and actions. It is our understanding that the right to adequate housing includes principles such as non-discrimination, the right to information, equality in land relations, and democratic participation. Policies such as house demolition, land confiscation, the creation and development of settlements and clearly discriminatory treatment of Palestinians in matters relating to housing all constitute gross violations of these principles.

18. According to the Israel-PLO Declaration of Principle, the issue of Jerusalem is not to be discussed for two years. Given the rapid expansion of the Jewish settlements in East Jerusalem and the resulting increase in the confiscation of Palestinian land and the demolition of Palestinian homes, we fear that if the housing situation of Palestinians is not addressed immediately, in two years' time, there will be nothing left to negotiate.

19. Habitat International Coalition and PHRIC draw the attention of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities to the continuously worsening situation of the Palestinians of East Jerusalem. We urge the Special Rapporteur on the right to adequate housing, Justice Rajindar Sachar, to mention the numerous violations, including forced evictions, of the Palestinian right to housing in his reports and to undertake steps to bring notice in all ways possible to the dire situation faced by 150,000 Palestinians in East Jerusalem as they struggle for a place to live.

<i>Source of document</i>
http://unispal.un.org/unispal.nsf/f45643a78fcba719852560f6005987ad/3077feebe5774e3d852563300069223b?OpenDocument

Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip

Washington, D.C., September 28, 1995

The Government of the State of Israel and the Palestine Liberation Organization (hereinafter "the PLO"), the representative of the Palestinian people;

PREAMBLE

WITHIN the framework of the Middle East peace process initiated at Madrid in October 1991;

REAFFIRMING their determination to put an end to decades of confrontation and to live in peaceful coexistence, mutual dignity and security, while recognizing their mutual legitimate and political rights;

REAFFIRMING their desire to achieve a just, lasting and comprehensive peace settlement and historic reconciliation through the agreed political process;

RECOGNIZING that the peace process and the new era that it has created, as well as the new relationship established between the two Parties as described above, are irreversible, and the determination of the two Parties to maintain, sustain and continue the peace process;

RECOGNIZING that the aim of the Israeli-Palestinian negotiations within the current Middle East peace process is, among other things, to establish a Palestinian Interim Self-Government Authority, i.e. the elected Council (hereinafter "the Council" or "the Palestinian Council"), and the elected Ra'ees of the Executive Authority, for the Palestinian people in the West Bank and the Gaza Strip, for a transitional period not exceeding five years from the date of signing

the Agreement on the Gaza Strip and the Jericho Area (hereinafter "the Gaza-Jericho Agreement") on May 4, 1994, leading to a permanent settlement based on Security Council Resolutions 242 and 338;

REAFFIRMING their understanding that the interim self-government arrangements contained in this Agreement are an integral part of the whole peace process, that the negotiations on the permanent status, that will start as soon as possible but not later than May 4, 1996, will lead to the implementation of Security Council Resolutions 242 and 338, and that the Interim Agreement shall settle all the issues of the interim period and that no such issues will be deferred to the agenda of the permanent status negotiations;

REAFFIRMING their adherence to the mutual recognition and commitments expressed in the letters dated September 9, 1993, signed by and exchanged between the Prime Minister of Israel and the Chairman of the PLO;

DESIROUS of putting into effect the Declaration of Principles on Interim Self-Government Arrangements signed at Washington, D.C. on September 13, 1993, and the Agreed Minutes thereto (hereinafter "the DOP") and in particular Article III and Annex I concerning the holding of direct, free and general political elections for the Council and the Ra'ees of the Executive Authority in order that the Palestinian people in the West Bank, Jerusalem and the Gaza Strip may democratically elect accountable representatives;

RECOGNIZING that these elections will constitute a significant interim preparatory step toward the realization of the legitimate rights of the Palestinian people and their just requirements and will provide a democratic basis for the establishment of Palestinian institutions;

REAFFIRMING their mutual commitment to act, in accordance with this Agreement, immediately, efficiently and effectively against acts or threats of terrorism, violence or incitement, whether committed by Palestinians or Israelis;

FOLLOWING the Gaza-Jericho Agreement; the Agreement on Preparatory Transfer of Powers and Responsibilities signed at Erez on August 29, 1994 (hereinafter "the Preparatory Transfer Agreement"); and the Protocol on Further Transfer of Powers and Responsibilities signed at Cairo on August 27, 1995 (hereinafter "the Further Transfer Protocol"); which three agreements will be superseded by this Agreement;

HEREBY AGREE as follows:

CHAPTER I - THE COUNCIL

ARTICLE I

Transfer of Authority

1. Israel shall transfer powers and responsibilities as specified in this Agreement from the Israeli military government and its Civil Administration to the Council in accordance with this Agreement. Israel shall continue to exercise powers and responsibilities not so transferred.

2. Pending the inauguration of the Council, the powers and responsibilities transferred to the Council shall be exercised by the Palestinian Authority established in accordance with the Gaza-Jericho Agreement, which shall also have all the rights, liabilities and obligations to be assumed by the Council in this regard. Accordingly, the term "Council" throughout this Agreement shall, pending the

inauguration of the Council, be construed as meaning the Palestinian Authority.

3. The transfer of powers and responsibilities to the police force established by the Palestinian Council in accordance with Article XIV below (hereinafter "the Palestinian Police") shall be accomplished in a phased manner, as detailed in this Agreement and in the Protocol concerning Redeployment and Security Arrangements attached as Annex I to this Agreement (hereinafter "Annex I").

4. As regards the transfer and assumption of authority in civil spheres, powers and responsibilities shall be transferred and assumed as set out in the Protocol Concerning Civil Affairs attached as Annex III to this Agreement (hereinafter "Annex III").

5. After the inauguration of the Council, the Civil Administration in the West Bank will be dissolved, and the Israeli military government shall be withdrawn. The withdrawal of the military government shall not prevent it from exercising the powers and responsibilities not transferred to the Council.

6. A Joint Civil Affairs Coordination and Cooperation Committee (hereinafter "the CAC"), Joint Regional Civil Affairs Subcommittees, one for the Gaza Strip and the other for the West Bank, and District Civil Liaison Offices in the West Bank shall be established in order to provide for coordination and cooperation in civil affairs between the Council and Israel, as detailed in Annex III.

7. The offices of the Council, and the offices of its Ra'ees and its Executive Authority and other committees, shall be located in areas under Palestinian territorial jurisdiction in the West Bank and the Gaza Strip.

ARTICLE II

Elections

1. In order that the Palestinian people of the West Bank and the Gaza Strip may govern themselves according to democratic principles, direct, free and general political elections will be held for the Council and the Ra'ees of the Executive Authority of the Council in accordance with the provisions set out in the Protocol concerning Elections attached as Annex II to this Agreement (hereinafter "Annex II").

2. These elections will constitute a significant interim preparatory step towards the realization of the legitimate rights of the Palestinian people and their just requirements and will provide a democratic basis for the establishment of Palestinian institutions.

3. Palestinians of Jerusalem who live there may participate in the election process in accordance with the provisions contained in this Article and in Article VI of Annex II (Election Arrangements concerning Jerusalem).

4. The elections shall be called by the Chairman of the Palestinian Authority immediately following the signing of this Agreement to take place at the earliest practicable date following the redeployment of Israeli forces in accordance with Annex I, and consistent with the requirements of the election timetable as provided in Annex II, the Election Law and the Election Regulations, as defined in Article I of Annex II.

ARTICLE III

Structure of the Palestinian Council

1. The Palestinian Council and the Ra'ees of the Executive Authority of the Council constitute the Palestinian Interim Self-Government Authority, which will be elected by the Palestinian people of the West Bank, Jerusalem and the Gaza Strip for the transitional period agreed in Article I of the DOP.

2. The Council shall possess both legislative power and executive power, in accordance with Articles VII and IX of the DOP. The Council shall carry out and be responsible for all the legislative and executive powers and responsibilities transferred to it under this Agreement. The exercise of legislative powers shall be in accordance with Article XVIII of this Agreement (Legislative Powers of the Council).

3. The Council and the Ra'ees of the Executive Authority of the Council shall be directly and simultaneously elected by the Palestinian people of the West Bank, Jerusalem and the Gaza Strip, in accordance with the provisions of this Agreement and the Election Law and Regulations, which shall not be contrary to the provisions of this Agreement.

4. The Council and the Ra'ees of the Executive Authority of the Council shall be elected for a transitional period not exceeding five years from the signing of the Gaza-Jericho Agreement on May 4, 1994.

5. Immediately upon its inauguration, the Council will elect from among its members a Speaker. The Speaker will preside over the meetings of the Council, administer the Council and its committees, decide on the agenda of each meeting, and lay before the Council proposals for voting and declare their results.

6. The jurisdiction of the Council shall be as determined in Article XVII of this Agreement (Jurisdiction).

7. The organization, structure and functioning of the Council shall be in accordance with this Agreement and the Basic Law for the Palestinian Interim Self-government Authority, which Law shall be adopted by the Council. The Basic Law and any regulations made under it shall not be contrary to the provisions of this Agreement.

8. The Council shall be responsible under its executive powers for the offices, services and departments transferred to it and may establish, within its jurisdiction, ministries and subordinate bodies, as necessary for the fulfillment of its responsibilities.

9. The Speaker will present for the Council's approval proposed internal procedures that will regulate, among other things, the decision-making processes of the Council.

ARTICLE IV

Size of the Council

The Palestinian Council shall be composed of 82 representatives and the Ra'ees of the Executive Authority, who will be directly and simultaneously elected by the Palestinian people of the West Bank, Jerusalem and the Gaza Strip.

ARTICLE V

The Executive Authority of the Council

1. The Council will have a committee that will exercise the executive authority of the Council, formed in accordance with paragraph 4 below (hereinafter "the Executive Authority").

2. The Executive Authority shall be bestowed with the executive authority of the Council and will exercise it on behalf of the Council. It shall determine its own internal procedures and decision making processes.

3. The Council will publish the names of the members of the Executive Authority immediately upon their initial appointment and subsequent to any changes.

4. a. The Ra'ees of the Executive Authority shall be an ex officio member of the Executive Authority.

b. All of the other members of the Executive Authority, except as provided in subparagraph c. below, shall be members of the Council, chosen and proposed to the Council by the Ra'ees of the Executive Authority and approved by the Council.

c. The Ra'ees of the Executive Authority shall have the right to appoint some persons, in number not exceeding twenty percent of the total membership of the Executive Authority, who are not members of the Council, to exercise executive authority and participate in government tasks. Such appointed members may not vote in meetings of the Council.

d. Non-elected members of the Executive Authority must have a valid address in an area under the jurisdiction of the Council.

ARTICLE VI

Other Committees of the Council

1. The Council may form small committees to simplify the proceedings of the Council and to assist in controlling the activity of its Executive Authority.

2. Each committee shall establish its own decision-making processes within the general framework of the organization and structure of the Council.

ARTICLE VII

Open Government

1. All meetings of the Council and of its committees, other than the Executive Authority, shall be open to the public, except upon a

resolution of the Council or the relevant committee on the grounds of security, or commercial or personal confidentiality.

2. Participation in the deliberations of the Council, its committees and the Executive Authority shall be limited to their respective members only. Experts may be invited to such meetings to address specific issues on an ad hoc basis.

ARTICLE VIII

Judicial Review

Any person or organization affected by any act or decision of the Ra'ees of the Executive Authority of the Council or of any member of the Executive Authority, who believes that such act or decision exceeds the authority of the Ra'ees or of such member, or is otherwise incorrect in law or procedure, may apply to the relevant Palestinian Court of Justice for a review of such activity or decision.

ARTICLE IX

Powers and Responsibilities of the Council

1. Subject to the provisions of this Agreement, the Council will, within its jurisdiction, have legislative powers as set out in Article XVIII of this Agreement, as well as executive powers.

2. The executive power of the Palestinian Council shall extend to all matters within its jurisdiction under this Agreement or any future agreement that may be reached between the two Parties during the interim period. It shall include the power to formulate and conduct Palestinian policies and to supervise their implementation, to issue any rule or regulation under powers given in approved legislation and administrative decisions necessary for the realization of Palestinian self-government, the power to employ staff, sue and be sued and conclude contracts, and the power to keep and administer registers and

records of the population, and issue certificates, licenses and documents.

3. The Palestinian Council's executive decisions and acts shall be consistent with the provisions of this Agreement.

4. The Palestinian Council may adopt all necessary measures in order to enforce the law and any of its decisions, and bring proceedings before the Palestinian courts and tribunals.

5. a. In accordance with the DOP, the Council will not have powers and responsibilities in the sphere of foreign relations, which sphere includes the establishment abroad of embassies, consulates or other types of foreign missions and posts or permitting their establishment in the West Bank or the Gaza Strip, the appointment of or admission of diplomatic and consular staff, and the exercise of diplomatic functions.

b. Notwithstanding the provisions of this paragraph, the PLO may conduct negotiations and sign agreements with states or international organizations for the benefit of the Council in the following cases only:

(1) economic agreements, as specifically provided in Annex V of this Agreement:

(2) agreements with donor countries for the purpose of implementing arrangements for the provision of assistance to the Council,

(3) agreements for the purpose of implementing the regional development plans detailed in Annex IV of the DOP or in agreements entered into in the framework of the multilateral negotiations, and

(4) cultural, scientific and educational agreements. Dealings between the Council and representatives of foreign states and international organizations, as well as the establishment in the West Bank and the Gaza Strip of representative offices other than those described in subparagraph 5.a above, for the purpose of implementing the agreements referred to in subparagraph 5.b above, shall not be considered foreign relations.

6. Subject to the provisions of this Agreement, the Council shall, within its jurisdiction, have an independent judicial system composed of independent Palestinian courts and tribunals.

CHAPTER 2 - REDEPLOYMENT AND SECURITY ARRANGEMENTS

ARTICLE X

Redeployment of Israeli Military Forces

1. The first phase of the Israeli military forces redeployment will cover populated areas in the West Bank - cities, towns, villages, refugee camps and hamlets - as set out in Annex I, and will be completed prior to the eve of the Palestinian elections, i. e., 22 days before the day of the elections.

2. Further redeployments of Israeli military forces to specified military locations will commence after the inauguration of the Council and will be gradually implemented commensurate with the assumption of responsibility for public order and internal security by the Palestinian Police, to be completed within 18 months from the date of the inauguration of the Council as detailed in Articles XI (Land) and XIII (Security), below and in Annex I.

3. The Palestinian Police shall be deployed and shall assume responsibility for public order and internal security for Palestinians in

a phased manner in accordance with XIII (Security) below and Annex I.

4. Israel shall continue to carry the responsibility for external security, as well as the responsibility for overall security of Israelis for the purpose of safeguarding their internal security and public order.

5. For the purpose of this Agreement, "Israeli military forces" includes Israel Police and other Israeli security forces.

ARTICLE XI

Land

1. The two sides view the West Bank and the Gaza Strip as a single territorial unit, the integrity and status of which will be preserved during the interim period.

2. The two sides agree that West Bank and Gaza Strip territory, except for issues that will be negotiated in the permanent status negotiations, will come under the jurisdiction of the Palestinian Council in a phased manner, to be completed within 18 months from the date of the inauguration of the Council, as specified below:

a. Land in populated areas (Areas A and B), including government and Al Waqf land, will come under the jurisdiction of the Council during the first phase of redeployment.

b. All civil powers and responsibilities, including planning and zoning, in Areas A and B, set out in Annex III, will be transferred to and assumed by the Council during the first phase of redeployment.

c. In Area C, during the first phase of redeployment Israel will transfer to the Council civil powers and responsibilities not relating to territory, as set out in Annex III.

d. The further redeployments of Israeli military forces to specified military locations will be gradually implemented in accordance with the DOP in three phases, each to take place after an interval of six months, after the inauguration of the Council, to be completed within 18 months from the date of the inauguration of the Council.

e. During the further redeployment phases to be completed within 18 months from the date of the inauguration of the Council, powers and responsibilities relating to territory will be transferred gradually to Palestinian jurisdiction that will cover West Bank and Gaza Strip territory, except for the issues that will be negotiated in the permanent status negotiations.

f. The specified military locations referred to in Article X, paragraph 2 above will be determined in the further redeployment phases, within the specified time-frame ending not later than 18 months from the date of the inauguration of the Council, and will be negotiated in the permanent status negotiations.

3. For the purpose of this Agreement and until the completion of the first phase of the further redeployments:

a. "Area A" means the populated areas delineated by a red line and shaded in brown on attached map No. 1;

b. "Area B" means the populated areas delineated by a red line and shaded in yellow on attached map No. 1, and the built-up area of the hamlets listed in Appendix 6 to Annex I, and

c. "Area C" means areas of the West Bank outside Areas A and B, which, except for the issues that will be negotiated in the permanent status negotiations, will be gradually transferred to Palestinian jurisdiction in accordance with this Agreement.

ARTICLE XII

Arrangements for Security and Public Order

1. In order to guarantee public order and internal security for the Palestinians of the West Bank and the Gaza Strip, the Council shall establish a strong police force as set out in Article XIV below. Israel shall continue to carry the responsibility for defense against external threats, including the responsibility for protecting the Egyptian and Jordanian borders, and for defense against external threats from the sea and from the air, as well as the responsibility for overall security of Israelis and Settlements, for the purpose of safeguarding their internal security and public order, and will have all the powers to take the steps necessary to meet this responsibility.

2. Agreed security arrangements and coordination mechanisms are specified in Annex I.

3. A Joint Coordination and Cooperation Committee for Mutual Security Purposes (hereinafter "the JSC"), as well as Joint Regional Security Committees (hereinafter "RSCs") and Joint District Coordination Offices (hereinafter "DCOs"), are hereby established as provided for in Annex I.

4. The security arrangements provided for in this Agreement and in Annex I may be reviewed at the request of either Party and may be amended by mutual agreement of the Parties. Specific review arrangements are included in Annex I.

5. For the purpose of this Agreement, "the Settlements" means, in the West Bank the settlements in Area C; and in the Gaza Strip - the Gush Katif and Erez settlement areas, as well as the other settlements in the Gaza Strip, as shown on attached map No. 2.

ARTICLE XIII

Security

1. The Council will, upon completion of the redeployment of Israeli military forces in each district, as set out in Appendix 1 to Annex I, assume the powers and responsibilities for internal security and public order in Area A in that district.

2. a. There will be a complete redeployment of Israeli military forces from Area B. Israel will transfer to the Council and the Council will assume responsibility for public order for Palestinians. Israel shall have the overriding responsibility for security for the purpose of protecting Israelis and confronting the threat of terrorism.

b. In Area B the Palestinian Police shall assume the responsibility for public order for Palestinians and shall be deployed in order to accommodate the Palestinian needs and requirements in the following manner:

(1) The Palestinian Police shall establish 25 police stations and posts in towns, villages, and other places listed in Appendix 2 to Annex I and as delineated on map No. 3. The West Bank RSC may agree on the establishment of additional police stations and posts, if required.

(2) The Palestinian Police shall be responsible for handling public order incidents in which only Palestinians are involved.

(3) The Palestinian Police shall operate freely in populated places where police stations and posts are located, as set out in paragraph b(1) above.

(4) While the movement of uniformed Palestinian policemen in Area B outside places where there is a Palestinian police station or post will be carried out after coordination and confirmation through the relevant DCO, three months after the completion of redeployment from Area B, the DCOs may decide that movement of Palestinian policemen from the police stations in Area B to Palestinian towns and villages in Area B on roads that are used only by Palestinian traffic will take place after notifying the DCO.

(5) The coordination of such planned movement prior to confirmation through the relevant DCO shall include a scheduled plan, including the number of policemen, as well as the type and number of weapons and vehicles intended to take part. It shall also include details of arrangements for ensuring continued coordination through appropriate communication links, the exact schedule of movement to the area of the planned operation, including the destination and routes thereto, its proposed duration and the schedule for returning to the police station or post.

The Israeli side of the DCO will provide the Palestinian side with its response, following a request for movement of policemen in accordance with this paragraph, in normal or routine cases within one day and in emergency cases no later than 2 hours.

(6) The Palestinian Police and the Israeli military forces will conduct joint security activities on the main roads as set out in Annex I.

(7) The Palestinian Police will notify the West Bank RSC of the names of the policemen, number plates of police vehicles and serial numbers of weapons, with respect to each police station and post in Area B.

(8) Further redeployments from Area C and transfer of internal security responsibility to the Palestinian Police in Areas B and C will be carried out in three phases, each to take place after an interval of six months, to be completed 18 months after the inauguration of the Council, except for the issues of permanent status negotiations and of Israel's overall responsibility for Israelis and borders.

(9) The procedures detailed in this paragraph will be reviewed within six months of the completion of the first phase of redeployment.

ARTICLE XIV

The Palestinian Police

1. The Council shall establish a strong police force. The duties, functions, structure, deployment and composition of the Palestinian Police, together with provisions regarding its equipment and operation, as well as rules of conduct, are set out in Annex I.

2. The Palestinian police force established under the Gaza-Jericho Agreement will be fully integrated into the Palestinian Police and will be subject to the provisions of this Agreement.

3. Except for the Palestinian Police and the Israeli military forces, no other armed forces shall be established or operate in the West Bank and the Gaza Strip.

4. Except for the arms, ammunition and equipment of the Palestinian Police described in Annex I, and those of the Israeli military forces, no organization, group or individual in the West Bank and the Gaza Strip shall manufacture, sell, acquire, possess, import or otherwise introduce into the West Bank or the Gaza Strip any firearms, ammunition, weapons, explosives, gunpowder or any related equipment, unless otherwise provided for in Annex I.

ARTICLE XV

Prevention of Hostile Acts

1. Both sides shall take all measures necessary in order to prevent acts of terrorism, crime and hostilities directed against each other, against individuals falling under the other's authority and against their property and shall take legal measures against offenders.
2. Specific provisions for the implementation of this Article are set out in Annex I.

ARTICLE XVI

Confidence Building Measures

With a view to fostering a positive and supportive public atmosphere to accompany the implementation of this Agreement, to establish a solid basis of mutual trust and good faith, and in order to facilitate the anticipated cooperation and new relations between the two peoples, both Parties agree to carry out confidence building measures as detailed herewith:

1. Israel will release or turn over to the Palestinian side, Palestinian detainees and prisoners, residents of the West Bank and the Gaza Strip. The first stage of release of these prisoners and detainees will take place on the signing of this Agreement and the second stage will take place prior to the date of the elections. There will be a third stage of release of detainees and prisoners. Detainees and prisoners will be released from among categories detailed in Annex VII (Release of Palestinian Prisoners and Detainees). Those released will be free to return to their homes in the West Bank and the Gaza Strip.

2. Palestinians who have maintained contact with the Israeli authorities will not be subjected to acts of harassment, violence, retribution or prosecution. Appropriate ongoing measures will be taken, in coordination with Israel, in order to ensure their protection.

3. Palestinians from abroad whose entry into the West Bank and the Gaza Strip is approved pursuant to this Agreement, and to whom the provisions of this Article are applicable, will not be prosecuted for offenses committed prior to September 13, 1993.

CHAPTER 3 - LEGAL AFFAIRS

ARTICLE XVII

Jurisdiction

1. In accordance with the DOP, the jurisdiction of the Council will cover West Bank and Gaza Strip territory as a single territorial unit, except for:

a. issues that will be negotiated in the permanent status negotiations: Jerusalem, settlements, specified military locations, Palestinian refugees, borders, foreign relations and Israelis; and

b. powers and responsibilities not transferred to the Council.

2. Accordingly, the authority of the Council encompasses all matters that fall within its territorial, functional and personal jurisdiction, as follows:

a. The territorial jurisdiction of the Council shall encompass Gaza Strip territory, except for the Settlements and the Military Installation Area shown on map No. 2, and West Bank territory, except for Area C which, except for the issues that will be negotiated in the permanent

status negotiations, will be gradually transferred to Palestinian jurisdiction in three phases, each to take place after an interval of six months, to be completed 18 months after the inauguration of the Council. At this time, the jurisdiction of the Council will cover West Bank and Gaza Strip territory, except for the issues that will be negotiated in the permanent status negotiations.

Territorial jurisdiction includes land, subsoil and territorial waters, in accordance with the provisions of this Agreement.

b. The functional jurisdiction of the Council extends to all powers and responsibilities transferred to the Council, as specified in this Agreement or in any future agreements that may be reached between the Parties during the interim period.

c. The territorial and functional jurisdiction of the Council will apply to all persons, except for Israelis, unless otherwise provided in this Agreement.

d. Notwithstanding subparagraph a. above, the Council shall have functional jurisdiction in Area C, as detailed in Article IV of Annex III.

3. The Council has, within its authority, legislative, executive and judicial powers and responsibilities, as provided for in this Agreement.

4. a. Israel, through its military government, has the authority over areas that are not under the territorial jurisdiction of the Council, powers and responsibilities not transferred to the Council and Israelis.

b. To this end, the Israeli military government shall retain the necessary legislative, judicial and executive powers and responsibilities, in accordance with international law. This provision

shall not derogate from Israel's applicable legislation over Israelis in personam.

5. The exercise of authority with regard to the electromagnetic sphere and air space shall be in accordance with the provisions of this Agreement.

6. Without derogating from the provisions of this Article, legal arrangements detailed in the Protocol Concerning Legal Matters attached as Annex IV to this Agreement (hereinafter "Annex IV") shall be observed. Israel and the Council may negotiate further legal arrangements.

7. Israel and the Council shall cooperate on matters of legal assistance in criminal and civil matters through a legal committee (hereinafter "the Legal Committee"), hereby established.

8. The Council's jurisdiction will extend gradually to cover West Bank and Gaza Strip territory, except for the issues to be negotiated in the permanent status negotiations, through a series of redeployments of the Israeli military forces. The first phase of the redeployment of Israeli military forces will cover populated areas in the West Bank - cities, towns, refugee camps and hamlets, as set out in Annex I - and will be completed prior to the eve of the Palestinian elections, i.e. 22 days before the day of the elections. Further redeployments of Israeli military forces to specified military locations will commence immediately upon the inauguration of the Council and will be effected in three phases, each to take place after an interval of six months, to be concluded no later than eighteen months from the date of the inauguration of the Council.

ARTICLE XVIII

Legislative Powers of the Council

1. For the purposes of this Article, legislation shall mean any primary and secondary legislation, including basic laws, laws, regulations and other legislative acts.

2. The Council has the power, within its jurisdiction as defined in Article XVII of this Agreement, to adopt legislation.

3. While the primary legislative power shall lie in the hands of the Council as a whole, the Ra'ees of the Executive Authority of the Council shall have the following legislative powers

a. the power to initiate legislation or to present proposed legislation to the Council;

b. the power to promulgate legislation adopted by the Council; and

c. the power to issue secondary legislation, including regulations, relating to any matters specified and within the scope laid down in any primary legislation adopted by the Council.

4. a. Legislation, including legislation which amends or abrogates existing laws or military orders, which exceeds the jurisdiction of the Council or which is otherwise inconsistent with the provisions of the DOP, this Agreement, or of any other agreement that may be reached between the two sides during the interim period, shall have no effect and shall be void ab initio.

b. The Ra'ees of the Executive Authority of the Council shall not promulgate legislation adopted by the Council if such legislation falls under the provisions of this paragraph.

5. All legislation shall be communicated to the Israeli side of the Legal Committee.

6. Without derogating from the provisions of paragraph 4 above, the Israeli side of the Legal Committee may refer for the attention of the Committee any legislation regarding which Israel considers the provisions of paragraph 4 apply, in order to discuss issues arising from such legislation. The Legal Committee will consider the legislation referred to it at the earliest opportunity.

ARTICLE XIX

Human Rights and the Rule of Law

Israel and the Council shall exercise their powers and responsibilities pursuant to this Agreement with due regard to internationally-accepted norms and principles of human rights and the rule of law.

ARTICLE XX

Rights, Liabilities and Obligations

1. a. The transfer of powers and responsibilities from the Israeli military government and its civil administration to the Council, as detailed in Annex III, includes all related rights, liabilities and obligations arising with regard to acts or omissions which occurred prior to such transfer. Israel will cease to bear any financial responsibility regarding such acts or omissions and the Council will bear all financial responsibility for these and for its own functioning.

b. Any financial claim made in this regard against Israel will be referred to the Council.

c. Israel shall provide the Council with the information it has regarding pending and anticipated claims brought before any court or tribunal against Israel in this regard.

d. Where legal proceedings are brought in respect of such a claim, Israel will notify the Council and enable it to participate in defending the claim and raise any arguments on its behalf.

e. In the event that an award is made against Israel by any court or tribunal in respect of such a claim, the Council shall immediately reimburse Israel the full amount of the award.

f. Without prejudice to the above, where a court or tribunal hearing such a claim finds that liability rests solely with an employee or agent who acted beyond the scope of the powers assigned to him or her, unlawfully or with willful malfeasance, the Council shall not bear financial responsibility.

2. a. Notwithstanding the provisions of paragraphs 1.d through 1.f above, each side may take the necessary measures, including promulgation of legislation, in order to ensure that such claims by Palestinians including pending claims in which the hearing of evidence has not yet begun, are brought only before Palestinian courts or tribunals in the West Bank and the Gaza Strip, and are not brought before or heard by Israeli courts or tribunals.

b. Where a new claim has been brought before a Palestinian court or tribunal subsequent to the dismissal of the claim pursuant to subparagraph a. above, the Council shall defend it and, in accordance with subparagraph 1.a above, in the event that an award is made for the plaintiff, shall pay the amount of the award.

c. The Legal Committee shall agree on arrangements for the transfer of all materials and information needed to enable the Palestinian courts or tribunals to hear such claims as referred to in subparagraph b. above, and, when necessary, for the provision of legal assistance by Israel to the Council in defending such claims.

3. The transfer of authority in itself shall not affect rights, liabilities and obligations of any person or legal entity, in existence at the date of signing of this Agreement.

4. The Council, upon its inauguration, will assume all the rights, liabilities and obligations of the Palestinian Authority.

5. For the purpose of this Agreement, "Israelis" also includes Israeli statutory agencies and corporations registered in Israel.

ARTICLE XXI

Settlement of Differences and Disputes

Any difference relating to the application of this Agreement shall be referred to the appropriate coordination and cooperation mechanism established under this Agreement. The provisions of Article XV of the DOP shall apply to any such difference which is not settled through the appropriate coordination and cooperation mechanism, namely:

1. Disputes arising out of the application or interpretation of this Agreement or any related agreements pertaining to the interim period shall be settled through the Liaison Committee.

2. Disputes which cannot be settled by negotiations may be settled by a mechanism of conciliation to be agreed between the Parties.

3. The Parties may agree to submit to arbitration disputes relating to the interim period, which cannot be settled through conciliation. To this end, upon the agreement of both Parties, the Parties will establish an Arbitration Committee.

CHAPTER 4 - COOPERATION

ARTICLE XXII

Relations between Israel and the Council

1. Israel and the Council shall seek to foster mutual understanding and tolerance and shall accordingly abstain from incitement, including hostile propaganda, against each other and, without derogating from the principle of freedom of expression, shall take legal measures to prevent such incitement by any organizations, groups or individuals within their jurisdiction.

2. Israel and the Council will ensure that their respective educational systems contribute to the peace between the Israeli and Palestinian peoples and to peace in the entire region, and will refrain from the introduction of any motifs that could adversely affect the process of reconciliation.

3. Without derogating from the other provisions of this Agreement, Israel and the Council shall cooperate in combating criminal activity which may affect both sides, including offenses related to trafficking in illegal drugs and psychotropic substances, smuggling, and offenses against property, including offenses related to vehicles.

ARTICLE XXIII

Cooperation with Regard to Transfer of Powers and Responsibilities

In order to ensure a smooth, peaceful and orderly transfer of powers and responsibilities, the two sides will cooperate with regard to the transfer of security powers and responsibilities in accordance with the provisions of Annex I, and the transfer of civil powers and responsibilities in accordance with the provisions of Annex III.

ARTICLE XXIV

Economic Relations

The economic relations between the two sides are set out in the Protocol on Economic Relations signed in Paris on April 29, 1994, and the Appendices thereto, and the Supplement to the Protocol on Economic Relations all attached as Annex V, and will be governed by the relevant provisions of this Agreement and its Annexes.

ARTICLE XXV

Cooperation Programs

1. The Parties agree to establish a mechanism to develop programs of cooperation between them. Details of such cooperation are set out in Annex VI.
2. A Standing Cooperation Committee to deal with issues arising in the context of this cooperation is hereby established as provided for in Annex VI.

ARTICLE XXVI

The Joint Israeli-Palestinian Liaison Committee

1. The Liaison Committee established pursuant to Article X of the DOP shall ensure the smooth implementation of this Agreement. It shall deal with issues requiring coordination, other issues of common interest and disputes.
2. The Liaison Committee shall be composed of an equal number of members from each Party. It may add other technicians and experts as necessary.
3. The Liaison Committee shall adopt its rules of procedures, including the frequency and place or places of its meetings.

4. The Liaison Committee shall reach its decisions by agreement.

5. The Liaison Committee shall establish a subcommittee that will monitor and steer the implementation of this Agreement (hereinafter "the Monitoring and Steering Committee"). It will function as follows:

a. The Monitoring and Steering Committee will, on an ongoing basis, monitor the implementation of this Agreement, with a view to enhancing the cooperation and fostering the peaceful relations between the two sides.

b. The Monitoring and Steering Committee will steer the activities of the various joint committees established in this Agreement (the JSC, the CAC, the Legal Committee, the Joint Economic Committee and the Standing Cooperation Committee) concerning the ongoing implementation of the Agreement, and will report to the Liaison Committee.

c. The Monitoring and Steering Committee will be composed of the heads of the various committees mentioned above.

d. The two heads of the Monitoring and Steering Committee will establish its rules of procedures, including the frequency and places of its meetings.

ARTICLE XXVII

Liaison and Cooperation with Jordan and Egypt

1. Pursuant to Article XII of the DOP, the two Parties have invited the Governments of Jordan and Egypt to participate in establishing further liaison and cooperation arrangements between the Government of Israel and the Palestinian representatives on the one hand, and the Governments of Jordan and Egypt on the other hand, to promote cooperation between them. As part of these arrangements a

Continuing Committee has been constituted and has commenced its deliberations.

2. The Continuing Committee shall decide by agreement on the modalities of admission of persons displaced from the West Bank and the Gaza Strip in 1967, together with necessary measures to prevent disruption and disorder.

3. The Continuing Committee shall also deal with other matters of common concern.

ARTICLE XXVIII

Missing Persons

1. Israel and the Council shall cooperate by providing each other with all necessary assistance in the conduct of searches for missing persons and bodies of persons which have not been recovered, as well as by providing information about missing persons.

2. The PLO undertakes to cooperate with Israel and to assist it in its efforts to locate and to return to Israel Israeli soldiers who are missing in action and the bodies of soldiers which have not been recovered.

CHAPTER 5 - MISCELLANEOUS PROVISIONS

ARTICLE XXIX

Safe Passage between the West Bank and the Gaza Strip

Arrangements for safe passage of persons and transportation between the West Bank and the Gaza Strip are set out in Annex I.

ARTICLE XXX

Passages

Arrangements for coordination between Israel and the Council regarding passage to and from Egypt and Jordan, as well as any other agreed international crossings, are set out in Annex I.

ARTICLE XXXI

Final Clauses

1. This Agreement shall enter into force on the date of its signing.
2. The Gaza-Jericho Agreement, except for Article XX (Confidence-Building Measures), the Preparatory Transfer Agreement and the Further Transfer Protocol will be superseded by this Agreement.
3. The Council, upon its inauguration, shall replace the Palestinian Authority and shall assume all the undertakings and obligations of the Palestinian Authority under the Gaza-Jericho Agreement, the Preparatory Transfer Agreement, and the Further Transfer Protocol.
4. The two sides shall pass all necessary legislation to implement this Agreement.
5. Permanent status negotiations will commence as soon as possible, but not later than May 4, 1996, between the Parties. It is understood that these negotiations shall cover remaining issues, including: Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other neighbors, and other issues of common interest.

6. Nothing in this Agreement shall prejudice or preempt the outcome of the negotiations on the permanent status to be conducted pursuant to the DOP. Neither Party shall be deemed, by virtue of having entered into this Agreement, to have renounced or waived any of its existing rights, claims or positions.

7. Neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations.

8. The two Parties view the West Bank and the Gaza Strip as a single territorial unit, the integrity and status of which will be preserved during the interim period.

9. The PLO undertakes that, within two months of the date of the inauguration of the Council, the Palestinian National Council will convene and formally approve the necessary changes in regard to the Palestinian Covenant, as undertaken in the letters signed by the Chairman of the PLO and addressed to the Prime Minister of Israel, dated September 9, 1993 and May 4, 1994.

10. Pursuant to Annex I, Article IX of this Agreement, Israel confirms that the permanent checkpoints on the roads leading to and from the Jericho Area (except those related to the access road leading from Mousa Alami to the Allenby Bridge) will be removed upon the completion of the first phase of redeployment.

11. Prisoners who, pursuant to the Gaza-Jericho Agreement, were turned over to the Palestinian Authority on the condition that they remain in the Jericho Area for the remainder of their sentence, will be free to return to their homes in the West Bank and the Gaza Strip upon the completion of the first phase of redeployment.

12. As regards relations between Israel and the PLO, and without derogating from the commitments contained in the letters signed by

and exchanged between the Prime Minister of Israel and the Chairman of the PLO, dated September 9, 1993 and May 4, 1994, the two sides will apply between them the provisions contained in Article XXII, paragraph 1, with the necessary changes.

13. a. The Preamble to this Agreement, and all Annexes, Appendices and maps attached hereto, shall constitute an integral part hereof.

b. The Parties agree that the maps attached to the Gaza-Jericho Agreement as:

a. map No. 1 (The Gaza Strip), an exact copy of which is attached to this Agreement as map No. (in this Agreement "map No. 2");

b. map No. 4 (Deployment of Palestinian Police in the Gaza Strip), an exact copy of which is attached to this Agreement as map No. 5 (in this Agreement "map No. 5"); and

c. map No. 6 (Maritime Activity Zones), an exact copy of which is attached to this Agreement as map No. 8 (in this Agreement "map No. 8"; are an integral part hereof and will remain in effect for the duration of this Agreement.

14. While the Jiftlik area will come under the functional and personal jurisdiction of the Council in the first phase of redeployment, the area's transfer to the territorial jurisdiction of the Council will be considered by the Israeli side in the first phase of the further redeployment phases.

Done at Washington DC, this 28th day of September, 1995.

*For the Government of
the State of Israel*

For the PLO

Witnessed by:

The United States of America

The Russian Federation

The Arab Republic of Egypt

The Hashemite Kingdom of Jordan

The Kingdom of Norway

The European Union

<i>Source of document</i>

http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/the%20israeli-palestinian%20interim%20agreement.aspx#art9

[104th Congress Public Law 45]
[From the U.S. Government Printing Office]

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[DOCID: f:publ45.104]

JERUSALEM EMBASSY ACT OF 1995

Public Law 104-45
104th Congress

An Act

To provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes. <<NOTE: Nov. 8, 1995 - [S. 1322]>>

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, <<NOTE: Jerusalem Embassy Act of 1995. Foreign relations.>>

SECTION 1. SHORT TITLE.

This Act may be cited as the ``Jerusalem Embassy Act of 1995".

SEC. 2. FINDINGS.

The Congress makes the following findings:

- (1) Each sovereign nation, under international law and custom, may designate its own capital.
- (2) Since 1950, the city of Jerusalem has been the capital of the State of Israel.
- (3) The city of Jerusalem is the seat of Israel's President, Parliament, and Supreme Court, and the site of numerous government ministries and social and cultural institutions.
- (4) The city of Jerusalem is the spiritual center of Judaism, and is also considered a holy city by the members of other religious faiths.

(5) From 1948-1967, Jerusalem was a divided city and Israeli citizens of all faiths as well as Jewish citizens of all states were denied access to holy sites in the area controlled by Jordan.

(6) In 1967, the city of Jerusalem was reunited during the conflict known as the Six Day War.

(7) Since 1967, Jerusalem has been a united city administered by Israel, and persons of all religious faiths have been guaranteed full access to holy sites within the city.

(8) This year marks the 28th consecutive year that Jerusalem has been administered as a unified city in which the rights of all faiths have been respected and protected.

(9) In 1990, the Congress unanimously adopted Senate Concurrent Resolution 106, which declares that the Congress ``strongly believes that Jerusalem must remain an undivided city in which the rights of every ethnic and religious group are protected".

(10) In 1992, the United States Senate and House of Representatives unanimously adopted Senate Concurrent Resolution 113 of the One Hundred Second Congress to commemorate the 25th anniversary of the reunification of Jerusalem, and reaffirming congressional sentiment that Jerusalem must remain an undivided city.

(11) The September 13, 1993, Declaration of Principles on Interim Self-Government Arrangements lays out a timetable for the resolution of ``final status" issues, including Jerusalem.

(12) The Agreement on the Gaza Strip and the Jericho Area was signed May 4, 1994, beginning the five-year transitional period laid out in the Declaration of Principles.

(13) In March of 1995, 93 members of the United States Senate signed a letter to Secretary of State Warren Christopher encouraging ``planning to begin now" for relocation of the United States Embassy to the city of Jerusalem.

(14) In June of 1993, 257 members of the United States House of Representatives signed a letter to the Secretary of State Warren Christopher stating that the relocation of the United States Embassy to Jerusalem ``should take place no later than . . . 1999".

(15) The United States maintains its embassy in the functioning capital of every country except in the case of our democratic friend and strategic ally, the State of Israel.

(16) The United States conducts official meetings and other business in the city of Jerusalem in de facto recognition of its status as the capital of Israel.

(17) In 1996, the State of Israel will celebrate the 3,000th anniversary of the Jewish presence in Jerusalem since King David's entry.

SEC. 3. TIMETABLE.

(a) Statement of the Policy of the United States.--

(1) Jerusalem should remain an undivided city in which the rights of every ethnic and religious group are protected;

(2) Jerusalem should be recognized as the capital of the State of Israel; and

(3) the United States Embassy in Israel should be established in Jerusalem no later than May 31, 1999.

(b) <<NOTE: Reports.>> Opening Determination.--Not more than 50 percent of the funds appropriated to the Department of State for fiscal year 1999 for ``Acquisition and Maintenance of Buildings Abroad" may be obligated until the Secretary of State determines and reports to Congress that the United States Embassy in Jerusalem has officially opened.

SEC. 4. FISCAL YEARS 1996 AND 1997 FUNDING.

(a) Fiscal Year 1996.--Of the funds authorized to be appropriated for ``Acquisition and Maintenance of Buildings Abroad" for the Department of State in fiscal year 1996, not less than \$25,000,000 should be made available until expended only for construction and other costs associated with the establishment of the United States Embassy in Israel in the capital of Jerusalem.

(b) Fiscal Year 1997.--Of the funds authorized to be appropriated for ``Acquisition and Maintenance of Buildings Abroad" for the Department of State in fiscal year 1997, not less than \$75,000,000 should be made available until expended only for construction and other costs associated with the establishment of the United States Embassy in Israel in the capital of Jerusalem.

SEC. 5. REPORT ON IMPLEMENTATION.

Not later than 30 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate detailing the Department of State's plan to implement this Act. Such report shall include--

- (1) estimated dates of completion for each phase of the establishment of the United States Embassy, including site identification, land acquisition, architectural, engineering and construction surveys, site preparation, and construction; and
- (2) an estimate of the funding necessary to implement this Act, including all costs associated with establishing the United States Embassy in Israel in the capital of Jerusalem.

SEC. 6. SEMIANNUAL REPORTS.

At the time of the submission of the President's fiscal year 1997 budget request, and every six months thereafter, the Secretary of State shall report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate on the progress made toward opening the United States Embassy in Jerusalem.

SEC. 7. PRESIDENTIAL WAIVER.

(a) <<NOTE: Reports.>> Waiver Authority.--(1) Beginning on October 1, 1998, the President may suspend the limitation set forth in section 3(b) for a period of six months if he determines and reports to Congress in advance that such suspension is necessary to protect the national security interests of the United States.

(2) The President may suspend such limitation for an additional six month period at the end of any period during which the suspension is in effect under this subsection if the President determines and reports to Congress in advance of the additional suspension that the additional suspension is necessary to protect the national security interests of the United States.

(3) A report under paragraph (1) or (2) shall include--

(A) a statement of the interests affected by the limitation that the President seeks to suspend; and

(B) a discussion of the manner in which the limitation affects the interests.

(b) Applicability of Waiver to Availability of Funds.--If the President exercises the authority set forth in subsection (a) in a fiscal year, the limitation set forth in section 3(b) shall apply to funds appropriated in the following fiscal year for the purpose set forth in such section 3(b) except to the extent that the limitation is suspended in such following fiscal year by reason of the exercise of the authority in subsection (a).

SEC. 8. DEFINITION.

As used in this Act, the term ``United States Embassy" means the offices of the United States diplomatic mission and the residence of the United States chief of mission.

<H-dash>

[Note by the Office of the Federal Register: The foregoing Act, having been presented to the President of the United States on Thursday, October 26, 1995, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become law without his signature on November 8, 1995.]

LEGISLATIVE HISTORY--S. 1322:

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Oct. 23, 24, considered and passed Senate.

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<i>Source of document</i>
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**Speech by Prime Minister Benjamin Netanyahu to a Joint Session
of the United States Congress**

Washington D.C., July 10, 1996

Mr Speaker, Mr. Vice-President, members of Congress,

This is not the first time that a Prime Minister of Israel addresses a joint meeting of Congress. My immediate predecessor, Shimon Peres, addressed this body -- and before him, the late Yitzhak Rabin, who was tragically cut down by a despicable, savage assassin. We are grateful that Israeli democracy has proved resilient enough to overcome this barbaric act, but we shall always carry with us the pain of this tragedy.

I recognize, Mr. Speaker, that the great honor you have bestowed on me is not personal. It is a tribute to the unshakable fact that the unique relationship between Israel and the United States transcends politics and parties, governments and diplomacy. It is a relationship between two peoples who share a total commitment to the spirit of democracy, and infinite dedication to freedom.

We have a common vision of how societies should be governed, of how civilization should be advanced. We both believe in eternal values, we both believe in the Almighty. We both follow traditions hallowed by time and experience.

We admire America not only for its dynamism, and for its power, and for its wealth. We admire America for its moral force. As Jews and as Israelis, we are proud that this moral force is derived from the Bible and the precepts of morality that the Jewish people have given the world.

Of course, Israel and the United States also have common interests. But our bonds go well beyond such interests. In the 19th century, citizens of all free states viewed France as the great guardian of liberty. In the 20th century, every free person looks to America as the champion of freedom.

Yesterday my wife and I spent a very moving hour at Arlington Cemetery, and we saw there the evidence of the price you paid for that freedom - in the lives of your best and brightest young men. And it's a toll that is exacted from you - from all of us, but from you, these very days.

I think it was the terrible misfortune of the Jewish people that, in the first half of this century, the United States had not yet assumed its pivotal role in the world. And it has been our great fortune that, in the second half of this century, with the miraculous renewal of Jewish nationhood, the United States became the preeminent power in the world.

You, the people of America, offered the fledgling Jewish state succor and support. You stood by us time and time again, against the forces of tyranny and totalitarianism. I know that I speak for every Israeli and every Jew throughout the world when I say to you today: Thank you, people of America.

Perhaps our most demanding joint effort has been the endless quest to achieve peace and stability for Israel and its Arab neighbors. American presidents have joined successive Israeli governments in an untiring effort to attain this peace.

The first historic breakthrough was led by Prime Minister Begin and Presidents Carter and Sadat at Camp David. The most recent success was our pact with Jordan under the auspices of President Clinton. These efforts, I believe, are clear proof of our intentions and our direction. We want peace. We want peace with all our neighbors. We

have no quarrel with them which cannot be resolved by peaceful means. Nor, I must say, do we have a quarrel with Islam. We reject the thesis of an inevitable clash of civilizations. We do not subscribe to the idea that Islam has replaced Communism as the new rival of the West, because our conflict is specific. It is with those militant fanatics who pervert the central tenets of a great faith towards violence and world domination. Our hand is stretched in peace to all who would grasp it. We don't care about their religion. We don't care about their national identity. We don't care about their ideological belief. We care about peace, and our hand is stretched out to peace.

Every Israeli wants peace. I don't think there is a people who has yearned, prayed and sacrificed more for peace than we have. There is not a family in Israel that has not suffered the unbearable agony of war and, directly or indirectly, the excruciating, ever-lasting pain of grief. The mandate we have received from the people of Israel is to continue the search for an end to wars and an end to grief. I promise you: We are going to live up to this mandate. We will continue the quest for peace, and, to this end, we are ready to resume negotiations with the Palestinian Authority on the implementation of our Interim Agreement.

I want to say something about agreements. Some of you speak Latin, or at least studied Latin. "Pacta sunt servanda" - we believe agreements are made to be kept. This is our policy, and we expect the Palestinian side to abide by its commitments. On this basis, we will be prepared to begin final status negotiations as well. We are ready to engage Syria and Lebanon in meaningful negotiations. We seek to broaden the circle of peace to the whole Arab world and the rest of the countries of the Middle East.

But I want to make it clear that we want a peace that will last. We must have a peace based on security for all. We cannot, and I might say we dare not, forget that more men, women and children have lost

their lives to terrorist attacks in the last three years, than in the entire previous decade.

I know that the representatives of the United States sitting here, the people of the United States, are now becoming tragically familiar with this experience. You've experienced it in places as far afield as New York's World Trade Center, and most recently in Dhahran. And I notice also the recent torching of Afro-American churches in America, which, I must tell you, strike a familiar, chilling note among Jews.

But I want to try and put the Israeli experience in perspective. One has to imagine, to do so, such attacks occurring time and time again in every city and in every corner of this great country.

So, what we are saying here today is as simple as it is elementary. Peace means the absence of violence. Peace means not fearing for your children every time they board a bus. Peace means walking the streets of your town without the fearful shriek of Katyusha rockets overhead.

We just visited with the wife of a friend of mine, the deputy-mayor of Kiryat Shmona, who was walking the streets of Kiryat Shmona when the fearful shriek of a rocket over her head burned her car, nearly burned her, and she was miraculously saved and she is alive and she is getting better. But peace means that this doesn't happen, because peace without personal safety is a contradiction in terms. It is a hoax. It will not stand.

What we are facing in the Middle East today is a broad front of terror throughout the area. Its common goal is to remove any Western, and primarily any American, presence in the Middle East. It seeks to break our will, to shatter our resolve, to make us yield.

I believe the terrorists must understand that we will not yield, however grave and fearful the challenge. Neither Israel nor any other

democracy, and certainly not the United States, must ever bend to terrorism. We must fight it resolutely, endlessly, tirelessly, we must fight it together, until we remove this malignancy from the face of the earth.

For too long, the standards of peace used throughout the world have not been applied to the Middle East. Violence and despotism have been excused and not challenged. Respect for human freedoms has not been on the agenda. It's been on the agenda everywhere else. Everywhere else: in Latin America, in the former Soviet Union, in South Africa, and that effort has been led by successive American administrations and by this house.

I think it's time to demand a peace based on norms and standards. It is not enough to talk about peace in abstraction. We must talk about the content of peace. It is time, I believe, for a code of conduct for building a lasting Middle East peace.

Such a peace must be based on three pillars, the three pillars of peace.

Security is the first pillar. There is no substitute for it. To succeed, the quest for peace must be accompanied by a quest for security.

Demanding an end to terrorist attacks as a prerequisite for peace does not give the terrorists veto power over the peace process. Because nearly all of the terrorist acts directed against us are perpetrated by known organizations whose activities can be curbed, if not altogether stopped, by our negotiating partners.

This means that our negotiating partners, and indeed all the regimes of the region, must make a strategic choice -- either follow the option of terror as an instrument of policy, of diplomacy, or follow the option of peace. They cannot have it both ways.

This choice means that the Palestinian Authority must live up to the obligations it has solemnly undertaken to prevent terrorist attacks against Israel. This choice also means that Syria must cease its policy of enabling proxy attacks against Israeli cities, and undertake to eliminate threats from Hizbullah and other Syrian-based groups. This means that the fight against terror cannot be episodic. It cannot be conditional. It cannot be whimsical. It cannot be optional. It must become the mainstay of a relationship of trust between Israel and its Arab partners.

The second pillar of peace is reciprocity. This means an unshakable commitment to the peaceful resolution of disputes, including the border disputes between Israel and its neighbors.

The signing of a peace treaty should be the beginning of a relationship of reciprocal respect, recognition and the fulfillment of mutual obligations. It should not trigger round after round of hostile diplomacy. Peace should not be the pursuit of war by other means. A peace without pacification, a peace without normalization, a peace in which Israel is repeatedly brought under attack, is not a true peace.

Reciprocity means that every line in every agreement turns into a sinew of reconciliation. Reciprocity means that an agreement must be kept by both sides. Reciprocity is the glue of mutual commitments, that upholds agreements. This is the second pillar of peace.

The third pillar of lasting peace is democracy and human rights. I am not revealing a secret to the members of this chamber, when I say that modern democracies do not initiate aggression. This has been the central lesson of the twentieth century. States that respect the human rights of their citizens are not likely to provoke hostile action against their neighbors. No one knows better than the United States, the world's greatest democracy, that the best guarantor against military adventurism is accountable, democratic government.

The world has witnessed the bitter results of policies without standards in the case of Saddam Hussein. Unless we want more Saddams to rise, we must apply the standards of democracy and human rights in the Middle East. I believe that every Muslim and every Christian and every Jew in the region is entitled to nothing less. I don't think we should accept the idea that the Middle East is the latest, or the last, isolated sanctuary that will be democracy-free for all time except for the presence of Israel.

I realize that this is a process. It may be a long-term process. But I think we should begin it. It is time for the states of the Middle East to put the issues of human rights and democratization on their agenda. Democratization means accepting a free press and the right of a legal opposition to organize and express itself. It's very important for the opposition to be able to express itself, Mr. Speaker. I've just learned and will accord that same right, as you know. This is democracy. To be able to disagree, to express our disagreements, and sometimes to agree after disagreements. It means tolerance. And it means an inherent shift away from aggression toward the recognition of the mutual right to differ.

I'll admit, the Middle East as a whole has not yet effected this basic shift -- this change from autocracy to democracy. But this does not mean that we cannot have peace in this region, peace with non-democratic regimes. I believe we can. It's a fact that we've had such peace arrangements.

But such peace arrangements, as we can now arrive at, can only be characterized as a defensible peace, in which we must retain assets essential to the defense of our country and sufficient to deter aggression.

Until this democratization becomes a mainstay of the region, the proper course for the democratic world, led by the United States, is to

strengthen the only democracy in the Middle East, Israel, and to encourage moves to pluralism and greater freedom in the Arab world.

I want to make something clear. We do not want peace merely in our time. We want peace for all time. To the members of "Peace Now": we do not just want peace now. We want peace now, and later, we want peace for generations. There is no divide. That desire is heartfelt. It should be a point of unity, not of disunity.

This is why we must make the pursuit of human rights and democracy a cornerstone of our quest.

These, then, are the three pillars of peace -- peace, reciprocity and the strengthening of democracy.

I believe that a peace based on these three pillars can be advanced. Yet I, ladies and gentlemen, would be remiss if I did not refer to a major challenge facing all of us.

I have touched on the problem of the Middle East that is largely undemocratic, and part of it is strongly anti-democratic. Specifically, it is being radicalized and terrorized by a number of unreconstructed dictatorships whose governmental creed is based on tyranny and intimidation.

The most dangerous of these regimes is Iran, that has wed a cruel despotism to a fanatic militancy. If this regime, or its despotic neighbor Iraq, were to acquire nuclear weapons, this could presage catastrophic consequences, not only for my country, and not only for the Middle East, but for all mankind.

I believe the international community must reinvigorate its efforts to isolate these regimes, and prevent them from acquiring atomic power. The United States and Israel have been at the forefront of this effort,

but we can and must do much more. Europe and the countries of Asia must be made to understand that it is folly, nothing short of folly, to pursue short-time material gain while creating a long-term existential danger for all of us.

Only the United States can lead this vital international effort to stop the nuclearization of terrorist states. But the deadline for attaining this goal is getting extremely close.

In our own generation, we have witnessed how the United States averted, by its wisdom, tenacity, and determination, the dangerous expansion of a totalitarian superpower equipped with nuclear weapons. The policy it used for that purpose was deterrence. Now, we see the rise of a similar threat - similar, and in many ways more dangerous - against which deterrence by itself may not be sufficient. Deterrence must now be reinforced with prevention -- immediate and effective prevention.

We are confident that America, once again, will not fail to take the lead in protecting our free civilization from this ultimate horror. But, ladies and gentlemen, time is running out. We have to act - responsibly, in a united front, internationally. This is not a slogan. This is not over-dramatization. This is the life of our children and our grandchildren. And I believe there is no greater, more noble, more responsible force than the united front of democracy, led by the world's greatest democracy, the United States. We can overcome this challenge. We can beat it successfully.

Let me now say a word about a subject that has been on your mind and ours, and that subject is the city of Jerusalem.

Countless words have been written about that city on the hill, which represents the universal hope for justice and peace. I live in that city on the hill. And in my boyhood, I knew that city, when it was divided

into enemy camps, with coils of barbed wire stretched through its heart.

Since 1967, under Israeli sovereignty, united Jerusalem has, for the first time in two thousand years, become the city of peace. For the first time, the holy places have been open to worshippers from all three great faiths. For the first time, no group in the city or among its pilgrims has been persecuted or denied free expression. For the first time, a single sovereign authority has afforded security and protection to members of every nationality who sought to come to pray there.

There have been efforts to redivide this city by those who claim that peace can come through division -- that it can be secured through multiple sovereignties, multiple laws and multiple police forces.

This is a groundless and dangerous assumption, which impels me to declare today: There will never be such a re-division of Jerusalem. Never.

We shall not allow a Berlin Wall to be erected inside Jerusalem. We will not drive out anyone, but neither shall we be driven out of any quarter, any neighborhood, any street of our eternal capital.

Finally, permit me briefly to remark on our future economic relationship. The United States has given Israel - how can I tell it to this body? The United States has given Israel, apart from political and military support, munificent and magnificent assistance in the economic sphere. With America's help, Israel has grown to be a powerful, modern state. I believe that we can now say that Israel has reached childhood's end, that it has matured enough to begin approaching a state of self-reliance.

We are committed to turning Israel's economy into a free market of goods and ideas, which is the only way to bring ourselves to true economic independence. This means free enterprise, privatization,

open capital markets, an end to cartels, lower taxes, deregulation. You know, there's not a Hebrew word for deregulation. By the time this term of office in Israel is over, there will be a Hebrew word for deregulation.

But may I say something that unites all of us across the political divide: I'm committed to reducing the size of government, and I'm quoting Speaker Gingrich, quoting President Clinton, saying that the era of big government is over. It's over in Israel too.

I believe that a market economy is the only way to effectively absorb immigrants and realize the dream of the ages -- the ingathering of the Jewish exiles.

To succeed, we must uphold the market economy as the imperative of the future. It's a crucial pre-requisite for the building of the promised land.

We are deeply grateful for all we have received from the United States, for all that we have received from this chamber, from this body. But I believe there can be no greater tribute to America's long-standing economic aid to Israel than for us to be able to say: We are going to achieve economic independence. We are going to do it. In the next four years, we will begin the long-term process of gradually reducing the level of your generous economic assistance to Israel. I am convinced that our economic policies will lay the foundation for total self-reliance and great economic strength.

In our Hebrew Scriptures, which spread from Jerusalem to all of mankind, there is a verse: "God will give strength to His people; God will bless His people with peace." This is the original, inspired source for the truth that peace derives from strength.

In the coming years, we intend to strengthen the Jewish people in its land. We intend to build an Israel of reciprocal dialogue and peace

with each and every one of our neighbors. We will not uproot anyone, nor shall we be uprooted. We shall insist on the right of Jews to live anywhere in the Land, just as we insist on this right for Jews in any other place in the world. We will build an Israel of self-reliance. We will build an Israel with an undivided and indivisible city of hope at its heart. We will build a peace founded on justice and strength, and amity for all men and women of good will.

And I know the American people will join us in making every effort to make our dream a reality, as I know the American people will join us in prayer: "God will give strength to His people; God will bless His people with peace." Thank you very much.

<i>Source of document</i>
http://www.mfa.gov.il/mfa/mfa-archive/1996/pages/pm%20netanyahu-%20speech%20to%20us%20congress-%20july%2010-%201996.aspx

**THE
STATUS
OF
JERUSALEM**

*Prepared for, and under the guidance of,
the Committee on the Exercise of the Inalienable Rights
of the Palestinian People*

**UNITED NATIONS
New York, 1997**

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INTRODUCTION

The status of Jerusalem is one of the most sensitive and contentious issues in the Arab-Israeli conflict, with ramifications well beyond the parties themselves. Because of its emotional and potentially explosive significance, negotiations on Jerusalem have been postponed to the negotiations on the permanent status between Israel and the Palestine Liberation Organization (PLO). Those negotiations, which were agreed on to commence not later than the third year of the interim period, began in May 1996, and were interrupted after the first meeting. The present paper is intended as an aid to those wishing to familiarize themselves with the basic aspects of the issue as it has been considered by the United Nations.

Jerusalem, Al-Quds in Arabic, Jerushalayim in Hebrew, is the site of the Western (Wailing) Wall, the last remnant of the second Jewish Temple; the Church of the Holy Sepulchre and the Passion of Crucifixion; and the Al-Aqsa Mosque, the first kibla and third holiest sanctuary of Islam. Accordingly, the City holds enormous religious significance for millions of believers of the three monotheistic religions throughout the world. One of the oldest cities in the world, throughout history Jerusalem has been at the crossroads of cultures and civilizations, and a destination for pilgrims and conquerors. Since antiquity, innumerable battles for its control have been fought by different peoples and groups, which have left a city of unique cultural and religious depth and texture. Since the nineteenth century, the City has been the object of conflicting claims by Jews and Palestinian Arabs; those claims have acquired a political and territorial dimension in addition to the religious one, since both peoples consider the City the embodiment of their national essence and right to self-determination.

For four hundred years until the first world war, Palestine was a province of the Turkish Empire. With the defeat of that empire and the assumption in 1922 of the League of Nations Mandate over Palestine

by the United Kingdom of Great Britain and Northern Ireland, tension between Arabs and Jews over the Holy Places, the Wailing Wall in particular, increased. The tension was aggravated by the terms of the Mandate, opposed by the Arabs, which favoured an increase in Jewish emigration to Palestine, and aroused growing fears of a Jewish take-over in Jerusalem and elsewhere in the country. The efforts by the British authorities to calm the atmosphere and to provide remedies achieved some temporarily acceptable arrangements but failed to provide a long-term solution to the conflict.

With the increase in violence in 1947 and the all-out war between the two communities in 1948, which was joined by the neighbouring Arab States, Jerusalem was placed at the heart of the conflict and its control became an essential goal of the fighting parties. In an attempt to find a permanent solution, the United Nations adopted in 1947 the Partition Plan for Palestine which, while dividing the country into Arab and Jewish States, retained the unity of Jerusalem by providing for an international regime under United Nations control.

That formula, however, could not be implemented. It did not stop the violence or alter the efforts of the parties to control the City by force. The Israel-Jordan Armistice Agreement of 1949 formalized the *de facto* division of the City into the eastern sector, including the Old City, controlled by Jordan (which also controlled the West Bank), and the western sector, or the new City which had been developing since the nineteenth century, controlled by the new State of Israel.

The 1967 war, which resulted in the occupation by Israel of East Jerusalem and the Palestinian territories, ended the armistice demarcation line between the eastern and western sectors but reopened with new vehemence the debate over the two competing claims. Israel, which annexed East Jerusalem in 1980, considers that "Jerusalem, whole and united, is the capital of Israel", and wants the City to "remain forever under Israel's sovereignty."¹ Its *de facto* control on the ground has enabled it to invest vast resources and

efforts into changing the physical and demographic characteristics of the City. The Israeli claim to Jerusalem, however, has not been recognized by the international community which rejects the acquisition of territory by war and considers any changes on the ground illegal and invalid. On the other hand, the Palestinians have claimed East Jerusalem as the capital of a future independent State of Palestine to be established in the territories occupied since 1967. The status of the Holy Places has a special significance in that debate and proposals have been made for their internationalization. With the developments in the peace process since 1991, the problem of how to reach a mutually acceptable compromise between these apparently irreconcilable positions and concerns, has acquired particular urgency.

During the negotiations prior to the Madrid Peace Conference on the Middle East in 1991 and the bilateral negotiations in Washington in 1992-1993, Palestinian and Arab efforts to include Jerusalem in the negotiation agenda failed.

A different approach, however, is contained in the Declaration of Principles, signed in September 1993 by the Government of Israel and the PLO. The Declaration stipulates that the status of the City will be negotiated as soon as possible but not later than the beginning of the third year of the interim period of self-rule, which began upon the Israeli withdrawal from most of the Gaza Strip and the Jericho area in May 1994. The agreement has given new vitality to the debate about proposals and visions for the City's future. In the meantime, there is great concern that the evolving *de facto* situation on the ground should not prejudice the outcome of negotiations.

CHAPTER I

BRITISH MANDATE, THE UNITED NATIONS PARTITION OF PALESTINE AND THE DE FACTO DIVISION OF JERUSALEM (1922-1966)

Jerusalem under the British mandate

The League of Nations Mandate for Palestine, granted to the United Kingdom in 1922, incorporated the Balfour Declaration of 1917 which had as its principal object "the establishment in Palestine of a national home for the Jewish people", while safeguarding "the civil and religious rights of existing non-Jewish communities in Palestine." In the light of the importance of Palestine to the three monotheistic religions, the mandatory Power assumed full responsibility for the Holy Places, including "preserving existing rights," "securing free access" and "free exercise of worship", except with regard to the management of purely Moslem sacred shrines, the immunity of which was guaranteed by the Mandate (art. 13). The Mandate also provided for the appointment of a special commission "to study, define and determine the rights and claims in connection with the Holy Places and the rights and claims relating to the different religious communities in Palestine" (art. 14). In view of difficulties in establishing representation by all of the religious communities, however, that commission was not established and responsibility for the Holy Places remained with the mandatory Power which continued the Ottoman *status quo* governing relations among the various communities.

In the decade after the establishment of the Mandate, about 100,000 Jewish immigrants entered Palestine, and the Jewish population increased from below 10 per cent to over 17 per cent. In the City of Jerusalem (within the municipal boundaries of the time), the Jewish population increased from approximately 34,100 to 53,800, reaching 57.8 per cent of the total by 1931.^{2/}

The increase in Jewish immigration to Palestine had caused growing tensions between the two communities and, in view of its significance to both groups, Jerusalem soon became a flashpoint of conflict. In August 1929, there was a serious outbreak of violence over the Western (Wailing) Wall of the ruins of the ancient Jewish Temple, the holiest site for Jewish worship, which is situated on the western edge of the Haram al-Sharif, the holiest shrine for Muslims in Jerusalem. An international commission was appointed by the mandatory Power, with the approval of the League of Nations, "to determine the rights and claims of Moslems and Jews in connection with the Western or Wailing Wall". The Commission, composed of experts from the Netherlands, Sweden and Switzerland, spent a month in Jerusalem in 1930, hearing numerous witnesses on both sides. It also attempted to promote a negotiated settlement between the parties. Having failed in that endeavour, it issued the following verdict:

"To the Moslems belong the sole ownership of, and the sole proprietary right to, the Western Wall, seeing that it forms an integral part of the Haram al-Sharif area, which is a Waqf property.

"To the Moslems there also belongs the ownership of the pavement in front of the Wall and of the adjacent so-called Moghrabi (Moroccan) Quarter opposite the Wall, inasmuch as the last-mentioned property was made Waqf under Moslem Sharia law, it being dedicated to charitable purposes.

"Such appurtenances of worship and/or such other objects as the Jews may be entitled to place near the Wall either in conformity with the provisions of this present verdict or by agreement come to between the Parties shall under no circumstances be considered as, or have the effect of, establishing for them any

sort of proprietary right to the Wall or to the adjacent Pavement...

"The Jews shall have free access to the Western Wall for the purpose of devotions at all times..."3/

In addition, the Commission prescribed certain subsidiary entitlements and obligations for both religious communities. The Commission's decisions were made law on 8 June 1931.4/

The security situation, however, continued to deteriorate as Jewish immigration was swelled by those seeking refuge from Nazism in the 1930s. After the Palestinian uprising which began in 1936 in protest against the immigration, the mandatory Power constituted the Palestine Royal Commission under Lord Peel. In view of the irreconcilable differences between the Arab and Jewish national movements, the Commission concluded that the mandate was unworkable and recommended that it be terminated. It also proposed the partition of Palestine into an Arab State and a Jewish State. In view of the sanctity of Jerusalem and Bethlehem to all three faiths, the Commission held the Holy Places to be, in the words used in the League's Covenant, "a sacred trust of civilization". It proposed that a Jerusalem-Bethlehem enclave encompassing all of the Holy Places, with a corridor to the sea terminating at Jaffa, remain under British trusteeship under a new League of Nations mandate.5/

That first plan for the partition of Palestine with a special status for Jerusalem was superseded by political and military events. After the Second World War, the United Kingdom declared it was unable to resolve the conflict in Palestine and brought the problem to the United Nations.

International regime for Jerusalem under the Partition Plan

When the Palestine question was taken up by the United Nations in April 1947, the country itself was ravaged by conflict between the Jewish and Arab communities, a conflict which had a deep impact on Jerusalem as well. Most of the Jewish immigrants to the City had settled in a new expanded western sector while the ancient eastern sector, including the walled City and the surrounding towns and villages, remained predominantly Arab. According to a survey made available to the United Nations Special Committee on Palestine, appointed by the General Assembly to present proposals for a solution to the question, there were by December 1946 an estimated 102,000 Jews, 104,000 Moslems and 46,000 Christians in the Jerusalem sub-district.6/

The Special Committee unanimously recommended that the sacred character of the Holy Places be guaranteed by special provisions and that access to the Holy Places be ensured "in accordance with existing rights". It also recommended that specific stipulations be made in any future constitution of any State or States to be established in Palestine concerning the status of the Holy Places and the right of religious communities. The Special Committee also submitted two alternative plans for the future of Palestine. The plan recommended by the minority on the Committee envisioned the establishment of an independent, unified, federal State in Palestine with Jerusalem as its capital, with separate municipalities for the Arab and Jewish sectors. It also recommended the creation of a permanent international regime for the supervision and protection of the Holy Places in Jerusalem and elsewhere. The majority plan recommended the partition of Palestine into an Arab State and a Jewish State, and the territorial internationalization of the Jerusalem area as an enclave in the Arab State.7/

It was the latter plan that was approved by the General Assembly in resolution 181 (II) of 29 November 1947, entitled "Future government of Palestine". The resolution contains a Plan of Partition with Economic Union which provides in detail for respective boundaries, governmental institutions, protection of minority rights, freedom of transit and economic and other forms of cooperation among the three entities, with particular regard to the Holy Places and religious rights and freedoms.

The special international regime for Jerusalem was to be administered by the United Nations through the Trusteeship Council. The boundaries of the City were defined as including "the present municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which shall be Abu Dis; the most southern, Bethlehem; the most western, Ein Karim (including also the built-up area of Motsa); and the most northern Shu'fat" (see maps 1 and 2).

The Assembly requested the Council to elaborate a statute for the City, to last initially for ten years, providing for the appointment of a Governor and administrative staff; broad local autonomy for villages, townships and municipalities; the demilitarization of the City and establishment of a special police force to protect in particular the Holy Places and religious buildings and sites; the election of a Legislative Council by all residents irrespective of nationality; participation of the City in the Economic Union of Palestine; the establishment of an independent judiciary system; and citizenship of the City of Jerusalem for its residents. The statute was also to provide for freedom of transit and civil and political freedom for the two communities, as well as to safeguard existing rights and freedom of access and worship to the Holy Places and religious buildings and sites and ensure their physical preservation. The Governor of Jerusalem was given special responsibilities in that regard both for those located in Jerusalem, as well as within the two independent States.

The General Assembly resolution, however, could not be implemented. The representatives of the Jewish Agency accepted the Partition Plan but the Arab States and the spokesman of the Arab Higher Committee rejected it, declaring that they did not consider themselves bound by the resolution. As a result of the deep differences between the conflicting parties, all-out war broke out in Palestine, resulting in the *de facto* division of the country and of Jerusalem itself.

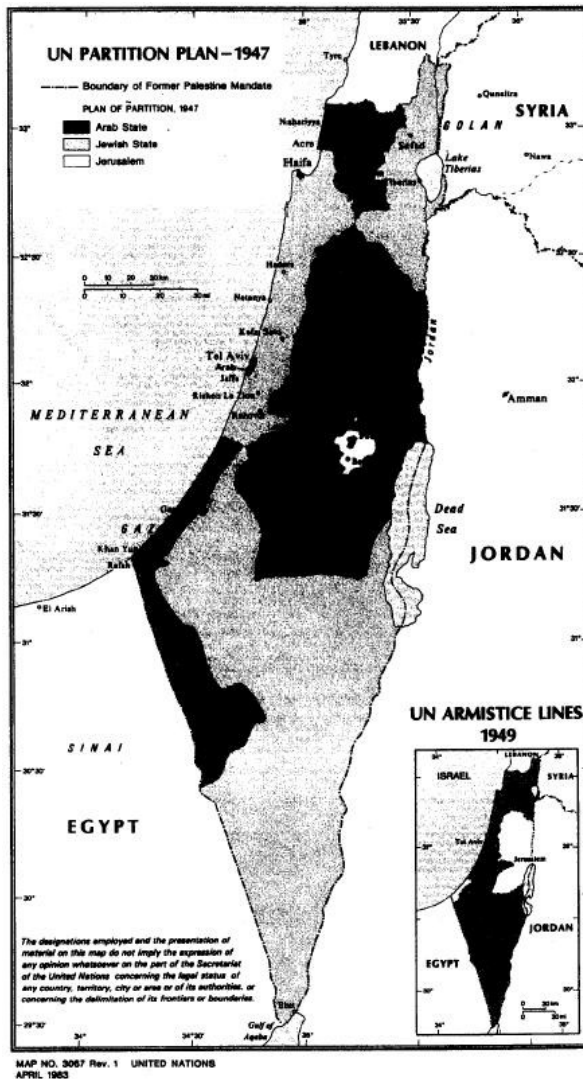
De facto division of Jerusalem, 1948

During the late 1940s, the fate of Jerusalem was determined not by international agreement but by armed force. Conflict between the Palestinian Arabs and Jewish para-military groups had intensified several months before the United Kingdom relinquished its Mandate for Palestine on 14 May 1948. With the entry of armed forces from Arab countries after the proclamation of the State of Israel on the same date, full-scale war broke out. By the time a United Nations-negotiated truce came into effect on 16 November 1948, Israeli territorial control had expanded deep into the territories allotted to the Arab State, and into the western sector of the Jerusalem enclave destined for internationalization under the partition resolution. About 60,000 Palestinians were estimated to have fled the western sector.^{8/} East Jerusalem, including the Holy Places and the West Bank, came under the administration of Jordan, then not yet a member of the United Nations.

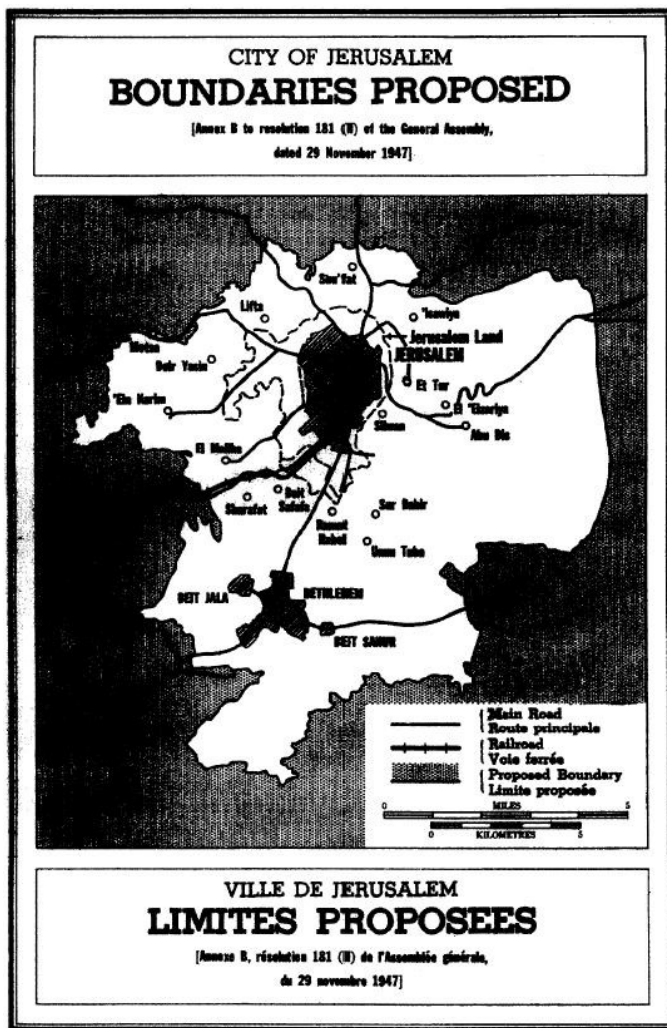
First acknowledged in an Israel-Jordan cease-fire agreement of 30 November 1948, the *de facto* division of the City between two countries at war, with sealed borders, was formalized in the Israel-Jordan Armistice Agreement of 3 April 1949. The Agreement, however, was considered internationally as having no legal effect on the continued validity of the provisions of the partition resolution for the internationalization of Jerusalem. Accordingly, no country established an embassy in Jerusalem until 1967, and as of today, only

two countries have embassies in West Jerusalem. Particular mention should also be made of the continued presence in Jerusalem of an international *sui generis* consular corps, commonly referred to as the "Consular Corps of the Corpus Separatum". Nine States have maintained consulates in Jerusalem (East and West) without, however, recognizing any sovereignty over the City. Unlike consuls serving in Israel, the consuls of those States do not present a consular letter of authorization to the Foreign Ministry and do not receive accreditation by the President of Israel. They do not pay taxes and have no official relations with Israeli authorities. In their activities, they respect common protocol rules designed to prevent any appearance of recognition of sovereign claims to the City.^{9/}

Map 1. United Nations Partition Plan, 1947



Map 2. City of Jerusalem: boundaries proposed



United Nations efforts to establish an international regime for Jerusalem

The objective of internationalization of the Jerusalem area was repeatedly reaffirmed by the United Nations, and efforts were made to establish the foundations for an international regime despite the intensification of armed conflict. In April 1948, the Trusteeship Council, which was to become the Administering Authority under Assembly resolution 181 (II), prepared a detailed draft statute for the planned separate territorial entity. The Council also considered proposals for the immediate establishment of an international force and the assumption of temporary trusteeship in order to ensure the protection of the City and its inhabitants but it reported that "it found it impossible to secure mutual agreement of the interested parties."^{10/} Meanwhile, in May 1948, the Assembly had also appointed a Mediator (Count Bernadotte) to arrange for common services necessary to the well-being of the population, ensure protection of the Holy Places and promote a peaceful settlement. The Mediator warned that the Partition Plan was being outrun by events and that the new Government of Israel was increasingly sceptical of the proposed internationalization of the City, favouring instead the absorption of at least its Jewish part into the new State of Israel.^{11/} In the ensuing months, efforts to prevent further destruction and to achieve a cease-fire and the demilitarization of the City without prejudice to [its] future political status ^{12/}preoccupied the international community.

On the Mediator's recommendation, the General Assembly by resolution 194 (III) of 11 December 1948 established a three-member Conciliation Commission for Palestine which would have official headquarters at Jerusalem and would assume the Mediator's functions in seeking a final settlement. The Assembly subsequently decided that the Commission would be composed of France, Turkey, and the United States of America. The Commission was instructed to facilitate the repatriation of refugees who, under the resolution, should be permitted to return or paid compensation if they did not choose to

return. With regard to Jerusalem, the Assembly resolved that "the Jerusalem area, including the present municipality of Jerusalem plus the surrounding villages and towns ... should be accorded special and separate treatment from the rest of Palestine and should be placed under effective United Nations control", and instructed the Commission "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 was also requested to include recommendations concerning the Holy Places in its proposals.

The efforts of the Commission are detailed in its periodic reports to the General Assembly. Seeking acceptance by the parties, the Commission established a Special Committee on Jerusalem and its Holy Places to undertake the preparatory work and to consult with Arab and Israeli Government representatives as well as local authorities, and with various religious representatives in Jerusalem and elsewhere in the Middle East. The Commission reported that the Arab delegations were in general prepared to accept the principle of an international regime for the Jerusalem area, subject to United Nations guarantees regarding its stability and permanence. Israel, while recognizing that the Commission was bound by General Assembly resolution 194 (III), declared itself unable to accept the establishment of the international regime for the City of Jerusalem, although it accepted without reservation an international regime for, or the international control of, the Holy Places.13/

The draft text of an instrument establishing a permanent international regime for the Jerusalem area was adopted by the Conciliation Commission in September 1949 and submitted to the General Assembly. In an effort to reconcile the requirements for "maximum local autonomy in Jerusalem" with the international community's interests in a special status for the City, the draft text provided for the

division of the City into an Arab and a Jewish zone, within which the respective local authorities would be empowered to deal with all matters not of international concern. Those were specifically assigned to the authority of a United Nations commissioner to be appointed by and responsible to the General Assembly, who would ensure the protection of and free access to the Holy Places, as well as supervise the permanent demilitarization and neutralization of the area and ensure the protection of human rights and of the rights of distinctive groups. The draft text also contained provisions for the establishment of a mixed council and a mixed tribunal to regulate matters of common concern, and an international tribunal to protect the interests of the international community.

In a communication conveying its proposals to the Assembly, the Commission explained that the plan was designed to be applied "in the present circumstances" but was to be sufficiently flexible "to be applied to any territorial situation that might emerge from the final settlement of the Palestine problem". In response to various criticisms of the plan, the Commission subsequently issued a clarification that the plan was based on the existing division of the City and left to the Governments of the adjoining States (Israel and Jordan) virtually all normal powers of government within the Arab and Jewish parts of Jerusalem respectively. In that light, the role of the international machinery would be to bridge the gap between what in fact would be two separate jurisdictions in an otherwise geographically unified area.^{14/}

Meanwhile, the Israeli authorities had in September 1948 established the Supreme Court in Jerusalem; in February 1949, the Knesset assembled and the President took the oath of office in the City. The Conciliation Commission reported that Israel had established ministerial services as well as other public services within the area to be subject to a permanent international regime; it had accordingly addressed a letter to the Israeli Prime Minister pointing out the incompatibility of those measures with General Assembly resolutions

on the internationalization of Jerusalem. A resolution affirming that the actions were incompatible with Assembly resolutions and calling upon Israel to revoke them was also adopted by the Trusteeship Council later that year.¹⁵ Israel's position towards the principle of internationalization of Jerusalem consequently became a major focus of the debate on its application for United Nations membership in 1949. The Israeli representative told the ad hoc Political Committee of the General Assembly:

"The Government of Israel advocated the establishment by the United Nations of an international regime for Jerusalem concerned exclusively with the control and protection of Holy Places, and would co-operate with such a regime.

"It would also agree to place under international control Holy Places in parts of its territory outside Jerusalem, and supported the suggestion that guarantees should be given for the protection of the Holy Places in Palestine and for free access thereto."^{16/}

The representative was queried about a statement by the Israeli Prime Minister to the effect that "for historical, political and religious reasons, the State of Israel could not accept the establishment of an international regime for the City of Jerusalem." In response, he indicated that Israel would submit proposals to the Assembly for defining the future juridical status of Jerusalem that "would differentiate between the powers of an international regime with respect to the Holy Places and the aspiration of the Government of Israel to become recognized as the sovereign authority in Jerusalem."^{17/}

The lack of a clear understanding with regard to the issue was not an impediment to Israel's gaining membership in the United Nations. The

relevant resolution, however, contains explicit references both to the earlier resolutions on the internationalization of Jerusalem and the repatriation of refugees, and to the explanations given by the Israeli representative.^{18/}

Subsequently, the General Assembly reviewed the proposals of the Conciliation Commission for an international regime, which took into account the *de facto* division of Jerusalem. The Assembly, however, expressed its belief that "the principles underlying its previous resolutions concerning this matter [and in particular the partition plan] represent a just and equitable settlement of the question" and restated its intention that "Jerusalem should be placed under a permanent international regime, which should envisage appropriate guarantees for the protection of the Holy Places". Reaffirming the provisions of the partition plan on the establishment of the *corpus separatum* under the administration of the United Nations, the Assembly requested the Trusteeship Council to complete the preparation of the Statute of Jerusalem, omitting the provisions that had become inapplicable, and to proceed immediately with its implementation. It also requested the Council not to allow "any actions taken by any interested Government or Governments to divert it from adopting and implementing the Statute of Jerusalem". The Assembly also called upon the States concerned to make a formal undertaking that they would be guided by the terms of the resolution.^{19/}

At a special session held in December 1949 and at its sixth session held in January 1950, the Trusteeship Council considered the proposed statute with the participation of the two parties in control of the area, Jordan and Israel, as well as neighbouring Arab countries and representatives of various Christian churches. The Council reported that Jordan would not discuss any plan for the internationalization of Jerusalem. For its part, Israel was opposed to the internationalization proposal, but remained willing to accept the principle of direct United Nations responsibility for the Holy Places. The Jordanian representative subsequently clarified that Jordan was not opposed to a

United Nations role in monitoring protection of and freedom of access to the Holy Places, under the safeguard achieved by control of his Government.20/

Nevertheless, in April 1950, the Council adopted a detailed Statute for the City of Jerusalem based on the provisions contained in the partition resolution (with the exception of those regarding economic union). The Council also entrusted its President with a mission to the two Governments requesting their cooperation. After making efforts to consult with the parties, the President informed the Council that no official reply had been received from Jordan. Israel, for its part, had stated that the Statute could no longer be implemented in view of the creation of the State of Israel and the fact that the western part of Jerusalem had been incorporated in its territory. Israel proposed, "as the only practicable alternative principle", a form of United Nations authority over the Holy Places only. The President consequently concluded that the results of his mission had "proved disappointing and the implementation of the Statute would seem to be seriously compromised under present conditions."21/

Meanwhile, on 23 January 1950, the Israeli Knesset proclaimed Jerusalem as the capital of Israel and began moving Government offices into the City. The division of the City was further formalized when Jordan also took steps, pending a solution to the question of Palestine, to extend its jurisdiction to East Jerusalem and the West Bank.

By October 1949, the Security Council had postponed indefinitely its discussion on how to achieve the demilitarization of Jerusalem,22/ and in 1950, the Assembly cancelled the financial appropriation for the establishment of an international regime.23/ Subsequently, United Nations efforts were geared primarily to attempting to resolve the difficult questions posed by the large number of Palestine refugees and their abandoned properties, and the tense situation along the armistice lines. In 1951, the Conciliation Commission undertook its

last sustained effort to mediate between the parties to the conflict, and submitted a set of comprehensive proposals with regard to refugees, compensation, territorial adjustments and revision of the armistice agreements to ensure freedom of access to the Holy Places in the Jerusalem area. The Commission, however, once again concluded that the parties' unwillingness to implement the relevant resolutions and the changes that had taken place on the ground made it impossible to proceed towards a settlement.24/

Pending such a settlement, the Commission in the ensuing decade engaged in a thorough exercise of identification and valuation of all abandoned Arab properties with a view to future payment of compensation. With regard specifically to Jerusalem, the Commission determined that Arab refugee properties in the sector controlled by Israel had a value of 9.25 million Palestine pounds (US\$25.9 million) at 1947 prices.25/ After completing this work in 1964, the Commission made available its results on a limited basis to parties directly concerned. With the occupation by Israel of the West Bank, the Gaza Strip and East Jerusalem in June 1967, the Commission reported that the problem had been complicated even further and its efforts could not go forward.26/ The Commission, which is still in existence, reports each year to the General Assembly along the same lines.

CHAPTER II

1967 WAR AND THE MILITARY OCCUPATION OF EAST JERUSALEM AND OTHER PALESTINIAN TERRITORIES

Measures taken by Israel

As a result of the six-day war of June 1967 between Israel, on the one hand, and Egypt, Syria and Jordan on the other, East Jerusalem as well as the entire West Bank and the Gaza Strip fell under the control of the Israeli military forces. Immediately after the occupation of the City on 7 June, Gen. Moshe Dayan, the then Defense Minister of Israel declared that:

"The Israeli Defense Forces have liberated Jerusalem. We have reunited the torn city, the capital of Israel. We have returned to this most sacred shrine, never to part from it again".^{27/}

Subsequently, Israel took a number of measures to extend its jurisdiction over East Jerusalem and to consolidate its physical control. Those measures have been declared invalid by the international community. The present chapter gives details on the evolution of the situation on the ground, while the international position will be described in chapter III below.

Soon after the cessation of hostilities, the Secretary-General, at the request of the General Assembly, dispatched his personal representative, Ambassador Thalmann of Switzerland, to ascertain conditions relating to the assumption of control by Israeli authorities over the entire City of Jerusalem.^{28/} Ambassador Thalmann reported that, in his meetings with the Israeli Government leaders:

"... it was made clear beyond any doubt that Israel was taking every step to place under its sovereignty those parts of the city which were not controlled by Israel before June 1967. The statutory base for this had already been created, and the administrative authorities had started to apply laws and regulations in those parts of the city ... The personal representative was repeatedly assured by the Israel side that every attention was being paid to the well-being of the Arab population and that the Arab residents would have the opportunity to bring their standard of living up to the level prevailing in Israel. The Israel authorities stated unequivocally that the process of integration was irreversible and not negotiable."29/

Ambassador Thalmann's report also detailed the measures taken by Israel to that effect. With two crucial ordinances adopted on 27 June 1967, the Government of Israel had extended the law, jurisdiction and administration of the State of Israel to an area defined as the old City, Sur Baher, Sheich Jarakh, the Kalandia airport, Mount Scopus and vicinity, and Sha'afat, and had similarly extended the boundaries of the Jerusalem Municipality 30/ (see maps 3 and 4). According to an Israeli census, the municipal area was correspondingly enlarged by 60 square kilometres to a total of over 100 square kilometres [*1 square kilometre = 247.11 acres*], with an Arab population of 70,000, as compared to 100,000 Jews in West Jerusalem. Arab sources mentioned in the report, however, had indicated that the population in the Old City and surrounding area was actually higher, or approximately 130,000 and that up to 60,000 persons had fled to Jordan or were working abroad.

The report went on to say that, on 29 June 1967, a Military Defense Order had dissolved the elected 12-member Municipal Council which had governed East Jerusalem under Jordanian administration, and had

dismissed the Mayor and other members. The Council members had refused to cooperate with the Israeli authorities and several of them had left the City. The Municipal Council of West Jerusalem, composed of 21 members, all Israelis, had taken over and the Arab technical personnel of the East Jerusalem municipality had been absorbed into the equivalent departments of the new administration.31/

The Israeli authorities also informed Ambassador Thalmann of various other measures that had been taken to reopen access to the Old City and the Holy Places, to render the former no man's land safe, to demolish slums and beautify the City, and to establish an integrated administration in all areas of civic life such as the economy, sanitation and water supply, education, labour relations, the judiciary, and others.32/

With regard to the question of protection of the Holy Places, Ambassador Thalmann reported that Israel had adopted the Protection of Holy Places Law 5767-1967 by which it undertook to protect the Holy Places "from desecration and any other violations and from anything likely to violate the freedom of access of the members of the different religions to the places sacred to them or their feelings with regard to those places." The Law charged the Minister of Religious Affairs with implementation, and made provision for consultation with representatives of the different religions.33/

For their part, the Palestinian representatives who met with Ambassador Thalmann submitted a long list of grievances. They charged that both Christian and Muslim Holy Places had been desecrated and expressed alarm at statements by the Minister of Religion and others concerning Jewish claims and plans with regard to the Wailing Wall and the Dome of the Rock area. They recalled the adjudication made by the British Royal Commission in that regard. They also protested the dynamiting and bulldozing of 135 houses dating from the fourteenth century in the Maghrabi quarter, mostly

owned by the Waqf, in front of the Wailing Wall, which had resulted in the expulsion of 650 persons. They also charged that Israel had evicted some 3,000 Arab residents from the Jewish quarter (also owned by the Waqf) at short notice, and had taken a girls' school owned by the Waqf as the seat of the High Rabbinical Court.

Complaints were also voiced against the imposition of controls over the Muslim religious courts and over the sermons preached from the Al-Aqsa Mosque, as being contrary to the precepts of Koranic law and Muslim theology. The imposition of Israeli civil law and the dissolution of the elected Municipal Council of East Jerusalem and the taking over of its buildings, furnishings and archives by the Municipal Council of West Jerusalem were condemned as a violation of international law. Concern was expressed at the construction of physical barriers between Jerusalem and the West Bank, the restrictions on movement and the imposition of customs duties for West Bank products. It was also stated that the authorities intended to apply the absentee property law to East Jerusalem, and to confiscate Arab movable and immovable property for their own use.

Ambassador Thalmann noted that those and other measures taken by Israel "were considered oppressive by the Arab population and that there was a growing feeling of economic strangulation." With regard to the situation in the cultural and educational field, he found "a pronounced aversion to the efforts of the Israel authorities to apply their own educational system to Arab schools", as well as fear "that the Arab way of life, Arab traditions and the Arabic language would suffer permanent damage under the influence of the Israel majority".

In conclusion, the Secretary-General's representative noted that the Arabs of East Jerusalem:

"... were opposed to civil incorporation into the Israeli State system. They regarded that as a violation of the acknowledged rule of international law which prohibited an occupying Power from changing the legal and administrative structure in the occupied territory and at the same time demanded respect for private property and personal rights and freedoms. It was repeatedly emphasized that the population of East Jerusalem was given no opportunity to state for itself whether it was willing to live in the Israel State community ... the right of self-determination, in accordance with the United Nations Charter and the Universal Declaration of Human Rights, had therefore been violated."34/

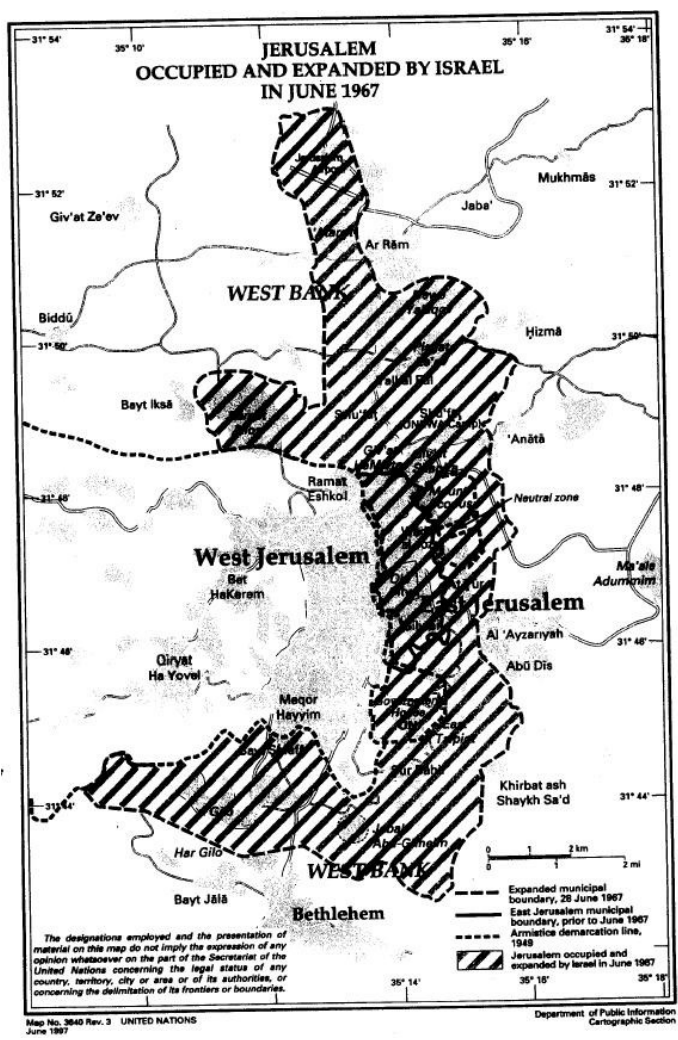
The measures taken by Israel in 1967 and subsequently were the object of numerous meetings and resolutions of the Security Council, the General Assembly and other intergovernmental bodies, which sought to roll back the situation, as detailed in chapter III below.

Despite the international opposition, the Israeli Knesset on 29 July 1980 enacted the so-called 'Basic Law' on Jerusalem by which it proclaimed that "Jerusalem, whole and united, is the capital of Israel. Jerusalem is the seat of the President of the State, the Knesset, the Government and the Supreme Court". The law also provided for protection of the Holy Places from desecration and from anything prejudicial to freedom of access of the members of the different religions or to their feelings. In addition, the law contained provisions for the development of the City in the economic and other fields.

Map 3. Palestinian territories occupied in 1967, including Jerusalem



Map 4. Jerusalem occupied and expanded by Israel in June 1967



The Holy Places

One of the most emotional issues and a perennial fault-line in the Israeli-Palestinian confrontation in Jerusalem, has been the question of the Holy Places, most particularly the site called Temple Mount by the Jews, and Haram al-Sharif by the Muslims, which is sacred to both religions and is located in the Old City, in the eastern part. When the City was divided between two countries at war, access to the site by Israeli citizens was impossible or restricted after 1948. Following Israel's occupation of East Jerusalem in 1967, the Government of Israel notified the Muslim leadership that it would remain responsible for the administration of the mount and its mosques, while the Israeli security forces would be in charge of approaches to the site and would be responsible for security and the maintenance of public order. At the same time, the Government limited Muslim control by declaring that Jews had the right to unrestricted visits to the mount, as long as they respected traditional customs and practices. The key to the Mughrabi Gate (above the Western Wall) was removed from the *waqf* office by Israeli soldiers to give practical expression to the Government's decision. While proclaiming that freedom of access includes freedom of worship, the Government in practice restricted Jews from praying on the mount in order to avoid religious disturbances.^{35/}

Developments at the site since 1967, including a number of violent incidents, have aroused alarm not only among Palestinians but also in the Muslim community throughout the world, who have charged that Israel is not fulfilling its obligation to protect the site and the Muslim worshippers there but is rather seeking to destroy the Muslim monuments in order to "Judaize" the area.

In their April 1967 memorandum to the representative of the Secretary-General, the Arab Muslim and Christian leaders had already expressed concern at a statement by the Israeli Minister of Religion to the effect that "the occupation authorities considered the Mosque of

Omar and its outlying buildings as their property either by past acquisition or by recent conquest", and that "those authorities were determined sooner or later to rebuild their temple on the Dome of the Rock itself".36/

Subsequently, events in and around the site were repeatedly brought to the attention of the Security Council and other international bodies with urgent appeals to ensure the protection of the Holy Places. Among the major developments were the following:

Archaeological excavations

Excavations of a tunnel along the western wall of the Haram al-Sharif, were begun in March 1968, on the initiative of the Rabbinate and the Ministry of Religious Affairs, with the object of finding traces of the Second Jewish Temple destroyed by the Romans. The tunnel, which is entered through the Western Wall Plaza in the Jewish quarter, was reported to have reached 500 metres in length, at a depth of about 8.9 metres; it was connected in 1987 to a second tunnel, originally an aqueduct, about 80 metres long and 7 metres deep. The tunnels run along the Islamic holy places and run under the densely inhabited Muslim quarter, including several historic buildings. Over the years, the excavations have given rise to repeated protests because of the perceived violation of the sacred character of the area as well as serious fears for the stability of the Islamic monuments, particularly following the appearance of cracks in the walls and the partial collapse of some of the buildings. Security concerns have also been expressed as the tunnel may eventually afford underground access to the mosques.37/

Violent incidents

Over the years, there have been numerous violent incidents in the area, resulting in grave loss of life among Muslim worshippers as well as damage to their sanctuaries:

In April 1981, an armed individual forced his way into the Dome of the Rock enclave, after killing three Muslim guards, and began firing at the crowd, killing nine and wounding about 40.^{38/}

In January 1988, Israeli policemen firing tear gas confronted Palestinian protesters, injuring at least 70.

In October 1990, efforts by the Temple Mount Faithful, an extremist Jewish group, to lay a symbolic cornerstone for the Jewish temple led to a confrontation with Muslim worshippers in which 20 Palestinians were killed and more than 150 wounded by Israeli security forces, and more than 20 Israeli civilians and police were also wounded.³⁹ Clashes between Muslim worshippers and Jewish groups seeking to assert Jewish rights on the mount have also taken place on numerous other occasions.

In September 1996, the Government's decision to open a second entrance to the archaeological tunnel in the Muslim quarter caused demonstrations not only in Jerusalem but also throughout the West Bank and Gaza, which were followed by violent clashes that resulted in the deaths of 62 Palestinians, including several policemen, and 11 Israeli soldiers and the wounding of hundreds. At the Haram al-Sharif, three Palestinians were killed and 50 wounded.^{40/}

Attacks against the integrity of the Al-Aqsa Mosque have also aroused extreme concern. These included arson in August 1969, which destroyed the 800-year-old Salahuddin pulpit and other parts of the building, causing cracks in various pillars and the partial collapse of the ceiling; and failed attempts by extremist religious groups to blow up the mosque in May 1980 and April 1981.^{41/}

Those incidents have led to charges that "under Israeli occupation the Haram al-Sharif has become the target of violation and desecration in contravention of the norms and principles of international conduct which prohibit the occupying Power from carrying out any interference in the normal and public life of the civilian population under occupation or committing acts of aggression against or interfering with freedom of worship in the Holy Places".^{42/}

Freedom of worship

Another grievance voiced by Palestinians has been the inability of residents of the West Bank and Gaza (whether Muslim or Christian) to enter Jerusalem to pray at their respective holy places, even during major holidays, because of the prolonged closures of East Jerusalem for security reasons.^{43/}

Land expropriation and settlement

Because of its far-reaching impact on the geography and demography of the City, and ultimately on its final status in a future settlement, the question of land expropriation and construction of Jewish settlements in and around East Jerusalem is of fundamental importance. In addition to the charges already submitted to Ambassador Thalmann by Palestinian representatives, mentioned above, information about the measures taken by Israel in East Jerusalem shortly after the occupation was also presented to the Security Council by Rouhi El-Khatib, the dismissed Mayor of the City, in a meeting held on 3 May 1968. The former Mayor submitted various maps and a copy of the expropriation

bill of January 1968, which he said had been used to seize over 3,000 dunums [*1 dunum = approx. 1,000 square metres = .247 acres*] of Arab-owned land in order to build Jewish neighbourhoods "extending from the perimeter of the Jewish quarter in western Jerusalem heading north-east through the heart of Arab lands and housing areas, with the clear purpose of setting up a fence or rather a dam to separate the Arabs of Jerusalem from their Arab brethren in adjoining villages and other Arab towns to the north of Jerusalem". Mr. El-Khatib charged that the Israeli project could also "contain the Arabs of Jerusalem in a limited space, which will ultimately reduce their numbers and afford Israel the opportunity to bring in new immigrants and make Jews the majority of the population in Arab Jerusalem in a few years."44/

It has been reported that, in 1967, the Israeli authorities expanded the municipal boundaries of Jerusalem by adding 70,000 dunums* of land from the surrounding West Bank villages; 86.5 per cent of that land was removed from Palestinian control through expropriation and confiscation for the purpose of building and expansion of Jewish settlements (42.5 per cent) or for 'green areas' on which it is forbidden to build until the town planning committee decides otherwise (44 per cent). Accordingly, only 13.5 per cent (9,500 dunums) remains for Arab neighbourhoods and expansion.45/

Another report indicated that most of the Palestinian property in East Jerusalem and surroundings was seized in five stages, as follows:

January 1968. About 1,000 acres, mostly in the Sheikh Jarrah Quarter. The first Jewish settlements were built on this land, mainly, Ramat Eshkol, French Hill, Ma'aleh Dafna, and Mt. Scopus, for a current total of 20,000 residents. In addition, a Jewish industrial park was established in the Kalandia area near the airport.

August 1970. About 3,500 acres for the following settlements: Ramat, East Talpiot, Gilo and Neve Ya'acov, with a total current Jewish population of 101,000.

March 1980. About 1,100 acres for the construction of Pisgat Ze'ev, with a projected population of about 50,000 by the end of 1995.

April 1991. About 470 acres for the construction of the planned settlement of Har Homa on Jabal Abu Ghneim mountain (9,000 apartments).

April 1992. About 500 acres for the construction of the new settlement of Ramat Shu'fat (2,100 apartments).

The same report indicated that, with the completion of Ramat Shu'fat, the Palestinian population of East Jerusalem would be encircled and flanked from north, south, east and west by Jewish settlements. The number of Jewish settlers was to reach 180,000 by the end of 1995 and was envisaged to expand to over 220,000 by the end of the century (when the final status negotiations are to be completed).^{46/} In May 1995, an additional planned expropriation of 130 acres for the expansion of the Ramat and Gilo settlements was halted following opposition by Arab members in the Israeli Knesset and an international outcry, including a debate in the Security Council.^{47/} However, in March 1997, renewed international pressure, including debates in the Security Council and the General Assembly, was unable to stop the start of construction of the Har Homa settlement on Jabal Abu Ghneim, which generated intense concern over the future of Arab East Jerusalem as it would completely close off its south-eastern part from the rest of the West Bank.^{48/}

Of great concern also is the fact that a second belt of newer settlements is gradually expanding outward in a "Greater Jerusalem" area which reportedly includes approximately 10 per cent of the land area of the West Bank. Although the territorial reach of that area has not been formally defined, according to a former member of the Jerusalem City Council, it apparently encompasses the area "from Ramallah in the north to Bethlehem in the South, Maaleh Adumim in the east, and Mevasseret in the west in one metropolitan area."⁴⁹ A recent report also noted that the Government "has affirmed its intention to continue settlement construction in a 100-square mile surrounding area termed 'Greater Jerusalem'" (see map 5)⁵⁰. The Israeli Deputy Defense Minister was reported to have stated that "past experience has proven that, in order to defend Jerusalem, one must have a strip of defense surrounding it in the north, south, east and west. The consolidation of the existing territorial continuity through expansion of settlements as well as construction of roads, tunnels and bridges and further land acquisition, would be presented in the future negotiations as a geographic fact."⁵¹

Palestinian residents of East Jerusalem have also been alarmed by the increasing movement of Jewish settlers into established Arab neighbourhoods. In particular, the installation of small Jewish religious communities in houses acquired in the Muslim quarter adjacent to Haram al-Sharif, became a source of tension, as it was seen not only as an encroachment on the demographic integrity of the area but also as part of a broader strategy of occupation. It was reported that 53 buildings had been so occupied in the Muslim quarter as of early 1993.⁵² That problem acquired special resonance in October 1991 when settlers seized several houses in the village of Silwan and forcibly expelled their inhabitants. Not long after the Israeli State Attorney had recognized the legality of many of their claims to the property, plans for the construction of 200 housing units for Jews on the site were disclosed.⁵³ The Israeli Minister of Construction and Housing declared:

"...Jewish neighbourhoods and houses will be within the Old City, both in the Muslim Quarter and adjacent to the walls, in accordance with Government policy ... It is certainly the Government's plan to strengthen Jewish settlement in the City of David [Silwan], on Mount Scopus, and the Mount of Olives. We believe it is very important that there be Jewish life in that area, so we are working on land purchases and planning a programme of reinforcing Jewish settlement in those areas."54/

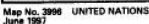
Concern about increasing settlement in the Old City intensified recently, following the Government's destruction of a building in the Old City belonging to the Burj al-Laqlaq charitable association, allegedly to make room for a settlement, and its reported approval of a plan to construct 132 housing units in the Arab neighbourhood of Ras al-Amud, within the pre-1967 municipal boundaries of the City.55/

Concern about settlement construction in and around East Jerusalem is exacerbated by the fact that since 1973, the Government of Israel, through its ministerial committee on Jerusalem, has enforced a strict quota on Palestinian housing construction for the stated purpose of maintaining the overall percentage of Palestinian residents in the City at around 22 per cent. According to a former Jerusalem Municipal Council member, since 1967 Israel has constructed dwelling space for 70,000 Jewish families on expropriated Arab land in East Jerusalem, and only 555 dwelling units for its Palestinian residents. The overall growth of the City since 1967, which shows a 76 per cent increase in the Jewish population, has been due to housing construction in those settlements. Whereas in 1967 there were no Jews in East Jerusalem, in July 1993, the Government announced that it had achieved a Jewish majority there (160,000 Jews to 155,000 Palestinians). The ratio for the entire City was approximately 78 per cent to 22 per cent.56/

According to the same report, expropriations and land use restrictions resulted in a situation in which at least 21,000 Palestinian families were practically homeless and had to live in tents and hovels, or share with other families. Palestinians building without a permit risked having their houses demolished by the authorities. As a result, many Palestinians had been forced to leave Jerusalem.57/ According to another source, as many as 50,000 have emigrated abroad or moved into outlying villages.58/ Complaints have also been voiced by Arab property owners in the Old City due to redevelopment and beautification schemes by the municipality and archaeological excavations, which on occasion have been accompanied by evictions, expropriations, destruction of property and changes in the traditional aspect of parts of the City.59/

While with the beginning of the peace process in October 1991 and the change of Government in Israel in 1992 there was a certain redirection of resources away from settlements in the occupied territories, the then Government made it clear that construction projects in East Jerusalem would continue unabated. For its part, the new Government elected in May 1996 gave priority in its policy guidelines to the goals of "reinforcing the status of Jerusalem as the eternal capital of the Jewish people," and "strengthening, broadening and developing settlement."60/

"GREATER" JERUSALEM AREA



Social and economic issues

The civil status of Palestinian residents of East Jerusalem and freedom of movement between the City and the West Bank, its natural hinterland, have also been major issues. Following Israel's occupation of East Jerusalem in 1967, Palestinians living within the municipal boundaries, as subsequently expanded, were classified as permanent residents of the State of Israel. It was reported that some 8,000 Palestinian Jerusalemites lost their residency status because they were not physically present in Jerusalem at the time of the Israeli census in 1967. Moreover, the residency status does not confer citizenship rights or actually guarantee permanent residence. Palestinian Jerusalemites travelling abroad are issued exit permits valid for one to three years, and failure to renew the permit before it expires automatically forfeits the right of the bearer to return. A stay abroad of more than seven years or establishment of residence abroad may also result in loss of the right to reside in Jerusalem. Large-scale confiscation of identification cards from Palestinian Jerusalemites holding foreign passports in 1996 gave rise to great concern. Also, for a Palestinian living in East Jerusalem, moving to a West Bank village nearby might entail losing residency rights and becoming subject to the difficulties of movement and loss of civic rights of Palestinians living under occupation. Non-resident spouses and children of Palestinian residents of Jerusalem do not have automatic residence rights, and must apply for residence on the basis of family reunification, which is subject to a number of limitations.^{61/}

On the other hand, residents are permitted to vote in municipal elections. Palestinians, however, have largely boycotted this process (as they have refused an offer of Israeli citizenship in 1980) on the grounds that Israel's annexation of East Jerusalem is illegal. In the 1993 municipal election, less than 7 per cent of the Palestinian population of Jerusalem voted. No Palestinian resident of East Jerusalem sits on the city council.^{62/}

Restrictions on civil liberties have also often been imposed on Palestinians, particularly during the *intifadah*, such as censorship of Arabic-language publications, the closing of newspapers and educational, cultural and other institutions based in East Jerusalem, and the arrest of their representatives. Since the signing of the Declaration of Principles by the PLO and Israel in September 1993, the Israeli authorities have sought in particular to curb activities by the PLO and the Palestinian Authority in East Jerusalem, on the grounds that they "are undermining the sovereignty both of Israel and the Jerusalem Municipality over the City". Several offices linked to the Palestinian Authority were closed, and legal proceedings were initiated against Orient House, the Palestinian centre housing various organizations, which serves as the headquarters of the Palestinian delegation to the peace talks.^{63/} Palestinians, however, have opposed those measures, invoking a letter dated 11 October 1993 by Israeli Foreign Minister Peres to Norwegian Foreign Minister Holst, made public in June 1994, in which Mr. Peres stated that:

"I wish to confirm that the Palestinian institutions of east Jerusalem and the interests and well-being of the Palestinians of East Jerusalem are of great importance and will be preserved.

"Therefore, all the Palestinian institutions of East Jerusalem, including the economic, social, educational, cultural, and the holy Christian and Moslem places, are performing an essential task for the Palestinian population.

"Needless to say, we will not hamper their activity; on the contrary, the fulfilment of this important mission is to be encouraged."^{64/}

Under the agreement of 28 September 1995 between Israel and the PLO,⁶⁵ East Jerusalem residents were allowed to participate in the Palestinian elections of January 1996 to the Palestinian Interim Self-Government Authority, albeit in a restricted fashion. While certain restrictions on political expression had been lifted, observers noted that fear of jeopardizing residency status, and intimidation by Israeli police and border guards, had reduced voter turnout to about 30 per cent of those eligible.^{66/}

The indefinite closure of the West Bank from Jerusalem, decided by Israel in March 1993, has severely restricted Palestinian freedom of movement not only to and from the City, but also between the northern and southern sections of the West Bank. According to a recent report, as during previous periods of closure, any Palestinian wishing to enter Jerusalem must obtain a special permit issued by the Civil Administration, under penalty of a fine of about \$160 or arrest. Permits are valid for periods varying from a few hours to three months, and may be denied for a variety of reasons, including security concerns and non-payment of taxes. The report noted that, by inhibiting the free movement of goods and people, the closure caused deterioration in economic conditions and disrupted patterns of religious, educational, cultural, and family life as well as access to medical care. The closure was condemned by Palestinian and Israeli human rights groups as "an illegal collective punishment of the Palestinian population and as disproportionate to any legitimate security concern". It was reported that although certain categories (those employed in Jerusalem, women over 25, men over 50, and accompanied children under 16) were exempted from the permit requirement, all Palestinians entering Jerusalem must stop at check-points and present either their permits or identification proving that they were exempt from the permit requirement.^{67/}

The effects of Israeli policies in Jerusalem were analyzed by two geographers, who expressed the view that "Jerusalem was a microcosm of the problems that have led to the *intifada*". They noted that, despite a quarter century of integrative policies, "functionally Jerusalem is two separate cities, inhabited by two disparate peoples with different religions, ways of life, and political orientations and aspirations". After describing how business, public transportation, health services, restaurants, theaters, newspapers, schools, welfare and religious services, and even the delivery of electricity, were separate for East and West Jerusalem, they concluded:

"Although Jerusalem has been decreed a reunified city, during the intifada it returned to its earlier divided status, sundered along the Green Line. The Israeli illusion of Greater Jerusalem and a reunified city for the two peoples vanished during the first two years of the intifada".^{68/}

CHAPTER III

INTERNATIONAL POSITION AND ACTION SINCE 1967

The occupation of East Jerusalem in June 1967 and the subsequent annexation of the Old City and surrounding area by Israel have not been recognized internationally. The issue has been the object of numerous resolutions by international and regional organizations that reaffirm the special status of the City and seek to roll back the measures taken by the Israeli authorities. Concerns related to the construction of settlements, protection of the Holy Places and the historical heritage of the City, and the provision of assistance to Palestinians living in the City and their institutions, have preoccupied the international community over the past 30 years as each new major

development in the City's troubled history leads to an intensified search for modalities and mechanisms to resolve the question.

Legal status

The international position was expressed forcefully by the United Kingdom's Secretary of State for Foreign Affairs at the fifth emergency special session of the General Assembly, convened in the immediate aftermath of the six-day war:

"In my view, it follows from the words in the Charter [of the United Nations] that war should not lead to territorial aggrandisement.

"I call upon the State of Israel not to take any steps in relation to Jerusalem which would conflict with this principle. I say very solemnly to the Government of Israel that, if they purport to annex the Old City or legislate for its annexation, they will be taking a step which will isolate them not only from world opinion but will also lose them the support that they have."^{69/}

During the emergency session, the question of the status of Jerusalem and the Holy Places was discussed not only in connection with principles for a peaceful settlement of the larger conflict, but also as a separate problem. A number of countries, in a draft resolution, sought to reopen the issue of establishing an international administration for the City. The draft resolution was, however, not adopted. In its resolution, the Assembly considered that the measures taken by Israel in Jerusalem were invalid and called upon Israel "to rescind all measures already taken and to desist forthwith from taking any action which would alter the status of Jerusalem."⁷⁰ A few days later, after receiving Israel's response, the Assembly deplored the failure of Israel to implement the earlier resolution and reiterated its call to Israel "to rescind all measures already taken and to desist from taking any action which would alter the status of Jerusalem".^{71/}

The Security Council, in its landmark resolution 242 (1967) of 22 November 1967, while not specifically addressing the status of Jerusalem, emphasized the inadmissibility of the acquisition of territory by war and affirmed that the fulfilment of principles of the Charter of the United Nations required, among other things, withdrawal of Israeli forces from territories occupied in the war, and respect for and acknowledgement of the sovereignty and territorial integrity and political independence of every State in the area.

Since efforts to achieve an overall settlement made no progress, the Council, in May 1968, held a round of meetings devoted specifically to Jerusalem. After reviewing the report of the Secretary-General's representative Ambassador Thalmann and hearing the expelled Mayor of East Jerusalem, the Security Council noted that Israel had taken additional measures affecting Jerusalem and deplored its failure to comply with the Assembly's resolutions. Reaffirming that "acquisition of territory by military conquest is inadmissible", the Council considered that "all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem are invalid and cannot change that status", and urgently called upon Israel "to rescind all such measures already taken and to desist forthwith from taking any further action which tends to change the status of Jerusalem."72/

In addition to that clear position of principle based on the Charter of the United Nations, reaffirmed by both the Security Council and the General Assembly in many subsequent resolutions, the international community has also invoked the provisions of international humanitarian law governing military occupation as being applicable to the situation in all the territories occupied in 1967, including Jerusalem. In 1968, the Commission on Human Rights and the International Conference on Human Rights paid particular attention to the question of respect for the provisions of the Geneva Conventions of 12 August 1949. Subsequently, the Assembly established the

Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, and in its terms of reference included in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention).^{73/}

A principal concern of the Fourth Geneva Convention (to which Israel is a party) is the prohibition of annexation of territory by an occupying power (art. 47) and of the transfer of that power's population into the occupied territory (art. 49). Of relevance to the situation in Jerusalem is also the Convention's prohibition of the destruction by the occupying Power of real or personal property, whether owned individually or collectively or by the State or other public authorities or organizations (art. 53), and the requirement not to alter the status of public officials or judges in the occupied territories (art. 54). Under the Convention,

"... the occupation of territory in wartime is essentially a temporary, de facto situation, which deprives the occupied power of neither its statehood nor its sovereignty; it merely interferes with its power to exercise its rights. That is what distinguishes occupation from annexation ... Consequently, occupation as a result of war, while representing actual possession to all appearances, cannot imply any right whatsoever to dispose of territories."^{74/}

Israel has not recognized the applicability of the Geneva Convention to the territories occupied since 1967, on the grounds that no legitimate sovereignty had been established over those territories since the end of the British Mandate, and has opposed the adoption of the relevant resolutions in the Security Council and the General Assembly.⁷⁵ Nevertheless, it has allowed the International Committee of the Red Cross (ICRC), which has a special status under the Convention, to carry out humanitarian activities on an ad hoc basis, including in the East Jerusalem area.

In contrast to Israel's position, the applicability of the Fourth Geneva Convention to Jerusalem, as part of the territory occupied in 1967, has been repeatedly affirmed in various United Nations and other intergovernmental forums. Since its inception, the aforementioned Special Committee on Israeli Practices included East Jerusalem in its interpretation of the term "occupied territories" falling within the scope of the Geneva Conventions,⁷⁶ and has regularly reported on developments in East Jerusalem. Since the early years of the occupation, both the General Assembly and the Security Council have repeatedly called on Israel to observe the provisions of the Convention in the occupied territories. In 1973, the Assembly affirmed that the Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, (the Fourth Geneva Convention), "applies to the Arab territories occupied by Israel since 1967" and, in 1975, it reaffirmed that the Convention "is applicable to all the Arab territories occupied by Israel since 1967, including Jerusalem". The Assembly also called on States parties to the Convention—which are bound under article 1 not only to respect its provisions but also to ensure respect for them in all circumstances—to exert all efforts in order to ensure compliance by Israel.^{77/}

After a series of meetings devoted to Israel's settlements policies and practices, the Security Council in 1979 also affirmed that the Fourth Geneva Convention "is applicable to the Arab territories occupied by Israel since 1967, including Jerusalem", and established corresponding terms of reference for its Commission on Settlements created under the same resolution.^{78/} The Council has repeatedly used similar terminology in resolutions addressing human rights issues such as violence by settlers, deportations, and attacks against the Holy Places. Since 1986, the Council has used the terminology "Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem" to reaffirm the applicability of the Geneva Convention to the area under Israeli occupation.^{79/}

Israel's decision in 1980 to enact legislation formally annexing East Jerusalem and proclaiming the united City Israel's capital, was met with firm rejection not only by the Security Council and the General Assembly, but also by various intergovernmental organizations. The Council censured "in the strongest terms" the enactment by Israel of the "basic law" on Jerusalem and the refusal to comply with relevant Security Council resolutions, and affirmed that the enactment of the law "constitutes a violation of international law and does not affect the continued application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the Palestinian and other Arab territories occupied since 1967, including Jerusalem". The Council decided "not to recognize the 'basic law' and such other actions by Israel that, as a result of this law, seek to alter the character and status of Jerusalem", and called upon all Member States to accept its decision, and upon those States that had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City.^{80/} The General Assembly adopted a similar resolution, calling in addition on "specialized agencies and other intergovernmental organizations to comply with the present resolutions and other relevant resolutions" and urging them "not to conduct any business which is not in conformity with the provisions of [those] resolutions".^{81/} Subsequently, the Secretary-General informed the Security Council that 13 Governments had informed him of their decision to withdraw their respective diplomatic missions from the Holy City.^{82/}

Those resolutions, subsequently reaffirmed with similar wording, continue to embody the position of principle of the United Nations and of most Governments on the status of Jerusalem.

Beginning in the mid-1970s, a number of developments of historical significance have spurred on the search for a political solution to the problem of Jerusalem as part of an overall settlement of the Palestine question and of the Arab-Israeli conflict as a whole based on the recognition of the existence of the Palestinians as a people endowed

with national rights (rather than as inhabitants of disputed areas or refugees). In 1974, the General Assembly reintroduced the item "Question of Palestine" on its agenda, affirmed "the inalienable rights of the Palestinian people in Palestine", and granted observer status to the PLO.^{83/} The following year, it established a Committee on the Exercise of the Inalienable Rights of the Palestinian People and requested it to make proposals on how to implement those rights.^{84/}

In the plan that it submitted to the General Assembly and the Security Council, the Committee did not make specific recommendations with regard to the future status of Jerusalem; however, it recalled the international status of the City of Jerusalem, as provided for in General Assembly resolution 181 (II) and stated that any solution of the delicate problem of Jerusalem should be sought within the framework of the inalienable rights of the Palestinian people and the religious characteristics of the City and that Israel should be called upon to desist from any actions or policies designed to change the legal status of Jerusalem.^{85/}

The Camp David Framework for Peace in the Middle East, signed by Egypt and Israel in September 1978 after the historic visit by President Anwar Sadat to Jerusalem, contained two significant elements. One was that "the agreed basis for a peaceful settlement of the conflict between Israel and its neighbours is United Nations Security Council resolution 242 in all its parts." The other was the recognition by the parties, for the first time in a formal agreement, of "the legitimate rights of the Palestinian people and their just requirements". There was no agreement, however, on Israeli withdrawal from Jerusalem, and the opposing views of the signatories were reflected in an exchange of letters accompanying the document.^{86/} The accords were considered as only a partial solution for not addressing the crucial issues of Jerusalem and Palestinian national sovereignty, and as such were rejected by the majority of countries in the General Assembly.^{87/}

For the next several years, many efforts were made to develop principles for a settlement that would resolve all fundamental questions. Concerned about "the increasing possibility of a new war", the Sixth Conference of Heads of State or Government of Non-Aligned Countries affirmed that "the Palestinian question is the crux of the problem of the Middle East and the fundamental cause of the Arab-Israeli conflict" and that "neither can be settled in isolation from the other". The Conference affirmed a number of basic principles for a comprehensive solution, including that "the City of Jerusalem is an integral part of occupied Palestine. It must be evacuated in its entirety and restored unconditionally to Arab sovereignty."88/

Similarly, the Third Islamic Summit Conference "the Palestine and Al-Quds al-Sharif session", held in Mecca in January 1981, stressed "the determination of the Palestinian people to maintain their eternal right to the Holy City of Al-Quds as the capital of their homeland Palestine, and the insistence of Muslim Governments and peoples alike on their eternal right to the Holy City of Al-Quds, in view of the permanent political, religious, cultural and historical importance of Al-Quds to all Muslims", and affirmed "the commitment of Islamic States to liberate Al-Quds to become the capital of the independent Palestinian State, and to reject any situation which might infringe on the Arab right to full sovereignty over Al-Quds".89/

In their declaration adopted at Fez, Morocco, in September 1982, the Heads of State or Government of the League of Arab States also called for the establishment of an independent Palestinian State with Al Quds as its capital.90/ A similar call was made by Leonid Brezhnev on behalf of the Soviet Union in the same year.91/

More limited proposals were made by the European countries, which recognized the right to self-determination of the Palestinian people, rejected "any unilateral initiative designed to change the status of Jerusalem", and stated that "any agreement on the City's status should guarantee freedom of access of everyone to the holy places."92/ Over

the years, several proposals based on the Camp David accords and the "land for peace" formula were advanced by successive United States administrations. While "not supporting annexation or permanent control by Israel" of the occupied lands, those proposals envisaged that Jerusalem "must remain undivided and that its final status should be decided through negotiations."^{93/} Without addressing the issue of sovereignty, the Holy See and several Catholic countries have called for international guarantees to ensure freedom of worship and access to the Holy Places, protection of existing rights and privileges of the various religious communities, and the safeguarding of the cultural and historical heritage of the City.^{94/}

The International Conference on the Question of Palestine, convened at Geneva in 1983 with the participation of 117 States, also adopted a number of principles for a solution of the question, which were subsequently endorsed by the General Assembly. They included "the right of all States in the region to existence within secure and internationally recognized boundaries; the withdrawal of Israel from the territories occupied since 1967, including Jerusalem; the rejection of any measures already taken by Israel to change the status of the City and of the occupied territories; and the attainment of Palestinian rights, including the right to establish its own independent State in Palestine."^{95/} Those principles formed the basis for sustained efforts, in the next several years, to convene an international peace conference that would resolve all aspects of the Middle East conflict.

The international community and the parties to the conflict, however, remained deeply divided on the framework for a peaceful settlement when the Palestinian uprising known as the *intifadah* began in late 1987. A year later, following Jordan's decision to sever its legal and administrative links with the West Bank, the Palestine National Council (the Palestinian parliament in exile) adopted the Declaration of Independence and a political communiqué, by which it indicated acceptance of General Assembly resolution 181 (II) (the partition resolution) and Security Council resolution 242 (1967), and declared

"the establishment of the State of Palestine in the land of Palestine with its capital at Jerusalem."^{96/}

The evolution of the international environment following the war in the Gulf and the end of the Cold War, created the conditions for the beginning of a formal negotiating process between the parties at the Madrid peace conference in October 1991, followed by the historical breakthrough achieved in September 1993 with the mutual recognition between the Government of Israel and the PLO, and the signing of the Declaration of Principles. The Declaration and the subsequent agreements, have led to the withdrawal of Israeli forces from the Gaza Strip and Jericho area in 1994, the establishment of a Palestinian police force and the assumption of a range of responsibilities by the Palestinian Authority, elections to a legislative Council and the presidency of the Authority in January 1996, followed by the redeployment of Israeli forces from a number of towns and villages in the West Bank. The agreements provide for a five-year transitional period of Palestinian self-government beginning in May 1994, leading to a permanent settlement based on Security Council resolutions 242 (1967) and 338 (1973). Jerusalem and settlements are among the issues deferred to the permanent status negotiations which, under the Declaration were stipulated to start not later than the beginning of the third year of the interim period, that is, May 1996.^{97/} Following an initial meeting on 5 May 1996 and subsequent repeated delays in the peace process, the negotiations were scheduled to start on 15 March 1997, pursuant to the Israel-PLO agreement relating to Hebron and other issues, signed on 15 January 1997.^{98/} They were, however, delayed again in light of the deteriorating situation on the ground and the growing divergence of views between the parties.

Action against settlements

The issue of Israeli settlements in and around Jerusalem and the problems they pose for international action aimed at furthering a just peace have been addressed by a variety of United Nations and other intergovernmental bodies. They have been unanimous in declaring the illegality and invalidity of settlements under international law, and in calling for an end to this policy and practice.

The Security Council has devoted particular attention to the issue of settlements both in the context of the status of Jerusalem, and with regard to its material consequences for the Palestinian population. In resolutions adopted in 1968 and 1971, the Council included expropriation of land and properties and transfer of populations among the Israeli measures declared invalid and which could not change the status of Jerusalem.^{99/} In 1976, the Council stated that "the measures taken by Israel in the occupied Arab territories which alter their demographic composition or geographical character, and in particular the establishment of settlements, are strongly deplored. Such measures, which have no legal validity and cannot prejudice the outcome of the efforts to achieve peace, constitute an obstacle to peace."^{100/}

In a series of meetings on the settlements problem in 1979, many speakers expressed great concern at the fact that the policy and practice of settlements was continuing unabated and would have negative consequences for efforts to achieve a comprehensive peace. It was also stated that settlements were clearly incompatible with the attainment of Palestinian national rights.^{101/} In the resolution adopted following the debate, the Security Council determined "that the policy and practices of Israel in establishing settlements in the Palestinian and other Arab territories occupied since 1967 have no legal validity and constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East". It called upon Israel to abide by the Fourth Geneva Convention, and "to rescind its previous measures

and to desist from taking any action which would result in changing the legal status and geographical nature and materially affecting the demographic composition of the Arab territories occupied since 1967, including Jerusalem and, in particular, not to transfer parts of its own civilian population into the occupied Arab territories". The Council established a Commission consisting of three of its members "to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem" and decided "to review the situation in the light of the findings of the Commission."102/

The Commission visited Jordan, the Syrian Arab Republic, Lebanon and Egypt in May 1979, meeting with Government officials, representatives of the PLO, and a number of witnesses and experts. Israel informed the Security Council President that its Government "had rejected that resolution in its entirety and accordingly could not extend any form of cooperation to a Commission set up under it."103/ Based on the evidence provided to it, the Commission concluded that "the Israeli Government is engaged in a wilful, systematic and large-scale process of establishing settlements in the occupied territories for which it should bear full responsibility." With regard to the consequences of the settlements, the Commission found a correlation between their establishment and a reduction in the Arab population, as well as "drastic and adverse changes to the economic and social pattern of the daily life of the remaining Arab population." It considered that the settlement policy was causing "profound and irreversible changes of a geographical and demographic nature in those territories, including Jerusalem", which constituted a violation of the Fourth Geneva Convention and various Security Council and General Assembly resolutions, and "was widely regarded as a most negative factor in the achievement of peace in the area."

The Commission recommended that the Security Council address an urgent appeal to Israel warning of the "disastrous consequences" of the settlements policy and calling for an end to the establishment, construction and planning of settlements. It pointed out that the

question of the existing settlements would have to be resolved, and that measures should be considered "to safeguard the impartial protection of property arbitrarily seized." With regard in particular to Jerusalem, the Commission recommended that the Council call upon Israel to implement previous resolutions and "consider steps to protect and preserve the unique spiritual and religious dimensions of the Holy Places in that City." It further recommended that, "in view of the magnitude of the problem of settlements and its implications for peace in the region, the Security Council should keep the situation under constant survey."104/

The Council endorsed the Commission's recommendations, renewed its mandate, and requested it to inform the Council on the implementation of the resolution.105/ In its second report, the Commission concluded that it had "detected no evidence of any basic positive change in Israel's policy with regard to the construction and planning of settlements ... the Commission is of the view that that policy has largely contributed to a deterioration of the situation in the occupied territories and that it is incompatible with the pursuit of peace in the area." The Commission recommended that the Security Council "adopt effective measures to prevail on Israel to cease the establishment of settlements in occupied territories and to dismantle the existing settlements accordingly," and that it continue to keep the situation under constant review.106/

Resolution 465 (1980) of 1 March 1980 is the strongest statement adopted by the Security Council on the settlements question. In the resolution, the Council "strongly deplored" Israel's rejection of the previous resolutions and its refusal to cooperate with the Commission, and expressed deep concern over the consequences of the settlements policy for the local Arab and Palestinian population, and for the peace efforts. Reiterating and strengthening previous statements, the Council called the settlements policy and practices "a flagrant violation" of the Fourth Geneva Convention and "a serious obstruction" to achieving peace in the Middle East; it called upon the Government and people of

Israel to rescind the measures taken, to dismantle the existing settlements and to cease urgently all settlement activities. It also called upon all States "not to provide Israel with any assistance to be used specifically in connection with settlements in the occupied territories." It also accepted the Commission's conclusions and recommendations, renewed its mandate, and decided to meet again to consider the implementation of the resolution in light of the Commission's report.

In its third report, based on another visit to the region (with the exception of Israel, which again declined to cooperate), the Commission noted the continued increase and expansion of settlements and the ongoing transformation of the character of Jerusalem. The Commission observed that the pursuance of the settlements policy had led to a further deterioration in the situation in the occupied Arab territories, including Jerusalem, which was marked by heightened tensions and increased conflict, particularly following the enactment of a "basic law" by the Israeli Knesset. Noting that "the settlements policy is one of the major components at the core of the conflict in the area", the Commission reiterated its earlier recommendations and called again upon the Security Council to "adopt effective measures to prevail on Israel to cease forthwith its settlements policies in all aspects in the occupied Arab territories, including Jerusalem."107/

The Commission's recommendations were not acted upon by the Council. In the ensuing years, however, the Council met repeatedly to address various aspects of the situation in the occupied territories, including questions related to settlements, violence by armed settlers and violent incidents at the Holy Places. The General Assembly, the Economic and Social Council, and other bodies and organizations of the United Nations system have also received reports and adopted resolutions with regard to the problems posed by the settlements policy and practice. In particular, reference may be made to the resolutions of the Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of

Minorities; the annual reports of the Special Committee on Israeli Practices; the letters of the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the proceedings of various seminars and meetings of non-governmental organizations organized under the Committee's auspices; the reports of the Committee on the Elimination of Racial Discrimination regarding Israel's obligations in the occupied territories as a State party to the relevant Convention; the resolutions of the International Labour Conference on the implications of Israeli settlements for the situation of Arab workers, and the relevant annual reports of the Director-General of the International Labour Office; and the reports of the Economic and Social Commission for Western Asia on the economic and social repercussions of settlements.

In May 1995, the question of land expropriation for Jewish settlement in East Jerusalem was brought to the Security Council. However, a draft resolution co-sponsored by six non-aligned countries calling upon Israel to rescind its expropriation orders could not be adopted owing to the negative vote of a permanent member.

More recently, in March 1997, the issue of construction of 6,500 housing units at the planned Har Homa settlement on Jabal Abu Ghneim mountain was debated in the Security Council on two occasions, and in the General Assembly. During the first round of meetings in the Council, all speakers opposed Israel's decision to build the settlement. However, a draft resolution submitted by France, Portugal, Sweden and the United Kingdom, calling upon Israel to refrain from its settlements activities and to abide by the Fourth Geneva Convention, could not be adopted in the light of the negative vote of a permanent member of the Council. The General Assembly, convened in resumed session to deal with the matter, subsequently adopted a similar resolution co-sponsored by 57 countries, by an overwhelming vote of 130 in favour, 2 against and 2 abstentions. As construction began, against a background of increasing tension in the region, the Council held a second meeting, again without being able to

adopt a resolution on the issue owing to the negative vote of a permanent member of the Council.

Following the failure of the Council to act on the matter, the General Assembly, convening its tenth emergency special session, condemned the Israeli construction on Jabal Abu Ghneim, demanded its cessation, and reaffirmed that all measures and actions taken by Israel to alter the character, legal status and demographic composition of Jerusalem were null and void and had no validity.^{108/} The emergency session was resumed in July 1997, in light of Israel's refusal to cease construction of the new settlement and to cooperate with the Secretary-General. In a strong resolution adopted by 131 votes in favour, 2 against and 14 abstentions, the Assembly reaffirmed that "all illegal Israeli actions in occupied East Jerusalem ... cannot be recognized, irrespective of the passage of time", called for international action against the settlements and on the States parties to the Fourth Geneva Convention to convene a conference on measures to enforce its provisions in the occupied Palestinian territory, including Jerusalem.^{109/}

Protection of Jerusalem's heritage and assistance to Palestinians

Efforts by the Security Council, the General Assembly and other United Nations bodies to ensure respect for the Fourth Geneva Convention and to achieve an end to the occupation, have been complemented by a number of activities aimed at the preservation of the Holy Places and the historical monuments and character of the Old City of Jerusalem and at assisting Palestinians living in East Jerusalem. The United Nations Educational, Scientific and Cultural Organization (UNESCO), the Organization of the Islamic Conference and a number of Governments and non-governmental organizations have been active in this endeavour.

In 1968, the General Conference of UNESCO asserted "the exceptional importance of the cultural property in the Old City of Jerusalem, particularly the Holy Places, not only to the States directly concerned but to all humanity, on account of their artistic, historical and religious value". It addressed an urgent international appeal in accordance with General Assembly resolution 2253 (ES-V), calling upon Israel "to preserve scrupulously all the sites, buildings, and other cultural properties, especially in the Old City of Jerusalem" and "to desist from any archaeological excavations, transfer of such properties and changing of their features or their cultural and historical character."110/ For its part, the Executive Board of UNESCO called for the establishment of a UNESCO presence in the City with a view to securing the implementation of this and other resolutions.111/

In subsequent resolutions, the General Conference increasingly stressed the need to protect the cultural, historical and religious heritage of the City as a whole, as part of the common heritage of mankind. The Conference also condemned Israel's archaeological excavations and other actions aimed at changing the historic and cultural configuration of Jerusalem, as being contrary to the aims of the UNESCO Constitution and the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict.112/

Under that Convention,113/ parties undertake to respect cultural property, whether situated in their own territory or that of another party, "by refraining from any use of the property and its immediate surroundings ... for purposes which are likely to expose it to destruction or damage in the event of armed conflict, and by refraining from any act of hostility directed against such property"; and undertake "to prohibit, prevent and, if necessary, put a stop to any form of theft pillage or misappropriation of, and any acts of vandalism directed against, cultural property" (art. 4). In addition, an occupying power "shall as far as possible support the competent national authorities of the occupied country in safeguarding and preserving its cultural property" or take appropriate measures itself in case the

national authorities are unable to do so (art. 5). For the purposes of the Convention, cultural property includes any "movable or immovable property of great importance to the cultural heritage of every people," whether secular or religious, including buildings, monuments, archaeological sites, works of art, books and other objects (art. 1). The Convention entrusts UNESCO with special responsibilities with regard to its implementation.

With the agreement of the Government of Israel, the Director-General of UNESCO has periodically sent his personal representative to Jerusalem to consult with Israeli officials, the Islamic *waqf* and Christian religious authorities, and to report on the state of the cultural and religious heritage and on the action needed to preserve and restore it. The personal representative has verified facts on the ground in the light of complaints submitted by Governments and other sources to the Director-General. He has also examined in detail the consequences for the preservation of the City's heritage of Israeli policies and practices with regard to archaeological excavations, demolition of buildings, urban development projects, land confiscation and the establishment of settlements.^{114/}

The work of UNESCO in that regard was given further impetus with the placing of the Old City of Jerusalem and its walls on the World Heritage List in 1981, and on the list of World Heritage in Danger in 1982, in the context of the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage. International assistance can be mobilized under the Convention for preserving and rehabilitating selected sites. A solemn appeal was also launched by UNESCO in 1987 for the safeguarding in particular of the Islamic cultural and religious heritage belonging to the *waqf*, and a special account was established for contributions by Governments, intergovernmental and non-governmental organizations, private institutions and others. More recently, a study to inventory cultural properties and prioritize projects was launched, and teams of internationally recognized experts were appointed to review the

situation with regard to specific monuments on the ground, both Islamic and Christian, and to make recommendations for their preservation or restoration, in cooperation with the respective religious authorities.115/

Following the signing of the Declaration of Principles by Israel and the PLO, the General Conference of UNESCO, while welcoming the agreement, reaffirmed previous resolutions and requested the Director-General to be particularly vigilant in carrying out the task of safeguarding the religious, cultural, and historical heritage and the demographic character of Jerusalem, pending the results of the current negotiations.116/

Other efforts to ensure the preservation of the City's Arab and Islamic heritage have been made, in particular by the Organization of the Islamic Conference, founded in 1969 in response to the arson attack on the Al-Aqsa mosque. In addition to its political and diplomatic objectives, spearheaded by the Al-Quds Committee founded in 1975, the Organization gave priority to concrete measures of assistance. An "Al-Quds fund" was established in 1976 to receive contributions from Islamic States "with the dual aim of countering the policy of Judaization in the occupied Arab territories and sustaining the heroic resistance of the Palestinian Arab people in Jerusalem and other occupied territories."117/

In addition, a number of Governments, as well as governmental and non-governmental organizations, have been active in providing direct assistance for the protection of East Jerusalem, including projects in the areas of housing, social and health institutions, restoration of religious and historic sites and artifacts, and protection of Arab property from encroachment. Since the beginning of the peace process, Palestinians in East Jerusalem have been actively engaged in initiatives to develop their part of the City despite existing constraints, with the goal of being able to exercise sovereignty in the context of a future negotiated settlement. Among the initiatives considered are the

revival and modernization of an East Jerusalem municipal council; the establishment of an urban development corporation; the creation and strengthening of neighbourhood community self-management organizations; and the media and public promotion of Palestinian perspectives and proposals on the future of the City. Cooperation with Israeli Jerusalemites and the concrete support of the international community are considered to be of particular importance for the success of these endeavours.^{118/}

CHAPTER IV

SEARCH FOR A SOLUTION: SOME INDEPENDENT PROPOSALS

As mentioned above, Israel and the PLO have agreed that Jerusalem will be on the agenda of the permanent status negotiations. In view of the polarization between the parties, the clear international position with regard to occupied territory, and the great significance of the City to millions of believers worldwide, this is expected to be one of the most difficult and emotionally charged issues in the negotiations.

In recent years, and particularly since the beginning of the peace process, the complexity of the issue has stimulated a great deal of thought by Palestinian and Israeli political personalities, international legal scholars and others, in a pragmatic endeavour to bridge the mutually exclusive claims and to find formulas and models of solutions that might become a basis for compromise.

These efforts by and large sidestep the international legal aspects of the problem, starting from the premise that its political and religious significance and the physical, demographic, and economic realities created on the ground since 1967 make it impossible to either re-divide the City along international borders, unify it under a single exclusive sovereignty, or establish a *corpus separatum* under

international administration according to the 1947 partition plan. The proposals made, therefore, seek to elaborate various sharing and cooperative arrangements that would leave the City undivided while preserving its unique role as a national, cultural and religious symbol for both Israelis and Palestinians. They are predicated on the emergence of peaceful relations between the two sides, the establishment of a Palestinian national entity alongside Israel, mutual recognition of the legitimacy of the claim to Jerusalem as the political capital of each side, and the development of new concepts of sovereignty to allow for the coexistence of two sovereignties as well as the rights of the international community with the City.

Detailed and far-reaching proposals, for example, have been developed by the Israel/Palestine Centre for Research and Information (IPCRI), an institution of prominent Palestinian and Israeli personalities, through a series of roundtables held since 1992.^{119/} Their plan envisages a geographically undivided city which is, however, politically divided so that it can serve as two capitals with two municipal structures within its boundaries. Under the plan, sovereignty would be attached to territory and would be determined on the basis of the national make-up of neighbourhoods, considered a practicable option since there are no integrated neighbourhoods in Jerusalem. Accordingly, Jewish neighbourhoods would fall under Israeli sovereignty and Palestinian neighbourhoods under Palestinian sovereignty. The plan also envisages that Palestinians would be compensated for their land used to build settlements in Eastern Jerusalem, and that the map of the city would be redrawn to genuinely represent the area's actual demographic balance.

With regard to the future administration of the City, the IPCRI plan envisages that each side would have full control over its own territory and would be able to build, plan and use the land as it saw fit for the well-being of its own people. However, it would be recognized that physically Jerusalem is one city and its infrastructure would be coordinated and developed cooperatively, through joint planning

commissions and a joint mayors' forum which would be the ultimate authority for the resolution of disputes. Special arrangements would be made for the Old City, including the establishment of a council representing all of the interests of the local and international communities in the Old City. The plan also contains provisions with regard to the status of the Holy Places, the legal system, the police system, the need for a constitutional charter for Jerusalem to be adopted by both sides, and other aspects.

Another approach, which seeks to defuse the issue of sovereignty and with it, "the battle for demographic advantage", is that developed by a Jerusalem City Council member, in consultation with Israeli and Palestinian intellectuals and politicians.¹²⁰ The plan proposes redrawing the City's boundaries to quadruple the current land area, adding an almost equal amount of territory from Israel and the West Bank, and incorporating in the new metropolitan area a population of about 450,000 residents of each nationality.

The entire area, according to this plan, would be under the jurisdiction of a greater Jerusalem council, and would be divided into 20 cities, each with its own municipal government. Powers currently exercised by the national Government would be devolved to the metropolitan and local administrations, including health services, education, the courts, planning and development, and taxation. The Jewish cities within the expanded metropolitan area would be under Israeli sovereignty, and the Palestinian ones under Palestinian sovereignty, with Jerusalem serving as the capital of both States.

Because the role of the central government in the metropolis itself would be vastly reduced, so would the importance of sovereignty. Functionally, Jerusalem would be an autonomous unit, where Israelis would be citizens of Israel and vote for Israeli mayors and city council, and Palestinians would be citizens of a Palestinian State and vote for Palestinian municipal administrations. The metropolitan council would be joint Israeli-Palestinian, with delegates from each

city and a rotating chairperson. The Holy Places would be managed by a body made up of delegates from all three faiths. The plan also envisages that because of the particular sensitivity of the Old City, it would have its own municipal government, with both the Government of Israel and the Palestinian Government having veto power over any changes in the *status quo*, and with representatives of the three religions on the City Council.

A related proposal, advanced by some American personalities, envisages a condominium over the City, taking as a precedent some historical examples of shared sovereignty (the United Kingdom and France over the New Hebrides; France and Spain over Andorra; the Allies over Berlin after the Second World War).^{121/} That model provides for joint sovereignty over an undivided city, which would be the capital of two States and be administered by an umbrella municipal council and local district councils. The City itself would be demilitarized, and there would be some form of economic union between the two States, with minimal controls on transit of persons and goods. Since neighbourhoods are not integrated, Israelis would be subject to Israeli administration, and Palestinians to Palestinian administration, through their respective district councils. As many aspects of municipal governance as possible would be devolved to the district council level, reserving to the umbrella municipal council only those major matters that can only be administered efficiently at a city-wide level. The plan also envisions the possibility of developing a flexible system for the application of either Palestinian or Israeli law, based not on a purely territorial basis but on various circumstances such as subject matter, the parties involved and the municipal district in which the issue or dispute arises.

Yet another formulation, proposed by a prominent Jordanian official, distinguishes between the ancient walled City, as the locus of most intense religious, historical and political attachment by both Arabs and Jews; and the areas outside the walls, built up in modern times.^{122/} In that view, the essential dispute about Jerusalem concerns not the

secular City but rather the area within the walls, where the Holy Places are located and believers from the three religions have historically made their home. Accordingly, the proposal seeks to defuse the dispute by encouraging compromise over the areas outside the walls but within present municipal boundaries, and recommending that no State have political sovereignty over the walled City. The latter would belong to the whole world and to the three religions and would remain a spiritual basin, as it was originally founded and universally conceived. It would be governed by a council representing the highest Muslim, Christian and Jewish religious authorities, each of which would be responsible for running and maintaining the holy sites of its faith and participating on an equal footing in the administration of the walled City. With regard to the areas outside the walls, this framework envisages in general terms that the urban areas stretching to the east, north-east and south-east would be under Palestinian sovereignty and those to the west, north-west and south-west under Israeli sovereignty.

The above-mentioned models, and several possible combinations thereof, which have been discussed in various forums, show that dialogue and the development of compromise proposals are possible even for a problem as seemingly intractable as Jerusalem.

CHAPTER V

PEACE PROCESS AND REAFFIRMATION OF THE INTERNATIONAL POSITION ON JERUSALEM

While supporting the agreements concluded by the parties since September 1993, which provide for negotiations over Jerusalem as part of the negotiations for a final settlement, the United Nations and other intergovernmental organizations have repeatedly reaffirmed the particular status of Jerusalem, as well as their position that Israel's occupation is illegal and its actions invalid under international law, and that withdrawal from all occupied territories is indispensable for the achievement of a just peace. They have also expressed increasing

concern at measures taken by the Israeli authorities to strengthen control over Jerusalem prior to the beginning of the final status talks, particularly with regard to settlements, the isolation of East Jerusalem from the West Bank, measures against Palestinian residency status and Palestinian institutions, as well as the archaeological excavations. They have reaffirmed that the Fourth Geneva Convention is applicable to all the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and have called upon the Government of Israel to refrain from establishing a fait accompli on the ground which might predetermine the outcome of the final status talks.

Although, as mentioned above, the Security Council was unable to act on repeated occasions on the issue of land expropriation and settlement in East Jerusalem, it reaffirmed its relevant resolutions on the applicability of the Fourth Geneva Convention to the territories occupied since 1967, including Jerusalem, and Israel's responsibilities thereunder, on the occasion of a debate on the massacre of Palestinians by a Jewish settler in Hebron in early 1994.^{123/} In another resolution adopted on the issue of the opening of a new entrance to the archaeological tunnel in September 1996, the Council recalled its previous resolutions on Jerusalem and called for the immediate cessation and reversal of all acts that have resulted in the aggravation of the situation and that have negative implications for the peace process, and for the safety and protection of Palestinian civilians to be ensured.^{124/}

For their part, many delegations participating in the debates firmly expressed the position that East Jerusalem is occupied territory, subject to international principles. In a statement adopted by the Council of Ministers of the European Union, and endorsed by several other European countries, it was declared that:

"East Jerusalem is subject to the principles set out in Security Council resolution 242 (1967) of 22 November 1967, notably the inadmissibility of the

*acquisition of territory by force, and is therefore not under Israeli sovereignty ... the Fourth Geneva Convention is fully applicable to East Jerusalem, as it is to other territories under occupation."*125/

For its part, the League of Arab States reaffirmed that under no circumstances would it recognize the actions taken by Israel, the occupying Power, designed to change the legal status, geographical nature and demographic composition of Al-Quds, and called upon countries throughout the world to refuse to recognize such changes.126/ The Organization of the Islamic Conference also reiterated its previous resolutions.127/

In its most recent resolution on the status of Jerusalem, which recalls previous resolutions of both the General Assembly and the Security Council, the Assembly determined that "the decision of Israel to impose its laws, jurisdiction and administration on the Holy City of Jerusalem is illegal and therefore null and void and has no validity whatsoever", deplored "the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980) and their refusal to comply with the provisions of that resolution", and called once more upon those States concerned to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations".128/

The status of Jerusalem was also addressed in the resolutions adopted by the Assembly at its tenth emergency special session, convened following the unsuccessful Security Council debates on the construction of a new settlement on Jabal Abu Ghneim. The Assembly affirmed its support for the Middle East peace process on the basis of the relevant Security Council resolutions and for the principle of land for peace. Recalling its relevant resolutions, including resolution 181 (II) (the Partition Plan) and those of the Security Council, the Assembly reaffirmed that the international community, through the United Nations, has a legitimate interest in the question of the City of

Jerusalem and the protection of its unique spiritual and religious dimension. The Assembly reaffirmed the continued invalidity of all actions taken by Israel, the occupying power, that have altered or purported to alter the character, legal status and demographic composition of Jerusalem. It further recommended that a comprehensive, just and lasting solution to the question of Jerusalem, which should be reached in permanent status negotiations between the parties, should include internationally guaranteed provisions to ensure the freedom of religion and of conscience of its inhabitants, as well as permanent, free and unhindered access to the Holy Places.^{129/}

The above-mentioned statements and resolutions, as well as many others adopted by United Nations bodies, international organizations, non-governmental organizations and religious groups, demonstrate the will of the international community to remain involved in the determination of the future of Jerusalem as a city holy to three religions and embodying the national essence of both Palestinians and Israelis, in accordance with established international principles and the agreements already reached in the first stage of the negotiations. They also show the great concern over the current delicate status of the peace process, and the unanimous desire that no actions be taken on the ground for short-term advantage, that would irremediably jeopardize that process.

Notes

1. Law Enacted by Israel's Knesset Proclaiming Jerusalem the Capital of Israel, 29 July 1980; Guidelines of the Government of Israel, June 1996.

2. The source of figures for Jerusalem is A. Shmueli, D. Grossman, and R. Zeevy, eds. Studies in Settlement Geography (Jerusalem, 1977) pt. 2, p. 468; for figures on Palestine, see United Nations, Division for Palestinian Rights, The Origins and Evolution of the Palestine Problem, 1917-1988, p. 36.

3. *British Government: Report of the Commission appointed by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland, with the approval of the Council of the League of Nations, to determine the rights and claims of Moslems and Jews in connection with the Western or Wailing Wall at Jerusalem* (London, H.M.S.O. 1931), pp. 57-58. (reprinted by the United Nations as an addendum to document A/7057-S/8427).

4. *Palestine Government: Official Gazette of the Government of Palestine, Jerusalem, 8 June 1931.*

5. *British Government: Palestine Royal Commission: Report Cmd. 5479* (London, H.M.S.O., 1937), pp. 131, 370.

6. *Supplement to Survey of Palestine, Notes compiled for the information of the United Nations Special Committee on Palestine, June 1947, p. 13.*

7. *Official Records of the General Assembly, Second Session, Supplement No. 11 (A/364).*

8. Ibrahim Matar, "To whom does Jerusalem belong?" (Publication of the Centre for Policy Analysis on Palestine, Washington, D.C., 1993).

9. *Costa Rica and El Salvador have embassies in West Jerusalem. The nine countries that have consulates are: Belgium, France, Greece, Italy, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America. On the operation of the consulates, see Uzi Benziman, "Israeli policy in East Jerusalem after reunification", in Joel L. Kraemer, ed., Jerusalem: Problems and Prospects (Praeger, 1980; Gershon Baskin, Jerusalem of Peace (IPCRI, 1994); Jean-Philippe Mochon, "Le consulat général de France à Jérusalem - Aspects historiques, juridiques et politiques de ses fonctions", Annuaire français de droit international, XLII, 1996.*

10. *See documents T/118/Rev.2 and A/544.*

11. Official Records of the General Assembly, Third Session, Supplement No. 11 (A/648).

12. *Security Council resolution 54 (1948).*

13. *UNCCP, second progress report (A/838).*

14. *The UNCCP proposals and subsequent clarifications are contained in document A/973 and Add. I; see also a detailed summary account of the Commission's efforts in a later general progress report and supplementary report (A/1367/Rev.1).*

15. *UNCCP, third progress report (A/927) and thirteenth progress report (A/2629); Trusteeship Council resolution of 21 December 1949 (T/427).*

16. Official Records of the General Assembly, Third Session, Part II, Ad Hoc Political Committee, Summary Records of Meetings, 6 April-10 May 1949, 45th meeting, p. 236.

17. *Ibid., 46th meeting, p. 254.*

18. *General Assembly resolution 273 (III).*

19. *General Assembly resolution 303 (IV).*

20. Question of an International Régime for the Jerusalem area and Protection of the Holy Places, special report of the Trusteeship Council, Official Records of the General Assembly, Fifth Session, Supplement No. 9 (A/1286).

21. *Ibid.*, annex III. The Israeli proposal was not discussed by the Council.

22. Security Council decision of 25 October 1949, 453rd meeting.

23. General Assembly resolution 468 (V).

24. Progress report of the UNCCP covering the period from 23 January to 19 November 1951, Official Records of the General Assembly, Sixth Session, Supplement No. 18 (A/1985).

25. The work of the Commission with regard to refugee property holdings and the methods and techniques of identification and valuation are described in detail in a working paper prepared by its land expert in 1964 (A/AC.25/W.84). Information on Jerusalem is contained in working paper A/AC.25/W.81/Rev. 2, annex V, p. 8. Palestinians, however, have argued that United Nations estimates have substantially undervalued Palestinian properties (Centre for Policy Analysis on Palestine, Washington D.C. Palestinian Losses in 1948: The Quest for Precision, Information Paper No. 6 (1996)).

26. Progress report of the UNCCP covering the period from 1 October 1967 to 29 September 1972, Official Records of the General Assembly, Twenty-seventh session, Annexes, agenda item 40 (c) (A/8830).

27. Facts on File, vol. XXVII, 7 June 1967.

28. Report of the Secretary-General under General Assembly resolution 2254 (ES-V) relating to Jerusalem (S/8146), p.1.

29. *Ibid.*, p. 7.

30. *Law and Administration Ordinance (Amendment No. 11); Law and Municipal Corporation Ordinance, both of 27 June 1967. See Ibid., p. 8.*

31. *Ibid., pp. 5-6. See also statement by the former Mayor, Mr. Rouhi El-Khatib, in the Security Council on 3 May 1968 (S/PV.1421).*

32. *Ibid., pp. 9-19, and annex II.*

33. *Ibid., p. 26.*

34. *Ibid., pp. 20-24.*

35. *A summary of these arrangements is contained in the "Summary of the Report of the Commission of Investigation into Events on the Temple Mount, 8 October 1990", submitted by Israel to the Secretary-General (S/21919, Add.3); also in Uzi Benziman, op. cit.*

36. *A/6793-S/8146, p. 39. The term "mosque of Omar" is used by locals to refer to the Al-Aqsa mosque.*

37. *A chronology and details of the excavations are contained in a report submitted by the Government of Jordan to the Security Council (S/14684); periodic reports have been issued by the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO).*

38. *Statement by Jordan (S/PV.2352).*

39. *Report submitted by the Secretary-General to the Security Council in accordance with resolution 672 (1990) (S/21919).*

40. *The New York Times, 28 September 1996.*

41. *Statement by the representative of Jordan in the Security Council, 13 April 1982 (S/PV.2352); report by the Director-General of UNESCO to the Executive Board, August 1984 (120 EX/14).*

42. *Statement by the representative of Jordan in the Security Council, 21 January 1986 (S/PV.2644).*

43. *See chapters on freedom of religion in the annual reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, the most recent of which was issued under the symbol A/50/463; relevant information is also included in the annual reports of the Commissioner-General of UNRWA, the latest of which was submitted to the fiftieth session of the General Assembly (Official Records of the General Assembly, Fiftieth Session, Supplement No. 13 (A/50/13 and Add.1).)*

44. *S/PV.1421.*

45. *Alternative Information Center, Jerusalem, The Other Front, Issue No. 337, September 1995; Sara Kaminker, Presentation on "Looking ahead - Key issues", North American NGO Symposium on the Question of Palestine, Toronto, Canada, 6-8 July 1994.*

46. *S/PV.3536, S/PV.3538.*

47. *Ibrahim Matar, presentation on "Elements of the final settlement and obstacles to peace - Jerusalem and settlements", made at the International NGO Meeting/European NGO Symposium on the Question of Palestine, Vienna International Centre, 29 August to 1 September 1995.*

48. *See below, p. 43.*

49. *Report on Israeli Settlements in the Occupied Palestinian Territories* (publication of the Foundation for Middle East Peace, Washington, D.C., February 1994), p. 3.
50. *Ibid.*, vol. 3, No. 4, July 1993, p. 5, quoting a report by the United States Department of State of April 1993.
51. *Ibid.*, special issue, February 1994, p. 8.
52. Synoptic report on the application of UNESCO resolutions and decisions regarding the cultural heritage of Jerusalem (UNESCO document 127 EX/12 Rev) p. 23-4; Statement by A. Aghazarian at the journalists encounter on "Jerusalem - Visions of Reconciliation", organized by the United Nations Department of Public Information, held at Athens on 27 and 28 April 1993.
53. Jan de Jong, "Jerusalem: A city under siege", *Challenge*, vol. III, No. 1.
54. Foreign Broadcast Information Service, *Daily Report: Near East and South Asia*, No. FBIS-NES-92-067, 7 April 1992, p. 16.
55. Letters by the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council (A/51/731-S/1996/1044). See below, p. 43.
56. Sara Kaminker, Presentation on "Looking ahead - Key issues", North American NGO Symposium on the Question of Palestine, Toronto, Canada, 6-8 July 1994.
57. Sara Kaminker, *op.cit.*
58. *Tanmiya*, newsletter of the Geneva-based Welfare Association, Issue 36, September 1994.

59. *Synoptic Report on the Application of UNESCO Resolutions and Decisions, cit.*

60. *Report on Israeli Settlements ..., cit. Special issue, February 1994, p. 8; and Vol. 6, No. 4, July 1996.*

61. *Welfare Association, cit.; The Washington Report on Middle East Affairs, September-October 1994, pp. 12 and 85-86; and issues of Article 74, a publication of the Jerusalem-based Alternative Information Center/Project for Palestinian Residency and Refugee Rights.*

62. *United States Department of State, Country Reports on Human Rights Practices for 1993 (Washington, D.C).*

63. *The New York Times, 28 August 1995; annual report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/50/463).*

64. *Jerusalem Post, 7 June 1994.*

65. *Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, signed at Washington, D.C., on 28 September 1995.*

66. *The New York Times, 4 January and 21 January 1996. The new Palestinian Council will include seven representatives from East Jerusalem (five Muslims and two Christians).*

67. *United States Department of State, cit.*

68. *Allen G. Noble and Elisha Efrat, "Geography of the Intifada" in The Geographical Review, July 1990, p. 305.*

69. Official Records of the General Assembly, Fifth Emergency Special Session, 17 June-18 September 1967, A/PV.1529, p. 2.

70. General Assembly resolution 2253 (ES-V).

71. General Assembly resolution 2254 (ES-V). Israel's reply is annexed to the report of the Secretary-General (A/6753-S/8052).

72. Security Council resolution 252 (1968).

73. General Assembly resolutions 2443 (XXIII) and 2546 (XXIV). The Special Committee was later renamed Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.

74. ICRC, Commentary: IV Geneva Convention, pp. 275-276.

75. Statement by the representative of Israel in the General Assembly, 26 October 1977 (A/32/PV.47).

76. First report of the Special Committee to Investigate Israeli Practices, Official Records of the General Assembly, Twenty-fifth session (A/8089), p. 15.

77. General Assembly resolutions 3092 (XXVIII) and 3525 (XXX).

78. Security Council resolution 446 (1979). See the following section on the work of the Commission.

79. See, e.g., Security Council resolutions 592 (1986) and 605 (1987).

80. Security Council resolution 478 (1980).

81. General Assembly resolution 35/169 E.

82. S/14248. *Three Governments (Chile, Ecuador and Venezuela) had withdrawn their missions prior to the adoption of Security Council resolution 478 (1980); the remaining 10 (El Salvador, Costa Rica, Panama, Colombia, Haiti, Bolivia, Netherlands, Guatemala, Dominican Republic and Uruguay) did so in response to the resolution. El Salvador and Costa Rica later moved their embassies back to West Jerusalem.*

83. *General Assembly resolutions 3236 (XXIX) and 3237 (XXIX).*

84. *General Assembly resolution 3376 (XXX).*

85. *First report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, Official Records of the General Assembly, Thirty-first Session, Supplement No. 35 (A/31/35), p. 8.*

86. *Camp David Frameworks for Peace, September 17, 1978, reprinted in The Search for Peace in the Middle East - Documents and Statements, 1967-1979, Report prepared for the Sub-Committee on Europe and the Middle East of the Committee on Foreign Affairs of the United States House of Representatives (Washington, D.C., 1979), pp. 20-29.*

87. *See summary of relevant documentation and debates in the Yearbook of the United Nations, United Nations Department of Public Information, New York, vol. 33 (1979).*

88. *A/ES-7/8, annex.*

89. *A/36/138, res. 2/3 P (IS).*

90. *A/37/696-S/15510.*

91. *Speech by Leonid I. Brezhnev, General Secretary of the Central Committee of the Communist Party of the Soviet Union and President of the Presidium of the Supreme Soviet of the USSR, 20 September 1982 (A/37/457-S/15403).*

92. *European Council, declaration on the Middle East, Venice, 13 June 1980, reproduced in The New York Times, 14 June 1980.*

93. *President Reagan's address to the nation, 1 September 1982, reproduced in The New York Times, 2 September 1982.*

94. *See statement by the Permanent Observer of the Holy See to the United Nations before the Special Political Committee of the General Assembly, 30 October 1995 (press release).*

95. *Geneva Declaration on Palestine, Report of the International Conference on the Question of Palestine, Geneva, 29 August-7 September 1983 (A/CONF.114/42), p. 2; General Assembly resolution 38/58.*

96. *The Declaration is reproduced in document A/43/827-S/20278, annex III.*

97. *Declaration of Principles on Interim Self-Government Arrangements, articles I and V (A/48/486-S/26560).*

98. *Note for the record accompanying the Protocol concerning the Redeployment in Hebron, 15 January 1997, as made available by the Israel Information Service (www.Israel.org).*

99. *Security Council resolutions 252 (1968) and 298 (1971).*

100. *Statement by the President of the Security Council on behalf of the Council, 11 November 1976 (S/PV.1969).*

101. *United Nations Yearbook*, vol. 33, 1979, pp. 382-385.
102. Security Council resolution 446 (1979).
103. Report of the Security Council Commission established under resolution 446 (1979) (S/13450), p. 7.
104. *Ibid.*, pp. 40-42.
105. Security Council resolution 452 (1979).
106. Report of the Security Council Commission established under resolution 446 (1979) (S/13679).
107. Report of the Security Council Commission established under resolution 446 (1979) (S/14268), pp. 47-49.
108. S/PV.3536, S/PV.3538 and draft resolution S/1995/394; S/PV.3745, S/PV.3747 and draft resolution S/1997/199; A/51/PV.93 and General Assembly resolution 51/223; S/PV.3756 and draft resolution S/1997/241; A/RES/ES-10/2 and A/ES-10/PV.1-3.
109. General Assembly resolution A/RES/ES-10/3; Secretary-General's report, A/ES-10/6-S/1997/494.
110. UNESCO General Conference, Fifteenth Session, resolution 3.343, 20 November 1968.
111. UNESCO Executive Board, 88th Session, decision 4.3.1.
112. UNESCO General Conference, Seventeenth Session, resolution 3.422 of 17 November 1972.

113. *Convention for the Protection of Cultural Property in the Event of Armed Conflict, The Hague, 14 May 1954, United Nations, Treaty Series, vol. 249, pp. 240-365.*

114. *See the following reports of the UNESCO Director-General on Jerusalem and the implementation of resolutions of the General Conference: 21C/7; 22C/90; 23C/15; 24C/15; 25C/14; 26C/14.*

115. *Information on UNESCO's projects is contained in the reports of the Director General to the twenty-seventh and twenty-eighth sessions of the General Conference (27C/19 and Add.; and 28C/19).*

116. *UNESCO General Conference, twenty-seventh session, resolution 3.8 (1993).*

117. *Resolution of the Seventh Islamic Foreign Ministers Conference, Istanbul, 12-14 May 1976.*

118. *See Reports of the Director-General of UNESCO, cit.; Tanmiya, quarterly newsletter of the Welfare Association, issue 36, September 1994, and issue 41, December 1995; Michael Safier, "The future of Jerusalem: a cosmopolitan perspective", report of a seminar on "The Future of Jerusalem", (Arab Research Centre, London, 1994).*

119. *Gershon Baskin, "A strategic analysis for Implementing a Peace Plan in Jerusalem", JADE News, April 1994, pp. 14-15.*

120. *Moshe Amirav, "Blueprint for Jerusalem", The Jerusalem Report, 12 March 1992.*

121. *John V. Whitbeck, "The Road to Peace Starts in Jerusalem: The Condominium Solution", Middle East Policy, vol. III, No. 3 (1994).*

122. Adnan Abu Odeh, "Two capitals in an undivided Jerusalem", Foreign Affairs, spring 1992, pp. 183-188.

123. Security Council resolution 904 (1994).

124. Security Council resolution 1073 (1996).

125. Declarations issued by the European Union, on 1 October 1996, A/51/447-S/1996/825, and on 27 February 1997, A/52/86-S/1997/181.

126. Communiqué issued on 23 February 1997 by the General Secretariat of the League of Arab States (A/51/808-S/1997/157).

127. Statement issued on 3 March 1997 by the Islamic Group of the Organization of the Islamic Conference, A/51/817-S/1997/182.

128. General Assembly resolution 51/27.

129. General Assembly resolutions ES-10/2 and ES-10/3.

<i>Source of document</i>
http://unispal.un.org/unispal.nsf/796f8bc05ec4f30885256cef0073cf3a/533b4714451b48bf0525651b00488d02?OpenDocument

**Foreign Ministry statement on Israel's position on Jerusalem,
14 March 1999.**

In a lengthy position paper, the Government of Israel reiterated its position on its capital. It felt constrained to do so due to increasing attacks on its position by various nations, including all the members of the EU. It based its claim to Jerusalem on history, continuous Jewish presence in the city, the absence of any Arab rule over Jerusalem, the abandonment of the city by the international community during the siege of 1948, and the national consensus. It offered the idea of Jerusalem being politically united under Israel, while accepting cultural and religious diversity. Text:

The Status of Jerusalem

Jerusalem, the heart and soul of the Jewish people, plays a central role in Jewish culture, history and religion. Since 1004 B.C.E. when King David established Jerusalem as the capital of the Jewish nation, there has remained a constant and enduring Jewish presence in the city. Moreover, Jewish liturgy, music, literature and poetry are replete with references to Jerusalem, or "Zion", the Biblical name of the city.

Holy city to three major religions, Jerusalem is the home to a unique concentration of religious sites. Since the city was reunified under Israeli sovereignty in 1967, the State of Israel has succeeded in protecting the rights of all religious groups to enjoy freedom of worship, and has restored and rebuilt Christian, Muslim and Jewish holy places. In fact, at no other time in history have worshippers of all faiths enjoyed such a degree of religious freedom.

I. The Jewish claim to Jerusalem is rooted in 3,000 years of history

A. Jerusalem has been at the center of Jewish consciousness for over three thousand years, even before King David made it the capital of his kingdom in 1004 B.C.E. Such biblical events as the binding of Isaac and Jacob's ladder have traditionally been connected to Jerusalem. No other city has played such a predominant role in the history, culture, and religion of a people as has Jerusalem for the Jews. Jerusalem, or "Zion", is mentioned over 800 times in the Jewish Bible.

B. Throughout the Diaspora, Jerusalem has always remained foremost in the thoughts of the Jewish people as they turned to Zion three times a day in prayer. Such everyday rituals as grace after meals or special ceremonies such as the *Sheva Brachot* wedding blessings are replete with references to the Jewish people's yearning for their ancient capital. On holidays and festivals, Jews the world over bid one another the traditional farewell, "Next year in Jerusalem!"

C. Jewish independence in the land of Israel, which ended in 70 C.E. and was renewed in 1948, marks the longest period of sovereignty over Jerusalem by any nation. No other nation can claim such a long political existence in the recorded history of this unique city.

D. Throughout all the periods of foreign rule over Jerusalem - Roman (70-313 C.E.), Byzantine (313-614), Persian (614-636), Arab (636-1099), Crusader (1099-1291), Mamluk (1291-1516), and Ottoman Turk (1516-1917) - Jews were persecuted, massacred and subject to exile. In spite of this, the Jewish presence in Jerusalem remained constant and enduring.

E. Jews have always chosen to settle in Jerusalem. Since 1840, the Jews have constituted the largest ethnic group in the city, and they have held an uninterrupted majority in Jerusalem since the 1860's.

II. The Jewish claim to Jerusalem as their capital is unique

A. There has always been a national consensus in Israel on the status of Jerusalem. Since the reunification of the city in 1967, all Israeli governments have declared their policy that united Jerusalem, Israel's eternal capital, is one indivisible city under Israeli sovereignty, and that free access to holy places and freedom of worship will continue to be guaranteed to members of all faiths.

B. Only twice has Jerusalem served as a national capital: the capital of the Biblical Kingdoms of Israel and Judea before the Roman destruction in 70 C.E., and the capital of the modern State of Israel since the rebirth of the Jewish state in 1948.

C. Besides the Jewish people, no other nation or state which gained political sovereignty over the area ever made Jerusalem a capital city. Both the Arab and Mamluk empires chose to rule from Damascus, while the Ottoman ruler resided in Constantinople. Furthermore, none of these empires even granted Jerusalem the status of district capital.

III. Historically Jerusalem is a United City

A. The nineteen-year occupation of eastern Jerusalem - the only time that the city was divided - was the result of unprovoked attack followed by unrecognized annexation:

- On May 14, 1948, upon termination of the British mandate, Israel proclaimed its independence. Immediately following Israel's proclamation, the surrounding Arab countries attacked the fledgling state. The Arab Legion besieged the Jewish quarter of Jerusalem's Old City.
- On May 28, 1948, the Arab Legion overran the Jewish Quarter and eastern Jerusalem, while Israel held on to the

Jewish populated western neighborhoods of the city.
Jerusalem was divided for the first time in its history.

- In 1950, Transjordan annexed the West Bank and Jerusalem, in an act which was neither recognized by the world community (except for two countries), nor by the other Arab states.

B. On June 5, 1967 an unprovoked Arab attack was launched on the Jewish populated western neighborhoods of Jerusalem. Indiscriminate artillery bombardment damaged religious sites, hospitals, and schools across the 1949 armistice line; the U.N. headquarters south of Jerusalem was seized, and enemy troops began to enter nearby Jewish neighborhoods.

C. Israeli Defense Forces repelled the invasion, and on June 7 they retook the Old City, reuniting Jerusalem. The barbed wire and concrete barriers which had divided Jerusalem were finally torn down, and Israeli law, jurisdiction and administration was extended to the eastern neighborhoods of the city.

D. Jerusalem is and has always been an undivided city, except for this 19 year period. There is no justification for this short period to be viewed as a factor in determining the future of the city, and to negate 3,000 years of unity.

IV. There is no basis for a 'Corpus Separatum' status for Jerusalem

A. There is no basis in international law for the position supporting a status of 'Corpus Separatum' (separate entity) for the city of Jerusalem. This concept originated in a proposal contained in the UN General Assembly resolution 181 of November 1947, which dealt with the partition of the British Mandate of Palestine. It should be recalled that the idea was a nonbinding proposal, which never materialized, having become irrelevant when the Arab states rejected the UN resolution, and invaded the fledgling State of Israel.

B. There has never been any agreement, treaty, or international understanding which applies the 'Corpus Separatum' concept to Jerusalem.

C. For these reasons, Israel views the 'Corpus Separatum' solution as nothing more than one of many inappropriate historical attempts made to examine possible solutions for the status of the city.

V. Jerusalem's Arabs and the Israel-Palestinian Negotiations

A. Immediately following Israel's reunification of Jerusalem in 1967, Jerusalem's Arab residents were offered full Israeli citizenship, though most declined to accept it.

B. Nevertheless, those who chose not to accept Israeli citizenship, retain the right, as residents of the city, to participate in municipal elections and enjoy all economic, cultural and social benefits afforded to Israeli citizens such as Israel's health funds, social security services, and membership in Israel's Labor Federation.

C. The civil right of Palestinian Arabs to maintain their own non-political humanitarian, educational and social institutions was reiterated by Israel during the Israeli-Palestinian negotiations.

D. However, according to the Israel-Palestinian Declaration of Principles of 1993 - the basis of the present negotiations - political institutions of the Palestinian self-governing authority are not to operate in the city.

VI. The Israeli Consensus on Jerusalem: Culturally Diverse, Politically United

The status of Jerusalem as the permanent capital of the State of Israel has been reiterated by all Israel governments since the establishment of the State in 1948:

A. In 1949, Israel's first Prime Minister, David Ben-Gurion, acted to reconstitute the seat of government in Jerusalem, and Israel's Parliament, the *Knesset*, was reconvened in the city in December of that year.

B. Following the reunification of Jerusalem during the course of the 1967 Six Day War, together with the extension of Israeli jurisdiction and administration over east Jerusalem, the *Knesset* passed the Preservation of the Holy Places Law, 1967 which ensured protection and freedom of access to the holy sites of the city.

C. In 1980, the *Knesset* legislated the 'Basic Law: Jerusalem, Capital of Israel', which restates the position that "Jerusalem, complete and united, is the capital of Israel," and the seat of its main governing bodies. It also reiterates Israel's commitment to protecting the holy places and to developing the city.

D. On May 28, 1995, then Prime Minister Yitzhak Rabin stated, "In 1980, the *Knesset* passed the Jerusalem Law. All governments of Israel, including the present government, have been fully confident that what was determined in 1967, what was legislated in 1980 transforming Jerusalem into a unified city under Israeli sovereignty, the capital of Israel, the heart of the Jewish people - these are facts that will endure for eternity."

The status of Jerusalem is unique. Politically and spiritually, Jerusalem was, is and always will be the capital of the Jewish people. Yet, at the same time, it plays a significant role in the religious identity of hundreds of millions of believers in the monotheistic faiths. The Arab world views Jerusalem as one - albeit not the most significant - of their holy places. Furthermore, while almost three-quarters of Jerusalem's citizens are Jewish, many Palestinian Arabs also call the city their home. For these reasons, Israel has agreed to address Jerusalem-related issues in the permanent status phase of the current peace negotiations.

In conclusion, in light of the unique significance that the city of Jerusalem holds for the Jewish people, the Israeli government has consistently reiterated its position that while religious and cultural rights of all the city's communities must be guaranteed - Jerusalem is and will remain the capital of the State of Israel, undivided, under exclusive Israeli sovereignty.

<i>Source of document</i>
http://www.mfa.gov.il/mfa/foreignpolicy/mfadocuments/yearbook12/pages/151%20foreign%20ministry%20statement%20on%20israel-s

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9 September 2000

**Abu Mazen's speech
at the meeting of the PLO's Palestinian Central Council,
9 September 2000**

We went to Camp David carrying our well-known positions, positions that were adopted by several of our legislative bodies. The positions we adopted are, in our point of view, the minimum that we can accept. They are positions that are based on United Nations Resolutions 242, 338 and 194. They are based on agreements signed between the Israelis and us, they are based on Israeli documents concerning the 1948 nakba (catastrophe) and the forced expulsion of Palestinians from their homes, and they are based on UN Security Council resolutions dealing with Jerusalem and Jewish settlements.

We stressed to the Americans that for a summit at such a level to succeed it must be prepared for and prepared for well. We cautioned that because of the lack of preparation the prospect of its failure is high. The Americans agreed that a summit at this level needed preparation and they agreed with us that time must be given for preparations. We agreed with Secretary Albright that would have two weeks to prepare. We were later surprised by a telephone call from President Clinton inviting us to a summit that was to be held within a week.

We were faced with two choices, to go knowing very well that the summit will fail and that the Americans may blame us for its failure, or to refuse to attend and be accused of sabotaging the peace process. So we took the first choice.

We went to Camp David not to say NO to the Americans and the world Zionists. We went to say YES to a lasting and just peace. To say YES to international legitimacy and when we failed to reach that,

we said NO. Again, we did not go to Camp David to not reach an agreement or to reject points for the sake of rejection so that it would be said that we stood strong. We went to reach an agreement; we dealt with every issue with a strong desire to reach an agreement that would end this conflict that has lasted the entire century.

To assist us in this effort we brought to Camp David eight young, bright legal advisors and maps experts who, on request were ready to present documentation and advise which they had been preparing for such occasions. We feel very proud of these fine, energetic lawyers in who we have great trust and are very happy to have on our side.

Through the Americans the Israelis presented their vision on Jerusalem. They envisioned a Jerusalem where some villages around the city would come under Palestinian sovereignty. Neighborhoods outside the walled the Old City would remain under Israeli sovereignty with the Palestinians having some type of self-rule. The quarters inside the Old City would be divided. The Jewish and Armenian Quarters will be sliced away from the Muslim and Christian Quarters, which will be ruled under a special system. In their attempt to sell this to the Palestinians, they threw in sovereign headquarters for the Palestinian President inside the Old City.

Israel refused to accept moral and legal responsibility for the plight of the refugees. Israel only showed willingness to allow several hundreds to return every year on humanitarian causes. As for compensation, Israel said any fund that will be established would also compensate Jews who left Arab countries.

On borders, Israel demanded control over the Palestinian borders with Jordan and Egypt. Israel also asked to control 15-20 percent of the Jordan River and a sector of the Jordan Valley. Israel also wants to annex 10.5 percent of the West Bank to absorb the settlements. But all West Bank settlements do not sit on more than 1.8 percent.

Israel says it needs 3-5 army bases for monitoring and intervention purposes. Israel also demands that the air space be completely under its control. It asked for a presence at all international entry points to monitor persons, products and weapons. As for the state of Palestine, it must be a demilitarized state.

If we were to summarize the positions of both, the Palestinians and Israel it would be as follows:

Security:

The Israelis want control over a part of the Jordan Valley for a maximum 12-year period. That would keep the current military bases and settlements there untouched. The Israelis asked for six bases in the West Bank and three military monitoring areas. Israel demanded it have a presence at the international crossings (to monitor those entering and leaving the area. Israel also demanded the entire air space and electro-magnetic space to be under its control. The Palestinians said they would accept an international force or a multi-national force on the borders. What we won't accept is an Israeli presence, in any form on Palestinian territory.

Borders:

Israel wants to carve out 15-20 percent of the Jordan River and Dead Sea border and to annex 10.5 percent of West Bank Land. The Palestinians rejected any carving of borders. Light border amendments and an exchange of lands equal in quantity and quality that does not exceed 2 percent is acceptable.

Refugees:

The Israelis agree to contribute to an international fund to be established for the compensation of Palestinian refugees. However, Israel wants the fund to compensate Jews who came to the country from Arab states. Israel agrees to the return of hundreds of refugees under a family reunification plan or on humanitarian cases. The Palestinians want Israel to take moral and legal responsibility for the refugee crisis. UN Resolution 194 must be accepted so that all refugees are guaranteed the right of return, and by return we mean to Israel. Refugees who chose to return and those who do not must be compensated. The Absentee Treasurer created in Israel in 1949 to administer refugee money is responsible for the compensation. Host countries should also be compensated. An international fund could be established but that fund would only be responsible for part of the compensation. We refuse to mix the issue of Palestinian refugees with Jews immigrants.

Jerusalem:

Jerusalem, occupied in 1967, is the city within the walls that includes the Haram al-Sharif, the Holy Sepulcher, and the Muslim, Christian, and Armenian quarters. It is also the city outside the walls, with neighborhoods like Sheikh Jarrah. Musrara, Damascus Gate, Saleh Eldin Street and others.

The Israeli position divides Jerusalem into several sections and gave each section a different legal status.

1-The walled city:

The Haram al-Sharif: Israel to have sovereignty and the Palestinians will be given guardianship The Muslim, Christian, and Armenian

Quarters: to remain under Israeli sovereignty A Palestinian presidential complex inside the Muslim Quarter that will be given sovereign power.

2- Outside the walled city: sovereignty remains with Israel with municipal functions over these neighborhoods to be carried out by the municipality of Abu Dis. With the exception of two villages, villages surrounding Jerusalem, most of which are area B, will come under Palestinian sovereignty. Israel will have a road that runs through the villages linking them to areas under their sovereignty. The Palestinians will only have one road linking them to the Haram.

The Palestinian position:

All of east Jerusalem should be returned to Palestinian sovereignty. The Jewish Quarter and Western Wall should be placed under Israeli authority not Israeli sovereignty. An open city and cooperation on municipal services

This is our summary of the results of the Camp David negotiations. But the Israelis had a different understanding that was revealed in subsequent local meetings. Israel wants 10.5 percent of the West Bank and rejects the idea of a land exchange. Israel wants 5 monitoring posts with three roads leading to them. Three Israeli administered early warning systems with a Palestinian liaison officer present at the stations. Israeli control over 8 percent of the Jordan Valley for a 12-15 year period. No right of return to Israel. Israel may accept the return of 10,000 Palestinians over a 15-year period under a family reunification plan. Air space to come under Palestinian sovereignty but will be controlled by Israel through guiding systems. An end to the conflict A demilitarized Palestinian state Jerusalem: The same position as in Camp David.

This is the Israeli position as told to us ten days ago. It shows that there are fundamental differences in the positions and that the gaps between the two sides remain very wide.

A declaration of an independent state is a right our people can execute at any time. In 1988, when we declared our state in exile, more than 100 countries recognized that declaration. But recognition of a state on the ground is different than that of a state in exile. And though many nations have said they are in favor of an independent state many hinted of the necessity to declare once prepared on the ground and or after an agreement between the sides is reached. And so we must now stop and think.

Committing to a date has its positive side, it shows that dates and promise are respected and kept, but such a commitment must be based on good preparations not emotional reactions.

We need to carefully study the Israeli response to the declaration. If Israel were to respond negatively, we need to study what measures she will take and how will we respond to these measures.

<i>Source of document</i>
http://unispal.un.org/UNISPAL.NSF/0/172D1A3302DC903B85256E37005BD90F

For Immediate Release
Office of the Press Secretary
April 14, 2004

Letter From President Bush to Prime Minister Sharon

His Excellency
Ariel Sharon
Prime Minister of Israel

Dear Mr. Prime Minister:

Thank you for your letter setting out your disengagement plan.

The United States remains hopeful and determined to find a way forward toward a resolution of the Israeli-Palestinian dispute. I remain committed to my June 24, 2002 vision of two states living side by side in peace and security as the key to peace, and to the roadmap as the route to get there.

We welcome the disengagement plan you have prepared, under which Israel would withdraw certain military installations and all settlements from Gaza, and withdraw certain military installations and settlements in the West Bank. These steps described in the plan will mark real progress toward realizing my June 24, 2002 vision, and make a real contribution towards peace. We also understand that, in this context, Israel believes it is important to bring new opportunities to the Negev and the Galilee. We are hopeful that steps pursuant to this plan, consistent with my vision, will remind all states and parties of their own obligations under the roadmap.

The United States appreciates the risks such an undertaking represents. I therefore want to reassure you on several points.

First, the United States remains committed to my vision and to its implementation as described in the roadmap. The United States will do its utmost to prevent any attempt by anyone to impose any other plan. Under the roadmap, Palestinians must undertake an immediate cessation of armed activity and all acts of violence against Israelis anywhere, and all official Palestinian institutions must end incitement against Israel. The Palestinian leadership must act decisively against terror, including sustained, targeted, and effective operations to stop terrorism and dismantle terrorist capabilities and infrastructure. Palestinians must undertake a comprehensive and fundamental political reform that includes a strong parliamentary democracy and an empowered prime minister.

Second, there will be no security for Israelis or Palestinians until they and all states, in the region and beyond, join together to fight terrorism and dismantle terrorist organizations. The United States reiterates its steadfast commitment to Israel's security, including secure, defensible borders, and to preserve and strengthen Israel's capability to deter and defend itself, by itself, against any threat or possible combination of threats.

Third, Israel will retain its right to defend itself against terrorism, including to take actions against terrorist organizations. The United States will lead efforts, working together with Jordan, Egypt, and others in the international community, to build the capacity and will of Palestinian institutions to fight terrorism, dismantle terrorist organizations, and prevent the areas from which Israel has withdrawn from posing a threat that would have to be addressed by any other means. The United States understands that after Israel withdraws from Gaza and/or parts of the West Bank, and pending agreements on other arrangements, existing arrangements regarding control of airspace, territorial waters, and land passages of the West Bank and Gaza will continue. The United States is strongly committed to Israel's security and well-being as a Jewish state. It seems clear that an agreed, just, fair, and realistic framework for a solution to the Palestinian refugee

issue as part of any final status agreement will need to be found through the establishment of a Palestinian state, and the settling of Palestinian refugees there, rather than in Israel.

As part of a final peace settlement, Israel must have secure and recognized borders, which should emerge from negotiations between the parties in accordance with UNSC Resolutions 242 and 338. In light of new realities on the ground, including already existing major Israeli populations centers, it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1949, and all previous efforts to negotiate a two-state solution have reached the same conclusion. It is realistic to expect that any final status agreement will only be achieved on the basis of mutually agreed changes that reflect these realities.

I know that, as you state in your letter, you are aware that certain responsibilities face the State of Israel. Among these, your government has stated that the barrier being erected by Israel should be a security rather than political barrier, should be temporary rather than permanent, and therefore not prejudice any final status issues including final borders, and its route should take into account, consistent with security needs, its impact on Palestinians not engaged in terrorist activities.

As you know, the United States supports the establishment of a Palestinian state that is viable, contiguous, sovereign, and independent, so that the Palestinian people can build their own future in accordance with my vision set forth in June 2002 and with the path set forth in the roadmap. The United States will join with others in the international community to foster the development of democratic political institutions and new leadership committed to those institutions, the reconstruction of civic institutions, the growth of a free and prosperous economy, and the building of capable security institutions dedicated to maintaining law and order and dismantling terrorist organizations.

A peace settlement negotiated between Israelis and Palestinians would be a great boon not only to those peoples but to the peoples of the entire region. Accordingly, the United States believes that all states in the region have special responsibilities: to support the building of the institutions of a Palestinian state; to fight terrorism, and cut off all forms of assistance to individuals and groups engaged in terrorism; and to begin now to move toward more normal relations with the State of Israel. These actions would be true contributions to building peace in the region.

Mr. Prime Minister, you have described a bold and historic initiative that can make an important contribution to peace. I commend your efforts and your courageous decision which I support. As a close friend and ally, the United States intends to work closely with you to help make it a success.

Sincerely,
George W. Bush

<i>Source of document</i>
http://georgewbush-whitehouse.archives.gov/news/releases/2004/04/20040414-3.html

UNITED NATIONS
General Assembly

A/RES/63/30
Distr.: General
23 January 2009

Sixty-third session

Agenda item 15

**Resolution adopted by the General Assembly on 26 November
2008**

[without reference to a Main Committee (A/63/L.36 and Add.1)]

63/30. Jerusalem

The General Assembly,

Recalling its resolution 181 (II) of 29 November 1947, in particular its provisions regarding the City of Jerusalem,

Recalling also its resolution 36/120 E of 10 December 1981 and all subsequent resolutions, including resolution 56/31 of 3 December 2001, in which it, inter alia, determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called “Basic Law” on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

Recalling further the Security Council resolutions relevant to Jerusalem, including resolution 478 (1980) of 20 August 1980, in which the Council, inter alia, decided not to recognize the “Basic Law” on Jerusalem,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,¹ and recalling resolution ES-10/15 of 20 July 2004,

Expressing its grave concern about any action taken by any body, governmental or non-governmental, in violation of the above-mentioned resolutions,

Expressing its grave concern in particular about the continuation by Israel, the occupying Power, of illegal settlement activities, including the so-called E-1 plan, its construction of the wall in and around East Jerusalem, its restrictions on access to and residence in East Jerusalem, and the further isolation of the city from the rest of the Occupied Palestinian Territory, which is having a detrimental effect on the lives of Palestinians and could prejudice a final status agreement on Jerusalem,

Reaffirming that the international community, through the United Nations, has a legitimate interest in the question of the City of Jerusalem and the protection of the unique spiritual, religious and cultural dimensions of the city, as foreseen in relevant United Nations resolutions on this matter,

Having considered the report of the Secretary-General,²

1. *Reiterates its determination* that any actions taken by Israel, the occupying Power, to impose its laws, jurisdiction and administration on the Holy City of Jerusalem are illegal and therefore null and void and have no validity whatsoever, and calls upon Israel to cease all such illegal and unilateral measures;

2. *Stresses* that a comprehensive, just and lasting solution to the question of the City of Jerusalem should

¹ See A/ES-10/273 and Corr.1; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, p. 136.

² A/63/361.

take into account the legitimate concerns of both the Palestinian and Israeli sides and should include internationally guaranteed provisions to ensure the freedom of religion and of conscience of its inhabitants, as well as permanent, free and unhindered access to the holy places by the people of all religions and nationalities;

3. *Requests* the Secretary-General to report to the General Assembly at its sixty-fourth session on the implementation of the present resolution.

*60th plenary meeting
26 November 2008*

<i>Source of document</i>

http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/63/30

COUNCIL OF THE EUROPEAN UNION

Council conclusions on the Middle East Peace Process

***2985th FOREIGN AFFAIRS Council meeting
Brussels, 8 December 2009***

The Council adopted the following conclusions:

1. The Council of the European Union is seriously concerned about the lack of progress in the Middle East peace process. The European Union calls for the urgent resumption of negotiations that will lead, within an agreed time-frame, to a two-state solution with the State of Israel and an independent, democratic, contiguous and viable State of Palestine, living side by side in peace and security. A comprehensive peace, which is a fundamental interest of the parties in the region and the EU, must be achieved on the basis of the relevant UN Security Council Resolutions, the Madrid principles including land for peace, the Roadmap, the agreements previously reached by the parties and the Arab Peace Initiative.
2. The Council reconfirms its support for the United States' efforts to resume negotiations on all final status issues, including borders, Jerusalem, refugees, security and water, respecting previous agreements and understandings. The European Union will not recognise any changes to the pre-1967 borders including with regard to Jerusalem, other than those agreed by the parties. The Council reiterates the EU's readiness to contribute substantially to post-conflict arrangements, aimed at ensuring the sustainability of peace agreements, and will continue the work undertaken on EU contributions on state-building, regional issues, refugees, security and Jerusalem. The Council underlines the need for a reinvigorated Quartet engagement and notes the crucial importance of an active Arab contribution building on the Arab Peace Initiative.

3. The EU stands ready to further develop its bilateral relations with the Palestinian Authority reflecting shared interests, including in the framework of the European Neighbourhood Policy. Recalling the Berlin declaration, the Council also reiterates its support for negotiations leading to Palestinian statehood, all efforts and steps to that end and its readiness, when appropriate, to recognise a Palestinian state. It will continue to assist Palestinian statebuilding, including through its CSDP missions and within the Quartet. The EU fully supports the implementation of the Palestinian Authority's Government Plan "Palestine, Ending the Occupation, Establishing the State" as an important contribution to this end and will work for enhanced international support for this plan.

4. Recalling the EU's position as expressed at the Association Council in June 2009, the Council reaffirms its readiness to further develop its bilateral relations with Israel within the framework of the ENP. The EU reiterates its commitment towards the security of Israel and its full integration into the region, which is best guaranteed through peace between Israel and its neighbours.

5. Encouraging further concrete confidence building measures, the Council takes positive note of the recent decision of the Government of Israel on a partial and temporary settlement freeze as a first step in the right direction and hopes that it will contribute towards a resumption of meaningful negotiations.

6. Developments on the ground play a crucial part in creating the context for successful negotiations. The Council reiterates that settlements, the separation barrier where built on occupied land, demolition of homes and evictions are illegal under international law, constitute an obstacle to peace and threaten to make a two-state solution impossible. The Council urges the government of Israel to immediately end all settlement activities, in East Jerusalem and the rest of the West Bank and including natural growth, and to dismantle all outposts erected since March 2001.

7. The EU welcomes Israel's steps to ease restrictions of movement in the West Bank which have made a contribution to economic growth. The Council calls for further and sustained improvements of movement and access, noting that many check points and road blocks remain in place. The Council also calls on the Palestinian Authority to build on its efforts to improve law and order.

8. The Council is deeply concerned about the situation in East Jerusalem. In view of recent incidents, it calls on all parties to refrain from provocative actions. The Council recalls that it has never recognised the annexation of East Jerusalem. If there is to be a genuine peace, a way must be found through negotiations to resolve the status of Jerusalem as the future capital of two states. The Council calls for the reopening of Palestinian institutions in Jerusalem in accordance with the Roadmap. It also calls on the Israeli government to cease all discriminatory treatment of Palestinians in East Jerusalem.

9. Gravely concerned about the situation in Gaza, the Council urges the full implementation of UNSCR 1860 and the full respect of international humanitarian law. In this context, the continued policy of closure is unacceptable and politically counterproductive. It has devastated the private sector economy and damaged the natural environment, notably water and other natural resources. The EU again reiterates its calls for an immediate, sustained and unconditional opening of crossings for the flow of humanitarian aid, commercial goods and persons to and from Gaza. In this context, the Council calls for the full implementation of the Agreement on Movement and Access. While extremists stand to gain from the current situation, the civilian population, half of which are under the age of 18, suffers. Fully recognising Israel's legitimate security needs, the Council continues to call for a complete stop to all violence and arms smuggling into Gaza. The Council calls on those holding the abducted Israeli soldier Gilad Shalit to release him without delay.

10. The Council calls on all Palestinians to promote reconciliation behind President Mahmoud Abbas, support for the mediation efforts by Egypt and the Arab League and the prevention of a permanent division between the West Bank, including East Jerusalem, and Gaza. The Council would welcome the organisation of free and fair Palestinian elections when conditions permit.

11. A comprehensive peace must include a settlement between Israel and Syria and Israel and Lebanon. Concerning the Syrian track, the EU welcomes recent statements by Israel and Syria confirming their willingness to advance towards peace and supports all efforts aimed at the reactivation of the talks between the two countries.

12. The EU recalls that a comprehensive settlement of the Arab-Israeli conflict requires a regional approach and will continue its work on this in line with the June 2009 Council Conclusions using all its instruments to this effect. The EU also calls on all regional actors to take confidence building measures in order to stimulate mutual trust and encourages Arab countries to be forthcoming, both politically and financially, in assisting the Palestinian Authority and to Palestinian refugees through UNRWA.

<i>Source of document</i>
http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/111829.pdf

UNITED NATIONS
General Assembly

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A/RES/66/18
26 January 2012

Sixty-sixth session
Agenda item 36

Resolution adopted by the General Assembly

[without reference to a Main Committee (A/66/L.19 and Add.1)]

66/18. Jerusalem

The General Assembly,

Recalling its resolution 181 (II) of 29 November 1947, in particular its provisions regarding the City of Jerusalem,

Recalling also its resolution 36/120 E of 10 December 1981 and all its subsequent relevant resolutions, including resolution 56/31 of 3 December 2001, in which it, inter alia, determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called “Basic Law” on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

Recalling further the Security Council resolutions relevant to Jerusalem, including resolution 478 (1980) of 20 August 1980, in which the Council, inter alia, decided not to recognize the “Basic Law” on Jerusalem,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,¹ and recalling its resolution ES-10/15 of 20 July 2004,

Expressing its grave concern about any action taken by any body, governmental or non-governmental, in violation of the above-mentioned resolutions,

Expressing its grave concern also, in particular, about the continuation by Israel, the occupying Power, of illegal settlement activities, including the so-called E-1 plan, its construction of the wall in and around East Jerusalem, its restrictions on access to and residence in East Jerusalem and the further isolation of the city from the rest of the Occupied Palestinian Territory, which are having a detrimental effect on the lives of Palestinians and could prejudice a final status agreement on Jerusalem,

Expressing its grave concern further about the continuing Israeli demolition of Palestinian homes, the revocation of residency rights and the eviction and displacement of numerous Palestinian families from East Jerusalem neighbourhoods, as well as other acts of provocation and incitement, including by Israeli settlers, in the city,

Expressing its concern about the Israeli excavations undertaken in the Old City of Jerusalem, including in and around religious sites,

Reaffirming that the international community, through the United Nations, has a legitimate interest in the question of the City of Jerusalem and in the protection of the unique spiritual, religious and cultural dimensions of the city, as foreseen in relevant United Nations resolutions on this matter,

Having considered the report of the Secretary-General on the situation in the Middle East,²

1. *Reiterates its determination* that any actions taken by Israel, the occupying Power, to impose its laws, jurisdiction and administration on the Holy City of Jerusalem are illegal and therefore null and void and have no validity whatsoever, and calls upon Israel to immediately cease all such illegal and unilateral measures;

2. *Stresses* that a comprehensive, just and lasting solution to the question of the City of Jerusalem should take into account the legitimate concerns of both the Palestinian and Israeli sides and should include internationally guaranteed provisions to ensure the freedom of religion and of conscience of its inhabitants, as well as permanent, free and unhindered access to the holy places by the people of all religions and nationalities;

3. *Requests* the Secretary-General to report to the General Assembly at its sixty-seventh session on the implementation of the present resolution.

*69th plenary meeting
30 November 2011*

Notes

¹See A/ES-10/273 and Corr.1; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

²A/66/338.

<i>Source of document</i>
http://unispal.un.org/UNISPAL.NSF/0/34BE727D1EED7D688525799500579D23

P7_TA(2012)0298

EU policy on the West Bank and East Jerusalem

European Parliament resolution of 5 July 2012 on EU policy on the West Bank and East Jerusalem (2012/2694(RSP))

The European Parliament,

- having regard to its previous resolutions, in particular those of 29 September 2011 on the situation in Palestine,¹ of 16 February 2012 on the proposal for a Council decision on the conclusion of the regional Convention on pan-Euro-Mediterranean preferential rules of origin,² and of 9 September 2010 on the situation of the Jordan River with special regard to the Lower Jordan River area,³
- having regard to the Council conclusions on the Middle East Peace Process of 14 May 2012, 18 July and 23 May 2011, and 8 December 2009,
- having regard to the speech delivered by VP/HR Catherine Ashton at Parliament's plenary sitting of 12 June 2012 on the latest developments in the Middle East and Syria,
- having regard to the statements of VP/HR Catherine Ashton, in particular those of 8 June 2012 on settlement expansion, of 25 April 2012 on the decision of the Israeli authorities regarding the status of the settlements of Sansana, Rechelim and Bruchin in the occupied Palestinian territory, and of 22 February 2012 on Israeli settlement approvals,

1. Texts adopted, P7_TA(2011)0429.

2. Texts adopted, P7_TA(2012)0060.

3. OJ C 308 E, 20.10.2011, p. 81.

- having regard to the EU Heads of Mission reports on East Jerusalem of January 2012 and on ‘Area C and Palestinian State Building’ of July 2011, and to the EU Heads of Mission report on settler violence of April 2011 and the accompanying EU Heads of Mission note on settler violence of February 2012,
- having regard to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949,
- having regard to the Charter of the United Nations,
- having regard to UN General Assembly resolutions 181 (1947) and 194 (1948), and UN Security Council resolutions 242 (1967), 252 (1968), 338 (1973), 476 (1980), 478 (1980), 1397 (2002), 1515 (2003), and 1850 (2008),
- having regard to the UN International Covenant on Civil and Political Rights of 1966,
- having regard to Middle East Quartet statements, in particular those of 11 April 2012 and 23 September 2011,
- having regard to the joint statement by Israel and the Palestinian Authority (PA) of 12 May 2012,
- having regard to the advisory opinion of the International Court of Justice entitled ‘Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory’ of 9 July 2004,
- having regard to Palestinian Prime Minister Salam Fayyad’s two-year state-building plan entitled ‘Ending the Occupation, Establishing a State’ of August 2009,
- having regard to the Interim Agreement on the West Bank and Gaza Strip of 18 September 1995,

- having regard to the Oslo Accords (‘Declaration of Principles on Interim Self-Government Arrangements’) of 13 September 1993,
 - having regard to Rule 110(2) and (4) of its Rules of Procedure,
- A. whereas the EU has repeatedly confirmed its support for the two-state solution with the State of Israel with secure and recognised borders and an independent, democratic, contiguous and viable State of Palestine living side by side in peace and security, and declared that no changes to the pre-1967 borders, other than those agreed by the parties, will be recognised, including with regard to Jerusalem as the capital of two states; whereas the right of Palestinians to self-determination and to have their own state is unquestionable, as is the right of Israel to exist within safe borders;
 - B. whereas the Council conclusions of 14 May 2012 underlined that ‘the ongoing changes across the Arab world make the need for progress on the Middle East peace process all the more urgent’ and that ‘heeding the aspirations of the people in the region, including those of Palestinians for statehood and those of Israelis for security, is a crucial element for lasting peace, stability and prosperity in the region’;
 - C. whereas direct peace talks between the parties are stalled and all recent efforts to resume negotiations have failed; whereas the EU has called on the parties to pursue actions conducive to an environment of confidence necessary to ensure meaningful negotiations, to refrain from actions that undermine the credibility of the process and to prevent incitement;
 - D. whereas Israel and the Palestinian Authority issued the following joint statement on 12 May 2012: ‘Israel and the Palestinian Authority are committed to achieving peace and the sides hope that the exchange of letters between President Abbas and Prime

Minister Netanyahu will further this goal’;

- E. whereas international human rights and humanitarian law, including the Fourth Geneva Convention, is fully applicable to the West Bank, including East Jerusalem and the Gaza Strip; whereas Israel is obliged, inter alia, to ensure in good faith that the basic needs of the occupied Palestinian population are met, administer its occupation in a manner that benefits the local population, protect and preserve civilian objects, and avoid the transfer of its own population into the occupied territory and of the population of the occupied territory into its own territory;
- F. whereas the recent EU Heads of Mission reports on ‘Area C and Palestinian State Building’, on East Jerusalem, and on settler violence, confirmed once more alarming and potentially irreversible developments on the ground in the areas concerned; whereas the Israeli Ministry of Foreign Affairs rejects the claims made in the EU papers and has criticised the papers stating that they do not help to advance the peace process;
- G. whereas, since the 1995 Oslo Agreements, the West Bank has been administratively divided into three zones or areas; whereas Area C composes the largest portion of the West Bank territory; whereas social and economic developments in Area C are of critical importance for the viability of a future Palestinian state;
- H. whereas the Palestinian presence in the West Bank, with special regard to Area C, and in East Jerusalem has been undermined by Israeli Government policies, especially by the building and expansion of settlements; whereas Israeli settlements are illegal under international law and constitute a major obstacle to peace efforts while they are subsidised by the Israeli Government with considerable incentives in the fields of taxation, housing, infrastructure, roads, access to water, education, health care, etc.;

- I. whereas Israel, in its 'Basic Law: Jerusalem, Capital of Israel' of 1980, declared Jerusalem the complete and united capital of Israel, which is in contradiction with UN Security Council resolution 478 (1980); whereas the Council conclusions of 14 May 2012 reiterated again that a way must be found through negotiations to resolve the status of Jerusalem as the future capital of two states; whereas current developments in East Jerusalem, make the prospect of Jerusalem becoming the future capital of two states increasingly unlikely and unworkable in practice; whereas East Jerusalem is increasingly detached from the West Bank while the Historic Basin within Jerusalem is increasingly detached from the rest of East Jerusalem;
- J. whereas, while Palestinians living in East Jerusalem represent 37 % of the population of Jerusalem and account for 36 % of the municipality's fiscal revenues, only 10 % of the municipal budget is spent in East Jerusalem, with the provision of services being highly inadequate; whereas most Palestinian institutions, including the Orient House, have been closed by the Israeli authorities in East Jerusalem, creating an institutional and leadership vacuum in the local Palestinian population, which remains a key concern;
- K. whereas Palestinians living in East Jerusalem have a permanent-resident status which can only be transferred to children under certain conditions and is not automatically transferred through marriage, preventing spouses and children of many East Jerusalem permanent residents from living with their family members; whereas, on the other hand, approximately 200 000 Israeli settlers are living in and around East Jerusalem;
- L. whereas protecting the Palestinian population and its rights in the West Bank, with special regard to Area C, and in East Jerusalem is of the utmost importance for preserving the viability of the two-state solution; whereas the ongoing expansion of settlements and

settler violence, planning restrictions and the consequent acute house shortage, house demolitions, evictions and displacements, confiscation of land, difficult access to natural resources, and the lack of basic social services and assistance are having a significant negative impact on the living conditions of Palestinians; whereas the economic situation in these areas, aggravated by the restrictions on access, movement and planning, remains a major source of concern; whereas, according to the annual ILO report, 53,5 % of young women and 32,3 % of young men between the ages of 15 and 24 in the West Bank are unemployed;

- M. whereas the Palestinian population in the West Bank, in Area C in particular, and in East Jerusalem faces serious water shortages; whereas Palestinian farmers are seriously affected by the lack of water for irrigation, which stems from the use of most of the water in question by Israel and by Israeli settlers; whereas the availability of sufficient water resources is essential to the viability of a future Palestinian State;
- N. whereas the separation wall built by Israel, which does not follow the Green Line, cuts off considerable parts of Palestinian territory both in the West Bank and in East Jerusalem; whereas the advisory opinion of the International Court of Justice entitled ‘Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory’ of 2004 declared that ‘the construction of the wall being built by Israel ..., and its associated régime, are contrary to international law’;
- O. whereas Parliament has repeatedly expressed its support for the state-building efforts of President Mahmoud Abbas and Prime Minister Salam Fayyad and acknowledged and welcomed the success of the two-year state-building plan of Prime Minister Fayyad; whereas Area C and East Jerusalem should remain priorities in Palestinian national development plans, particularly in response to the sense of neglect felt by Palestinians living in these

areas;

- P. whereas more than 4500 Palestinian prisoners, including 24 members of the Palestinian Legislative Council, around 240 children, and more than 300 Palestinian administrative detainees, are currently detained in Israeli prisons and detention centres;
- Q. whereas Arab Bedouins are indigenous people leading a sedentary and traditionally agricultural life on their ancestral lands and are seeking formal and permanent recognition of their unique situation and status; whereas Arab Bedouin communities, threatened by Israeli policies undermining their livelihoods and including forced transfer, are a particularly vulnerable population both in the occupied Palestinian Territory and in the Negev;
- R. whereas, according to the report of the Displacement Working Group (DWG) which was published on 14 May 2012 and to the monthly Humanitarian Monitor of OCHA, more than 60 structures, including solar panels, water tanks and agricultural buildings, funded by the European Union and a number of its Member States, were destroyed by Israeli forces since January 2011; whereas more than 100 similar projects are under threat of demolition;
- S. whereas, on many occasions, including in the Council conclusions of 14 May 2012, the EU and its Member States have reiterated their fundamental commitment to the security of Israel, condemned in the strongest terms violence deliberately targeting civilians, including rocket attacks from the Gaza Strip, and called for the effective prevention of arms smuggling into Gaza;
- T. whereas Article 2 of the EU-Israel Association Agreement states that relations between the parties shall be based on respect for human rights and democratic principles, which guides their internal and international policy and constitutes an essential

element of this agreement;

- U. whereas the blockade of and the humanitarian crisis in the Gaza Strip has continued since 2007 despite numerous calls made by the international community for the immediate, sustained and unconditional opening of crossings for the flow of humanitarian aid, commercial goods and persons to and from Gaza, as also reiterated in the Council conclusions of 14 May 2012;
1. Reiterates its strong support for the two-state solution on the basis of the 1967 borders, with Jerusalem as capital of both states, and with the State of Israel with secure and recognised borders and an independent, democratic, contiguous and viable State of Palestine living side by side in peace and security;
 2. Welcomes the Council conclusions on the Middle East Peace Process of 14 May 2012 – which include conclusions on the West Bank and East Jerusalem – and reiterates that the EU will not recognise any changes to the pre-1967 borders, including with regard to Jerusalem, other than those agreed by the parties, also welcomes the Middle East Quartet statement of 11 April 2012;
 3. Stresses that ending the conflict is a fundamental interest of the EU, as well as of the parties themselves and the wider region, and that this can be achieved through a comprehensive peace agreement, based on the relevant UN Security Council resolutions, the Madrid Principles including land for peace, the Roadmap, the agreements previously reached by the parties and the Arab Peace Initiative; insists on the fact that any resulting resolution should not affect the dignity of either side; notes that the EU, as the largest donor to the Palestinian Authority and one of Israel's major trading partners has instruments at its disposal to more actively encourage both parties to work towards a solution; calls on both parties to work together with the EU, which should pursue all efforts to resolve the conflict; recalls the applicability of

international humanitarian law in the occupied Palestinian territory, including the applicability of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War;

4. Stresses that direct negotiations leading to a two-state solution between Israelis and Palestinians should be resumed without delay and according to the deadlines called for by the Quartet, in order to overcome the unacceptable status quo; welcomes the exchange of letters between the parties initiated on 17 April 2012 and the joint statement by Israel and the PA of 12 May 2012;
5. Expresses its deepest concern about developments on the ground in Area C in the West Bank and in East Jerusalem, as described in the EU Heads of Mission reports on ‘Area C and Palestinian State Building’ of July 2011 and on East Jerusalem of January 2012;
6. Stresses the importance of protecting the Palestinian population and its rights in Area C and in East Jerusalem, which is essential for keeping the viability of the two-state solution alive;
7. Reiterates that all settlements remain illegal under international law and calls on the Israeli Government to stop all construction and extension of settlements in the West Bank and East Jerusalem and to dismantle all outposts erected since March 2001;
8. Strongly condemns all acts of extremism, violence and harassment committed by settlers against Palestinian civilians and calls on the Israeli Government and authorities to bring the perpetrators of such acts to justice and hold them accountable;
9. Calls for full and effective implementation of existing EU legislation and EU-Israel bilateral agreements to ensure that the EU control mechanism – the ‘technical arrangements’ – does not allow Israeli settlement products to be imported to the European

market under the preferential terms of the EU-Israel Association Agreement;

10. Calls on the Israeli Government and authorities to meet their obligations under international humanitarian law, in particular by:
 - securing an immediate end to house demolitions, evictions and forced displacement of Palestinians,
 - facilitating Palestinian planning and building activities and the implementation of Palestinian developments projects,
 - facilitating access and movement,
 - facilitating the access of Palestinians to farming and grazing locations,
 - ensuring a fair distribution of water meeting the needs of the Palestinian population,
 - improving access of the Palestinian population to adequate social services and assistance, in particular in the fields of education and public health, and
 - facilitating humanitarian operations in Area C and in East Jerusalem;
11. Calls for an end to the administrative detention without formal charge or trial of Palestinians by Israeli authorities, for access to a fair trial for all Palestinian detainees, and for the release of Palestinian political prisoners, with special regard for members of the Palestinian Legislative Council, including Marwan Barghouti, and administrative detainees; calls also for the immediate release of Nabil Al-Raei, the artistic director of the Freedom Theatre in Jenin Refugee Camp, arrested on and detained since 6 June 2012; welcomes the agreement reached on 14 May 2012 that allowed for

the end of the hunger strike of the Palestinian prisoners and calls for its full and immediate implementation;

12. Calls for the protection of the Bedouin communities of the West Bank and in the Negev, and for their rights to be fully respected by the Israeli authorities, and condemns any violations (e.g. house demolitions, forced displacements, public service limitations); calls also, in this context, for the withdrawal of the Prawer Plan by the Israeli Government;
13. Encourages the Palestinian Government and authorities to pay increasing attention to Area C and East Jerusalem in Palestinian national development plans and projects, with the aim of improving the situation and living conditions of the Palestinian population in these areas;
14. Stresses again that peaceful and non-violent means are the only way to achieve a sustainable solution to the Israeli-Palestinian conflict; continues to support, in this context, President Abbas' policy of non-violent resistance and to encourage intra-Palestinian reconciliation and Palestinian state-building, and considers presidential and parliamentary elections to be important elements of this process;
15. Reiterates its strong commitment to the security of the State of Israel; condemns any act of violence by any party deliberately attacking civilians, and is appalled by the rocket attacks from the Gaza Strip;
16. Calls on the Council and the Commission to continue to support and deliver assistance to Palestinian institutions and development projects in Area C and in East Jerusalem with the aim of protecting and strengthening the Palestinian population; calls for improved coordination between the EU and Member States in this field; stresses that Israel must put an end to the practice of

withholding customs and tax revenues belonging to the Palestinian Authority;

17. Calls on the EEAS and the Commission to verify on the ground all allegations concerning the destruction of and damage caused to EU-funded structures and projects in the occupied territory, and submit the results to Parliament;
18. Calls on the Council and the Commission to continue to address these issues at all levels in the EU's bilateral relations with Israel and the Palestinian Authority; stresses that Israel's commitment to respect its obligations under international human rights and humanitarian law towards the Palestinian population must be taken into full consideration in the EU's bilateral relations with the country;
19. Urges the EU and Member States again to play a more active political role, including within the Quartet, in the efforts aimed at achieving a just and lasting peace between Israelis and Palestinians; stresses again the central role of the Quartet and continues to support the High Representative in her efforts to create a credible perspective for re-launching the peace process;
20. Reiterates its call for the immediate, sustained and unconditional lifting of the blockade of the Gaza Strip in terms of persons, the flow of humanitarian aid and commercial goods, and for steps allowing for the reconstruction and economic recovery of this area; calls also, with due recognition of Israel's legitimate security needs, for an effective control mechanism preventing the smuggling of arms into Gaza; takes note of the decision of the Council to extend the mandate of the European Border Assistance Mission Rafah until 30 June 2013 and expects it to fulfil its tasks and play a decisive and effective role as regards the daily management of cross-border relations and the build-up of confidence between Israel and the Palestinian Authority; calls on

Hamas to recognise the State of Israel and to give its support to the two-state solution; also calls on Hamas to put an end to the violence perpetrated both internally and externally against the State of Israel;

21. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the EU Special Representative to the Middle East Peace Process, the President of the UN General Assembly, the governments and parliaments of the UN Security Council members, the Middle East Quartet Envoy, the Knesset and the Government of Israel, the President of the Palestinian Authority and the Palestinian Legislative Council.

<i>Source of document</i>
http://www.europarl.europa.eu/sides/getDoc.do? pubRef=-//EP//TEXT+TA+P7-TA-2012- 0298+0+DOC+XML+V0//EN

UNITED NATIONS
General Assembly

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4 December 2012

Sixty-seventh session
Agenda item 37

Resolution adopted by the General Assembly
[*without reference to a Main Committee (A/67/L.28 and Add.1)*]

67/19. Status of Palestine in the United Nations

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and stressing in this regard the principle of equal rights and self-determination of peoples,

Recalling its resolution 2625 (XXV) of 24 October 1970,¹ by which it affirmed, inter alia, the duty of every State to promote, through joint and separate action, realization of the principle of equal rights and self-determination of peoples,

Stressing the importance of maintaining and strengthening international peace founded upon freedom, equality, justice and respect for fundamental human rights,

Recalling its resolution 181 (II) of 29 November 1947,

Reaffirming the principle, set out in the Charter, of the inadmissibility of the acquisition of territory by force,

Reaffirming also relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 446 (1979) of 22 March 1979, 478 (1980) of 20 August 1980, 1397 (2002) of 12 March 2002, 1515 (2003) of 19 November 2003 and 1850 (2008) of 16 December 2008,

Reaffirming further the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,² to the Occupied Palestinian Territory, including East Jerusalem, including with regard to the matter of prisoners,

Reaffirming its resolution 3236 (XXIX) of 22 November 1974 and all relevant resolutions, including resolution 66/146 of 19 December 2011, reaffirming the right of the Palestinian people to self-determination, including the right to their independent State of Palestine,

Reaffirming also its resolutions 43/176 of 15 December 1988 and 66/17 of 30 November 2011 and all relevant resolutions regarding the peaceful settlement of the question of Palestine, which, inter alia, stress the need for the withdrawal of Israel from the Palestinian territory occupied since 1967, including East Jerusalem, the realization of the inalienable rights of the Palestinian people, primarily the right to self-determination and the right to their independent State, a just resolution of the problem of the Palestine refugees in conformity with resolution 194 (III) of 11 December 1948 and the complete cessation of all Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem,

Reaffirming further its resolution 66/18 of 30 November 2011 and all relevant resolutions regarding the status of Jerusalem, bearing in mind that the annexation of East Jerusalem is not recognized by the international community, and emphasizing the need for a way to be found through negotiations to resolve the status of Jerusalem as the capital of two States,

Recalling the advisory opinion of the International Court of Justice of 9 July 2004,³

Reaffirming its resolution 58/292 of 6 May 2004 affirming, inter alia, that the status of the Palestinian territory occupied since 1967, including East Jerusalem, remains one of military occupation and that, in accordance with international law and relevant United Nations resolutions, the Palestinian people have the right to self-determination and to sovereignty over their territory,

Recalling its resolutions 3210 (XXIX) of 14 October 1974 and 3237 (XXIX) of 22 November 1974, by which, respectively, the Palestine Liberation Organization was invited to participate in the deliberations of the General Assembly as the representative of the Palestinian people and was granted observer status,

Recalling also its resolution 43/177 of 15 December 1988, by which it, inter alia, acknowledged the proclamation of the State of Palestine by the Palestine National Council on 15 November 1988 and decided that the designation “Palestine” should be used in place of the designation “Palestine Liberation Organization” in the United Nations system, without prejudice to the observer status and functions of the Palestine Liberation Organization within the United Nations system,

Taking into consideration that the Executive Committee of the Palestine Liberation Organization, in accordance with a decision by the Palestine National Council, is entrusted with the powers and responsibilities of the Provisional Government of the State of Palestine,⁴

Recalling its resolution 52/250 of 7 July 1998, by which additional rights and privileges were accorded to Palestine in its capacity as observer,

Recalling also the Arab Peace Initiative adopted in March 2002 by the Council of the League of Arab States,⁵

Reaffirming its commitment, in accordance with international law, to the two-State solution of an independent, sovereign, democratic, viable and contiguous State of Palestine living side by side with Israel in peace and security on the basis of the pre-1967 borders,

Bearing in mind the mutual recognition of 9 September 1993 between the Government of the State of Israel and the Palestine Liberation Organization, the representative of the Palestinian people,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

Commending the Palestinian National Authority's 2009 plan for constructing the institutions of an independent Palestinian State within a two-year period, and welcoming the positive assessments in this regard about readiness for statehood by the World Bank, the United Nations and the International Monetary Fund and as reflected in the Ad Hoc Liaison Committee Chair conclusions of April 2011 and subsequent Chair conclusions, which determined that the Palestinian Authority is above the threshold for a functioning State in key sectors studied,

Recognizing that full membership is enjoyed by Palestine in the United Nations Educational, Scientific and Cultural Organization, the Economic and Social Commission for Western Asia and the Group of Asia-Pacific States and that Palestine is also a full member of the League of Arab States, the Movement of Non-Aligned Countries, the Organization of Islamic Cooperation and the Group of 77 and China,

Recognizing also that, to date, 132 States Members of the United Nations have accorded recognition to the State of Palestine,

Taking note of the 11 November 2011 report of the Security Council Committee on the Admission of New Members,⁶

Stressing the permanent responsibility of the United Nations towards the question of Palestine until it is satisfactorily resolved in all its aspects,

Reaffirming the principle of universality of membership of the United Nations,

1. *Reaffirms* the right of the Palestinian people to self-determination and to independence in their State of Palestine on the Palestinian territory occupied since 1967;
2. *Decides* to accord to Palestine non-member observer State status in the United Nations, without prejudice to the acquired rights, privileges and role of the Palestine Liberation Organization in the United Nations as the representative of the Palestinian people, in accordance with the relevant resolutions and practice;
3. *Expresses the hope* that the Security Council will consider favourably the application submitted on 23 September 2011 by the State of Palestine for admission to full membership in the United Nations;⁷
4. *Affirms its determination* to contribute to the achievement of the inalienable rights of the Palestinian people and the attainment of a peaceful settlement in the Middle East that ends the occupation that began in 1967 and fulfils the vision of two States: an independent, sovereign, democratic, contiguous and viable State of Palestine living side by side in peace and security with Israel on the basis of the pre-1967 borders;

5. *Expresses the urgent need* for the resumption and acceleration of negotiations within the Middle East peace process based on the relevant United Nations resolutions, the terms of reference of the Madrid Conference, including the principle of land for peace, the Arab Peace Initiative⁵ and the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict⁸ for the achievement of a just, lasting and comprehensive peace settlement between the Palestinian and Israeli sides that resolves all outstanding core issues, namely the Palestine refugees, Jerusalem, settlements, borders, security and water;

6. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination, independence and freedom;

7. *Requests* the Secretary-General to take the necessary measures to implement the present resolution and to report to the General Assembly within three months on progress made in this regard.

*44th plenary meeting
29 November 2012*

Notes

¹Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.

²United Nations, *Treaty Series*, vol. 75, No. 973.

³See A/ES-10/273 and Corr.1.

⁴See A/43/928, annex.

⁵A/56/1026-S/2002/932, annex II, resolution 14/221.

⁶S/2011/705.

⁷A/66/371-S/2011/592, annex I.

⁸S/2003/529, annex.

<i>Source of document</i>

http://unispal.un.org/UNISPAL.NSF/0/19862D03C564FA2C85257ACB004EE69B

PM Netanyahu's Remarks at the State Ceremony at Ammunition Hill Marking 48 Years to the Reunification of Jerusalem

17/05/2015

-Translation-

Forty-eight years ago, the rift in our capital, Jerusalem, was healed and it became a unified city again. The division led to its atrophy; the reunification led to its flourishing. That is why Jerusalem will never again be a wounded and bisected city. We will forever keep Jerusalem united under Israel's sovereignty.

In this place, we bow our heads in memory of the IDF soldiers killed in the Six Day War, including those who fell in the battles to defend Jerusalem and liberate it. There is no future without hope, and no nation has a chance without a willingness to make sacrifices. The sacrifices that took place for this city, on this hill, left their mark as an exemplar for generations of fighters. There is a good reason that the fresh recruits to the Israel Defense Forces from Jerusalem come to this place. Several months ago, my wife and I had the privilege of accompanying our son, who was inducted as a combat soldier in the IDF, and we were very moved, naturally, as were the other parents present, by the day but also by the place.

Let me tell you, bereaved families: I know the depth of your pain and I share your grief. The wounds of loss are stamped on your flesh. If there is any recompense and comfort from this precious sacrifice it is that your loved ones are engraved in the consciousness of the entire nation as our heroes, thanks to whom Israel was rescued from existential danger. The members of my generation remember well the six days which removed the chokehold from the country's neck. But in equal measure, the days of anxiety and tense waiting that preceded the war are indelibly etched on us.

We all know that Israel's fate hangs in the balance. We rose up as one, we came together, took courage and repelled our enemies who were closing in on us from three fronts. There is no war more just and moral than that one, during which the Israeli peoples' desire for life was fully demonstrated. The crowning glory of that magnificent victory was Jerusalem. For 19 years after the War of Independence, it was a city divided, closed off in every direction, strangled.

There are many young people here so I invite you to speak with veteran residents of Jerusalem, first and foremost President Rivlin and even me. I remember it well. Hear from us about the no-man's-land, about the danger from Legion sniper fire from the walls of the city, about the concrete walls that protected the passersby in the heart of the city from being shot, about the barbed wire fences, about the fortifications, obstacles and signs on which "Stop, border ahead" was written.

I clearly remember the Mamilla neighborhood, where my late father had an office. And I remember the Mandelbaum Gate. Access to the Old City was entirely out of the question. We tried to look through improvised binoculars at the "forbidden city" from the observation posts adjacent to the line that divided the capital – on Mount Zion, at Abu Tor, from the roof of the Notre Dame Chapel. We always felt like something was missing, that there was always an invisible cloud hanging over our heads.

That was what Jerusalem was like, and all that changed all at once 48 years ago. Here, at Ammunition Hill, a brave battle took place among the communications trenches, ammunition stores and bunkers. Two generations before our soldiers courageously fought the threat of Hamas tunnels during Operation Protective Edge, these trenches were a symbol of determination and sacrifice on the part of Israel's warriors. And only two kilometers from here was another symbol of the fighting in Jerusalem, and I remember the moment we heard, "We have entered the Old City."

I remember Motta Gur's words, which shook everyone to their very souls. I remember the tough paratroopers who broke out in tears when they saw the stones of the Western Wall. Every one of them felt like they were carrying on their bodies not only their weapons and helmets, but also the vast historical baggage of the longing for Zion of many generations. On the day Jerusalem was liberated, the people's unity reached new heights – in Israel and abroad. The barriers that fell in the heart of Jerusalem also fell within us. Huge waves of empathy and profound emotion swept over us. They led to a tremendous Zionist awakening around the world, even behind the Iron Curtain, and to a significant increase in the rate of immigration to Israel.

And indeed, "the seventh day" after the war was as exciting as the days that came before: We liberated Jerusalem and Jerusalem liberated us. From a city so cramped that living there defied a normal existence, Jerusalem opened up and spread out. Construction is developing at a tremendous pace and the President was right in saying that the momentum in this development must also include the eastern part of the city.

The Prophet Isaiah said, "Behold, I am laying a stone for a foundation in Zion: a sturdy stone." Jerusalem is indeed a sturdy stone. It tests us – how willing we are to hold onto it and protect it. Over the past year, we have experienced serious terrorist attacks in Jerusalem – most seriously the horrifying massacre of the people praying at the synagogue in the Har Nof neighborhood, including deadly vehicular attacks, stabbings and stone-throwing intended to injure and kill. Even today, people tried to challenge us in Jerusalem and I wish to convey my wishes for a speedy recovery to the police officers and praise the Israel Police for all it does to safeguard Jerusalem's security, our security. We will not accept terror. We will pursue its perpetrators until terror is eliminated. We will fight the incitement that is the result of our enemies' denial of our historic attachment to Jerusalem, of our deep roots, of our heritage. They understand that Jerusalem is the focal point of our identities. We have a covenant with it that is

thousands of years old. When Jews say "Jerusalem" – all our history, our dreams and our values are intertwined in that word.

And who objects to us being in Jerusalem? Who refuses to recognize our right to exist as a sovereign people in our own land? They view us as foreign objects that must be uprooted from here. We are foreign objects? Several minutes ago, I quoted the Prophet Isaiah, a man from Jerusalem, he and the prophets of Israel prophesized in Jerusalem. The Kings of Israel, the kings of Judea ruled in Jerusalem. The truth must be said without fear: Jerusalem has always been and will always be the capital of the Jewish people alone, and not of any other people. We began our journey here as a nation; this is our home and here we shall remain. At the same time, we are working to ensure that Jerusalem remains an open and free city. It is only under Israeli sovereignty that the freedom of worship of all religions will be protected in Jerusalem. The believers pray at their holy places not in spite of our sovereignty in the city, but because of it.

Islamic fundamentalism is threatening Jerusalem, the Middle East and the entire world, the fanaticism of Sunni extremists like ISIS and of Shiite extremists under the leadership of the ayatollahs in Tehran. Radical Sunnis and Shiites fight each other, but they have a common enemy – the West and the culture of freedom and progress that it represents. Only last night, after the determined action of the United States against ISIS terrorism, Iran's leader Khamenei attacked the US and said, "The United States" – this is what the man in charge of the negotiations between Iran and the world powers said! "The United States initiates and supports terror." These things were said at a time when Iran still does not have nuclear weapons, and it is not too late to turn away from the plan to give Iran a deal that will pave it a sure road to nuclear weapons.

We object to this deal and we are not the only ones who object. A better deal should and can be achieved because we cannot allow the extremists to obtain what they seek, not in Iran, not in Yemen, not in

Jerusalem. Jerusalem is experiencing one of its greatest periods of radiance. We continue to build here and nurture the city, expand its neighborhoods, and there is still much more to do and improve in all parts of the city for all its residents. We are establishing real cultural gems in Jerusalem. Mr. Mayor, you are doing holy work here. We are building the new National Library and a campus for Biblical archaeology.

Look around Jerusalem and you will see cranes all around it. Anyone coming from Shaar HaGuy to the capital sees that we are tunneling into the mountain, expanding Highway 1, upgrading lanes, laying train tracks. The revolution taking place in Jerusalem's status – inside the city and without – will only increase in the coming years. More than any other time, on this special day it is clear to us that a divided Jerusalem is a distant memory. The future belongs to the undivided and never to be divided Jerusalem – the city that is "Perfect in Beauty, Joy of All the Earth."

Happy holiday to the residents of Jerusalem; happy holiday to the people of Israel.

<i>Source of document</i>
http://www.pmo.gov.il/English/MediaCenter/Speeches/Pages/speechJerusalem170515.aspx

**European Parliament resolution on the EU's role in the Middle East peace process
(2015/2685(RSP))**

The European Parliament,

- having regard to its previous resolutions on the Palestinian-Israeli conflict,
- having regard to the decision of the United Nations General Assembly of 29 November 2012 to accord Palestine non-member observer state status,
- having regard to UN General Assembly resolution 194 and UN Security Council resolutions 242 (1967), 252 (1968), 338 (1972), 476 (1980), 478 (1980) and 1860 (2009),
- having regard to UN General Assembly resolution 67/19,
- having regard to the UN human rights conventions to which Israel and Palestine are States Parties,
- having regard to UN Human Rights Council resolution A/HRC/29/L.35 on ensuring accountability and justice for all violations of international law in the occupied Palestinian territory, including East Jerusalem, adopted on 3 July 2015 with unanimous EU support,
- having regard to the Charter of the United Nations,
- having regard to the Fourth Geneva Convention,
- having regard to the Universal Declaration of Human Rights,

- having regard to the United Nations Convention on the Rights of the Child (UNCRC) of 20 November 1989, in particular Articles 9 and 37 thereof,
- having regard to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by means of UN General Assembly resolution 39/46 of 10 December 1984,
- having regard to the Oslo Accords (‘Declaration of Principles on Interim Self-Government Arrangements’) of 13 September 1993,
- having regard to the advisory opinion of the International Court of Justice (ICJ) entitled ‘Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territories’ of 9 July 2004,
- having regard to the EU-Israel Association Agreement, and more particularly to Article 2 thereof,
- having regard to the Council conclusions on the Middle East Peace Process of 16 December 2013, 14 May 2012, 23 May and 18 July 2011, and 8 December 2009,
- having regard to the EU Foreign Affairs Council conclusions of 20 July 2015 on the Middle East,
- having regard to the EU Guidelines on Promoting Compliance with International Humanitarian Law,
- having regard to the statements by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), Federica Mogherini, on the situation in Israel and Palestine,

- having regard to the decision by the Swedish Government to recognise the State of Palestine as of 30 October 2014, and to the recognition of Palestine by the Vatican in June 2015,
 - having regard to the letter sent to the VP/HR by 16 EU Foreign Ministers on 13 April 2015 calling for an EU-wide introduction of guidelines for correct labelling of settlement products,
 - having regard to the statement by VP/HR Federica Mogherini on the formation of the new Israeli Government of 7 May 2015, and to the statements by her spokesperson on the arson attack in the West Bank of 31 July 2015 and on the recent Israeli decisions for further settlement expansion of 29 July 2015,
 - having regard to the local EU statement on demolitions in Area C and on construction work on the separation barrier at Cremisan of 24 August 2015,
 - having regard to the EU Heads of Mission reports on East Jerusalem of January 2012, on Area C and Palestinian State Building of July 2011, and on settler violence of April 2011 and the accompanying EU Heads of Mission note on settler violence of February 2012,
 - having regard to the EU guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the EU from 2014 onwards,
 - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas 48 years after the 1967 war Israel continues to occupy Palestine, in violation of international law and all relevant UN Security Council and General Assembly resolutions, and whereas the State of Palestine on the 1967 borders and with East Jerusalem as its capital has yet to become a full UN

member in accordance with the 1948 UN resolution;

- B. whereas in November 2012 the UN General Assembly granted ‘non-member observer state’ status to Palestine; whereas finding a just and lasting peace between Israelis and Palestinians, and between Arabs and Israelis in a broader context, is a target for the international community and a declared position of the EU;
- C. whereas Parliament has repeatedly expressed its strong support for the two-state solution, with the State of Israel and an independent, democratic, contiguous and viable Palestinian State with East Jerusalem as its capital, on the 1967 borders, living side by side in peace;
- D. whereas 20 years after the Oslo Accords and the non-implementation of these by Israel, the Palestinians no longer have any trust in the negotiations;
- E. whereas Mahmoud Abbas, President of the State of Palestine, has stated his intention to set a timetable through the UN for ending the Israeli occupation of Palestinian territory within three years; whereas the Arab League has supported this plan of action and has called for an international conference aiming to seek a final settlement on the basis of the Arab Peace Initiative; whereas parallel efforts, spearheaded by France, are under way in the UN Security Council;
- F. whereas consecutive US-led efforts, including in 2014, to have a meaningful peace process between Israel and Palestine have failed, with little possibility of such a format succeeding in the future;
- G. whereas the policies of the Israeli Government are leading to the further erosion and complete destruction of the possibilities

for a two-state solution, as laid down by all relevant UN resolutions, as well as relevant EU Council conclusions;

- H. whereas the first legislative steps of the Israeli coalition government, in place since May 2015, have confirmed its nationalist, pro-settlement and far-right ideological leanings, including in the adoption of the forced-feeding bill, the toughening of sanctions against stone-throwers and a proposal to expand the use of the death penalty; whereas draft bills aiming at limiting the authority of the Supreme Court and restricting the public space for civil society actors are in the making; whereas the Israeli Government has announced the construction of hundreds of new settlements in East Jerusalem and the West Bank and has resumed the construction of the separation wall, in spite of being ruled illegal by the International Court of Justice in 2004;
- I. whereas the Palestinian population in the West Bank, notably in Area C and in East Jerusalem, face blatant violations of their rights, including settler violence, water diversion, severe restrictions on free movement, home demolition and forced evictions; whereas the forcible transfer of residents of an occupied territory constitutes a grave breach of international humanitarian law; whereas planning policy is used as a means to evict Palestinians and to expand settlement outposts; whereas military training exercises are also used as a means to forcibly displace hundreds of Palestinians, notably in the Jordan Valley; whereas, according to the UN, Israeli settlers have carried out at least 120 attacks on Palestinians in East Jerusalem and the West Bank since the start of 2015; whereas, according to Israeli NGO B'Tselem, at least 13 Palestinians were killed by the Israeli security forces and three Israeli civilians were killed by Palestinians during the first half of 2015 in the occupied Palestinian territory;

- J. whereas 5 700 Palestinian detainees and prisoners – including 160 children, 26 women and 400 administrative detainees – are held in Israeli jails; whereas 10 members of the Palestinian Legislative Council, three of whom are under administrative detention, are detained in Israeli prisons; whereas on 30 July 2015 the Knesset adopted the Force-Feeding Law, which authorises the forcible feeding of Palestinian prisoners on hunger strike;
- K. whereas Israeli settlements are illegal under international law and constitute a major obstacle to peace efforts and have done so for many years; whereas Israeli settlement products are still imported into the European market under preferential treatment, despite the fact that current EU legislation does not allow the import of such products under the preferential terms of the EU-Israel Association Agreement;
- L. whereas, according to the Palestinian Monitoring Group, Jewish settlers have carried out more than 11 000 attacks against Palestinians in the West Bank since 2004; whereas, according to Israeli human rights organisation Yesh Din, only 1.9 % of cases of settler violence brought before the courts between 2005 and 2014 ended in successful prosecution;
- M. whereas under international law, any third party, including Member States, has the duty not to recognise, aid or assist settlements, as well as the duty to effectively oppose them;
- N. whereas the former VP/HR pledged to issue by July 2013 EU-wide guidelines on the correct labelling of imported products originating beyond Israel's pre-1967 borders; whereas in a letter of April 2015 a clear majority of Member States expressed their exasperation at the repeated deferral of the issuing of such guidelines by the VP/HR and urged the latter to take action; whereas three Member States – the UK, Denmark and Belgium

- have issued their own voluntary national guidelines;
- O. whereas, according to the UN Office for the Coordination of Humanitarian Affairs (OCHA), in August 2015, 142 Palestinian-owned structures were demolished in Area C and East Jerusalem, including 16 donor funded structures; whereas these demolitions displaced 201 people, including 121 children, and otherwise affected 426 people, including 233 children; whereas this was the largest demolition recorded in these areas since January 2013;
- P. whereas one year after the Israeli military operation ‘Protective Edge’ against Gaza, which resulted in the death of over 2 100 Palestinians and 66 Israelis (including respectively 1 462 and 5 civilians), the parties have failed to abide by their duty to conduct genuine investigations into alleged violations and to prosecute those responsible; whereas the UN Commission of Inquiry into this operation concluded in June 2015 that both Israel and Hamas had committed war crimes and that the devastation in the territory was unprecedented; whereas Israel refused to cooperate with this Commission of Inquiry and denied its access to Gaza;
- Q. whereas the ceasefire reached on 26 August 2014 has not been implemented, in particular as regards lifting the blockade; whereas none of the 19 000 homes totally destroyed have so far been rebuilt because of severe restrictions on the entry of building materials; whereas 100 000 people are still displaced; whereas 95 % of Gaza’s water is not safe to drink; whereas the continued closure of Gaza is having a devastating impact on the 1.8 million people living there; whereas, according to the International Committee of the Red Cross (ICRC), the Gaza closure constitutes ‘a collective punishment imposed in clear violation of Israel’s obligations under international humanitarian law’; whereas a UN Conference on Trade and

Development (UNCTAD) report of 1 September 2015 has concluded that the blockade has led to a sharp reversal in Gaza's development and that Gaza will become uninhabitable by 2020;

- R. whereas the UN Relief and Works Agency (UNRWA) – which is delivering vital services to Palestine refugees in the occupied Palestinian territory and also in Jordan, Lebanon and Syria – has been facing the most severe funding crisis in its history; whereas the EU and its Member States remain the largest donor to UNRWA, accounting for almost 40 % of the total support to the agency;
- S. whereas a Palestinian unity government endorsed by Hamas and Fatah was established in April 2014, accepting the Quartet principles of non-violence, adherence to past agreements and the recognition of Israel, and supported by the US and the EU; whereas efforts towards Palestinian reconciliation have, however, failed to make tangible progress;
- T. whereas since the signing of the Oslo Declaration of Principles in 1993 the donor community has invested more than EUR 23 billion in peace and development aid in the occupied Palestinian territory; whereas inequality, unemployment and poverty rates among Palestinians have steadily increased over the same period;
- U. whereas an evaluation of the EU's cooperation with the occupied Palestinian territory and support to the Palestinian people, carried out on behalf of the Commission in May 2014, concluded that the current cooperation paradigm had reached its limits in the absence of a parallel political track by the EU to address the obstacles posed by the Israeli occupation and settlement policies and the political division of the West Bank and Gaza;

- V. whereas the status of Jerusalem remains a key issue in the Middle East peace process; whereas the EU and the international community have never accepted the unilateral annexation of East Jerusalem by Israel; whereas Palestinians living in East Jerusalem continue to suffer from the lack of a secure legal residency status, the confiscation of their land and systemic discrimination in access to public services, planning and building and access to religious places and sites as a result of Israeli Government policies aimed at changing the demographic makeup of the area;
- W. whereas the number of Palestine refugees, another key issue in the peace process, currently stands at almost 5 million according to UNRWA, the vast majority of whom are second- or third-generation refugees;
- X. whereas Article 2 of the EU-Israel Association Agreement states clearly that: ‘Relations between the Parties, as well as all the provisions of the Agreement itself, shall be based on respect for human rights and democratic principles, which guides their internal and international policy and constitutes an essential element of this Agreement’;
- Y. whereas international human rights and humanitarian law, including the Fourth Geneva Convention, is fully applicable to the West Bank, including East Jerusalem and the Gaza Strip;
- 1. Demands the end of Israeli occupation of the West Bank, Gaza and East Jerusalem;
- 2. Stresses that the two-state solution is based on the 1948 United Nations resolution and on the recognition of both states by the international community, and hence urges all EU Member States, the EU institutions and the UN organisations to recognise, in accordance with the UN’s decision of November

2012, the State of Palestine on its 1967 borders and with East Jerusalem as its capital, as established in the UN resolutions, living in peace and security side by side with the State of Israel;

3. Stresses that the recognition of the State of Palestine by the Member States should contribute to the immediate resumption of direct peace talks between Israelis and Palestinians, and urges the EU to become a real political player in the Middle East peace process by supporting meaningful efforts in the framework of the UN towards a comprehensive solution including all the final status issues; believes that progress in the Middle East peace process would benefit the troubled region as a whole;
4. Reaffirms that the development of EU-Israel relations must be strongly conditional on respect for human rights and international humanitarian law, as stipulated by Article 2 of the Association Agreement;
5. Strongly condemns the continued expansion of Israeli settlements, which violate international law, fuel Palestinian resentment and undermine the viability and prospects of the two-state solution; calls on the Israeli authorities to immediately halt and reverse their settlement policy and land confiscations, starting urgently with the land south of Bethlehem;
6. Expresses grave concern about the exploitation of Palestinian natural resources by Israel and the prevalence of forced displacement, notably in Area C, which constitutes a grave breach of international law; deplores, in particular, recent Israeli court decisions approving the demolition and forcible displacement of Bedouin communities in the West Bank for the construction of Jewish settlements; calls on the Israeli authorities to fully respect the rights of the Bedouins and to immediately cancel the demolition and eviction orders for the

villages of the Susya and Abu Nwar communities;

7. Expresses its profound dismay at the growing trend of unchecked settler violence, including the recent murder of an 18-month-old Palestinian baby in an arson attack in the Palestinian village of Douma on 28 July 2015; welcomes the widespread condemnation of this crime by the Israeli leadership, despite it largely failing to acknowledge the endemic nature of settler violence facilitated by a decades-long climate of impunity and incitement;
8. Calls for an immediate end to the illegal blockade of the Gaza Strip, which is a collective punishment against the local population; calls on all parties to effectively implement the terms reached under the August 2014 ceasefire agreement; calls on the EU to take concrete steps to press Israel to end the blockade, in particular by setting a timetable; deplores the continued restrictions by Israel on the entry of building materials into Gaza; calls on the Israeli Government to cease its arbitrary and non-transparent process of listing materials as 'dual-use' and to bring its dual-use list in line with international standards, in particular by removing wood, aggregates, steel bars and cement; emphasises that Israel, as the occupying power and under the Fourth Geneva Convention, is the sole and main party responsible for maintaining minimum living conditions for the inhabitants of Gaza;
9. Reiterates its call for the urgent reconstruction and rehabilitation of the Gaza Strip after the 2014 summer war, which must be a humanitarian aid priority for the EU and the international community; commends the heroic work of UNRWA in this regard; calls on international donors to fulfil their pledges made at the 2014 October Cairo Conference;

10. Calls again for the release of all Palestinian political prisoners, in particular members of the Palestinian Legislative Council; calls for full respect for the rights of Palestinian political detainees and prisoners in Israeli jails, including of those on hunger strike; considers that the Force-Feeding Law adopted by the Knesset on 30 July 2015 is a violation of international human rights law and calls for it to be revoked immediately;
11. Believes that the EU should assume its responsibility to become a genuine political player and facilitator in the Middle East peace process, and asks the EU to:
 - condemn the policy of collective punishment pursued against the Palestinian people and to call for an end to Israel's impunity over the continuous gross violations of international and humanitarian law, the UN Charter and the Universal Declaration of Human Rights;
 - implement Article 2 of the EU-Israel Association Agreement by freezing the Agreement as long as Israel continues violating human rights;
 - impose a ban on arms exports from the EU to Israel, to prohibit all arms imports from Israel into the EU, and to immediately end all cooperation with Israel in the framework of the European Defence Agency (EDA);
 - grant no funding to Israeli entities through Horizon 2020;
 - demand from Israel reparations for the EU-funded projects destroyed during repeated attacks in both Gaza and the West Bank;
 - support the request made by the Palestinian President Mahmoud Abbas to place Palestine under international protection;

- call on the governments of the Member States to implement the 19 July 2013 Guidelines, to call for a ban on imports into the EU of all Israeli products produced in the illegal Israeli settlements in the occupied Palestinian territory;
12. Calls for the EU to respond to the continued expansion of Israeli settlements by strictly ruling out the application of EU-Israeli agreements to the occupied Palestinian territory, strengthening advice to EU citizens and companies on settlements and settlement activities, taking action vis-à-vis EU companies complicit in violations in the settlements, taking concrete measures towards settlers, including the adoption of a non-contact policy and visa ban, excluding settlement products from the EU internal market and freezing EU-Israeli relations in light of Article 2 of the Association Agreement;
 13. Welcomes the EU's commitment – in the spirit of differentiation between Israel and its activities in the occupied Palestinian territory – to ensuring that all agreements between the EU and Israel must unequivocally and explicitly indicate their inapplicability to the territories occupied by Israel in 1967, as reiterated in the Foreign Affairs Council conclusions of 20 July 2015; calls for the correct labelling of Israeli settlement produce on the EU market, in line with existing EU legislation and the EU's longstanding policy in this regard;
 14. Expresses its deep concern at UNRWA's serious funding crisis; calls for increased EU financial support for UNRWA and urges all other donors to step up their funding for the agency, but also calls for the underlying core issue of Palestine refugees, namely the right of return, to be addressed; commends and congratulates UNRWA for its extraordinary efforts which made it possible to declare the 2015/2016 school year open for Palestinian refugee pupils;

15. Welcomes the unanimous vote by the EU Member States in favour of the 3 July 2015 UN Human Rights Council resolution entitled 'Ensuring accountability and justice for all violations of international law in the occupied Palestinian territory, including East Jerusalem', and calls on the EU to ensure full implementation of the recommendations contained in the UN Independent Commission of Inquiry report, including its recommendations to actively support the work of the International Criminal Court in relation to the occupied Palestinian territory;
16. Welcomes, once again, Palestine's ratification of the Rome Statute of the International Criminal Court; deplores the VP/HR's refusal to even acknowledge this important step towards accountability for future violations committed by all sides; considers that such behaviour blatantly undermines the credibility of the EU's human rights policy and its pronouncements on accountability and international justice;
17. Expresses concern at the reports of a deteriorating climate for human rights NGOs in Israel and at the growing attempts by the current government to stifle dissent and independent art, including through the adoption of draft bills aiming to severely restrict the work of NGOs; calls on the EU diplomatic missions to engage with the Israeli authorities on this pressing matter and to continue supporting human rights actors in the country;
18. Welcomes the formation of the Joint List and its strong outcome in the last legislative elections in Israel, as this gives a voice to Israeli forces and citizens striving for an end to the occupation and a peaceful two-state solution;
19. Hopes that the Palestinian political forces will be able to achieve reconciliation and national unity, which will help to bring an end to the occupation;

20. Decides to draw up a report on the trade in arms and other security equipment between the Member States and Israel and Palestine and on the compatibility of such trade with the EU common position; calls for a comprehensive UN arms embargo on all parties in the region in order to prevent further violations of international humanitarian law and human rights;
21. Recalls its decision to launch a 'Parliamentarians for Peace' initiative aimed at bringing together European, Israeli and Palestinian parliamentarians in order to help advance an agenda for peace and complement EU diplomatic efforts;
22. Expresses outrage at the continued and unjustified obstruction by the Israeli authorities to any visit by official bodies of the European Parliament to Gaza; warns that measures will be taken in the absence of any improvement by 1 November 2015;
23. Decides to send an ad hoc delegation to Palestine, including Gaza, and to Israel in order to assess the situation on the ground as regards the destruction of EU-funded projects in Area C and Gaza and the prospects for a sustainable solution to the conflict;
24. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for the Middle East Peace Process, the parliaments and governments of the Member States, the Secretary-General of the United Nations, the Knesset, the Palestinian Legislative Council, the President and Government of the State of Palestine, the President and the Government of Israel, the Secretary-General of the League of Arab States, and the Commissioner-General of UNRWA.

<i>Source of document</i>
http://www.europarl.europa.eu/sides/getDoc.do? pubRef=-//EP//TEXT+MOTION+B8-2015- 0840+0+DOC+XML+V0//EN

**Remarks by His Majesty King Abdullah II at the 70th Plenary
Session of the United Nations General Assembly**

United Nations, New York
28 September 2015

In the name of God, most Compassionate, most Merciful,

Mr President,

Mr Secretary General,

Your Excellencies:

Thank you. It is an honour to stand before this distinguished General Assembly. I am here representing Jordan, and as a God-fearing, God-loving human being. I am here as a father who wants his children, like yours, to live in a compassionate and more peaceful world.

Such a future is under serious threat from the *khawarej*, the outlaws of Islam that operate globally today. They target religious differences, hoping to kill cooperation and compassion among the billions of people, of all faiths and communities, who live side-by-side in our many countries. These outlaw gangs use suspicion and ignorance to expand their own power. Worse still is the free hand they grant themselves to distort the word of God to justify the most atrocious crimes.

All of us here are united by our conviction that these forces must be defeated. But before we ask how to achieve this objective, let us ask: What if they were *not* defeated? What would our world look like? Can we tolerate a future where mass murder, public beheadings, kidnapping and slavery are common practices? Where the persecution

of communities is law? Where humanity's cultural treasures, preserved for thousands of years, are systematically destroyed?

I've called this crisis a third world war and I believe we must respond with equal intensity. That means global collective action on all fronts.

But make no mistake; the more important war is the one we wage on the battlegrounds of the heart, soul and mind. And in this fight, all countries, all people, must come together.

Jordan has been proud to work with your countries to spearhead global initiatives for tolerance and dialogue. This has been reflected in the Amman Message, and A Common Word, and, four years ago, we helped create the UN's Global Interfaith Harmony Week, an annual event to focus all people, especially young people, on the essentials of tolerance and co-existence.

These efforts must continue, and the UN has a central role. But all of us, as individuals and as leaders, must help build the road ahead. Let me suggest seven essential steps.

First, let's get back to basics, to the essence and shared spirit of our respective faiths and creeds. It seems to me that we can sometimes lose sight of the larger picture. What separates humanity is miniscule, compared to what we hold in common: deep values of love, peace, justice and compassion.

In the name of God, most Compassionate, most Merciful,

وَرَحْمَتِي وَسِعَتْ كُلَّ شَيْءٍ (الاعراف 156)

'And My mercy embraces all things' (Al A'raf 156)

Second, let's change our tone. On my travels not long ago, I saw a roadside sign that said 'Fear God'. A few miles down the road, was another, saying the same thing, then another and then a final one, saying: '...or you will go to Hell'. I thought: When and how did fear and intimidation creep so insidiously into our conversations, when there is so much more to be said about the love of God? Most people may think they have nothing to do with the hate expressed by extremists. But our world is also threatened when violence, fear and anger dominate our discourse, whether in school lessons or weekly sermons or international affairs.

Third, let us act upon our beliefs. And here, I mean more than praying, fasting or *zakat* [giving alms]. I mean integrating our values into every part of our daily lives, every hour of every day. By loving our neighbour, showing respect to those different from us, being kind to our own children, each one of us can do something to reflect the spirit of our creator.

Fourth, let's amplify the voice of moderation. It is one of the greatest ironies of our time that extremist voices use advanced media to propagate ignorant ideas! We must not let our screens, airwaves, broadband and social media be monopolised by those who pose the greatest danger to our world. We too must populate our media, and more important, the minds of our young people, with the purity and power of moderation.

Fifth, let us recognise deceit. When we examine the motives of these outlaws, the *khawarej* – and indeed, the motives of extremists on all sides – we find hunger for power and control: of people, of money, of land. They use religion as a mask. Is there a worse crime than twisting God's word to promote your own interests? Is there a more despicable act than feeding on the vulnerable and innocent, to recruit them to your ranks?

In the global Muslim community – 1.7 billion good men and women, one quarter of humanity – today’s outlaw gangs are nothing but a drop in the ocean. But a drop of venom can poison a well. We must protect the purity of our faith from worldly contamination. As Muslims, this is our fight, and our duty.

Sixth, by all means, let us be intolerant of intolerance! Extremists rely on the apathy of moderates. But moderation does not mean accepting those who trample on others and reject all who differ. Today’s global fight is not between peoples, communities or religions. It is between all moderates, of all faiths, against all extremists, in all religions. Leaders of every country, every belief, every neighbourhood, need to take a clear and public stand against intolerance of any kind. This includes respecting all places where God is worshipped, whether mosque, church, synagogue or temple.

And nothing can be more important and can have more impact in framing this respect and coexistence than Jerusalem. The Hashemite Custodianship of Jerusalem’s Islamic and Christian Holy Sites is a sacred duty, and we join Muslims and Christians everywhere in rejecting threats to the Holy Places and the Arab character of this Holy City.

My friends,

Our seventh step is hyper-connectivity. In our era, ‘connectivity’ defines how we live and interact: in our work, our communities, our schools, our lives. Only a few years ago we had the Internet of Computers; now we talk about the Internet of Things. But above them all must be the Internet of Humanity – a hyper-connection, bringing us together in collective consciousness and common cause.

Ladies and Gentlemen,

By gathering here today, we acknowledge that the power of working together far exceeds any individual effort. This great General Assembly must address urgent world issues: sustainable, inclusive development that can deliver more opportunity, especially to young people and peaceful political solutions to regional crises.

It is the world's obligation to find solutions and provide relief for the millions of refugees in my region. Today, we are still facing huge shortfalls, cuts and threats to vital UN programmes and agencies, including UNRWA, UNHCR and WFP.

Today, we are haunted by the images of thousands of refugees on the shores and borders of Europe seeking hope far away from their homeland. In Jordan, we have been faced with this challenge since the beginning of the Syrian crisis. Today, Syrian refugees alone constitute 20 per cent of my country's population.

We have been taking on a significant part of the burden of this humanitarian disaster off the international community's shoulders since the beginning. However, support to our country has been a small fraction of the cost we have endured. It is high time that the international community acts collectively in facing this unprecedented humanitarian crisis, and support countries like Jordan and Lebanon which have been carrying the brunt of this burden over the past four years.

My friends,

In all these areas, we must act, collectively, for the future of our world. And connectivity is key. The values we share – equality, compassion and hope – need to be connected to everything we do.

And we must keep ourselves connected to each other, for the good of all.

These bonds are the power and promise of our United Nations. Here, together, we can and must create the future our people need: a safer, stronger world of coexistence, inclusion, shared prosperity and peace. Seven steps can bring us closer to our destination. God willing, our countries and peoples will achieve these and many more.

Thank you.

<i>Source of document</i>

<http://www.jordanembassyus.org/news/remarks-his-majesty-king-abdullah-ii-70th-plenary-session-united-nations-general-assembly>

**Statement by H E Mr. Mahmond Abbas President of the State of
Palestine at the General Debate of the United Nations General
Assembly at its 70th Session**

New York, 30 September 2015

In the name of God, the Beneficent, the Merciful

H.E. Mr. Mogens Lykketoft, president of the General Assembly,
H.E Mr. Ban Ki-moon, secretary general of the United Nations,
Excellencies, heads of delegations
Ladies and gentlemen,

I come before you today from Palestine, compelled to sound the alarm about the grave dangers of what is happening in Jerusalem, where extremist Israeli groups are committing repeated, systematic incursions upon al-Aqsa Mosque, aimed at imposing a new reality and dividing al-Haram al-Sharif temporally, allowing extremists, under the protection of Israeli occupying forces and accompanying ministers and Knesset members, to enter the mosque at certain times, while preventing Muslim worshipers from accessing and entering the mosque at those times and freely exercising their religious rights.

This is the scheme that the Israeli government is pursuing, in direct violation of the status quo since before 1967 and thereafter. By doing so, the occupying power is committing a grave mistake, because we will not accept this, and the Palestinian people will not allow the implementation of this illegal scheme, which is aggravating the sensitivities of Palestinians and Muslims everywhere.

I call on the Israeli government, before it is too late, to cease its use of brutal force to impose its plans to undermine the Islamic and Christian sanctities in Jerusalem, particularly its actions at al-Aqsa Mosque, for such actions will convert the conflict from a political to

religious one, creating an explosive in Jerusalem and in the rest of the occupied Palestinian territory.

Excellencies, ladies and gentlemen,

It is my honor to come before you to speak on behalf of the state of Palestine before your esteemed General Assembly in this session, which coincides with the 70th anniversary of the establishment of the United Nations, which has made the promotion and protection of international peace and security and the preservation of human rights its most central goals.

The question of Palestine was one of the first just issues brought before the United Nations from the time of its inception, and yet it remains unresolved until this moment, as the organization and its members continue to be unable to end this injustice inflicted upon our people and to assist our people to exercise their right to self-determination and freedom in their independent and sovereign state.

Excellencies, ladies and gentlemen,

I ask you to consider the history of the question of Palestine and the relevant United Nations resolutions to realize the obvious truth: that a historic injustice has been inflicted upon a people and a homeland, a people that had lived peacefully in their land and made genuine intellectual, cultural and humanitarian contributions to mankind. This people do not deserve to be deprived of their homeland, to die in exile or be swallowed by the sea, or to spend their lives fleeing from one refugee camp to another. Yet regrettably, their just cause remains at a standstill after the passage of all these years.

Our people have placed their hopes on the countries of this organization to help them to gain their freedom, independence and sovereignty, so that their wish and right to their own state, like all other peoples of the Earth, can be achieved, along with a just solution

for the Palestine refugee issue in accordance with General Assembly resolution 194 and the Arab Peace Initiative.

Mr. President, ladies and gentlemen,

We are calling for rightness, justice and peace. While Palestine was partitioned into two states – according to which Israel was established 67 years ago – the second part of that resolution still awaits implementation. Palestine, which is an observer state in the United Nations, deserves full recognition and full membership. It is unreasonable and painful – in light of all the enormous sacrifices we have made, our patience over all of these years of exile and suffering, and our acceptance to make peace according to the two-state solution based on international law, the relevant United Nations resolutions, the Arab Peace Initiative, and the Quartet road map – that the question of Palestine unjustly remains unresolved.

Mr. President, ladies and gentlemen,

Continuation of the status quo is completely unacceptable because it means surrender to the logic of the brute force being inflicted by the Israeli government, as it continues its illegal settlement expansion in the West Bank, especially in occupied East Jerusalem, and continues its blockade of the Gaza Strip, deepening the immense suffering of our people there, in defiance of United Nations resolutions and the agreements signed between the two sides under international auspices. We recall here the words of the late Israeli Prime Minister Yitzhak Rabin in 1976, when he stated that Israel will become an apartheid state if it continues its occupation of the Palestinian territory and described the Israeli settlements on Palestinian land as “cancer.”

The persistence of this matter prompts us to ask: Do the votes by democratic countries against Palestine-related resolutions and the legitimate rights of our people serve peace and those who believe in

the two-state solution? Or do they serve and encourage extremists and increase their hatred and racism, making them believe that they are above the law, to the point where they commit the burning of a Palestinian family in the town of Duma in the West Bank, claiming the lives of an infant, Ali Dawabshe, and his father and mother? What is left of this family is an orphan child, Ahmed, 4 years old, who lies between life and death in the hospital as a result of his burns, while the killers remain free and have not yet been arrested.

This is not the first crime. Before, they burned alive and killed the Palestinian child, Mohammad Abu Khieder, in Jerusalem, and the child Mohammed al-Dura in Gaza, and before them thousands have been killed in Gaza and the West Bank. And, we still remember the Deir Yassin massacre and all of the crimes against our people that have passed without punishment. For how long will Israel remain above international law and without accountability?

Due to the time constraints, I shall not be able to discuss in detail how many Israeli violations are being committed against our people and how many repressive laws have been issued by successive Israeli governments, the latest of which is the formal legislation of instructions to fire live ammunition at and arrest and repress peaceful Palestinian demonstrators, as it continues to impose this illegal occupation.

Mr. President, ladies and gentlemen,

We do not respond to the Israeli occupation's hatred and brutality with the same. Instead, we are working on spreading the culture of peace and coexistence between our people and in our region, and we are anxious to realize it and to witness the day when all of the people in our region will enjoy peace, security, stability and prosperity. This cannot be achieved with the continuation of the occupation, settlement colonization, the wall, the burning of people, places of worship and homes, the killing of youths, children and

infants, the burning of crops, and the arrest and detention of people without charge or trial.

How can a state claiming to be an oasis of democracy and claiming that its courts and security apparatus function according to the law accept the existence of so-called “price tag” gangs and other terrorist organizations that terrorize our people, their property and holy sites, all under the sight of the Israeli army and police, which do not deter or punish, but rather provide them with protection.

Mr. President, ladies and gentlemen,

Is it not time to end this injustice? Is it not time to stop this suffering? Is it not time for the racist annexation wall to be dismantled? Is it not time for the humiliating and degrading checkpoints and barriers set up by the Israeli occupying forces in our land to be removed, for the Israeli blockade imposed on the Gaza Strip to be lifted, and for our people to move in freedom and dignity in their own homeland and outside? Is it not time to end the racist, terrorist, colonial settlement of our land, which is destroying the two-state solution? Is it not the time for the 6,000 Palestinian prisoners and detainees in Israeli jails to see the light of freedom and to live among their families and communities? Is it not the time for the longest occupation in history suffocating our people to come to an end?

Mr. President, ladies and gentlemen,

Despite all the obstacles imposed by the occupation, we, since the establishment of the Palestinian National Authority, and until this moment, have worked incessantly to build the foundations of our State, its infrastructure and sovereign national institutions. We have made real progress on the ground, as affirmed by several international bodies, especially the United Nations, World Bank and International Monetary Fund. We will continue our efforts and work, with the support of our brothers and friends, to strengthen our state, committed

to international standards, the rule of law and transparency as a democratic and modern state. In this context, we highly value the efforts of the AHLC [the Ad-Hoc Liaison Committee], under Norway's chairmanship, and urge donor countries to continue to support a better life for our people and our efforts to develop our state institutions.

In this context, our accession to membership of international organizations and treaties and conventions is not directed against any one, but rather aimed at safeguarding our rights, protecting our people, harmonizing the laws and regulations of our country with international standards, and strengthening its international legal status and identity.

As for the internal Palestinian situation, we are determined to preserve the unity of our land and our people. We will not accept temporary solutions or a fragmented state. We seek to form a national unity government that functions according to the program of the Palestine Liberation Organization, and we seek to hold presidential and legislative elections.

Mr. President, ladies and gentlemen,

Palestine is a country of holiness and peace. It is the birthplace of Christ, the messenger of love and peace, and the Isra' and Mi'raj (ascension to heaven and night journey) of Muhammad, peace be upon him, who was sent as a mercy unto the world. This is Palestine that is still looking for peace, and its people want to live in their homeland in safety, security, harmony, stability and good neighborliness with all peoples and countries of the region. This is attested to by their cultural, humanitarian and spiritual contributions to humanity from the start.

Recently, on 17 May, 2015, two nuns from Palestine, Alphonsine Ghattas and Mariam Baouardy, were canonized as saints by His Holiness Pope Francis at the Vatican in the presence of tens of

thousands of the faithful from around the globe. The flag of Palestine was raised at the Vatican, which recognized the state of Palestine, as documented in the agreement signed between the Holy See and the state of Palestine.

We aspire to see the independent state of Palestine taking its rightful place among the community of nations, and we are confident that it will actively contribute to the achievement of economic, cultural, and humanitarian progress of civilization, with positive effects on our people, the region and the world.

It is from Palestine, and with Palestine, that peace will be achieved.

Here, I wish to express, on behalf of our people, deepest gratitude to the countries that voted in favor of the resolution enabling us today to raise the flag of the state of Palestine at United Nations headquarters. The day is not far when we will raise the flag of Palestine in East Jerusalem, the capital of the state of Palestine.

I wish also to pay tribute to the recent decisions by the European parliaments that have clearly condemned Israel's settlement activities and its products and affirmed the right of the Palestinian people to sovereignty and independence in their state alongside the State of Israel, and that also established a committee on the relations with Palestine.

Mr. President, ladies and gentlemen,

Several European countries and parliaments also affirmed their recognition of the state of Palestine, reaffirming our natural right to independence. In this regard, we thank the kingdom of Sweden for its courage and recognition of the state of Palestine. Indeed, the countries that say they support the two-state solution must recognize the two states, not just one.

Today, I appeal to those countries that have not yet recognized the state of Palestine to do so. We are confident that they will do so, based on conviction in the justice deserved by our people and their cause.

From this rostrum at the United Nations and in this period of religious holidays, I also extend a sincere call to the people of Israel for peace based on justice, security and stability for all. I must also call again on the Security Council and the General Assembly to uphold their responsibilities before it is too late and the chances for peace are lost.

Excellencies, ladies and gentlemen,

You are all aware that Israel undermined the efforts made by the administration of President Barack Obama in past years, most recently the efforts of Secretary of State John Kerry aimed at reaching a peace agreement through negotiations. The policies and practices of the Israeli government and the positions of its prime minister and cabinet members lead to a clear conclusion: It is working extremely hard to destroy the two-state solution that we are seeking on the basis of the resolutions of international legitimacy.

Excellencies, ladies and gentlemen,

We welcome the international and European efforts, including the French initiative calling for the formation of an international support group for the achievement of peace. In their recent summit, the Arab states confirmed their support for a resolution by the Security Council that reaffirms the clear parameters for a peaceful solution in accordance with the two-state solution based on the pre-1967 borders and that sets a time frame for ending the occupation. It is no longer useful to waste time in negotiations for the sake of negotiations; what is required is to mobilize international efforts to oversee an end to the occupation in line with the resolutions of international legitimacy.

Until then, I call upon the United Nations to provide international protection for the Palestinian people in accordance with international humanitarian law.

Mr. President, Excellencies, ladies and gentlemen,

We have tried to oblige Israel to implement the signed agreements and to negotiate in conformity with the two-state solution through direct contacts with the Israeli government, as well as through the United States, the Russian Federation, the European Union, and the United Nations (the Quartet members) and other parties. However, the Israeli government insists on continuing its destruction of the two-state solution and on entrenchment of two regimes on the ground: an apartheid regime that is currently imposed on the territory of the state of Palestine and against the Palestinian people on the one hand, and another regime of privileges and protection to the Israeli settlers on the other hand.

Excellencies, ladies and gentlemen,

The transitional Oslo agreement and its annexes, and the subsequent agreements signed with Israel, stipulated that the agreements would be implemented within five years, ending in 1999 with full independence for the state of Palestine and the termination of the Israeli occupation. But Israel stopped the completion of the process of withdrawing its forces from areas classified as “B” and “C,” which represent more than 60 percent of the territory of the West Bank, including East Jerusalem. Instead, it intensified its settlement activities everywhere. Since the speech of President Obama in Cairo in 2009, in which he called for the cessation of settlement activities, the Israeli government increased settlement activities by at least 20 percent, violating its obligation not to undertake any action illegally and unilaterally that would prejudice the final solution. Moreover, the occupying power has repeatedly infringed upon the areas classified “A,” which are supposed to be under full Palestinian security

jurisdiction and in which we have developed the institutions of the Palestinian state.

At the same time, as Israel refuses to review the economic agreements that control the ability of the Palestinian economy to develop and be independent, it is determined to impose dominance on our economy, similar to its military and security dominance, and rejects the right of the Palestinian people to development and to their natural resources. As such, Israel has destroyed the foundations upon which the political and security agreements are based, which have also been undermined by the measures taken by successive Israeli governments that have negated the transitional phase aimed at realizing the independence of our state, and has perpetrated gross violations, which have made the situation unsustainable.

Thus, we declare that as long as Israel refuses to commit to the agreements signed with us, which render us an authority without real powers, and as long as Israel refuses to cease settlement activities and to release of the fourth group of Palestinian prisoners in accordance with our agreements, they leave us no choice but to insist that we will not remain the only ones committed to the implementation of these agreements, while Israel continuously violates them. We, therefore, declare that we cannot continue to be bound by these agreements and that Israel must assume all of its responsibilities as an occupying power, because the status quo cannot continue and the decisions of the Palestinian Central Council last March are specific and binding.

Excellencies, ladies and gentlemen,

The state of Palestine, based on the 4th of June, 1967, borders with East Jerusalem as its capital, is a state under occupation, as was the case for many countries during World War II. Our state is recognized by 137 countries around the world and the right of our

people to self-determination, freedom and independence is recognized globally as being inalienable and unquestionable.

I further recall General Assembly Resolution 67/19 of 2012, which accorded to Palestine observer state status, reaffirmed that the Executive Committee of the Palestine Liberation Organization would be the interim government of the state of Palestine and that the Palestinian National Council is the Palestinian parliament of the state of Palestine.

I must reiterate: The current situation is unsustainable. Our people need genuine hope and need to see credible efforts for ending this conflict, ending their misery and achieving their rights. We will start the implementation of this declaration by all peaceful and legal means. Either the Palestinian National Authority will be the conduit of the Palestinian people from occupation to independence, or Israel, the occupying power, must bear all of its responsibilities.

At the same time, and based on our commitment to the principles of international law, the state of Palestine will continue in its efforts to accede to international conventions and organizations, and it will move forward in the defense of its people under occupation through all available legal and peaceful means, including as a high contracting party to the Geneva Conventions of 1949 and a state party to the Rome Statute of the International Criminal Court. Those who fear international law and international courts must cease committing all crimes.

Mr. President, excellencies, ladies and gentlemen,

My hands remain outstretched for the just peace that will guarantee my people's rights, freedom and human dignity. I say to our neighbors, the Israeli people, that peace is in your interest, in our interest, and in the interest of our future generations. Narrow vision is destructive. I hope that you will consider the dangerous reality on the

ground and look to the future and accept for the Palestinian people what you accept for yourselves. Then, you will find that the achievement of peace will be possible, and you will enjoy security, safety, peace and stability. These are the aspirations that we also seek to realize for the Palestinian people.

I thank you for your kind attention.

May the peace, mercy and blessings of God be upon you.

<i>Source of document</i>

http://gadebate.un.org/sites/default/files/gastatements/70/70_PS_en.pdf

PM Netanyahu addresses the UN General Assembly

01 Oct 2015

Ladies and Gentlemen, I bring you greetings from Jerusalem. The city in which the Jewish People's hopes and prayers for peace for all of humanity have echoed throughout the ages.

Thirty-one years ago, as Israel's Ambassador to the United Nations, I stood at this podium for the first time. I spoke that day against a resolution sponsored by Iran to expel Israel from the United Nations.

Then as now, the UN was obsessively hostile towards Israel, the one true democracy in the Middle East. Then as now, some sought to deny the one and only Jewish state a place among the nations.

I ended that first speech by saying: Gentlemen, check your fanaticism at the door.

More than three decades later, as the Prime Minister of Israel, I am again privileged to speak from this podium. And for me, that privilege has always come with a moral responsibility to speak the truth. So after three days of listening to world leaders praise the nuclear deal with Iran, I begin my speech today by saying: Ladies and Gentlemen, check your enthusiasm at the door.

You see, this deal doesn't make peace more likely. By fueling Iran's aggressions with billions of dollars in sanctions relief, it makes war more likely.

Just look at what Iran has done in the last six months alone, since the framework agreement was announced in Lausanne. Iran boosted its supply of devastating weapons to Syria. Iran sent more soldiers of its Revolutionary Guard into Syria. Iran sent thousands of Afghani and Pakistani Shi'ite fighters to Syria.

Iran did all this to prop up Assad's brutal regime. Iran also shipped tons of weapons and ammunitions to the Houthi rebels in Yemen, including another shipment just two days ago. Iran threatened to topple Jordan. Iran's proxy Hezbollah smuggled into Lebanon SA-22 missiles to down our planes, and Yakhont cruise missiles to sink our ships. Iran supplied Hezbollah with precision-guided surface-to-surface missiles and attack drones so it can accurately hit any target in Israel. Iran aided Hamas and Islamic Jihad in building armed drones in Gaza.

Iran also made clear its plans to open two new terror fronts against Israel, promising to arm Palestinians in the West Bank and sending its Revolutionary Guard generals to the Golan Heights, from which its operatives recently fired rockets on northern Israel.

Israel will continue to respond forcefully to any attacks against it from Syria. Israel will continue to act to prevent the transfer of strategic weapons to Hezbollah from and through Syrian territory.

Every few weeks, Iran and Hezbollah set up new terror cells in cities throughout the world. Three such cells were recently uncovered in Kuwait, Jordan and Cyprus. In May, security forces in Cyprus raided a Hezbollah agent's apartment in the city of Larnaca. There they found five tons of ammonium nitrate, that's roughly the same amount of ammonium nitrate that was used to blow up the federal building in Oklahoma City.

And that's just in one apartment, in one city, in one country.

But Iran is setting up dozens of terror cells like this around the world, ladies and gentlemen, they're setting up those terror cells in this hemisphere too.

I repeat: Iran's been doing all of this, everything that I've just described, just in the last six months, when it was trying to convince the world to remove the sanctions.

Now just imagine what Iran will do after those sanctions are lifted. Unleashed and un-muzzled, Iran will go on the prowl, devouring more and more prey.

In the wake of the nuclear deal, Iran is spending billions of dollars on weapons and satellites. You think Iran is doing that to advance peace? You think hundreds of billions of dollars in sanctions relief and fat contracts will turn this rapacious tiger into a kitten? If you do, you should think again.

In 2013 President Rouhani began his so-called charm offensive here at the UN. Two years later, Iran is executing more political prisoners, escalating its regional aggression, and rapidly expanding its global terror network.

You know they say, actions speak louder than words. But in Iran's case, the words speak as loud as the actions.

Just listen to the Deputy Commander of Iran's Revolutionary Guard Quds Force. Here's what he said in February: "The Islamic revolution is not limited by geographic borders...." He boasted that Afghanistan, Iraq, Lebanon, Syria, Palestine and Yemen are among the countries being "conquered by the Islamic Republic of Iran."

Conquered.

And for those of you who believe that the deal in Vienna will bring a change in Iran's policy, just listen to what Iran's Supreme Leader Ayatollah Khamenei said five days after the nuclear deal was reached: "Our policies towards the arrogant government of the United States will not change." The United States, he vowed, will continue to be

Iran's enemy.

While giving the mullahs more money is likely to fuel more repression inside Iran, it will definitely fuel more aggression outside Iran.

As the leader of a country defending itself every day against Iran's growing aggression, I wish I could take comfort in the claim that this deal blocks Iran's path to nuclear weapons.

But I can't, because it doesn't. This deal does place several constraints on Iran's nuclear program. And rightly so, because the international community recognizes that Iran is so dangerous.

But you see here's the catch: Under this deal, If Iran doesn't change its behavior, In fact, if it becomes even more dangerous in the years to come, the most important constraints will still be automatically lifted by year 10 and by year 15. That would place a militant Islamic terror regime weeks away from having the fissile material for an entire arsenal of nuclear bombs. That just doesn't make any sense.

I've said that if Iran wants to be treated like a normal country, let it act like a normal country. But this deal, this deal will treat Iran like a normal country even if it remains a dark theocracy that conquers its neighbors, sponsors terrorism worldwide and chants "Death to Israel", "Death to America."

Does anyone seriously believe that flooding a radical theocracy with weapons and cash will curb its appetite for aggression?

Do any of you really believe that a theocratic Iran with sharper claws and sharper fangs will be more likely to change its stripes?

So here's a general rule that I've learned and you must have learned in your life time - When bad behavior is rewarded, it only gets worse.

Ladies and Gentlemen,

I have long said that the greatest danger facing our world is the coupling of militant Islam with nuclear weapons. And I'm gravely concerned that the nuclear deal with Iran will prove to be the marriage certificate of that unholy union. I know that some well-intentioned people sincerely believe that this deal is the best way to block Iran's path to the bomb.

But one of history's most important yet least learned lessons is this: The best intentions don't prevent the worst outcomes.

The vast majority of Israelis believe that this nuclear deal with Iran is a very bad deal. And what makes matters even worse is that we see a world celebrating this bad deal, rushing to embrace and do business with a regime openly committed to our destruction.

Last week, Major General Salehi, the commander of Iran's army, proclaimed this: "We will annihilate Israel for sure." "We are glad that we are in the forefront of executing the Supreme Leader's order to destroy Israel."

And as for the Supreme Leader himself, a few days after the nuclear deal was announced, he released his latest book. Here it is. It's a 400-page screed detailing his plan to destroy the State of Israel.

Last month, Khamenei once again made his genocidal intentions clear before Iran's top clerical body, the Assembly of Experts. He spoke about Israel, home to over six million Jews. He pledged, "there will be no Israel in 25 years."

Seventy years after the murder of six million Jews, Iran's rulers promise to destroy my country. Murder my people. And the response

from this body, the response from nearly every one of the governments represented here has been absolutely nothing! Utter silence! Deafening silence.

Perhaps you can now understand why Israel is not joining you in celebrating this deal.

If Iran's rulers were working to destroy your countries, perhaps you'd be less enthusiastic about the deal. If Iran's terror proxies were firing thousands of rockets at your cities, perhaps you'd be more measured in your praise. And if this deal were unleashing a nuclear arms race in your neighborhood, perhaps you'd be more reluctant to celebrate.

But don't think that Iran is only a danger to Israel. Besides Iran's aggression in the Middle East and its terror around the world, Iran is also building intercontinental ballistic missiles whose sole purpose is to carry nuclear warheads.

Now remember this: Iran already has missiles that can reach Israel. So those intercontinental ballistic missiles that Iran is building - they're not meant for us - they're meant for you. For Europe. For America. For raining down mass destruction - anytime, anywhere.

Ladies and Gentlemen,

It's not easy to oppose something that is embraced by the greatest powers in the world. Believe me, it would be far easier to remain silent. But throughout our history, the Jewish people have learned the heavy price of silence. And as the Prime Minister of the Jewish State, as someone who knows that history, I refuse to be silent.

I'll say it again: The days when the Jewish people remained passive in the face of genocidal enemies - those days are over.

Not being passive means speaking up about those dangers. We have.

We are. We will.

Not being passive also means defending ourselves against those dangers. We have. We are. And we will.

Israel will not allow Iran to break-in, to sneak-in or to walk-in to the nuclear weapons club.

I know that preventing Iran from developing nuclear weapons remains the official policy of the international community. But no one should question Israel's determination to defend itself against those who seek our destruction. For in every generation, there were those who rose up to destroy our people.

In antiquity, we faced destruction from the ancient empires of Babylon and Rome. In the Middle Ages, we faced inquisition and expulsion. And in modern times, we faced pogroms and the Holocaust. Yet the Jewish people persevered.

And now another regime has arisen, swearing to destroy Israel. That regime would be wise to consider this: I stand here today representing Israel, a country 67 years young, but the nation-state of a people nearly 4,000 years old. Yet the empires of Babylon and Rome are not represented in this hall of nations. Neither is the Thousand Year Reich. Those seemingly invincible empires are long gone. But Israel lives. The people of Israel live.

עם ישראל חי.

The re-birth of Israel is a testament to the indomitable spirit of my people. For a hundred generations, the Jewish people dreamed of returning to the Land of Israel. Even in our darkest hours, and we had so many, even in our darkest hours we never gave up hope of rebuilding our eternal capital Jerusalem.

The establishment of Israel made realizing that dream possible. It has enabled us to live as a free people in our ancestral homeland. It's enabled us to embrace Jews who've come from the four corners of the earth to find refuge from persecution. They came from war-torn Europe, from Yemen, Iraq, Morocco, from Ethiopia and the Soviet Union, from a hundred other lands. And today, as a rising tide of anti-Semitism once again sweeps across Europe and elsewhere, many Jews come to Israel to join us in building the Jewish future.

So here's my message to the rulers of Iran: Your plan to destroy Israel will fail. Israel will not permit any force on earth to threaten its future.

And here's my message to all the countries represented here: Whatever resolutions you may adopt in this building, whatever decisions you may take in your capitals, Israel will do whatever it must do to defend our state and to defend our people.

Distinguished delegates,

As this deal with Iran moves ahead, I hope you'll enforce it...how can I put this? With a little more rigor than you showed with the six Security Council resolutions that Iran has systematically violated and which now have been effectively discarded.

Make sure that the inspectors actually inspect. Make sure that the snapback sanctions actually snap back. And make sure that Iran's violations aren't swept under the Persian rug.

Well, of one thing I can assure you: Israel will be watching... closely.

What the international community now needs to do is clear:

First, make Iran comply with all its nuclear obligations. Keep Iran's

feet to the fire. Second, check Iran's regional aggression. Support and strengthen those fighting Iran's aggression, beginning with Israel. Third, use sanctions and all the tools available to you to tear down Iran's global terror network.

Ladies and Gentlemen,

Israel is working closely with our Arab peace partners to address our common security challenges from Iran and also the security challenges from ISIS and from others. We are also working with other states in the Middle East as well as countries in Africa, in Asia and beyond.

Many in our region know that both Iran and ISIS are our common enemies. And when your enemies fight each other, don't strengthen either one - weaken both.

Common dangers are clearly bringing Israel and its Arab neighbors closer. And as we work together to thwart those dangers, I hope we'll build lasting partnerships - lasting partnerships for security, for prosperity and for peace.

But in Israel, we never forget one thing. We never forget that the most important partner that Israel has has always been, and will always be, the United States of America. The alliance between Israel and the United States is unshakeable.

President Obama and I agree on the need to keep arms out of the hands of Iran's terror proxies. We agree on the need to stop Iran from destabilizing countries throughout the Middle East.

Israel deeply appreciates President Obama's willingness to bolster our security, help Israel maintain its qualitative military edge and help Israel confront the enormous challenges we face. Israel is grateful that this sentiment is widely shared by the American people and its

representatives in Congress, by both those who supported the deal and by those who opposed it.

President Obama and I have both said that our differences over the nuclear deal are a disagreement within the family. But we have no disagreement about the need to work together to secure our common future.

And what a great future it could be.

Israel is uniquely poised to seize the promise of the 21st century. Israel is a world leader in science and technology, in cyber, software, water, agriculture, medicine, biotechnology and so many other fields that are being revolutionized by Israeli ingenuity and Israeli innovation.

Israel is the innovation nation. Israeli knowhow is everywhere. It's in your computers' microprocessors and flash drives. It's in your smartphones, when you send instant messages and navigate your cars. It's on your farms, when you drip irrigate your crops and keep your grains and produce fresh. It's in your universities, when you study Nobel Prize winning discoveries in chemistry and economics. It's in your medicine cabinets, when you use drugs to treat Parkinson's Disease and Multiple Sclerosis. It's even on your plate, when you eat the delicious cherry tomato. That too was perfected in Israel, in case you didn't know.

We are so proud in Israel of the long strides our country has made in a short time. We're so proud that our small country is making such a huge contribution to the entire world.

Yet the dreams of our people, enshrined for eternity by the great prophets of the Bible, those dreams will be fully realized only when there is peace.

As the Middle East descends into chaos, Israel's peace agreements with Egypt and Jordan are two cornerstones of stability.

Israel remains committed to achieving peace with the Palestinians as well. Israelis know the price of war. I know the price of war. I was nearly killed in battle. I lost many friends. I lost my beloved brother Yoni.

Those who know the price of war can best appreciate what the blessings of peace would mean - for ourselves, our children, our grandchildren.

I am prepared to immediately, immediately, resume direct peace negotiations with the Palestinian Authority without any preconditions whatsoever. Unfortunately, President Abbas said yesterday that he is not prepared to do this. Well, I hope he changes his mind. Because I remain committed to a vision of two states for two peoples, in which a demilitarized Palestinian state recognizes the Jewish state.

You know, the peace process began over two decades ago. Yet despite the best efforts of six Israeli prime ministers - Rabin, Peres, Barak, Sharon, Olmert and myself - the Palestinians have consistently refused to end the conflict and make a final peace with Israel.

And unfortunately, you heard that rejectionism again only yesterday from President Abbas.

How can Israel make peace with a Palestinian partner who refuses to even sit at the negotiating table? Israel expects the Palestinian Authority to abide by its commitments.

The Palestinians should not walk away from peace. President Abbas, I know it's not easy. I know it's hard. But we owe it to our peoples to try, to continue to try, because together, if we actually negotiate and stop negotiating about the negotiation, if we actually sit down and try

to resolve this conflict between us, recognize each other, not use a Palestinian state as a stepping stone for another Islamist dictatorship in the Middle East, but something that will live at peace next to the Jewish state, if we actually do that, we can do remarkable things for our peoples.

The UN can help advance peace by supporting direct, unconditional negotiations between the parties. The UN won't help peace, certainly won't help advance peace by trying to impose solutions or by encouraging Palestinian rejectionism. And the UN, distinguished delegates, should do one more thing. The UN should finally rid itself of the obsessive bashing of Israel.

Here's just one absurd example of this obsession: In four years of horrific violence in Syria, more than a quarter of a million people have lost their lives. That's more than ten times, more than ten times, the number of Israelis and Palestinians combined who have lost their lives in a century of conflict between us.

Yet last year, this Assembly adopted 20 resolutions against Israel and just one resolution about the savage slaughter in Syria. Talk about injustice. Talk about disproportionality. Twenty. Count them. One against Syria. Well, frankly I am not surprised.

To borrow a line from Yogi Berra, the late, great baseball player and part time philosopher: When it comes to the annual bashing of Israel at the UN, it's déjà vu all over again.

Enough!

Thirty one years after I stood here for the first time, I'm still asking: When will the UN finally check its anti-Israel fanaticism at the door? When will the UN finally stop slandering Israel as a threat to peace and actually start helping Israel advance peace?

And the same question should be posed to Palestinian leaders. When will you start working with Israel to advance peace and reconciliation and stop libeling Israel, stop inciting hatred and violence?

President Abbas, here's a good place to begin: Stop spreading lies about Israel's alleged intentions on the Temple Mount. Israel is fully committed to maintaining the status quo there.

What President Abbas should be speaking out against are the actions of militant Islamists who are smuggling explosives into the al-Aqsa mosque and who are trying to prevent Jews and Christians from visiting the holy sites. That's the real threat to these sacred sites.

A thousand years before the birth of Christianity, more than 1,500 years before the birth of Islam, King David made Jerusalem our capital, and King Solomon built the Temple on that mount. Yet Israel, Israel will always respect the sacred shrines of all.

In a region plagued by violence and by unimaginable intolerance, in which Islamic fanatics are destroying the ancient treasures of civilization, Israel stands out as a towering beacon of enlightenment and tolerance.

Far from endangering the holy sites, it is Israel that ensures their safety. Because unlike the powers who have ruled Jerusalem in the past, Israel respects the holy sites and freedom of worship of all - Jews, Muslims, Christians, everyone. And that, ladies and gentlemen, will never change.

Because Israel will always stay true to its values. These values are on display each and every day: When Israel's feisty parliament vigorously debates every issue under the sun, when Israel's Chief Justice sits in her chair at our fiercely independent Supreme Court, when our Christian community continues to grow and thrive from year to year, as Christian communities are decimated elsewhere in the Middle East,

when a brilliant young Israeli Muslim student gives her valedictorian address at one of our finest universities, and when Israeli doctors and nurses - doctors and nurses from the Israeli military - treat thousands of wounded from the killing fields of Syria and thousands more in the wake of natural disasters from Haiti to Nepal.

This is the true face of Israel. These are the values of Israel.

And in the Middle East, these values are under savage assault by militant Islamists who are forcing millions of terrified people to flee to distant shores.

Ten miles from ISIS, a few hundred yards from Iran's murderous proxies, Israel stands in the breach - proudly and courageously, defending freedom and progress.

Israel is civilization's front line in the battle against barbarism.

So here's a novel idea for the United Nations: Instead of continuing the shameful routine of bashing Israel, stand with Israel. Stand with Israel as we check the fanaticism at our door. Stand with Israel as we prevent that fanaticism from reaching your door.

Ladies and Gentlemen,

Stand with Israel because Israel is not just defending itself. More than ever, Israel is defending you.

<i>Source of document</i>
http://mfa.gov.il/MFA/PressRoom/2015/Pages/PM-Netanyahu-addresses-the-UN-General-Assembly-1-Oct-2015.aspx

PM Netanyahu addresses the 37th Zionist Congress

20 October, 2015

The 37th Zionist Congress is currently convening in Jerusalem, with 525 delegates from all over the world. Prime Minister Benjamin Netanyahu addressed the opening of the Congress:

We've witnessed a lot of changes since the last Congress, great challenges and great opportunities for Israel and the Jewish people. We are now, despite our desires and our efforts for peace and for tranquility, **we are now in the midst of a campaign, an assault, and not the first one, that seeks to murder Israelis wherever they are. And this campaign is incorporating medieval ideology with modern technology.** It's a unique combination.

I am seeing it primarily on the social networks. I'll talk about it in a minute. And we know for example that the various attackers are using their Facebook pages to indicate what they are, to absorb messages of incitement. I appreciate the fact that Facebook is trying to find the balance between free speech and the safety of the public. I think that warrants special attention in this case.

Now let me try to put in perspective what it is we're fighting: We're fighting not only a campaign of physical assaults on the Jewish state - the Jewish people have experienced that throughout the centuries - but **as we've experienced in our history, the physical assaults on the Jews are always preceded and accompanied by an assault on the truth, campaign of defamation and slander. And what I would like to examine with you today are the ten big lies that are hurled at us.** And the only way that you can fight lies, and especially big lies, is to puncture them with the simple truth.

So here's the first big lie: Israel is trying to change the status quo on the Temple Mount. No, we're not. We haven't changed the status quo on the Temple Mount in years. There's a simple arrangement: Muslims visit the Temple Mount and they pray there. Others, Jews, Christians and other denominations, secular people, they come - secular people pray too by the way - they visit the Temple Mount but they don't. Sunday to Thursday, 7:00 to 11:00, the non-Muslims visit. Muslims visit the rest of the time. How many Muslims have visited and prayed on the Temple Mount, on average, last year? Anybody know? No, not 300,000, three and a half million. Eighty thousand Christians and other denominations and 12,000 Jews. That hasn't changed.

Though the Temple Mount is our holiest site - it was built there by king Solomon 3,000 years ago, 1,500 years before the birth of Islam - though we've been attached to it for 3 millennia, we in no way deny the sacred sites or the rights or the free access for other denominations, and Israel has not and will not change the status quo. This is one huge lie.

The second is not only that we seek to change the prayer arrangements on the Temple Mount and the non-prayer arrangements on the Temple Mount, which we don't, is that we seek to destroy the al-Aqsa Mosque. Now this is particularly farcical. It would be farcical if it weren't tragic. My grandfather came to this land in 1920 and he landed in Jaffa, and very shortly after he landed he went to the immigration office in Jaffa. And a few months later it was burned down by marauders. These attackers, Arab attackers, murdered several Jews, including our celebrated writer Brenner.

And this attack and other attacks on the Jewish community in 1920, 1921, 1929, were instigated by a call of the Mufti of Jerusalem Haj Amin al-Husseini, who was later sought for war crimes in the Nuremberg trials because he had a central role in fomenting the final solution. He flew to Berlin. Hitler didn't want to exterminate the Jews

at the time, he wanted to expel the Jews. And Haj Amin al-Husseini went to Hitler and said, "If you expel them, they'll all come here." "So what should I do with them?" he asked. He said, "Burn them." And he was sought in, during the Nuremberg trials for prosecution. He escaped it and later died of cancer, after the war, died of cancer in Cairo. But this is what Haj Amin al-Husseini said. He said, "The Jews seek to destroy the Temple Mount." My grandfather in 1920 seeks to destroy...? Sorry, the al-Aqsa Mosque. So this lie is about a hundred years old. It fomented many, many attacks. The Temple Mount stands. The al-Aqsa Mosque stands. But the lie stands too, persists.

First lie: Israel seeks to change the status quo - false. Second lie: Israel seeks to destroy the al-Aqsa Mosque - false. It's particularly onerous because Israel is the only country that protects the holy sites in the Middle East. You see Muslims, the militant Shi'ites and the militant Sunnis, blowing each other's mosques to smithereens across Iraq, Syria, you name it, churches - of course, synagogues - don't even talk about it. And ancient shrines of great world heritage - blown up. The only place where the holy shrines of all are absolutely guaranteed is in Jerusalem under Israeli sovereignty and of course in the rest of Israel.

Here's lie number three - the reason you have this surge of violence is because there has been a surge in settlement construction. Did you hear this? Yeah, all the time. Well, here are the numbers - some of you are not going to like them. In my first term in office, we built an average of 3,000 units annually in Judea and Samaria. In Barak's single year, he built 5,000. In Sharon, it was down to 1,900. In Olmert, it was down to 1,700. And given the circumstances, in my successive terms it's down to 1,500.

There are reasons for that. We can discuss that some other time but facts are facts. These numbers are exact. So, far from seeing a settlement surge, there's actually been a decline in construction. I raise that because this is raised again and again and again. The Palestinians are protesting because of a surge in settlement activity. Sorry, not true.

And I put the facts forward before the world. Some surge.

The fourth big lie is that we are executing Palestinians - executing Palestinians. When our people are fighting back against these knife-wielders, meat-cleaver-wielders, people who try hack to death our citizens and our soldiers and our policemen, they're executing people. And what was the example? Ahmed Mansara, this boy that Abu Mazen put forward. He held his picture and he said we're executing this innocent boy. He's not innocent, he nearly stabbed to death, he stabbed nearly to death a 13-year-old Israeli boy riding on a bicycle.

He's not dead. He's been released, I think he's about to be released, from the Hadassah Hospital where his victim is struggling for his life. This is a big lie that we punctured right on the spot. Because here's the thing about the lies that I'm describing: If left unchallenged, they continue to expand like a cloud and by dint of constant repetition, these lies assume the cache of self-evident truth. And I think it's vital to put the facts before the world.

The fifth point is that Israel uses excessive force in general. That's not true either. What do you think would happen on the streets of New York? Let's just imagine the NYPD and people are rushing in the streets trying to knife down their police or innocent passers-by. What would the police do in New York City or in Paris or in Moscow or anywhere else? You know exactly what they would do. And this is what our police force is doing. To those who question our use of force, I would ask: How would you respond to it? How would your police respond to it? And our instructions are very clear. If there's a threat to life, either to the police officer or to innocent civilians, take action to neutralize it. Half the terrorists are killed; half the terrorists are apprehended; one terrorist escaped.

The sixth lie is that the reason we have this increase is not only a surge in settlements, it's **the stagnation in the peace process**. Well, some of the worst terrorism that Israel has experienced in its history

occurred when the peace process was at its peak. We've had terrorism when there was a peace process. We've had terrorism when there was no peace process. We've had terrorism when there was an Israel. We've had terrorism when there was no Israel. We've had terrorism when there were settlements. We've had terrorism when there were no settlements, when we didn't even control Judea and Samaria.

The real reason we have this terrorism is not because the terrorists are frustrated in the peace process. They're frustrated because there's a State of Israel and that frustration will continue.

The seventh myth is that Abbas is a moderate. Abbas does not send his security forces to attack us, this is true. And there is ongoing cooperation; that is true too. So on one hand, Abbas does what I've just described, but on the other hand, he is a steady inciter. He incites all the time. He and his Fatah partners and the official websites of the Palestinian Authority incite day in and day out on those social networks. And to put a fine point on it, he said the other day, "I welcome every drop of blood spilled in Jerusalem." Are these the words of a moderate? He glorifies these killers.

He hasn't condemned a single one of the 30 terrorist attacks on Israelis over the last month. And I think that people who call public squares in the name of mass murderers should be condemned. I haven't heard a word of condemnation, practically not a syllable of condemnation for this irresponsible behavior of Abbas. And I think what we should tell Abu Mazen is: Stop lying, stop inciting.

The eighth big lie is that only international observers will restore calm on the Temple Mount. The last thing we have to do is to take the most explosive square kilometer on earth and put there the General Assembly of the United Nations. That is not a force for moderation. Israel enforces the status quo and we should tell the truth, affirm Israel's proven commitment to the status quo and hold President Abbas, Hamas and the Islamic Movement in Israel accountable for

their lies and incitement. That is what is producing this violence.

The ninth lie is that the violence is erupted continually because there's no Palestinian state. Palestinians have repeatedly refused to accept a nation-state for themselves. They've repeatedly refused to accept it if it means accepting a nation-state for the Jewish people alongside it. That was and remains the core of the conflict - the persistent refusal to recognize Israel in any boundaries.

Now I spoke to you about my grandfather. After he came here in 1920, we had the surge of the attacks at that year. In 1921, the Jewish community in Hebron, who had been there for millennia, was massacred - no provocation, no reasons. In 1936 to 1939, massive attacks by Palestinians on the Jewish community here, throughout the coast - in Tel Aviv, Jaffa, elsewhere. There were no settlements there, no territories, no desire even for a Palestinian state. And this continued, of course, into 1947, '48, when the Palestinians rejected a partition for a Jewish state and a Palestinian state - no territories then, a state offered to them.

And then it continued in the attacks against us, terrorist attacks by the Fedayeen and others in 1956. And in 1967, those attacks, the desire to destroy Israel continued despite the fact that the West Bank, Judea and Samaria, and Gaza were firmly in Arab hands. So it couldn't have been the reason for our attacks. Now we're talking about a century, half a century - from 1920 to 1967, that's 47 years - where the attacks, the attacks are going against us one after the other. Half a century and it's clearly not the core of the conflict. The core of the conflict was the desire to destroy the Jews anywhere, without a state, and with a state without the territories and without settlements.

Now, when we came into possession of Judea, Samaria and Gaza, and when we came back to our ancestral homeland into these disputed lands and built some communities, some settlements, we uprooted them according to the book. They changed the narrative. After '67

what the Palestinians did is turn the result of their aggression - our presence in those territories - into its cause. And the Israeli government of Ariel Sharon made a decision with which I disagreed.

They uprooted all the Israelis from Gaza, disinterred the graves, gave the territory to Abu Mazen and he promptly handed it over to Hamas under the force of their guns. Well, we didn't get peace. We got thousands and thousands of rockets hurled into our cities. And when we asked Hamas, "Why are you firing these rockets on our cities? Is it to liberate the West Bank?" And they said, "Yeah, that too, but it's to liberate Palestine - Haifa, Akko, Jaffa, Jerusalem of course." That is what they said.

We turned to the others, to Abbas and the Palestinian Authority and I said, "What about you? Are you willing to recognize the Jewish state? You demand a nation-state for the Palestinian people. Assuming we solve the problem of the border, of the settlements and so on, would you then be prepared to recognize a Jewish state, a nation-state for the Jewish people?" They hem and haw and basically say no because they'd have to give up the fantasy of the so-called right of return because they have to end the conflict, because they don't want a state to end the conflict because they want a state to continue the conflict and eradicate the Jewish state. This is what this conflict has always been about. That's what it's about. You can't deny the facts. You can stick your head in the sand and be an ostrich, but we Jews do not stick our heads in the sand. We see the territory, we see reality as it is and we confront that reality.

And here's the tenth, final myth - and this is a doozyer for some of you. This one shows how persistent and absurd these myths are and this was common parlance for our critics, for commentators, for political leaders, for the greatest news media in the world and this was uttered day in, day out, every hour by the hour, by the international community and even some here and even by our own people. And they said this as though it was self-evident truth and here's what it

said: **The core of the conflict in the Middle East - conflict always in the singular - the core of the conflict in the Middle East is the Palestinian-Israeli conflict.** Remember that one?

Now four years after the Arab Spring and the convulsions that take place, the disintegration of Syria, the disintegration of Iraq, the disintegration of Libya, the wars in Yemen, the chaos in the Sinai and everything else that convulses North Africa and the Middle East from India to the Atlantic, from the borders of India I'm happy to say to the Atlantic, there is great convulsion. What's that got to do with the Palestinian-Israeli conflict? And the answer is: Nothing. Yet this was repeated over and over and over again. There were two truths - this was one of them. The core of the conflict was the Palestinian-Israeli conflict; and the core of the Palestinian-Israeli conflict were the settlements. Neither one is true.

Now it's evident. The first one is, you know, there are still true believers - not many - walking about us, but they're fairly silent about the first one because when millions are displaced, when hundreds of thousands are butchered, when every week in Istanbul now they had... in Ankara they had 100 people die in one day and thousands die every month - thousands - in Iraq, in Saudi Arabia, in the Sinai, in Libya. It's patently absurd. And yet people believe this. They believe this with religious fervor, I would say. I'm talking about the West. Now they believe the settlement myth even though they see it before their eyes. We left Gaza. We left every settlement - nothing. The conflict continues. We offer a deal and we say, "Okay, assuming we solve the settlement problem, what about the settlement called Tel Aviv? What about Jaffa? Give up the ghost." Nope.

The core of the conflicts in the Middle East is the battle between early medievalism, very primitive, very violent, the forces of militant Islam, and modernity. The core of the conflict, the Israeli-Palestinian conflict, is the persistent refusal to recognize a Jewish state in any boundaries. There is no way to battle lies except to tell the truth. Any

attempt to forge peace based on lies will crash against the realities of the Middle East, will crash against the rocks of reality. We look forward and we say we want a real peace, a lasting peace, a peace where our long-standing rights, the right of the Jewish people to live in their ancestral homeland as a free and secure people - those rights are guaranteed.

We have no preconditions for entering negotiations. We have foundations for a solution and we will be very firm and insistent on it. But there is no limitation on our side for entering negotiations. Yet that too is not being met by the other side. It has enjoyed a long pass, it has been given a pass by the international community, the Palestinian Authority. They are not held to their incitement. They're not held accountable for the violence that they foment all day, all night, every day, every month, on their Palestinian social networks and this has to end. My government has taken very strong steps to bolster our security, adding forces, giving them the means to do their job, punishing people who blow up houses or blow up people, murder innocent people. We do all that.

But I think the larger battle that we fight is the battle for the truth and I urge every one of you to be a soldier in that battle. We've withstood, in the last century, the many assaults on our people. We came back to our homeland. We built our state. We've overcome tremendous forces. Israel is a modern, democratic, progressive and powerful state. We've withstood the attacks of terror, Palestinian terror, over the decades and we'll overcome this one too. But I believe that the biggest battle we have to fight is the battle for the facts. The facts win over the fiction if they're repeated clearly, responsibly, firmly. This is what I ask all of you to do for the sake of the Jewish state and for the sake of the Jewish people.

Thank you.

<i>Source of document</i>
http://mfa.gov.il/MFA/PressRoom/2015/Pages/PM-Netanyahu-addresses-the-37th-Zionist-Congress-20-Oct-2015.aspx

Statement by PM Netanyahu regarding the Temple Mount

24 October, 2015

Israel re-affirms its commitment to upholding unchanged the status quo of the Temple Mount. Israel will continue to enforce its longstanding policy: Muslims pray on the Temple Mount; non-Muslims visit the Temple Mount. Those who visit or worship on the Temple Mount must be allowed to do so in peace, free from violence.

(Communicated by the Prime Minister's Media Advisor)

Prime Minister Benjamin Netanyahu made the following statement regarding the Temple Mount (Saturday night, 24 Oct 2015):

"Recognizing the importance of the Temple Mount to peoples of all three monotheistic faiths - Jews, Muslims and Christians: Israel re-affirms its commitment to upholding unchanged the status quo of the Temple Mount, in word and in practice.

As we have said many times, Israel has no intention to divide the Temple Mount, and we completely reject any attempt to suggest otherwise.

We respect the importance of the special role of the Hashemite Kingdom of Jordan, as reflected in the 1994 peace treaty between Jordan and Israel, and the historical role of King Abdullah II.

Israel will continue to enforce its longstanding policy: Muslims pray on the Temple Mount; non-Muslims visit the Temple Mount.

Israel believes that those who visit or worship on the Temple Mount must be allowed to do so in peace, free from violence, from threats, from intimidation and from provocations. We will continue to ensure

access to the Temple Mount for peaceful worshippers and visitors, while maintaining public order and security.

We welcome increased coordination between the Israeli authorities and the Jordanian Waqf, including to ensure that visitors and worshippers demonstrate restraint and respect for the sanctity of the area, and all this in accordance with the respective responsibilities of the Israelis authorities and the Jordanian Waqf.

We support the call for the immediate restoration of calm, and for all the appropriate steps to be taken to ensure that violence ceases, that provocative actions are avoided, and that the situation returns to normalcy in a way that promotes the prospects for peace.

We look forward to working cooperatively to lower tensions, stop incitement and discourage violence."

<i>Source of document</i>
http://mfa.gov.il/MFA/PressRoom/2015/Pages/Statement-by-PM-Netanyahu-regarding-the-Temple-Mount-24-Oct-2015.aspx